

# Development Fact Sheet 15

## How does a Council Development Assessment Panel (CDAP) Operate?

CDAP is the abbreviation for a Council Development Assessment Panel. CDAP is a body of people who consider and make decisions on some Development Applications within a Council area.

The role of the CDAP is to make impartial and transparent development assessment decisions based on the assessment of Development Applications against the relevant policies contained in the Council's Development Plan. The CDAP operates as a planning authority only and does not act as a policy making body or have a governance role. It operates under the Development Act and not the Local Government Act.

The CDAP is advised by the Council's Planning and Building staff and its key tasks include:

- The assessment and determination of Development Applications that staff do not have the delegated authority to determine;
- The provision of advice to the Development Assessment Commission on matters submitted to the Council by the Commission;
- The consideration of proposals subject to appeal to the Environment Resources & Development Court;
- The consideration of other assessment matters referred to the Panel by Council's Administration or those initiated by the Panel; and
- Hearing representations from the public concerning Applications that have been publicly notified.

The CDAP for the City of Norwood Payneham & St Peters consists of nine members appointed by the Council on an annual basis.

Five members of the CDAP are (and must be) independent of the Council (Specialist External Members) and four members are Elected Members of the Council. All members have voting rights and decisions are made on a majority basis, with the Presiding Member of the CDAP having a casting vote in the event of a tied vote.

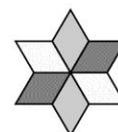
Elected Members who serve on the CDAP must limit their role to the impartial assessment of Development Applications against the relevant policies contained in the Council's Development Plan.

They cannot perform their ordinary functions as Elected Members, which is to represent the interests of residents and ratepayers, to provide community leadership and guidance and to facilitate communication between the community and the council.

The Elected Members of the Council as a whole have no role in decisions made by CDAP. Decisions are not required to be endorsed or ratified by the elected Council.

The specialist external members who are on the CDAP are experienced professionals, who have worked in development related fields. Some of the professions include planners, architects, engineers, heritage experts, environmental experts, urban designers and planning lawyers.

The mixture of Council representatives and specialist members provides a balanced view on the CDAP combining local experience and technical expertise.



All CDAP members have to abide by the Code of Conduct under Section 21A of the Development Act 1993. Some important provisions in the Code of Conduct are that CDAP Members cannot:

- talk to a Representor or an Applicant about a development that is going to be considered by the Panel, except at the CDAP meeting when the Application is considered; and
- enter a development site unless it is part of the assessment of the development such as a formal Panel viewing.
- The Development Assessment Panel is responsible for assessing the following forms and/or classes of development within the City:
  - 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 the relevant quantitative Development Plan criteria with respect to site area and site frontages, 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 in a residential zone which exceeds two storeys in height above ground level (as defined by City Wide Principle of Development Control 34), other than where the zone or policy area specifically allows for development which is three storeys or greater in height;
- 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 5 September 2005;

- any Development Application, where a Council Employee or an Elected Member or, in either case, a member of their immediate family, own or have an interest in the property, with the following exceptions:
- any Development Application for the installation of satellite dishes, solar panels, water tanks, and similar structures;
- any Development Application for the construction of a carport, garage, shed, pergola, verandah, swimming pool, spa pool or outbuilding, provided that such structure accords with Part 1, 2 (d) of Schedule 9 of the Development Regulations 2008.
- 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”.

**The CDAP meets on the third Monday of each month at 7pm in the Mayor’s Parlour, Norwood Town Hall, 175 The Parade, Norwood. The public is welcome to attend.**

**Further information regarding the current membership of the Council’s CDAP is available on the Council’s website.**

*The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Norwood Payneham & St Peters (City) Development Plan and to seek professional planning advice if necessary. This information is subject to frequent updates and this version was last updated in June 2016. The latest version can be downloaded via the Council’s website at [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au). For further information, please contact the Council’s Urban Planning & Environment Department on 8366 4530.*

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