

While the applicant and all representors will be advised in writing of the Panel's decision, they are welcome to enquire about the decision with the Council's Planning staff either at the conclusion of the meeting or on the day after the Panel meeting.

Once all agenda items have been considered, the Presiding Member will close the meeting. It's important to note that the Council is not required to (nor can it) endorse any decision that the Panel takes.

Is there a right of appeal to a decision that the Panel makes?

On some occasions, representors and/or the applicant possess the right of appeal to the State's Environment, Resources and Development (ERD) Court against the Panel's decision.

Details of appeal rights are included in the formal decision notification process.

Are there minutes of the Panel Meeting?

Formal minutes of the meetings of the Panel are recorded. These include the names of representors and applicants appearing before the Panel and the decision of the Panel, including conditions of consent or reasons for refusal.

Minutes of the meeting are made available (on Council's website) within two days after the meeting. Formal written notification of the decision of each application will be sent to the applicant and each person who made a written representation within five days of the decision being made.

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V03/16

The Council Assessment Panel - Part 2



THE COUNCIL ASSESSMENT PANEL

What is the process for making a verbal Representation?

The Presiding Member will invite representors or their nominated spokesperson to make their verbal presentation. You'll be asked to limit your comments to around five minutes; as Panel members have copies of the written representations, it's not necessary to repeat the content of the written submission.

After all of the representors have addressed the panel, the applicant will be invited to respond to the points made by the representors. They'll also be asked to limit their comments to around five minutes.

This might make the process sound quite an onerous one, but it's not meant to! Our Panel members do their best to encourage a relatively informal environment, which all helps to promote a more rounded view of the issues concerning an application.

The assessment process:

After the Panel has heard any verbal presentations, it then openly discusses the application taking into consideration the Development Officer's report, the application details and all written and verbal presentations before it makes a decision on the development application.

It's important to know that the Development Act compels the Panel to evaluate an application within the context of the policies and guidelines contained within the Council's Development Plan; decisions cannot be permitted on community consensus or on a personal basis. In making decisions, the Panel must:

- Consider the Development Plan as a whole and all relevant provisions to the matter in question
- Consider the merits of the proposal as a whole, its pros and cons (points of clear compliance with guidelines or departures from them) and the position that any proposal, however good, is unlikely to meet every provision such that no legitimate objection can be taken to it
- Consider the proposal in question and its alignment with the Development Plan, not comparing it with or preferring over or testing it against other alternatives or a so-called ideal design solution or planning outcome

How are decisions made?

The Panel's decision-making process is based on a voting system.

The presiding member encourages input from the planning staff and subsequent discussion of the development proposals by panel members. Each panel member assesses the merits of the proposal based on guidance provided in the Development Plan, availability of expert advice and other pertinent considerations.

On some occasions, the Panel may identify that some conditions of consent/reasons for refusal need to be amended, or that additional conditions of consent/reasons for refusal are required.

These will be added to the recommendation if agreed by resolution of the Panel.

After consideration and discussions of the development proposal, the Presiding Member will call for a formal motion and each member of the Panel present is required to vote on the application. Where votes are equal, the Presiding Member is entitled to a second or casting vote.

Through the decision making process, the Panel will generally either grant or refuse Development Plan Consent.

On occasions, the Panel may defer the assessment of the development application to enable further information to be obtained to fully address matters raised during the verbal presentations and/or the discussions of the Panel itself.

