

Appointment of Council Members to the Council Assessment Panel

Tuesday, 12 December 2023
Council

Strategic Alignment - Thriving Communities

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Public

Approving Officer:
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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)* (PDI 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 Council Member and a Deputy Council Member to the CAP under the PDI Act as the current appointment concludes on 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 2024.
 2. Approves the appointment of a deputy Council Member to the City of Adelaide Council Assessment Panel until 31 December 2024.
 3. Councillor _____ be appointed as a member of the Council Assessment Panel commencing from 1 January 2024 and expiring on 31 December 2024.
 4. Councillor _____ be appointed as a deputy member of the Council Assessment Panel commencing from 1 January 2024 and expiring on 31 December 2024.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p>Strategic Alignment – Enabling Priorities</p> <p>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.</p>
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	<p>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.</p> <p>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.</p>
Opportunities	Not as a result of this report
23/24 Budget Allocation	General Operating – Sitting Fees – Council Member receives \$550 per meeting attended.
Proposed 24/25 Budget Allocation	General Operating – Sitting Fees – Council Member receives \$550 per meeting attended. The sitting fees receive budget allocation.
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 first City of Adelaide CAP was established in October 2017. The Panel's role is to determine development applications assigned to the CAP via delegation.
2. Section 83 of the PDI Act stipulates the membership of the CAP. 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.
3. In addition to a Council Member, Council determined in December 2022 to appoint a Deputy Council Member. The purpose of a Deputy Member is to substitute for another member when they are absent. This ensures meetings are not cancelled due to a lack of quorum.
4. At its meeting on 13 December 2022, Council appointed the Deputy Lord Mayor, Councillor Martin to be the Council Member and Councillor Noon to be the Deputy Council Member on the CAP to 31 December 2023.
5. Following the Deputy Lord Mayor, Councillor Martin's resignation as a CAP Member, Council appointed Councillor Snape to fill the vacancy until 31 December 2023.

Appointment of Council Members

6. This report seeks a Council decision to appoint a Council Member and a Deputy Council Member to the CAP under the PDI Act until 31 December 2024.
7. A confidential report to facilitate the appointment of Independent Members to the CAP is listed on the Agenda for this Council meeting.
8. Independent Members on the CAP are required to be accredited as Planning Level 2 'Accredited Professionals'. This requires meeting criteria set out in the PDI Act; however, this does not apply to a Council Member sitting on the CAP.
9. The PDI 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.
10. All members of the CAP need to adhere to the Assessment Panel Members – Code of Conduct (Link 1 view [here](#)). This requires, for example, that the Council Member on CAP will not discuss development proposals or future development proposals with applicants or representors that are likely to be heard by the panel. This is further expanded upon in the Plan SA Fact Sheet 'Elected Members on Assessment Panels' (Link 2 view [here](#)).
11. There are no changes proposed to the CAP Terms of Reference (Link 3 view [here](#)) or CAP Meeting Procedures (Link 4 view [here](#)).
12. Pursuant to Part 4.2 of the Code of Practice for Meeting Procedures:
 - *The Presiding Member is to call for all nominations to appoint members.*
 - *Nominations do not have to be in writing, nor do they have to be seconded.*
 - *If there are more nominations than positions, a ballot will be conducted. A secret ballot may be done electronically or via a paper ballot. A record of individual votes is not retained.*
 - *All present indicate which member(s) they wish to vote for via their ballot, and a senior officer conducts the count.*
 - *The Member with the most votes will be declared the winner.*
 - *The Chief Executive Officer confirms the count and reports the numbers to the Presiding Member.*
 - *In the case of a tied ballot, members are to cast a vote for their preferred candidate from the tied candidates. If a revote cannot determine a clear winner and there is a continuing tie, then lots must be drawn to determine which candidate(s) will be excluded.*
 - *The name of the candidate/s withdrawn are excluded from the ballot.*
 - *The Presiding Member then announces the successful candidate.*
 - *The meeting makes the appointment by resolution.*
13. Given the receipt of a pecuniary benefit, the Council 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

14. 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 – Plan SA Code of Conduct ‘Assessment Panel Members – Code of Conduct’

Link 2 – Plan SA Fact Sheet ‘Elected Members on Assessment Panels’

Link 3 – CAP Terms of Reference

Link 4 – Meeting Procedures for CAP term 2022/2023

ATTACHMENTS

Nil

- END OF REPORT -