

DISTRICT COUNCIL OF GRANT

PLANNING AND DEVELOPMENT COMMITTEE

TERMS OF REFERENCE

1. Name

The name of the Committee shall be the Planning and Development Committee (hereinafter called the "Committee").

The Committee is also established as a Strategic Planning and Development Policy Committee for the purposes of Section 101A of the Development Act 1993.

2. Membership

The membership of the Planning and Development Committee shall comprise;

- 6 Elected Members of the District Council of Grant
- The Mayor of the District Council of Grant shall be one of the 6 Elected Members on the Committee.

The Chairman (Principal Member) of the Planning and Development Committee shall be appointed by the Committee at the first meeting following the periodical Council Elections held every four years.

The Term of Office of the members of the Planning and Development Committee shall be for a period of four (4) years following each periodical Council Election.

The Planning and Development Committee may establish a sub-committee which may consist of or include persons who are not members of Council, subject to the prior approval of Council.

3. Council Managers

The Chief Executive Officer (or their nominee), the Director of Planning and Development (or their nominee), and/or the Development Manager (or their nominee) shall attend all Planning and Development Committee meetings in an advisory capacity.

4. Duties of the Chairman

The Chairman of the Planning and Development Committee shall :

- (1) Preside at all meetings of the Planning and Development Committee and in the event of the Chairman being absent from a meeting, the members present shall appoint a member to preside for that meeting or until the Chairman is present.

- (2) Preserve order at meetings so that the business may be conducted in due form and with propriety.
- (3) Upon confirmation of the minutes, sign them in the presence of the meeting.
- (4) Be an official spokesperson for the Planning and Development Committee.

The Chairman of the Planning and Development Committee may:

- (1) Convene a special meeting of the Planning and Development Committee at his or her own volition and shall convene a meeting upon the written demand of at least two members of the Planning and Development Committee.
- (2) Call a special meeting of the Planning and Development Committee at any time provided that notice of such meeting shall be given to all Planning and Development Committee members at least four hours before the commencement of the meeting in writing in accordance with Section 87(7) of the Local Government Act 1999.

5. Objectives

In accordance with Section 101A (subsection (2)) of the Development Act 1993 the Planning and Development Committee shall have the following functions:

- (a) to provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy; and
- (b) to assist the Council in undertaking strategic planning and monitoring directed at achieving—
 - (i) orderly and efficient development within the area of the Council; and
 - (ii) high levels of integration of transport and land-use planning; and
 - (iii) relevant targets set out in the Planning Strategy within the area of the Council; and
 - (iiia) the implementation of affordable housing policies set out in the Planning Strategy within the area of the Council; and
 - (iv) other outcomes of a prescribed kind (if any); and
- (c) to provide advice to the Council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing—
 - (i) a Strategic Directions Report; or
 - (ii) a Development Plan Amendment (DPA) proposal; and
- (d) other functions (other than functions relating to development assessment or compliance) assigned to the Committee by the Council.

The objectives of the Planning and Development Committee shall also be to undertake the following:

- To consider and determine other general matters relating to planning and development;
- To consider new legislation pertaining to planning and development; and,
- To consider such other matters relevant to the Committee in accordance with Section 41 of the Local Government Act 1999.

6. Functions

The *Local Government Act 1999* will apply in relation to the Planning and Development Committee.

The functions of the Planning and Development Committee shall be to undertake appropriate action in pursuance of the above Objectives.

7. Proceedings of Meetings

- (1) All Meetings of the Planning and Development Committee shall be conducted in accordance with the Local Government (Proceedings of Councils) Regulations 2000 and Sections 87 to 91 of the Local Government Act 1999.
- (2) The meetings of the Planning and Development Committee are open to the public, and should be held at least four (4) times per year – unless otherwise determined.
- (3) All members of the Planning and Development Committee will have equal voting rights in respect of all motions put to a Planning and Development Committee Meeting.
- (4) The Chairman of the Planning and Development Committee or any other Member of the Planning and Development Committee in the absence of the Chairman, has a deliberative vote on any matter arising for decision at the meeting, but does not have a casting vote in the event of an equality of votes.
- (5) Notice of every Committee meeting shall be given in writing to every Planning and Development Committee member at least three (3) clear days prior to such a meeting. The notice shall contain the date, time and place of the meeting and the business to be transacted thereat.
- (6) No business can be transacted at a Planning and Development Committee meeting unless a quorum is present.
- (7) The quorum for any Planning and Development Committee Meeting shall be three (3) members.
- (8) Upon confirmation of the Minutes of a Planning and Development Committee meeting, the Chairman must sign the last page of the Minutes and initial each other page. These Minutes must be forwarded to the Council for consideration, satisfaction or amendment.
- (9) (a) A member of the Planning and Development Committee has an interest in a matter before the Planning and Development Committee if the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary or non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary or non-pecuniary detriment.

- (b) A member of the Planning and Development Committee who has an

interest in a matter before the Committee, of which he or she is a member, must declare the interest to the Planning and Development Committee.

- (c) A member on making a disclosure under 9(b) must provide full and accurate details of the relevant interest.
 - (d) A disclosure made under subsection 9(b) must be recorded in the Minutes of the Planning and Development Committee.
 - (e) A member of a Planning and Development Committee who has an interest in a matter before the Planning and Development Committee must not –
 - (i) Propose or second a motion relating to the matter;
 - (ii) take part in discussion by the Planning and Development Committee relating to that matter;
 - (iii) while such discussion is taking place, be in, or in the close vicinity of the room in which the matter is being discussed;
 - (iv) vote in relation to the matter.
- (10) If at any meeting there is not a quorum present within 30 minutes after the time appointed for the commencement of the meeting, or if at any time after the meeting has commenced and before any business to be transacted is completed, there is not a quorum present, the meeting shall be adjourned to another time and date in accordance with the provisions of the Local Government Act 1999 and Local Government (Procedures A and Meetings) Regulations 2000.

8. Reporting to Council

The Chief Executive Officer will ensure that an original typed copy of all Minutes of the Planning and Development Committee Meetings are provided to the Council within five working days of the meetings for inclusion on the next Council Agenda.

9. Dissolution

The Council may at any time abolish the Planning and Development Committee pursuant to Section 41 of the Local Government Act 1999.

The Council must have a Strategic Planning and Development Policy Committee pursuant to Section 101A of the Development Act 1993, unless the Minister for Urban Development, Planning and the City of Adelaide, exempts the Council from the requirement to establish a Committee under this Section, providing the Minister is satisfied that the functions of a Committee established under the Local Government Act 1999 includes the functions set out in subsection (2) of Section 101A of the Development Act 1993 (as contained in these Terms of Reference under part '5. Objectives').

10. Liability of Members

In accordance with Section 41(12) and (13) of the Local Government Act 1999, no civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or Committee's powers, functions or duties. Further, a liability that would, but for this clause attach to a member of a Committee attaches instead to the Council.

11. Alteration of Terms of Reference

The Council, may at any time, either on its own initiative or at the request of the Planning and Development Committee, alter, delete or add to any provisions of these Terms of Reference. In doing so, the Council will consult with the Planning and Development Committee, and/or the members of the Committee, prior to adoption.

Action	Date	Minute Reference
Adopted	03/07/2000	00199
Amended	02/06/2003	03175
Amended	20/11/2006	06354.2
Amended	06/12/2010	10317.2
Amended	07/03/2011	11057.2