

ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Tuesday 23 April 2024  
CONFIDENTIAL AGENDA BUSINESS ITEM

Item: 19.1

Responsible Officer: Deryn Atkinson  
Assessment Manager  
Community & Development

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:

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, David Waters
- Acting Director Corporate Services, Ashley Curtis
- Acting Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoë Gill
- Governance Support, Kelledy Jones Lawyers
- Assessment Manager, Deryn Atkinson
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 12.2: (Appointment of Council Assessment Panel Independent Members) 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. Appointment of Council Assessment Panel Independent Members – Confidential Item**

### **SUMMARY**

The term of the current independent members of the Council’s Assessment Panel (CAP) expires on 31 May 2024 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 must 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 February 2024 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 2024 and ending on 31 May 2026.

### **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 2024 and expiring on 31 May 2026.**
- 3. To appoint the following independent members to the Council Assessment Panel for a two-year period commencing on 1 June 2024 and expiring on 31 May 2026:**
  - i. Paul Mickan**
  - ii. Ross Bateup**
  - iii. Myles Somers**
- 4. To appoint Tim Pride as the Deputy Independent Member for a two-year period commencing on 1 June 2024 and expiring on 31 May 2026.**

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### **1. BACKGROUND**

At the 27 February 2024 meeting, Council resolved to undertake a recruitment process for independent members of CAP and appointed a selection panel comprising Cr Leith Mudge, Cr Nathan Daniell and the CEO (or delegate):

**12.1.1 Appointment of Selection Panel for Council Assessment Panel (CAP) Membership**

**Moved Cr Melanie Selwood**  
**S/- Cr Adrian Cheater**

**41/24**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. To appoint Cr Leith Mudge and Cr Nathan Daniell 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.

Additionally, at the 27 February 2024 meeting, Council adopted the Terms of Reference with the inclusion of a Deputy Independent Member as well as a Deputy Council Member:

**12.1.2 Adoption of Terms of Revised Terms of Reference for CAP**

**Moved Cr Melanie Selwood**  
**S/- Cr Mark Osterstock**

**42/24**

**Council resolves:**

- 3. To revoke the Council Assessment Panel Terms of Reference dated 26 April 2022 and to adopt the Council Assessment Panel Terms of Reference contained in *Appendix 2* of this Report and**
- 4. The CEO be authorised to make minor content, grammatical and formatting amendments to the Council Assessment Panel Terms of Reference during the period of currency.**

**Carried Unanimously**

Expressions of Interest were sought from suitably experienced and accredited professionals with applications closing on 10 March 2024. Six applications were received, including applications from each of the current CAP independent members. The selection panel interviewed all six 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 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: \$550 (excluding GST)

- Ordinary independent members: \$420 (excluding GST)
- Council Member: \$293.

It is noted that the sitting fees will be reviewed via a separate report to Council at its 23 April 2024 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 regarding the Code of 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

➤ **Additional Analysis**

In accordance with the Council resolution on 27 February 2024 advertisements were placed on Council's website and in the Advertiser on 12 March 2024, and in The Courier on 14 March 2024. Six (6) Expressions of Interest were received in response for the four independent member positions on the CAP and the Deputy Independent Member.

A comprehensive selection and interview process was conducted with the selection panel interviewing all six candidates. All the candidates 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 Paul Mickan, Ross Bateup and Myles Somers be appointed as the other Independent Members on the Council Assessment Panel, with Tim Pride appointed as the Deputy Independent Member. 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 19 years. Geoff is currently Manager,

Development & Regulatory Services at the City of Norwood Payneham & St Peters (NPSP). Geoff is the current independent Presiding Member of two 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 District 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 Registered Planner and 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 Salisbury CAP, the City of Onkaparinga CAP, the NPSP CAP and Fleurieu Regional Assessment Panel. 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 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 three Assessment Panels including the *Adelaide Hills CAP*, Rural City of Murray Bridge CAP and Southern Mallee and Karoonda East Murray CAP. 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, 3 & 4 and is both a Registered Planner and corporate member of the Planning Institute of Australia.

**Tim Pride** is a qualified Urban & Regional Planner with over 15 years' experience across both Local Government and private consulting. He has undertaken various Planning roles at the City of Mitcham since 2013 and is currently the Assessment Manager at the City of Mitcham. He also has his own consultancy, Urban Planning Initiatives. Tim

has accreditation under the Accredited Professionals Scheme in Planning Levels 1 & 2 and is a Registered Planner and member of the Planning Institute of Australia.

The term of appointment of the Independent and Deputy Independent CAP members is recommended for two years in line with the Terms of Reference for CAP, commencing from 1 June 2024 and ending on 31 May 2026.

### **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. APPENDICES**

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 12.2 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>
<b>Report</b>	<b>Until the appointment of all members has been confirmed, but not longer than 31 May 2024</b>
<b>Related Attachments</b>	<b>Nil</b>
<b>Minutes</b>	<b>Until the appointment of all members has been confirmed, but not longer than 31 May 2024</b>
<b>Other</b>	<b>Nil</b>

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.