

Appointment of Council Members to the Council Assessment Panel

Tuesday, 12 November 2024
Council

Strategic Alignment - Our Places

Program Contact:
Kathryn Goldy, Acting Manager
Governance

Public

Approving Officer:
Anthony Spartalis, Chief
Operating 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) (PDI Act). Section 83 of the PDI 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 in accordance with the PDI Act as the current appointment concludes on 31 December 2024.

RECOMMENDATION

THAT COUNCIL

1. Approves the appointment of a Council Member to the City of Adelaide Council Assessment Panel until 31 December 2025.
 2. Approves the appointment of a deputy Council Member to the City of Adelaide Council Assessment Panel until 31 December 2025.
 3. Councillor _____ be appointed as a member of the Council Assessment Panel for the period commencing 1 January 2025 and ending 31 December 2025.
 4. Councillor _____ be appointed as a deputy member of the Council Assessment Panel for the period commencing 1 January 2025 and ending 31 December 2025.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	<p>Strategic Alignment – Our Places</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 leave the Chamber before the matter is debated and voted on. This is required as the Member would receive remuneration in the form of sitting fees.</p>
Opportunities	Not as a result of this report.
24/25 Budget Allocation	General Operating – Sitting Fees – Council Member receives \$550 per meeting attended.
Proposed 25/26 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.
24/25 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 Council Assessment Panel (Panel) was established in October 2017. The Panel's role is to determine development applications assigned to the Panel via delegation.
2. Section 83 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) stipulates the membership of the Panel. The Act allows up to one Council Member to sit on the Panel. 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 the appointed Council Member when they are absent. This ensures meetings are not cancelled due to a lack of quorum.
4. At its meeting on 12 December 2023, Council appointed the Deputy Lord Mayor, Councillor Snape as the Council Member and Councillor Noon as the Deputy Council Member on the Panel until 31 December 2024.

Appointment of Council Members

5. This report seeks a Council decision to appoint a Council Member and a Deputy Council Member to the Panel in accordance with the PDI Act from 1 January 2025 until 31 December 2025.
6. The PDI Act requires Council to be satisfied the Council Member nominated is appropriately qualified to act as a member of the Panel, based on the person's experience in Local Government.
7. All members of the Panel need to adhere to the Assessment Panel Members – Code of Conduct (Link 1 [view here](#)). This requires, for example, that the Council Member on the Panel 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](#)).
8. There are no changes proposed to the Panel's Terms of Reference (Link 3 [view here](#)) or Panel Meeting Procedures at this time (Link 4 [view here](#)).
9. Pursuant to the Ballot Process outlined in the Code of Practice for Council 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 Council Members present will indicate which member(s) they wish to vote for via ballot. A Governance officer distributes and collects the ballot and conducts the count.
 - The Council Member with the most votes from the ballot 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, another ballot will be conducted where Council 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 Manager Governance or Governance officer will place the name of the nominees tied into a voting box. The name of the candidate/s withdrawn are excluded from the ballot. After lots are drawn the remaining candidate is the winner.
 - The successful candidate is announced.
 - The meeting makes the appointment by resolution, via a mover/seconded for a motion to appoint and a majority vote in favour by show of hands.
10. Given the receipt of a pecuniary benefit, the Council Member nominated for appointment to the Panel 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

11. Panel 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 -