

CONFIDENTIAL ITEMS 2003 – JUNE 2013

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
78	17 June 2013 RO Greg P	Independent Membership of CDAP	<p>Pursuant to Section 90(3)(a) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, General Manager, Council Services, General Manager Infrastructure & Projects, General Manager, Corporate Services, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 16.8 (Independent Membership of Council Development Assessment Panel).</p> <p>The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the four preferred applicants for independent membership of the CDAP.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the suitability of the applicants will be discussed.</p>		Considered in confidence only – all released immediately after the meeting.	<p>Pursuant to and in accordance with Section 56A(3) of the Development Act 1993, and having considered the criteria for appointment in that subsection, appoints the following individuals to fill the 4 Independent Member positions (one presiding) on the District Council of Mount Barker Development Assessment Panel for a period of 2 years, from 10 July 2013 to 10 July 2015:</p> <ul style="list-style-type: none"> • Mr Roger Freeman (Presiding Member) • Dr Lissa van Camp • Mr Mike Canny • Mr Ross Bateup 			<p>Released 17/6/13</p> <p>On web 20/6/13</p>

10.56pm Councillor Corbell entered the chamber and resumed his chair

10.56pm Councillor Hamilton entered the chamber and took her chair

**100.18 REPORT TITLE: CONFIDENTIAL REPORT: INDEPENDENT
MEMBERSHIP OF COUNCIL
DEVELOPMENT ASSESSMENT PANEL
DATE OF MEETING: 17 JUNE 2013
FILE NUMBER: 20/015/032**

Moved Councillor Bailey that Council:

1. Pursuant to Section 90(3)(a)
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, General Manager, Council Services, General Manager Infrastructure & Projects, General Manager, Corporate Services, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 16.8 (Independent Membership of Council Development Assessment Panel).

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the four preferred applicants for independent membership of the CDAP.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the suitability of the applicants will be discussed.

Seconded Councillor Westwood and CARRIED

100.19 Moved Councillor Bettcher that Council:

2. Pursuant to and in accordance with Section 56A(3) of the Development Act 1993, and having considered the criteria for appointment in that subsection, appoints the following individuals to fill the 4 Independent Member positions (one presiding) on the District Council of Mount Barker Development Assessment Panel for a period of 2 years, from 10 July 2013 to 10 July 2015:

- Mr Roger Freeman (Presiding Member)
- Dr Lissa van Camp
- Mr Mike Canny
- Mr Ross Bateup

Seconded Councillor Westwood and CARRIED

- 100.20** Moved Councillor Irvine that Council express its appreciation for the services rendered by the previous independent members of Council's Development Assessment Panel with an appropriate demonstration of appreciation.

Seconded Councillor Westwood and CARRIED

MEETING DECLARED CLOSED AT 11.09PM

MAYOR

DATE

16.8 **REPORT TITLE: CONFIDENTIAL REPORT: INDEPENDENT
MEMBERSHIP OF COUNCIL
DEVELOPMENT ASSESSMENT PANEL**

DATE OF MEETING: 17 JUNE 2013

FILE NUMBER: 20/015/032

Strategic Plan Ref:

Governance and Leadership Outcome 14

Purpose:

To seek the appointment of the four (4) Independent Members to Council's Development Assessment Panel (CDAP) recommended by the interview panel.

Summary – Key Issues:

Council's CDAP term for Independent Members will come to an end on 10 July 2013. Due to the end of the term Council is required under Section 56A of the Development Act 1993 to appoint Independent Members for the next term.

Recommendation:

That Council:

1. Pursuant to Section 90(3)(a)
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, General Manager, Council Services, General Manager, Infrastructure & Projects, General Manager, Corporate Services, Risk and Governance Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 16.8 (Independent Membership of Council Development Assessment Panel).

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the four preferred applicants for independent membership of the CDAP. (Roger Freeman, Dr Lissa van Camp, Mike Canny and Ross Bateup.)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the suitability of the applicants will be discussed.

2. Pursuant to and in accordance with Section 56A(3) of the Development Act 1993, and having considered the criteria for appointment in that subsection, appoints the following individuals to fill the 4 Independent Member positions (one presiding) on the District Council of Mount Barker Development Assessment Panel for a period of 2 years, from 10 July 2013 to 10 July 2015:
 - Roger Freeman (Presiding Member)
 - Dr Lissa van Camp
 - Mike Canny
 - Ross Bateup

Background:

1. Section 56A of the Development Act 1993 requires that a Council must establish a Development Assessment Panel (DAP) to exercise or perform its development assessment powers and functions under the Development Act 1993. This involves the assessment of development (planning) applications, enforcement of conditions of approval or breaches of the Act and also informing Council of any perceived deficiencies in the Mount Barker (DC) Development Plan.
2. The CDAP is an independent decision making body that determines approximately 2% of development applications submitted to Council with the remainder being determined by staff under delegation. Those applications considered by CDAP generally comprise the most significant and complicated applications submitted to Council.
3. Council has had the CDAP consisting of 4 independent members and 3 Council Members since December 2006 in response to the revised provisions of the Development Act 1993.
4. As reported to the Council on 2 April 2013 the term of the present CDAP expired on 31 May 2013. To guide it in the appointment of the next CDAP the Council, at that meeting, appointed a Selection Panel to recommend four (4) independent members including a Presiding Member. The Panel consisted of Terry Mosel (Chair), Andrew Stuart, Cr Jeff Bettcher and Jane Jeffrey (independent management consultant). Attached to the report of 2 April 2013 was the revised selection criteria (see Attachment 2) against which candidates for the CDAP were to be assessed.
5. Also at that time the following three Council members were appointed to the CDAP for the period from 31 May 2013 until the end of Council's term.
 - Councillor Bailey
 - Councillor Irvine
 - Councillor Corbell

6. On 6 May 2013 it was resolved that Council extend the current independent Council Development Assessment Panel (CDAP) members term up to and including 10 July 2013 to allow time to run a thorough and comprehensive selection process and allow for panel member overseas absences.

Discussion:

7. A memo was sent to Elected Members on 31 May 2013 to provide an update on the selection process. In addition a briefing was provided to Elected Members on 11 June 2013.
8. The Selection Panel's report is attached as Attachment 1 and details the process followed.

Community Engagement:

Informing only	Information will be provided to the community when the report is released.
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Policy:

N/A

Budget:

Council's DAP is funded through annual budgets. The sitting fee has been budgeted by Council for the following year.

Statutory/Legal:

The structure and composition of the Council Development Assessment Panel is a statutory requirement and Council will be required to meet these requirements under the Development Act 1993 and Development Regulations 1993.

Staff Resource Requirements:

Support of the Development Assessment Panel is undertaken by Council development assessment staff.

Environmental:

The DAP will as a matter of priority seek to ensure that development occurs in an environmentally sensitive manner.

Social:

The DAP will as a matter of priority seek to ensure that development occurs in a socially responsible manner.

Risk Assessment:

The independence and aptitude of the CDAP is critical in ensuring economic and orderly development in the district.

Asset Management:

N/A

Conclusion:

Council is required under Section 56A of the Development Act 1993 to establish a CDAP.

Key Contact

Greg Parker, Public Officer, Council's Development Assessment Panel

Manager or Sponsor of Project

Greg Parker, General Manager, Council Services

Attachments

Attachment 1 - Selection Process Report

Attachment 2 – Selection Criteria – 13/014718

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SELECTION PROCESS

1. The Selection Panel has undertaken the following process as the basis for making its recommendation to the Council for the appointment of the independent members for its CDAP. Elected members have been kept informed of the process by confidential memorandum and an informal briefing on Tuesday 11 June 2013.
2. In accordance with the resolutions of the Council a public call for expressions of interest for Independent Members (including Presiding member) was undertaken. The invitation to submit expressions of interest appeared in the Advertiser, Saturday 24 March 2013 and Council's website.
3. In all twenty three (23) responses were received. All independent members of the present CDAP expressed their interest to continue.
4. The Selection Panel undertook a thorough examination of all those who expressed an interest against the criteria that appeared as an appendix to the report of 2 April 2013. The criteria is reproduced in **Attachment 2** to this report.
5. In addition to measuring each response against the criteria the process of short listing candidates for membership of the CDAP placed considerable importance on a candidate's understanding of the principles of independence and impartiality in the decision making process. It also placed considerable emphasis on the statutory expectations for gender balance and the diversity of professional disciplines to ensure that the mix, depth and breadth of skills will be consistent with the complex planning environment that will confront the next CDAP. Achieving a balance in the disciplines of planning, urban design, environmental science and civil engineering was also at the forefront of the Selection Panel's consideration.
6. Seven (7) applicants were shortlisted for interview.
7. On Friday 17 May 2013 the Selection Panel conducted interviews with six (6) of the short listed candidates. On the day the interviews were conducted the Selection Panel was advised that personal circumstances prevented the remaining candidate from attending. The Selection Panel formed the view that its ultimate recommendation to the Council would not be compromised by this event.
8. One (1) of the short listed candidates subsequently withdrew her expression of interest citing the reason, a possible conflict of interest.

9. The Selection Panel is unanimous in its findings. The following are recommended to the Council for appointment on the CDAP for the period from 10 July 2013 to 10 July 2015.
- Mr Roger Freeman (Presiding Member)
 - Dr Lissa van Camp
 - Mr Mike Canny
 - Mr Ross Bateup
10. In the view of the Selection Panel the persons recommended above will together provide the requisite suite of professional disciplines on the CDAP. Represented within this group is a person with a long and distinguished career in urban and regional planning and the provision of impartial advice to the Development Assessment Commission (who we recommend to be the Presiding Member) and experts in the critical areas of planning, civil engineering and building technology, environmental science and urban design. In conjunction with the Elected Member representation, the recommended independent members will deliver a complete and balanced decision making body to guide development in the District in a manner consistent with the planning environment that is expected in the future.
11. The Development Act 1993 has no performance criteria for the members of the CDAP however, the minutes of the meeting will indicate an attendance record. The Council might also encourage the next CDAP use its considerable expertise and professional capacities to undertake (in accordance with its statutory powers) regular reviews of its decisions for the purpose of reporting to the Council on policy issues.

Terry Mosel
CHAIR, SELECTION PANEL

SELECTION CRITERIA GRID
Position of the CDAP Expressions of Interest

Selection Criteria						
Experience or qualifications in urban or regional planning and development or building safety and design or environmental conservation and/or natural resource and land management or architecture and/or urban design or landscape design or planning law or heritage and conservation of the built and natural environment.						
Knowledge of the application of the Development Act 1993, and its aligned legislation in the Development Assessment process.						
A thorough working knowledge and understanding of the Development Assessment processes and procedures.						
Knowledge of the Mount Barker District and its' Development Plan.						
A high level of interpersonal skills with an ability to communicate effectively with staff, Elected Members and the public.						
An understanding of Local Government and its operation.						

Attachment 2 to Item 16.8 17 June 2013