

Appointment of Independent Council Assessment Panel (CAP) Members

Strategic Alignment - Strong Economies

Public

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City Planning, Development and Business Affairs Committee

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EXECUTIVE SUMMARY

The Council Assessment Panel (CAP) is charged with assessing development applications in accordance with the *Planning, Development and Infrastructure Act 2016* (SA) and the CAP Terms of Reference.

The term of the existing CAP concludes on 31 December 2023 and requires a new CAP in place from 1 January 2024 to 31 December 2026.

This report seeks a Council resolution on the process for selecting Independent Members for next term of CAP, including a proposed working committee to identify and recommended four (4) Independent Members, one of which will be appointed to the position of Presiding Member.

Under the Act, Council has the option of reappointing the current Independent Members of CAP for a further two years. Should this be the desired approach, an alternate recommendation to reappoint the existing Independent Members of CAP for a new two-year term can be proposed and actioned.

RECOMMENDATION

The following recommendation will be presented to Council on 12 September 2023 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Endorses the establishment of a working group to manage an Expressions of Interest process for the Independent Members of CAP, comprising of:
 - 1.1. the Lord Mayor (or delegate)
 - 1.2. the Associate Director, Regulatory Services
 - 1.3. the Manager, City Development.
2. Notes that based on the recommendations of the working group, a shortlist will be brought to Council for final consideration and endorsement for the following appointments to CAP, including the term of appointments, for periods not exceeding two years in accordance with the Terms of Reference:
 - 2.1. Four Independent Members
 - 2.2. One Deputy Independent Member
 - 2.3. One of the four Independent Members as Presiding Member.
3. Approves remuneration of \$650 per meeting for the Presiding Member or Acting Presiding Member, and \$550 per meeting for all other Members (including any Council Member nominated to CAP).

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Strong Economies The CAP undertakes development assessment which is integral in assisting the growth of the city’s population and to ensure the city is designed and developed so 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 / Legislative	The formation and structure of the CAP is set out in the <i>Planning, Development and Infrastructure Act 2016</i> (SA). The recommendations of the report fulfil these requirements. Section 44 of the <i>Local Government Act 1999</i> (SA) enables Council to delegate the power to appoint CAP Members.
Opportunities	Not as a result of this report
23/24 Budget Allocation	The term applies to calendar years and funding will be split across the 2023/24, 2024/25 and 2025/26 budgets. General Operating – Sitting Fees – Presiding Member \$650 and Members \$550 per meeting. This equates to \$17,100 for the second half of the 2023/24 financial year, which is in line with the Annual Business Plan and Budget.
Proposed 24/25 Budget Allocation	General Operating – Sitting Fees – \$34,200 for this financial year as this term will apply through the entire 2024/25 financial year.
Proposed 25/26 Budget Allocation	General Operating – Sitting Fees – \$17,100 for the first half of the 2025/26 financial year which applies to this term.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. The *Planning, Development and Infrastructure Act 2016* (SA) (the Act) requires Councils to establish a CAP.
2. The Act provides that a CAP be comprised of no more than five (5) members, only one (1) of which may be a Council Member.
3. At its meeting on 30 May 2017, Council resolved to establish a CAP comprising one (1) Council Member and four (4) Independent Members.
4. The Terms of Reference outline the role of the Panel, candidate's qualifications and conditions of appointment (Link 1 view [here](#)).
5. The term of all current CAP Members concludes on 31 December 2023, with a new CAP required to be in place from 1 January 2024 to 31 December 2026.
6. Current members of CAP are:
 - 6.1. Independent Members
 - 6.1.1. Nathan Cunningham (Presiding Officer)
 - 6.1.2. Colleen Dunn
 - 6.1.3. Emily Nankivell
 - 6.1.4. Mark Adcock
 - 6.1.5. Professor Mads Gaardboe (Deputy Independent Member)
 - 6.2. Council Member
 - 6.2.1. Councillor Keiran Snape
 - 6.2.2. Councillor Carmel Noon (Deputy Council Member)
7. The Panel will set its meeting schedule at its first meeting. Administration will recommend the Panel adopts a meeting schedule of one meeting per month (generally to be held on the fourth Monday of every month).
8. A continuation of the current sitting fee rate is proposed through the next term of CAP. The current sitting fees are \$650 for the Presiding Member per meeting and \$550 for the other Members per meeting. The sitting fee is provided to Independent Members, and the Council Member nominated to CAP.
9. At its first meeting, the CAP will appoint an Acting Presiding Member to act when the Presiding Member is absent.

Appointment of Independent Members

10. Under the Act, Council has the option of reappointing the current Independent Members of CAP for a further term of up to two years.
11. Should this be the desired approach, an alternate recommendation to reappoint the existing Independent Members of CAP for a new two-year term can be proposed and actioned.
12. As the current CAP was appointed prior to the commencement of this term of Council, it is proposed that an Expressions of Interest (EOI) process is undertaken to identify and recommend four (4) Independent Members and one (1) Deputy Independent Member for the following two years.
13. Existing Independent Members are able to register interest for the next CAP term as part of this process.
14. It is recommended that Council endorse a working committee to manage the EOI process, including shortlisting and interviews.
15. Following the EOI process, the working group will submit a recommended shortlist of Independent Members to Council for consideration and endorsement (expected to occur in November/December 2023).
16. While there is no formal requirement in the Act for an Council Member to be involved in the selection process, it is proposed that the working committee comprise the Lord Mayor (or delegate), the Associate Director, Regulatory Services, and the Manager, City Development.
17. When selecting Independent Members for CAP, the Terms of Reference note the process will have regard the following:
 - 17.1. the candidate's knowledge of the operation and requirements of the PDI Act and, during transition to the PDI Act, the Development Act 1993.

- 17.2. the candidate's qualifications or experience in one or more of the following disciplines:
 - 17.2.1. Urban Planning
 - 17.2.2. Architecture, Urban Design and/or Landscape Architect
 - 17.2.3. Environment and/or Heritage Management
 - 17.2.4. Property management and/or Development
 - 17.2.5. Planning/Environmental Law and/or Corporate Governance; or
 - 17.2.6. Transport, Infrastructure and/or Social planning.
- 17.3. that a balance of qualifications and experience among CAP Members is desirable;
- 17.4. that gender diversity among CAP Members is desirable; and
- 17.5. such other matters as the Council considers relevant.
18. Of the Independent Members, the Act requires Council (or delegate) appoint a Presiding Member.

Accredited Professionals

19. All Independent Members need to be 'Accredited Professionals'. This means Members must meet the requirements set out by the Act.
20. Independent Members are responsible for their own accreditation. Under the Accredited Professionals Scheme, planning and building professionals (including Independent CAP Members) who are involved in assessing development applications are expected to maintain minimum standards of professional practice and produce evidence that they are sufficiently qualified to make key decisions at certain levels. Ongoing training and education needs to be undertaken to maintain accreditation.

Appointment of a Council Member on CAP

21. The process for appointing a Council Member to CAP is generally undertaken via a procedural motion.
22. This is scheduled to occur in November/December, at the same meeting the recommendations for Independent Members are submitted to Council for endorsement.
23. The appointed Council Member is not required to be an accredited professional.

DATA AND SUPPORTING INFORMATION

Link 1 – Council Assessment Panel - Terms of Reference adopted 28 April 2022

ATTACHMENTS

Nil

- END OF REPORT -