

Procedures of the City of Marion Council Assessment Panel (CAP)



Introduction

As a planning authority, Councils must establish a Council Assessment Panel (CAP). The CAP for the City of Marion comprises five (5) members; one (1) Elected Member and four (4) independent members with particular expertise in planning matters. One of these members acts as the Presiding Member.

The task of a CAP is to assess proposed developments against the relevant criteria contained in the applicable planning legislation i.e. Planning and Design Code for all applications lodged 19th March 2021 onwards, or the City of Marion Development Plan for applications lodged prior. In doing so, the CAP weighs up the “pros and cons” of an application. This involves a judgement based on whether a development adequately satisfies or is at variance to the applicable planning legislation.

A CAP cannot grant Development Plan Consent (i.e. “Planning Consent”) if it believes that the proposed development is seriously at variance with the Planning and Design Code. On the other hand, it is unlikely that a proposal will satisfy all policies in the Planning and Design Code and the CAP must therefore determine, on balance, whether a development should be approved.

The CAP is presented with a report on every application to be considered. Each report assesses the proposal against the provisions of the Planning and Design Code, includes documentation from the applicant (or their consultant) and copies of representations lodged in respect to the application being considered. Those reports are compiled within an Agenda, which is available on Council's [website](#). Due to copyright restrictions it is not possible to provide copies of building plans for the public agenda.

In respect of any matter that is before the CAP or likely to be considered by the CAP, Members of the CAP are not permitted to discuss, comment or express an opinion upon the merits of that matter with applicants, representors, members of the public or government agencies.

The CAP Meetings operate on the following basis:

- Meetings will commence on time and as soon as a quorum of three (3) CAP members are present. If a quorum is not present within 30 minutes of the time for commencement, the Presiding Member may adjourn the meeting to the next scheduled meeting time and date, or to another time and date.
- The Presiding Member will open the meeting and advise all representors and applicants of the meeting procedure.
- The Agenda item will be introduced by the Presiding Member. An aerial photograph of the subject land/locality and copies of certain proposal plans will be available for viewing on a large television screen at the meeting.
- The Presiding Member invites those persons who have lodged representations stating that they wish to be heard by the CAP, to come forward and address the CAP. Each speaker is given up to 5 minutes to address the CAP irrespective of the number of persons being represented by the speaker.
- The Presiding Member will invite CAP members whether they have any questions for the representor.
- Representors are advised to utilise their time wisely by concentrating on the most salient points they wish to raise. There is no need to reiterate their written representation as members of the CAP would already have read this material.
- After hearing the representors, the applicant (and/or their consultant) is invited by the Presiding Member to address the CAP for up to 5 minutes. The Presiding Member will then invite CAP members whether they have any questions for the applicant.



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- Representors and applicants are free to speak in relation to the photos/plans on the media projector. At the discretion of the Presiding Member, any new or additional material to be submitted to the CAP by an applicant or representor may be accepted and considered by the CAP. If supplying additional material, copies should be provided for all CAP members and the applicant/representors.
- In cases where there are no representors to be heard for a particular Agenda item, or where the application was not subject to public notification, the applicant will not have an opportunity to present to the CAP. However, the Presiding Member may invite CAP members whether they have questions for the applicant. Applicants are therefore encouraged to attend to answer any questions of the CAP.
- The CAP will then deliberate and resolve to either grant or refuse Development Plan Consent, taking into consideration the relevant provisions of the Development Plan, and having regard to any written and verbal representations. In certain cases, the CAP may resolve to defer an application to seek further information or amendments to a development.
- The CAP may call for and consider such professional assistance from Council staff and other professional advisors as it deems necessary and appropriate.
- Each CAP member present at a meeting is entitled to one vote on any matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
- The Presiding Member may ask a member of the public who is present at a meeting of a CAP who is behaving in a disorderly manner, causing an interruption or using audio and video recording devices, without the prior agreement of the Presiding Member, to leave the meeting.
- The CAP may exclude the public from attendance during so much of a meeting as is necessary to receive, discuss or consider in confidence certain confidential information or matters. This could include commercial information of a confidential nature, matters affecting the safety or security of any person or property, legal advice, or information relating to litigation.

Formal notification of the decision of the CAP will be posted to the applicant and representors.

Minutes of the meeting will also be available from the City of Marion website: www.marion.sa.gov.au from the Monday after the meeting.

Useful Links

[Council Assessment Panel Agendas and Minutes](#)

[Planning and Design Code](#)

