

ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 26 April 2022  
CONFIDENTIAL AGENDA BUSINESS ITEM

Item: 18.1

Responsible Officer: Deryn Atkinson  
Assessment Manager  
Development & Regulatory Services

Subject: Appointment of Council Assessment Panel Independent Members

For: Decision

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1. Appointment of Council Assessment Panel Independent Members– Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Acting Chief Executive Officer, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Corporate Planning & Performance Coordinator, Kira-marie Laverty
- Minute Secretary, Pam Williams
- Manager Development Services, Deryn Atkinson

be excluded from attendance at the meeting for Agenda Item 18.2: (Council Assessment Panel Independent Member Appointment) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item would involve information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

## **2. Council Assessment Panel Independent Member Appointment – Confidential Item**

### **SUMMARY**

The term of the current independent members of the Council's Assessment Panel (CAP) expires on 31 May 2022 and Council must review the appointment of the independent Members on the Panel. The CAP comprises four independent members, including an independent Presiding Member and one Council Elected Member. All Independent CAP Members have to be Accredited Professionals and hold accreditation at Planning Level 2 in accordance with the *Planning, Development and Infrastructure (Accredited Professionals) Regulations, 2019*.

The process for recruitment and selection of independent CAP members commenced in January 2022 and was concluded earlier this month. The Selection Panel recommends that the four people mentioned in the resolution below be appointed for a two year term commencing on 1 June 2022 and ending on 31 May 2024.

### **RECOMMENDATION**

#### **Council resolves:**

- 1. That the report be received and noted**
- 2. To appoint Geoff Parsons as the independent Presiding Member to the Council Assessment Panel for a two year period commencing on 1 June 2022 and expiring on 31 May 2024**
- 3. To appoint the following independent members to the Council Assessment Panel for a two year period commencing on 1 June 2022 and expiring on 31 May 2024:**
  - i. Ross Bateup**
  - ii. Paul Mickan**
  - iii. Myles Somers**

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### **1. BACKGROUND**

At the 25 January 2022 meeting, the term of appointments for Cr John Kemp as the Council member on CAP and Cr Leith Mudge as the deputy Council member were extended to the end of the Council term.

**12.3 Council Assessment Panel (CAP) Membership – Extension of Council Member term**

8.10pm Crs John Kemp & Leith Mudge declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to item 12.3 and left the Chamber.

**Moved Cr Mark Osterstock**  
**S/- Cr Chris Grant**

**5/22**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. That the term of the current Council Member (Cr John Kemp) and Deputy Council Member (Cr Leith Mudge) on the Council Assessment Panel be extended to the end of the Council term.**

**Carried Unanimously**

At the same meeting, Council resolved to undertake a recruitment process for independent members of CAP and appointed a selection panel comprising Cr Kemp, Cr Mudge and the CEO (or delegate).

**12.3.1 Council Assessment Panel (CAP) Membership - recruitment process for Independent Members**

**Moved Cr John Kemp**  
**S/- Cr Malcolm Herrmann**

**6/22**

**To undertake a recruitment process for an Independent Presiding Member and three (3) Independent Ordinary Members of the Council Assessment Panel for a term commencing 1 June 2022 and concluding 31 May 2024 (inclusive).**

**Carried Unanimously**

**12.3.2 Council Assessment Panel (CAP) Membership – Selection Panel for Independent Members**

**Moved Cr Linda Green**  
**S/- Cr Kirsty Parkin**

**7/22**

**To appoint Cr John Kemp and Cr Leith Mudge and the CEO (or delegate) as members of the Council Assessment Panel Independent Member Selection Panel.**

**Carried Unanimously**

The CEO appointed Deryn Atkinson, Assessment Manager for the CAP as a delegate to the selection panel.

Expressions of Interest were sought from suitably experienced and accredited professionals with applications closing on 8 March 2022. Eight applications were received, including applications from each of the current CAP independent members. The selection panel interviewed seven candidates.

This report outlines the results of the selection and interview process for the appointment of suitably accredited and experienced independent members to CAP.

## 2. ANALYSIS

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

*Strategic Plan 2020-24 – A brighter future*

Goal Built Environment

Objective B2 Preserve and enhance the unique character of the Hills for current and future generations

Goal A Progressive Organisation

Objective O5 We are accountable, informed and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

### ➤ Legal Implications

It is a statutory requirement pursuant to Sections 82 and 83 of the *Planning, Development and Infrastructure Act, 2016*, for Council to have an Assessment Panel comprised of five members, of which at least four must be independent members (including an independent Presiding Member) and no more than one, a Council Member.

The Adelaide Hills Council Assessment Panel (CAP) was appointed as a relevant authority under Sections 82 and 83 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) by resolution of the Adelaide Hills Council (the Council) on 26 September 2017.

Whilst the CAP is a relevant authority under the Act, during the on-going transition period the CAP also continues to act as a delegate of the Council for the purposes of the *Development Act 1993*.

### ➤ Risk Management Implications

The appointment of appropriately qualified and experienced independent members to the Council's Assessment Panel (CAP) will assist in mitigating the risks of:

*Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.*

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (1D)	Low (1D)

*Inability to recruit suitably accredited and experienced candidates for the CAP potentially leading to poor decision making and development outcomes*

Appointment of suitably accredited and experienced independent CAP members ensures compliance with the legislation, adds rigour to the assessment process, and provides for a higher level of independent scrutiny of applications considered by the CAP.

Note that there are other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

The independent and Council members of CAP are paid a sitting fee per meeting and these sitting fees are budgeted for in the annual budget. The current sitting fee per meeting for each respective member of CAP is as follows:

- Independent Presiding Member: \$500 (excluding GST)
- Ordinary independent members: \$380 (excluding GST);
- Council Member: \$190.

It is noted that the sitting fees will be reviewed via a separate report to Council at its 26 April 2022 meeting.

➤ **Customer Service and Community/Cultural Implications**

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that CAP members are competent and understand the role and functions of the CAP and their individual obligations with regard to conduct. These independent experts ensure rigour in the assessment process, and the CAP provides for a higher level of independent scrutiny of applications for publicly notified developments where there is the hearing of representations.

➤ **Sustainability Implications**

It is considered that having a CAP comprising independent members with the required skills set and accreditation ensures rigour in the assessment process and promotes sound decision making.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

In accordance with the Council resolution on 25 January 2022 advertisements were placed on Council's website and in the Advertiser on 11 February 2022, in the Weekender Herald on 17 February 2022 and in The Courier on 16 February 2022. Eight (8) Expressions of Interest were received in response for the four independent member positions on the CAP.

A comprehensive selection and interview process was conducted with the selection panel short listing and interviewing seven candidates over two sessions. All candidates interviewed were of a high standard and hold the necessary accreditation as Accredited Professionals – Planning Level 2.

The selection panel are recommending that Geoff Parsons be appointed as the Independent Presiding Member and Ross Bateup, Paul Mickan and Myles Somers be appointed as the other Independent Members on the Council Assessment Panel. A summary of each of these candidate's qualifications and experience is provided below:

**Geoff Parsons** is a qualified Urban and Regional Planner and has extensive planning and development experience, having worked in the local government sector for three rural/regional councils over the past 17 years. Geoff is currently the appointed Assessment Manager of the Rural City of Murray Bridge and the Manager of Development and Regulation at the Rural City of Murray Bridge. Geoff is the current independent Presiding Member of three Assessment Panels, including the Adelaide Hills CAP, the City of Playford CAP and the Riverland Regional Assessment Panel. He is also an independent member of the Mount Barker CAP. Geoff has excellent knowledge of the Adelaide Hills Council area and is fully conversant with the Planning and Design Code and the Act and Regulations. Geoff has accreditation under the Accredited Professionals Scheme in Planning Levels 1 & 2 and is a corporate member of the Planning Institute of Australia.

**Paul Mickan** is a qualified Urban & Regional Planner with over 40 years' of planning and local government experience in South Australia, Victoria and Tasmania. Paul has extensive knowledge and skills in planning policy and development assessment and has detailed knowledge of the Adelaide Hills Council area from his former employment as a Senior and Strategic Planner with the Council. Paul is currently an independent member on three Assessment Panels, including the Adelaide Hills CAP, the Adelaide Plains CAP and the City of Playford CAP. Paul is conversant with the Planning and Design Code and has accreditation under the Accredited Professionals Scheme in Planning Level 2. He is also a corporate member of the Planning Institute of Australia.

**Ross Bateup** is a qualified Urban and Regional Planner, Urban Designer and Architect with over 40 years' experience in both the public and private sectors. Ross has lived in the Adelaide Hills Council area since the 1970's and currently runs his own planning, architecture and urban design consultancy. Ross is currently an independent member of five Assessment Panels including the Adelaide Hills CAP, the City of Burnside CAP, the City of Salisbury CAP, the City of Unley CAP and, the Town of Walkerville CAP. Ross has also previously been a member of the Inner Metropolitan Development Assessment Committee and the Office of Design and Architecture SA for a number of years. Ross also has an excellent understanding of the Adelaide Hills Council area and is conversant with the Planning and Design Code. Ross has accreditation under the Accredited Professionals Scheme in Planning Level 2 and is a corporate member of the Planning Institute of Australia.

**Myles Somers** is a qualified Urban and Regional Planner with over 35 years' experience in local government and private enterprise. His 10 years in the private sector working as a Planning Approvals Manager for ElectraNet provided Myles with valuable applicant experience in the major infrastructure category and a different perspective to planning assessment. Myles is the appointed Assessment Manager of the Coorong District Council and the Director Community and Corporate Services at the Coorong District Council. He is currently an independent member of Rural City of Murray Bridge CAP and a deputy member for the Barossa Assessment Panel. Myles is familiar with the Council district as a long term Adelaide Hills resident and is conversant with the Planning and Design Code. Myles has accreditation under the Accredited Professionals Scheme in Planning Levels 1 & 2 and is a corporate member of the Planning Institute of Australia.

The term of appointment of the independent CAP members is recommended for two years in line with the Terms of Reference for CAP, commencing from 1 June 2022 and ending on 31 May 2024.

### **3. OPTIONS**

Council has the following options:

- I. To accept the recommendation of the Selection Panel regarding the appointment of the independent Members (Recommended)
- II. To not accept the recommendation of the Selection Panel regarding the appointment of the independent Members (Not Recommended)

### **4. APPENDIX**

Nil

5. **Appointment of Council Assessment Panel Independent Members – Duration of Confidentiality**

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.2 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

<b>Item</b>	<b>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</b>
Report	Until the appointment of all members has been confirmed, but not longer than 31 May 2022
Related Attachments	NIL
Minutes	Until the appointment of all members has been confirmed, but not longer than 31 May 2022
Other	NIL