

11.9 DEVELOPMENT ASSESSMENT PANEL & DELEGATIONS REVIEW

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ATTACHMENTS: A

PURPOSE OF REPORT

The Development Assessment Panel's Terms of Reference require that a review of the delegated powers and functions of the Panel be undertaken annually. As a minimum, the following matters must be covered in the annual review:

- the level of attendance of Panel Members at meetings of the Panel;
- the Panel's activity and performance in making decisions; and
- comment on analysis of policy or process that are relevant to the Panel's assessment functions and suggesting improvements.

In addition, the Panel may (at its discretion) provide advice and reports to the Council on trends, issues and other matters relating to planning or development, that have become apparent or arisen through the Panel's assessment of Development Applications under the Development Act.

For the purpose of the review, this report provides general commentary on the Panel's activities, membership structure and performance, sets out policy and procedural issues which have arisen over the reporting period between December 2015 and November 2016, identifies issues relating to the assessment of Development Applications and includes recommendations in relation to delegations for Development Applications.

BACKGROUND

The City of Norwood Payneham & St Peters has been operating with a Development Assessment Panel since July 2001. In establishing the Panel, the Council resolved that its operation and membership would be reviewed annually.

Following amendments to the *Development Act 1993*, a newly constituted City of Norwood Payneham & St Peters Development Assessment Panel came into operation on 26 February 2007, comprising nine (9) Members, including five (5) Specialist External Members and four (4) Elected Members. The Elected Members of the Council appointed to the Panel, were selected through a nomination process followed by a vote. The Panel was appointed for a twelve (12) month period, expiring in February 2008. Since that time, the Council has reviewed the Panel's operations and membership on an annual basis.

Following the annual review of the Panel in January 2016, the Council resolved the following:

1. *That the following Elected Members be and are hereby appointed to the City of Norwood Payneham & St Peters Development Assessment Panel for a period commencing on 15 February 2016 until 31 December 2016:*
 - *Cr Evonne Moore;*
 - *Cr Carlo Dottore;*
 - *Cr John Minney; and*
 - *Cr Kevin Duke.*

2. That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel, for a period commencing on 15 February 2016 until 31 December 2016, or until extended or removed from membership of the Development Assessment Panel by resolution of the Council:

- Mr Terry Mosel (Presiding Member);
- Mr Phil Smith;
- Mr Don Donaldson;
- Ms Jenny Newman; and
- Ms Fleur Bowden.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The following Goals contained in *CityPlan 2030, Shaping Our Future*, have been identified as relevant to core business of the Development Assessment Panel.

Outcome 2: Cultural Vitality

Objectives:

4. *Pleasant, well designed, sustainable urban environments.*

Outcome 3: Economic Prosperity

Objectives:

1. *A diversity of business and services attractive to consumers.*
2. *Cosmopolitan character business precincts contributing to the prosperity of the City.*

Outcome 4: Environmental Sustainability

Objectives:

1. *Sustainable and efficient management of water, waste, energy and other resources.*
3. *Sustainable quality streetscapes and open spaces.*

Forming a Panel in accordance with the relevant legislation, is both a statutory requirement and good governance and provides the community with the confidence that the Council's processes, procedures and delegations, are robust - all of which allows the Council to focus on strategic planning. In addition, appointing a Panel comprised of persons with a suitable mix of qualifications and experience, ensures that objectives (often competing) relating to economic development, environmental sustainability and visual amenity, are appropriately balanced in the development assessment process.

FINANCIAL AND BUDGET IMPLICATIONS

Specialist External Members of the Panel have been remunerated at a rate of \$400 per scheduled Panel meeting and the Presiding Member has received a sitting fee of \$500 per meeting. As resolved by the Council, Elected Members appointed to the Panel do not receive a sitting fee.

In this context, the cost of providing sitting fees to Panel Members between December 2015 and November 2016, totalled \$27,300, or \$2,100 per meeting.

With respect to sitting fees for Panel Members, Table 1 below shows that, with the exception of Elected Members, the current fees paid to Panel Members generally aligns with those paid to Members of comparable Councils across the metropolitan area.

TABLE 1: DAP MEMBER SITTING FEES – OTHER COUNCIL COMPARISON

Council	Specialist External Members	Presiding Member	Elected Members	Other
Unley	\$416 per meeting	\$520 per meeting	\$416 per meeting	Specialist External Members also get paid extra for their attendance at Council organised workshops and training. \$150 per member/ per workshop.
Burnside	\$350 per meeting	\$550 per meeting	\$200 per meeting	-
Mitcham	\$380 per meeting	\$480 per meeting	\$195 per meeting	-
Holdfast Bay	\$360 per meeting	\$400 per meeting	\$360 per meeting	-
Norwood Payneham & St Peters	\$400 per meeting	\$500 per meeting	Nil	payment of \$150 to Specialist External Members for Council organised workshops or training sessions, other than brief sessions conducted immediately proceeding or preceding a scheduled meeting of the Panel

Accordingly, no changes to the current sitting fees are recommended.

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Not Applicable

CULTURAL ISSUES

Not Applicable

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Nil

RISK MANAGEMENT

When sitting as Members of the Panel, Elected Members are not bound by the *Local Government Act 1999*, insofar as being elected representatives, but are bound by the *Development Act 1993*, to discharge an assessment of a Development Application against the relevant Development Plan policy. This is a fundamental principle, which has been in existence for several years.

At its meeting held on 7 September 2009, the Council adopted a policy and process for dealing with Development Assessment Panel related complaints. The Policy was initially adopted for a two (2) year period and was reviewed in December 2011 and March 2014. No complaints relating to the operation of the Development Assessment Panel were received during the reporting period from December 2015 to November 2016. This Policy is next due for review in March 2017

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment
Development Assessment Planners
- **Other**
The Development Assessment Panel Members were asked to provide staff with details of any development related issues or trends which have been identified over the past year. The details which have been received have been incorporated into this report.

DISCUSSION

The Panel’s Activities and Performance

The Panel met monthly between January and November 2016, with no special meetings being held.

During the twelve (12) month reporting period from December 2015 to November 2016, 1132 Development Applications were determined by the City of Norwood Payneham & St Peters; approximately 10% more than the 1028 Applications assessed during the previous twelve month period.

Of the 1132 Development Applications determined by the Council during the reporting period, the Panel considered 50 Development Applications, which equates to approximately 4.4% of all Development Applications which were received, assessed and determined by the Council. All other Development Applications (95.6%) were determined by staff under delegated authority.

Table 2 below shows that the percentage of Development Applications that were considered by the Panel during in the 2015-2016 period, is relatively consistent with figures over previous years.

TABLE 2: PERCENTAGE OF DEVELOPMENT APPLICATIONS CONSIDERED BY THE DAP

	Average No. DA’s processed by the Council per month	Average No. DA’s considered by the DAP per month	Percentage of DA’s considered by the DAP
March 2005 – February 2006	96	8.2	8.5%
March 2006 – February 2007	95	6.2	6.5%
March 2007 – February 2008	93	6.9	7.4%
March 2008 – February 2009	94	9.8	10.4%
March 2009 – October 2010	97	7.3	7.5%
Dec 2010 – November 2011	82	5.3	6.5%
Dec 2011 – November 2012	77	5.3	6.8%
Dec 2012 – November 2013	76	4.3	6.3%
Dec 2013 – November 2014	90	4.2	4.7%
Dec 2014 – November 2015	86	4.5	5.2%
Dec 2015 – November 2016	94	4.2	4.4%

Of the matters considered by the Panel during the reporting period, one (1) Application (2%) was for two (2) dwellings on one (1) allotment, either one being proposed on a portion of an allotment with an existing dwelling or the demolition of one dwelling and the construction of two replacement dwellings. This is significantly lower than the 2014-2015 reporting period, in which Applications for two dwellings on one allotment represented 25% of all Applications considered by the Panel. This reduction is largely due to a change to the delegation policy which was endorsed by the Council in January 2016, enabling Council staff to determine Applications for two dwellings replacing one dwelling, where the site area and frontage accord with the quantitative criteria in the Development Plan (which in turn was introduced in July 2015).

The Panel considered twelve (12) Development Applications for new dwellings in Historic (Conservation) Zones, the same number as in the 2014-2015 reporting period. The Panel also considered thirteen (13) Development Applications involving more than two (2) dwellings, fifteen (15) Development Applications involving commercial developments and a range of other Applications, including seven (7) land division Applications. Table 3, below, shows how this break-down compares to previous years.

TABLE 3: TYPES OF DEVELOPMENT APPLICATIONS CONSIDERED BY THE DAP

	2 dwellings on one allotment	More than 2 dwellings	Commercial	New dwelling H(C)Z	Other
March 2008 – Feb 2009	34%	14%	14%	-	38%
March 2009 – Oct 2010	34%	19%	14%	-	33%
Dec 2010 – Nov 2011	34%	12.5%	12.5%	-	59%
Dec 2011 – Nov 2012	27%	20.6%	19%	14%	33.4%
Dec 2012 – Nov 2013	46%	8%	17%	13%	29%
Dec 2013 – Nov 2014	40%	18%	24%	12%	18%
Dec 2014 – Nov 2015	24%	17%	17%	22%	20%
Dec 2015 – Nov 2016	2%	26%	30%	24%	18%

Of the Development Applications involving more than two (2) dwellings, the most notable was an Application for the construction of six (6) residential buildings comprising a total of 42 dwellings and a 41 bedroom serviced apartment facility, on the site of the Hackney Hotel.

Of the commercial developments, the most notable Development Applications included Applications for a medical centre associated with an existing hospital at Payneham Road, Stepney and an child and family activity and services centre comprising child care, café, activity groups and offices at Payneham Road, Payneham.

Of the 50 Development Applications that were considered by the Panel, 24 Applications were processed as Category 1 developments, 13 were processed as Category 2 developments and 13 were processed as Category 3 developments. A total of fifteen (15) Development Applications were the subject of verbal representations to the Panel during the reporting period.

Two Development Applications considered by the Panel during the reporting period were deferred, which is reasonably consistent with the rate of deferrals during previous reporting periods.

Of the 50 Development Applications which were considered by the Panel during the reporting period, twelve (12) Applications (24%) were refused by the Panel, compared with 9% during 2014-2015, 14% during 2013-2014, 17% during 2012-2013, 13% during 2011-2012, 11% during the 2010-2011 and 7% during the 2009-2010 reporting period. Of the twelve (12) Applications which were refused, five (5) were in accordance with the recommendations made by staff.

Of the thirty eight (38) Applications approved by the Panel, all were determined in accordance with the substantive recommendations made by staff. Overall, 14% of decisions made by the Panel were contrary to staff recommendations. By comparison, 5.5% of decisions were contrary to the recommendations of staff in 2014-2015, while 4.0%, 7.6%, 6.3%, 0%, 9.6% and 9.4% of decisions were contrary to the recommendations made by staff during the 2013-2014, 2012-2013, 2011-2012, 2010-2011, 2009-2010 and 2008-2009 reporting periods respectively.

Whilst the level of correlation between staff recommendations and Panel decisions has decreased slightly, it remains the case that the vast majority of decisions made by the Panel are consistent with staff recommendations, which demonstrates a close alignment between the way in which staff and the Panel interprets and applies the provisions of the Development Plan. It also demonstrates accountability by staff, for the recommendations which are made to the Panel.

Ten (10) of the decisions that were made by the Panel during the reporting period, were appealed to the Environment Resources and Development (ERD) Court. Eight (8) of those appeals have been resolved via a compromise, without proceeding to a Hearing. The other two (2) remain active appeals, not yet resolved.

Review of Delegations

The most recent review of delegations was undertaken by the Council at its meeting held on 6 July 2015. The review was undertaken as a result of the consolidation of the Residential Development (Zones and Policy Areas) Development Plan Amendment (DPA) into the Development Plan on 2 July 2015.

Due to the fact that the Residential Zones within the previous Development Plan did not contain quantitative design criteria for residential development (in the main), up until the Residential Development (Zones and Policy Areas) DPA was introduced, the delegations for the determination of Development Applications for the construction of two (2) dwellings on one (1) allotment and Land Division which creates two (2) allotments from one (1) existing allotment, were based on arbitrary quantitative standards relating to site area, site frontage, site coverage, building height, setbacks, car parking and private open space.

The introduction of the Residential Development (Zones and Policy Areas) DPA presented an opportunity for the delegation criteria for determining Development Applications for two (2) dwellings on an allotment and the division of land into two (2) allotments, to be consistent with the quantitative criteria contained in the Development Plan, if for no other reason than to avoid confusion.

Accordingly, at its meeting held on 6 July 2015, the Council resolved:

1. *That the City of Norwood Payneham & St Peters Development Assessment Panel, be delegated the following powers in relation to the assessment and determination of Development Applications:*

In accordance with the delegations conferred by the Council, the Development Assessment Panel is responsible for assessing and determining the following, other than where the matter relates to a type of development that falls within Schedule 4 of the Development Regulations 2008 or that is a complying form of development by virtue of Section 35(1b) of the Development Act 1993;

- *any Development Application classified as Category 3, except where such Applications relate to the installation of satellite dishes, solar panels, water tanks and similar structures, for which no representations opposing the proposal have been received;*
- *any Development Application classified as Category 2, to which there are unresolved representations opposing the development, relating directly to the component of the development that triggered the need for public notification;*
- *any Development Application of a form deemed to be non-complying (not including minor alterations and additions, or the decision to proceed to notification and assessment of the application);*
- *any Development Application for more than two dwellings on one allotment;*
- *any Development Application for two dwellings on one allotment which do not meet the relevant quantitative Development Plan criteria with respect to dwelling type, site area, site frontage, site coverage, height, setbacks, car parking and private open space, unless the Development Application fails only one of those criteria and both the Manager, Development Assessment and the General Manager, Urban Planning & Environment determine that the variation is very minor in nature;*

- any new dwelling in an Historic (Conservation) Zone;
- Development Applications for land division to which there is no approved related development and which does not meet the relevant quantitative Development Plan criteria with respect to site area or site frontage, unless the Development Application fails only one of those criteria and both the Manager, Development Assessment and the General Manager, Urban Planning & Environment determine that the variation is very minor in nature;
- any Development Applications that seek to vary a Development Plan Consent which has previously been issued, provided that such Applications are processed in accordance with the Council's Policy relating to 'Applications to vary a previously issued Consent', adopted by the Council on 3 December 2012;
- any Development Application, where a Council Employee or an Elected Member or, in either case, a member of their immediate family², own or have an interest³ in the property, with the following exceptions:
 - any Development Application for the installation of satellite dishes, solar panels, water tanks, and similar structures;
 - any Land Division Development Application relating to a boundary realignment or the amalgamation of allotments; and
- any other Development Application which, in the opinion of staff, should be referred to the Panel for determination

Notes

¹ ***In the event that the Development Plan contains two or more conflicting criteria, the relevant quantitative Development Plan criteria will be the higher order criteria (i.e. Policy Area criteria prevails over Zone criteria and Zone criteria prevails over City-wide criteria).***

² ***An immediate family member for the purpose of this clause is defined as a persons parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, sibling in-laws, grandparents, grandchildren, aunts, uncles, nieces, and nephews.***

³ ***An 'interest' in a property for the purpose of this clause is defined as a person receiving or having a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit."***

In light of the fact that the *Planning, Development & Infrastructure Act 2016* ('the PDI Act'), will result in wholesale changes to the nature and function of Development Assessment Panels, it is not considered appropriate to make further significant changes to delegations at this time. According to a 'roadmap' provided on the Department for Planning, Transport and Infrastructure website, the anticipated time at which the Council will be required to appoint an Assessment Panel in accordance with Section 83 of the PDI Act (being no more than 5 members, only 1 of which may be a member of a council) is approximately July-August 2017.

That said, due to a recent change in the order in which the Council is required to determine Development Applications to divide land and Development Applications to undertake building work on the same land, the Panel suggested that a review of delegations may be appropriate. By way of further explanation, as a result of the Supreme Court decision *Paor & Anor v City of Marion, Fleetwood & Anor* (the Paor decision), if there is an intention to divide an allotment, then the land division application must be determined in the first instance.

As a result of the Paor decision, from July 2016 Council staff have consistently processed Development Applications in the order of land division first, followed by the related Application for built form/land use. Consequently, the Panel has been required to consider Applications for land division, with only 'indicative' plans showing the potential subsequent built form to assist the Panel with its assessment. The Panel has expressed some concern with this situation, as it has found it difficult to assess the suitability of a land division, without being certain of the future development outcome for each of the proposed allotments.

The current delegations are such that the determination of Development Applications for land division are determined by staff under delegated authority, unless the land division is inconsistent with the site area and frontage policies of the Development Plan. The assessment of any subsequent Development Application for the development of buildings on each of the allotments created by an approved land division, is also delegated to staff, unless the Application has a public notification category of Category 2 with representations opposing the development or Category 3.

Therefore, the Panel will only be faced with the situation of having to assess a land division in advance of an Application for built form/land use, when the land division is inconsistent with the site area and/or frontage requirements of the Development Plan. Based on a review of the Development Applications for land division which have been lodged since the introduction of the Residential Development (Zones and Policy Areas) DPA, this situation arises infrequently.

In those unusual situations where land division Applications are required to be presented to the Panel, Council staff have recently been encouraging Applicants to consolidate their Development Applications for land division and built form/land use into a single Development Application. This benefits the Applicant insofar as the total assessment timeframe for a decision on their development is shortened and will assist the Panel in determining the land division, with confidence in what the built form outcome will be.

Having regard to the infrequency that the Panel will likely be required to consider land divisions in advance of built form/land use in the future, no change to the delegations are recommended in response to the concern raised by the Panel.

Procedural Issues and Meeting Efficiency

There were no new procedures introduced into the operations of the Panel during the reporting period and all existing procedures continued to provide for generally efficient and effective meetings.

That said, the Panel has expressed concern with acoustics within the Mayor's Parlour, where Panel meetings are held. In particular, it is noted that it can be difficult for members of the public who are seated at the rear of the room, to hear Panel Members speaking during discussion on agenda items.

The Council allocated funds in the 2016-2017 budget, for audio improvements to the Mayor's Parlour, comprising a complete system which is to replace the existing system in the Council Chambers and be able to be used in the Mayor's Parlour for DAP meetings. The new system has been ordered and is due to be installed in January 2017.

Planning Policy Issues / Trends

One of the Panel's key roles in addition to determining certain types of Development Applications on behalf of the Council, is to provide advice and reports to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Panel's assessment of Development Applications under the Development Act.

The Panel has identified the following issues and trends for the Council's consideration.

One issue that a Panel Member raised, is the importance of policies that address the needs of the elderly and those with dementia; particularly the importance of the adaptability of housing (and all spaces) to accommodate the elderly. An environment which is designed for the elderly and those with dementia is also more useable for children, adults and those living with a disability. It is important to consider access to age-friendly housing options in proximity to community and commercial services, pedestrian friendly environments considering footpath designs, signage and road crossing points etc, accessible areas across extended hours (and safe environments), community facility provision, recreation and leisure opportunities and encouragement of social participation.

Accordingly, upon any future Development Plan Amendment of a general nature, the Council may wish to consider adding policies to the Development Plan which address specific dementia friendly principles such as:

- Orientation & Wayfinding - easy to work out how to get around and find key places (intuitive).
- Promote independent functioning
- Create balance between sensory deprivation and sensory over stimulation
- Provide a safe and secure environment
- Provide a 'home-like' and familiar atmosphere
- Create a balance between the private and the social

Another Panel Member expressed concern that large two storey additions to or parts of dwellings are being approved on occasion, which impinge negatively on the views and amenity of adjoining neighbours in residential zones. In this respect, the amendments made to the Development Plan through the Residential Development (Zones and Policy Areas) DPA, provide clear guidance on where (and in what manner) it is appropriate for two storey additions and new detached dwellings with two storey components located at the rear.

However, the Development Plan is less clear on where it is appropriate for new two storey dwellings to be constructed at the rear of properties, located behind dwellings which front a public road. In particular, a City Wide policy states that such dwellings should only be constructed where anticipated in the relevant zone or policy area, however not all zone and policy area policies clearly state whether such dwellings are anticipated. Whilst it is possible to interpret the intent of each of the zones and policy areas in this regard, there would be benefit in providing clearer policies, to avoid the possibility of misinterpretation. The Council may wish to consider this upon any future amendment of the residential policies within the Development Plan.

Finally, the Panel had difficulty on a number of occasions during the reporting period, with assessing the suitability of new dwellings located within the Residential Historic (Conservation) Zone, which sought to replicate the design of historic dwellings. The Development Plan contains policies which discourage direct replication, however the policies are not entirely consistent, with one policy suggesting that it may be appropriate to replicate historic dwellings, provided that it is not a 'poor replication'. Accordingly, there would be some benefit in providing clearer guidance within the Development Plan, as to the acceptability or otherwise of replica dwelling designs within the Residential Historic (Conservation) Zone.

Panel Members Term of Engagement

The term of appointment for all Panel Members expires on 31 December 2016.

Section 56A (3)(e), states that the term of office of a Member will be for a period, not exceeding two (2) years, determined by the Council (and, at the expiration of a term of appointment, a Member is eligible for reappointment). The Council has generally appointed Panel Members for a period of twelve (12) months, corresponding with the annual review.

It is recommended that the term of engagement for all Panel Members be maintained at twelve (12) months, to align with the annual review of the Panel's operations. This may be affected by requirements arising from the implementation of the PDI Act in 2017.

As two (2) of the current Specialist External Members of the Panel are female, there is no requirement for any of the Elected Members appointed to the Panel to be female, in order to meet the terms of the Development (Panels) Amendment Act 2006, that at least one Member of the Panel must be female, unless Ms Jenny Newman and Ms Fleur Bowden are not re-appointed to the Panel. However, the Council should take gender balance equity into account in determining appointment of Elected Members to the Panel.

Specialist External Panel Members

The five (5) Specialist External Members appointed to the Panel, have varied professional backgrounds and are all highly regarded in their respective fields of expertise. Mr Mosel is a qualified and experienced Town Planner and former ERD Court Commissioner, Ms Jenny Newman is a UK qualified architect with heritage conservation experience, Mr Smith and Mr Donaldson are qualified and experienced Town Planners and Ms Bowden is a qualified and experienced Landscape Architect. Each Member also has knowledge of the Development Act and Regulations, an understanding of the procedure for assessing a proposal against Council's Development Plan and general knowledge of the City of Norwood Payneham & St Peters.

With the exception of Ms Jenny Newman who has sat on this Panel for five (5) years, all other Specialist External Members have sat on the Panel for approximately eighteen (18) months. All Panel Members have expressed a desire to continue to serve on the Panel for a further twelve (12) months.

Assessing the performance of Panel Members is very difficult as the core business of the Panel involves Members undertaking objective assessments of Development Applications which are often complex and not clear-cut. As such, opinions will vary on each matter considered by the Panel. In addition, Panel Members prepare for meetings by themselves (ie. undertaking site inspections, reading Agenda reports and seeking clarification of issues from staff prior to meetings), therefore the amount of time that Panel Members invest in preparing for Panel meetings is difficult to gauge. That said, even if the amount of preparation time was known, it is not considered to be a strong indicator of their individual performance, because each Member would prepare for Panel meetings differently.

Overall, it is considered that all Panel Members have discharged their responsibilities appropriately and in doing so have performed well. The meeting attendance rate was high, with an average of less than one (1) absentee per month during the reporting period.

All Members have contributed to discussions on Agenda Items in a robust manner, sought advice and clarification from staff at various times throughout the year, asked questions of representors, Applicants and staff at Panel meetings, identified planning trends of concern and it is evident from observing the meetings that all Members have prepared thoroughly for each meeting. The quality of decision making is considered to have been very good.

Mr Mosel has performed well in the role of Presiding Member, providing a high level of professional expertise and control over meetings in a range of situations. Intervention is provided by the Presiding Member when required, resulting in good efficiency and public perception of the Panel.

Number of Panel Members

The Panel has been established under the requirements prescribed in the *Development (Panels) Amendment Act 2006*. In situations where the Council has the ability to determine its own position, options have been discussed in the body of this report, with the exception of Panel Membership.

As Elected Members would be aware, Development Assessment Panels must consist of seven (7) members or, with the approval of the Minister, nine (9) members in the case of a council with an area that lies wholly or partially within Metropolitan Adelaide.

In December 2006, the Council determined that the Development Assessment Panel be re-established, with a total of nine (9) members, including four (4) Council Members and five (5) Specialist External Members. The approval of the then Minister for Urban Development & Planning for a nine (9) member Panel, was sought on 13 December 2006 and a favourable response was received from the Minister on 29 December 2006. Accordingly, the Development Assessment Panel was established with nine (9) Members and has comprised nine (9) Members ever since.

Whilst the kind of development proposals considered by the Panel are often significant and complex, involving a range of issues such as heritage, urban design, architectural merit and traffic and parking, the benefit of a nine (9) Member Panel (as opposed to a seven (7) Member Panel) in providing greater robustness in the development assessment process, is questionable.

With the exception of the Adelaide City Council, the City of Norwood Payneham & St Peters is the only South Australian Council Development Assessment Panel with more than seven (7) Members. Whilst the Panel has been operating well with nine (9) Members, there are cost and efficiency benefits in reducing the number of Members to seven (7).

The initial rationale for appointing a nine (9) Member Panel in 2006 was that at that time, the Council had recently endorsed two (2) Heritage DPAs and had outdated residential policies in its Development Plan. These factors, combined with the often contentious nature of Development Applications in inner-metropolitan Adelaide, meant that the Council's Development Assessment framework was somewhat unique and warranted a Panel being established with as much local expertise as possible. Since 2006, the Panel has operated well.

That said, the Council's residential policies have been substantially updated through the consolidation of the two Heritage DPAs, the Kent Town & The Parade Strategic Growth DPA, the Residential Development (City Wide Policy) DPA and the Residential Development (Zones & Policy Areas) DPA into the Development Plan. This, combined with extremely high approval rate and concurrence rate between the Panel's decisions and staff recommendations since 2006, suggests there may no longer be a justifiable need to maintain a nine (9) Member Panel. However, in light of the imminent legislative changes to be introduced via the *Planning Development and Infrastructure Act 2016*, it is considered unnecessary at this time to be making any substantive changes to the composition of the Panel.

OPTIONS

Due to imminent legislative changes to be introduced via the *Planning Development and Infrastructure Act 2016* which may significantly change the nature and operation of the Development Assessment Panel, no changes to the Panel's Terms of Reference are recommended at this time.

As all Specialist External Members have performed well in their roles, all would be worthy of reappointment for a further twelve (12) months.

CONCLUSION

The Development Assessment Panel has discharged its responsibilities well, between December 2015 and November 2016, with meetings running efficiently and with a high degree of professionalism.

The Panel considered a similar number of Development Applications per meeting, as were considered during the 2014-2015 reporting period. The composition of the types of Development Applications considered by the Panel altered slightly, with a notable change being a lesser number of applications for two dwellings on an allotment and a greater number of commercial developments and applications for land division.

The Panel determined 86% of Development Applications in accordance with the staff recommendation, reflecting a continued high degree of consistency between staff and Panel assessment approaches, recommendations and final decisions.

Overall, the Council can be justifiably satisfied with the results which have been achieved and the Panel's operation during the period between December 2015 and November 2016.

COMMENTS

Nil

RECOMMENDATION

1. That pursuant to Section 56A(1) of the Development Act 1993, the City of Norwood Payneham & St Peters Development Assessment Panel be re-established.
2. That in principle, the Council resolves to appoint nine (9) Members to the Council Development Assessment Panel.
3. That the following Elected Members be and are hereby appointed to the City of Norwood Payneham & St Peters Development Assessment Panel for a period commencing on 18 January 2017 until 31 December 2017:
 - _____ ;
 - _____ ;
 - _____ ; and
 - _____ .
4. That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel, for a period commencing on 18 January 2017 until 31 December 2017, or until extended or removed from membership of the Development Assessment Panel by resolution of the Council:
 - Mr Terry Mosel (Presiding Member);
 - Mr Phil Smith;
 - Mr Don Donaldson;
 - Ms Jenny Newman; and
 - Ms Fleur Bowden.
5. That the City of Norwood Payneham & St Peters Development Assessment Panel, shall operate, function and be delegated powers, in accordance with the document titled "Terms of Reference of the City of Norwood Payneham and St Peters Development Assessment Panel", included as Attachment A to this report and as varied by any other resolution of the Council, until such time as the Development Assessment Panel determines its own procedures in relation to the conduct of business of the Panel not already determined by the *Development Act 1993*, or by the Terms of Reference referred to above.
6. That the next meeting of the Development Assessment Panel be held on Wednesday 18 January 2017 in the Mayor's Parlour, Norwood Town Hall, commencing at 7:00pm.

Cr Duke moved:

That pursuant to Section 56A(1) of the Development Act 1993, the City of Norwood Payneham & St Peters Development Assessment Panel be re-established.

Seconded by Cr Minney and carried.

Cr Marcuccitti moved:

That in principle, the Council resolves to appoint nine (9) Members to the Council Development Assessment Panel.

Seconded by Cr Knoblauch and carried.

Cr Shepherdson moved:

That the Elected Members on the Development Assessment Panel be remunerated \$200 for each meeting that they attend and that Item 6.5(d) of the Terms of Reference be amended accordingly.

Seconded by Cr Duke and lost.

Call for Nominations

The Mayor called for nominations for appointment to the City of Norwood Payneham & St Peters Development Assessment Panel.

The following nominations were received:

- Cr Carlo Dottore;
- Cr John Minney;
- Cr Evonne Moore;
- Cr Sophia MacRae;
- Cr John Frogley; and
- Cr Kevin Duke.

Voting by Secret Ballot

A secret ballot was conducted. The General Manager, Governance & Community Affairs was appointed as Returning Officer for the counting of votes.

Completion of Counting of Votes by Secret Ballot

The votes were counted and the results were declared to the Council as follows:

- Cr John Frogley (12 votes)
- Cr Carlo Dottore (10 votes)
- Cr Kevin Duke (9 votes)
- Cr John Minney (8 votes)
- Cr Evonne Moore (8 votes)
- Cr Sophia MacRae (5 votes).

Voting by Secret Ballot - Tied Vote

A secret ballot was conducted to determine the fourth position to be filled because of a tied vote between Cr John Minney and Cr Evonne Moore. The General Manager, Governance & Community Affairs was appointed as Returning Officer for the counting of votes.

Completion of Counting of Votes by Secret Ballot – Tied Vote

The votes were counted and the results were declared to the Council as follows:

- Cr Evonne Moore (8 votes)
- Cr John Minney (5 votes).

Cr Marcuccitti moved:

That the following Elected Members be and are hereby appointed to the City of Norwood Payneham & St Peters Development Assessment Panel for a period commencing on 18 January 2017 until 31 December 2017:

- *Cr John Frogley;*
- *Cr Carlo Dottore;*
- *Cr Kevin Duke; and*
- *Cr Evonne Moore.*

Seconded by Cr Mex and carried.

Cr Minney moved:

1. *That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Development Assessment Panel, for a period commencing on 18 January 2017 until 31 December 2017, or until extended or removed from membership of the Development Assessment Panel by resolution of the Council:*
 - *Mr Terry Mosel (Presiding Member);*
 - *Mr Phil Smith;*
 - *Mr Don Donaldson;*
 - *Ms Jenny Newman; and*
 - *Ms Fleur Bowden.*
2. *That the City of Norwood Payneham & St Peters Development Assessment Panel, shall operate, function and be delegated powers, in accordance with the document titled “Terms of Reference of the City of Norwood Payneham and St Peters Development Assessment Panel”, included as Attachment A to this report and as varied by any other resolution of the Council, until such time as the Development Assessment Panel determines its own procedures in relation to the conduct of business of the Panel not already determined by the Development Act 1993, or by the Terms of Reference referred to above.*
3. *That the next meeting of the Development Assessment Panel be held on Wednesday 18 January 2017 in the Mayor’s Parlour, Norwood Town Hall, commencing at 7:00pm.*

Seconded by Cr Shepherdson and carried unanimously.