

Appointment of Council Member to the Council Assessment Panel

Tuesday, 13 December 2022
Council

Strategic Alignment - Enabling Priorities

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Public

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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)* ('the Act'). Section 83 of the Act stipulates the 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.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities 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 / Legislative	The formation and structure of the Council Assessment Panel 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. If a Council Member is nominated for the position, and upon subsequent acceptance of the nomination by this Member, this particular 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 because 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 Allocation	General Operating - Sitting Fees – Council Member component is \$6,600
Proposed 23/24 Budget Allocation	General Operating - Sitting Fees – Council Member component is \$6,600
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
22/23 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

CAP legislative framework and purpose

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

CAP Membership requirements and operations

2. The Act allows up to one Council Member to sit on the Council Assessment Panel (CAP). While this is not mandated and Council may elect not to appoint a Council Member to serve if desired, one has traditionally been appointed.
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. Mr Nathan Cunningham (Independent Presiding Member)
 - 3.2. Ms Colleen Dunn (Independent Member)
 - 3.3. Mr Mark Adcock (Independent Member)
 - 3.4. Ms Emily Nankivell (Independent Member)
 - 3.5. Prof Mads Gaardboe (Deputy Independent Member)
4. At its meeting on 14 December 2021, Council appointed Councillor Abrahamzadeh to be the Council Member on the CAP to the end of the 2018/2022 Council term.
5. As Council has commenced a new term of office, this report seeks the appointment of one Council Member to sit on the CAP for the remainder of the CAP term.
6. Independent Members on the CAP are required to be accredited as Planning Level 2 'Accredited Professionals'. This requires meeting criteria set out by the Act; however, this does not apply to the 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 CAPs 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](#)).
9. There are no changes proposed to the current Independent Members of CAP, CAP Terms of Reference ([Link 3 view here](#)) or CAP Meeting Procedures ([Link 4 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 – 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 -