



INFORMATION SHEET NO. 40

General Information – Council Assessment Panel

Light Regional Council has established a Council Assessment Panel (CAP) pursuant to Section 83 of the *Planning, Development and Infrastructure Act 2016*. (*The Act*). The role of this Panel is to exercise the Council's responsibilities under the *Act* through consideration and determination of development applications that are not determined under staff delegated authority.

A proposed development is assessed against the Light Regional Council Development Plan, which outlines the planning policies applicable to the council area. In doing so, the Panel evaluates the merit of an application and will form a judgment based on whether a development satisfies, or is at variance with the policies set out in the Development Plan.

The Panel cannot grant planning consent if it believes that the proposed development is seriously at variance with the Development Plan. However, as it is unlikely that a proposal will fulfil all policies relevant to the proposed development, the Panel must determine, on balance, if a development should be granted Planning Consent.

When does the Panel meet?

Council Assessment Panel meetings are scheduled on the first Wednesday of each month commencing at 5.30pm in the Kapunda Council Chamber, 93 Main Street, Kapunda. This date and time is dependent on whether there are items to consider and if additional meetings are required from time to time. It is advisable to check Council's website or phone 8525 3200 to confirm the meeting date and time.

How will the meeting proceed?

The Presiding Member will open the meeting and advise all representors and applicants of the meeting procedure. If considered necessary, the chair and Panel will ask questions of the Council's Administration.

The Presiding Member then invites those persons who have lodged representations stating that they wish to be heard by the Panel, to come forward as each item is considered in order to address the Panel.

How can I make my views known to the CAP?

Each speaker is given up to 5 minutes to address the Panel irrespective of the number of persons being represented by the speaker. Panel members may also ask questions of the speaker.

Representors are advised to utilise their time wisely by concentrating on the most salient points they wish to raise; there is no need to merely reiterate your written representation as members of the Panel would already have read this material as it is contained within the agenda documents. The key is to focus on the points that clearly outline a particular position on the proposal being considered.

Can I speak to Panel Members prior to a meeting?

No. All Panel members have to abide by the Code of Conduct under Section 11 of the *Planning, Development and Regulations 2017*. As a result, CAP members cannot talk to a representor or an applicant about a development that is going to be considered by the Panel. Any discussions regarding a development that will be assessed by the Panel must only be undertaken at the meeting when the application is considered.

*Please note the information contained herein is intended as a guide only.
Further clarification may be obtained by contacting the Council on 8525 3200.*

A copy of the Code of Conduct is available on the Council's website at: [http://www.light.sa.gov.au/Develop/Council Assessment Panel \(CAP\)](http://www.light.sa.gov.au/Develop/Council%20Assessment%20Panel%20(CAP)) The Terms of Reference and operating and meeting procedures are also available on the Council website at: [https://www.light.sa.gov.au/Develop/Council Assessment Panel \(CAP\)](https://www.light.sa.gov.au/Develop/Council%20Assessment%20Panel%20(CAP)).

How do I know when a matter will be considered by the Panel?

Applicants and parties with an interest in a matter who have made a written submission will be advised in writing of the date and time of the forthcoming Panel meeting. This notice will be provided five business days prior to the meeting.

Who can vote at Panel meetings?

With the exception of when a Member has a conflict of interest in a matter, all Panel members must vote. In the event of a tied vote, the Presiding Member has a second (casting) vote.

What is the Panel's membership?

The CAP is comprised of one (1) elected member of Council and four independent community members appointed by Council, one of which is the Presiding Member.

A list of the current Panel members is available on the Council's website at: [http://www.light.sa.gov.au/Develop/Council Assessment Panel \(CAP\)](http://www.light.sa.gov.au/Develop/Council%20Assessment%20Panel%20(CAP))

How can I access Panel agendas?

Agendas can be accessed on the Council's website [http://www.light.sa.gov.au/Develop/Council Assessment Panel \(CAP\)](http://www.light.sa.gov.au/Develop/Council%20Assessment%20Panel%20(CAP))

They are generally posted to Council's website 4 business days prior to the meeting date. Hard copies are also available from the Council offices three business days prior to the meeting date.

Are meetings always open to the public?

Generally yes, however some discussion may be considered confidential. For example information that would confer a commercial advantage to a third party, a trade secret, affect security, involve legal advice and the like. If this is the case, the public will be excluded for this portion of the meeting whilst these matters are discussed.