

# Appointment of Council Member to the Council Assessment Panel

Tuesday, 9 May 2023  
Council

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Lisa Loveday, Acting Associate  
Director Regulatory Services

Public

**Approving Officer:**  
Clare Mockler, Chief Executive  
Officer

## EXECUTIVE SUMMARY

The City of Adelaide Council Assessment Panel (CAP) was established in October 2017 in accordance with the *Planning, Development and Infrastructure Act 2016 (SA)* ('the Act'). Section 83 of the Act stipulates membership of the CAP must be no more than five members, one of which may be a member of Council.

This report seeks a Council decision to appoint a member of Council to serve with the current membership on the Council Assessment Panel until 31 December 2023.

---

## RECOMMENDATION

### THAT COUNCIL

1. Approves the appointment of a Council Member to the City of Adelaide Council Assessment Panel until 31 December 2023.
  2. Councillor \_\_\_\_\_ be appointed as a member of the Council Assessment Panel commencing from the date of this resolution and expiring on 31 December 2023.
-

## IMPLICATIONS AND FINANCIALS

|  |   |
|--|---|
| City of Adelaide<br>2020-2024<br>Strategic Plan                        | <b>Strategic Alignment – Enabling Priorities</b><br>Development Assessment is integral in assisting the growth of the city’s population and to ensure the city is designed and developed so that it is safe and enjoyable for all.  |
| Policy   | Not as a result of this report  |
| Consultation   | Not as a result of this report  |
| Resource   | Not as a result of this report  |
| Risk / Legal /<br>Legislative  | The formation and structure of the CAP is set out in section 83 of the <i>Planning, Development and Infrastructure Act 2016</i> . The recommendation of the report is in accordance with these provisions.<br><br>If a Council Member is nominated for the position, and upon subsequent acceptance of the nomination by this Member, this Council Member will have to declare a material conflict of interest and vacate the Chamber before the matter is being discussed and voted on. This is required as the Member would receive remuneration in the form of sitting fees depending on the outcome of the consideration of the matter. |
| Opportunities  | Not as a result of this report  |
| 22/23 Budget<br>Allocation   | The term is for the calendar year, and therefore funding is split across the 2022/23 and 2023/24 budgets.<br>General Operating - Sitting Fees – Council Member component is \$550 per meeting which equates to a total of up to \$4,400 for the remainder of the 2023 calendar year and \$1,650 this financial year.  |
| Proposed 23/24<br>Budget Allocation                                    | General Operating - Sitting Fees – Council Member component is \$550 per meeting which equates to a total of up to \$4,400 for the remainder of 2023 calendar year and \$2,750 this financial year.   |
| Life of Project,<br>Service, Initiative<br>or (Expectancy of)<br>Asset | Not as a result of this report  |
| 22/23 Budget<br>Reconsideration<br>(if applicable)                     | Not as a result of this report  |
| Ongoing Costs<br>(eg maintenance<br>cost)                              | Not as a result of this report  |
| Other Funding<br>Sources   | Not as a result of this report  |

# DISCUSSION

## CAP legislative framework and purpose

1. The *Planning, Development and Infrastructure Act 2016* ('the Act') requires Councils to establish a CAP to assess and determine performance assessed applications that are subject to public notification.

## CAP membership requirements and operations

2. The Act allows up to one Council Member to sit on the CAP. While this is not mandated and Council may elect not to appoint a Council Member to serve, one has traditionally been appointed. Council has already determined in December 2022 to appoint a Deputy Council Member.
3. The term of the current Panel is until 31 December 2023, with meetings generally held monthly on a Monday at 5.30pm in the Colonel Light Room, Adelaide Town Hall. The current independent panel members are:
  - 3.1. Nathan Cunningham (Independent Member)
  - 3.2. Colleen Dunn (Independent Member)
  - 3.3. Mark Adcock (Independent Member)
  - 3.4. Emily Nankivell (Independent Member)
  - 3.5. Professor Mads Gaardboe (Deputy Independent Member)
4. At its meeting on 13 December 2022, Council appointed Deputy Lord Mayor Martin to be the Council Member and Councillor Noon to be the Deputy Council Member on the CAP to 31 December 2023 (Link 1 view [here](#))
5. As the current Council Member has resigned from their position on the CAP, this report seeks the appointment of a Council Member to sit on the CAP for the remainder of this term. The Deputy Council Member remains the same, however if this appointment creates a vacant Deputy Council Member position, there is also the option to appoint a Deputy Council Member. Having a Council Member and a Deputy Council Member ensures that when the Council Member is an apology, there remains the opportunity to have an Elected Member represented on the CAP. The Deputy Council Member would attend meetings as the Council Member when the Council Member is an apology.
6. Independent Members on the CAP are required to be accredited as Planning Level 2 '*Accredited Professionals*'. This requires meeting criteria set out in the Act; however, this does not apply to a Council Member sitting on the CAP.
7. The Act requires Council to be satisfied the Council Member nominated is appropriately qualified to act as a member of the CAP, based on the person's experience in Local Government.
8. All members of the CAP need to adhere to the '*Assessment Panel members – Code of Conduct*' (Link 2 view [here](#)). This requires, for example, that the Council Member on the CAP will not discuss development proposals or future development proposals with applicants or representors that are likely to be heard by the CAP. This is further expanded upon in the Plan SA Fact Sheet '*Elected Members on Assessment Panels*' (Link 3 view [here](#)).
9. There are no changes proposed to the current Independent Members of the CAP, CAP Terms of Reference (Link 4 view [here](#)) or CAP Meeting Procedures (Link 5 view [here](#)).
10. Pursuant to the following Standing Orders:
  159. *All elections for positions will be subject to confirmation by way of a resolution of Council.*
  161. *If the nomination, or nominations, match the position, or positions, available, a resolution of the Council will be required to confirm the outcome of the election process.*
  162. *Unless determined otherwise by Council, in the event of there being more nominations than required, an election by voting ballot of all Council Members present, will be undertaken to select a nominee.*
  163. *The nominee with the highest number of votes will be the preferred Council nominee.*
  164. *With the exception of the selection of a Deputy Lord Mayor, if the votes for two or more candidates are equal, unless the meeting decides to undertake another election by voting ballot for the candidates with equal votes, Council will draw lots to determine which candidate, or candidates, will be excluded.*

166. *In the event lots are drawn, the candidate, or candidates, remaining, will be identified as the preferred Council nominee.*

167. *At the conclusion of a voting ballot or drawing of lots, a resolution of the Council will be required to confirm the outcome of the election process.*

11. Given the receipt of a pecuniary benefit outlined in paragraph 12, the Member nominated for appointment to the CAP will be required to declare a material conflict of interest in the appointment and leave the Chamber in accordance with the Conflict of Interest provisions of the *Local Government Act 1999 (SA)*.

#### **Remuneration**

12. CAP members are paid a sitting fee of \$550 per meeting. This fee is intended to remunerate the members for time spent reviewing agenda documents, attendance at meetings and undertaking site inspections in preparation for each item on the agenda.

---

## DATA AND SUPPORTING INFORMATION

**Link 1** – Resolution for Item 10.4 of Council Meeting held on 13 December 2022

**Link 2** – Plan SA Code of Conduct ‘Assessment Panel Members – Code of Conduct’

**Link 3** – Plan SA Fact Sheet ‘Elected Members on Assessment Panels’

**Link 4** – CAP Terms of Reference

**Link 5** – Meeting Procedures for CAP term 2022/2023

---

## ATTACHMENTS

Nil

---

- END OF REPORT -