

CONFIDENTIAL ITEMS 2003 – OCTOBER 2020

#	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
153	6 October 2020	Council Assessment Panel Recruitment	<p><u>Pursuant to Section 90(3)(a)</u></p> <p>Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Deputy Chief Executive Officer/General Manager – Governance, Strategic Projects and Wastewater/Recycled Water, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, Acting General Manager Infrastructure, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 be excluded from attendance at the meeting for Agenda Item 18.2 Council Assessment Panel Recruitment.</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 CAP.</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>	Report and minutes	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 CAP.	Retained in confidence until the successful applicants have been appointed and unsuccessful applicants have been advised of Council's decision.			<i>Report and Minutes released on website 27 October 2020</i>

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			<u>Section 91(7) Order</u> After having considered Agenda Item 18.2 Appointment of four Independent Members (including one Presiding Member) to the Council Assessment Panel in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the successful applicants have been appointed and unsuccessful applicants have been advised of Council's decision.						
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RELEASED

<b>18.2.</b>	<b>REPORT TITLE:</b>	<b>CONFIDENTIAL COUNCIL ASSESSMENT PANEL RECRUITMENT</b>
	<b>DATE OF MEETING:</b>	<b>6 OCTOBER 2020</b>
	<b>FILE NUMBER:</b>	<b>DOC/20/128847</b>
	<b>ATTACHMENTS:</b>	<b>Nil</b>
	<b><u>Key Contact</u></b>	<b>Andy Humphries, City Development Manager, Planning and Development</b>
	<b><u>Manager/Sponsor</u></b>	<b>Marc Voortman, General Manager, Planning and Development</b>

**Mount Barker 2035 – District Strategic Plan:**

- 5. Governance and Leadership
- GL2: Corporate capacity and leadership
- GL2.10 Ensure compliance with legislative requirements.

**Annual Business Plan:**

Nil

**Purpose:**

To appoint four suitable independent candidates to the Council's Assessment Panel (CAP) for the term.

**Summary – Key Issues:**

- 1. There is an immediate priority for Council to appoint four (4) independent members to the CAP.
- 2. There is an immediate need to appoint a Presiding Member to the CAP from one of the four (4) independent members selected.

**Recommendation:**

- 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 Chief Executive Officer, Deputy Chief Executive Officer/General Manager – Governance, Strategic Projects and Wastewater/Recycled Water, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 be excluded from attendance at the meeting for Agenda Item 18.2 Council Assessment Panel Recruitment.

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 CAP.

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.

That Council:

Pursuant to Section 83(1)(b)(i) of the Planning Development and Infrastructure Act 2016 form a Council Assessment Panel to comprise four independent members (including one of which to be appointed as Presiding Member) by:

1. Appoint Geoff Parsons, Sally Roberts, and Tom Gregory as Independent Council Assessment Panel members for the term commencing October 2020 to October 2022.
2. Appoint Mark Adcock as the Presiding Member of the Council Assessment Panel for the term commencing October 2020 to October 2022.

**Section 91(7) Order**

3. After having considered Agenda Item 18.2 Appointment of four Independent Members (including one Presiding Member) to the Council Assessment Panel in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the successful applicants have been appointed and unsuccessful applicants have been advised of Council's decision.

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**Background:**

1. Section 83(1)(b)(i) of the *Planning Development and Infrastructure Act 2016* requires that a Council must establish a Council Assessment Panel (CAP) to exercise or perform its development assessment powers and functions. This involves the assessment of development (planning) applications, enforcement of conditions of approval or breaches of the Act.
2. The CAP derives all of its authority to act on behalf of Council from the Development Act rather than the Local Government Act that grants Council its authority to act in other areas.

3. The legislation requires that membership must be between 3 and 5 persons with only 1 Council Member
4. The CAPs Terms of Reference, Meeting Procedures, Code of Conduct, Agendas and Minutes can be found on Council's website: <https://www.mountbarker.sa.gov.au/build/plan-and-develop/council-assessment-panel>
5. The current members of CAP are Tom Gregory (Presiding Member), Judith Urquhart, Geoff Parsons and Councillor Carol Bailey
6. The Council Member appointment (Cr Bailey as a CAP Member and Cr Seager as Deputy Member) will expire in December 2020 and will be the subject of a future report to Council.
7. A report was presented to Council on the 1 June 2020 where. Council resolved to;
  - Appoint Tom Gregory to the temporary position of Presiding Member for a term to conclude at the end of the existing term being 1 October 2020, due to the passing of the presiding member.
  - Delegate to the CEO authority to appoint a new independent member to the Council Assessment Panel for a term concluding on 1 October 2020.
  - Pursuant to Section 83(1)(b)(i) of the Planning Development and Infrastructure Act 2016, from 1 October 2020 – 1 October 2022 form a Council Assessment Panel to comprise four independent members (including a Presiding member) and a Council Member.
  - Establish an interview panel comprising:
    - o Mayor Ann Ferguson OAM
    - o Manager City Development (Assessment Manager)
    - o General Manager Planning and Development

To assess and select the shortlisted candidates for the four independent positions (including one presiding member) and to make recommendations to Council on the appointment of the suitable candidates.
8. The current Independent CAP members have reached the end of their term being 1 October 2020.
9. This report is seeking to:
  - Appoint four independent CAP members for the term commencing October 2020 to October 2022.
  - Appoint one of the independent members to the position of presiding member of the CAP for the term commencing 1 October 2020 to 1 October 2022.

**Discussion:**

10. Council is required to appoint four independent CAP members for a recommended two year term commencing 1 October 2020 and ending 1 October 2022.
11. Accreditation for independent members will need to be achieved by the designated date, which Department of Infrastructure and Transport advises is anticipated to be sometime early 2021 for Level 2 accreditation.
12. Recruitment for the new Independent CAP Members sought a diversity of applicants and comprised of advertising in print media, Seek, Local Government Jobs Directory, Planning Institute of Australia jobs bulletin and the Mount Lofty Planners Group.
13. The interview panel comprised Mayor Ann Ferguson and two senior staff with direct involvement with the management of the CAP.
14. The Interview Panel's recommendation to appoint the new Independent Members of the CAP is based on the their ability to deliver on the following assessment criteria:
  - Extensive experience in urban and regional development assessment and policy matters;
  - Demonstrated knowledge of the issues affecting the District Council of Mount Barker and in particular growth management.
  - Previous experience on CAP's;
  - Sound understanding and contemporary experience with the Planning, Development and infrastructure Act (2016) and new planning system.
  - Demonstrated ability to work professionally with the administration and adhere to meeting procedures; and
  - A demonstrated practical decision making approach for planning matters that suits the Mount Barker District Council growth and development environment.
15. The following applicants were shortlisted by the Panel and are recommended to be appointed as independent members to the CAP:
  - Geoff Parsons – Over 14 years of Development Assessment and Local Government experience. Currently the presiding member of the City of Playford and Adelaide Hills Council Assessment Panels. Currently an independent member of the Mount Barker CAP and a proven performer.
  - Sally Roberts – 30 years of planning experience within the planning sector across Local Government including experience on CAPs and former member of the State Commission Assessment Panel.
  - Tom Gregory – 17 years' experience in the planning sector across Local Government and the Private sector. Current Presiding Member of the Mount Barker CAP and a proven performer.

16. The interview panel interviewed Mark Adcock for the position of Presiding member.
- Mark has 40 years of experience in a the planning sector across Local Government, State Government and the private sector. Mark currently hold the position of Presiding Member of the City of Adelaide CAP and is a former member of the State Commission Assessment Panel.
17. The Interview Panel's recommendation to appoint Mark Adcock as the Presiding Member is based on his ability to meet all of the above criteria in addition to his strong track record chairing meetings and his proactive approach to working with the administration to ensure sound decision making.
18. Confidential copies of the recommended Independent Members resumes are available for viewing on the Council Members Extranet.
19. All recommended applicants currently hold a minimum level 2 accreditation under the Accredited Professionals Scheme under the Planning Development Infrastructure Act.

**Community Engagement:**

Informing only	Information regarding the successful applicants will be released, and council's website updated, following Council's decision and once the successful and unsuccessful applicants have been notified.
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**Policy:**

N/A

**Long Term Financial Plan:**

N/A

**Budget:**

Within budget.

**Statutory/Legal:**

Planning, Development and Infrastructure Act 2016.

**Staff Resource Requirements:**

Within existing staff resources.

**Environmental:**

N/A

**Social:**

N/A

**Risk Assessment:**

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

**Asset Management:**

N/A

**Conclusion:**

Appointment of the new CAP will ensure Council continues to meet its obligations under the Development Act 1993 and the Planning, Development and Infrastructure Act 2016.

## Previous Decisions By/Information Reports to Council

Meeting Date	1 June 2020	HPRM Reference	DOC/20/62100
Title	Council Assessment Panel Recruitment		
Purpose	To inform the Elected Members of the need to amend the membership of Council's Assessment Panel (CAP).		

Meeting Date	4 September 2017	HPRM Reference	DOC/17/84212
Title	Information Report Council Assessment Panel Independent Appointments		
Purpose	To inform Council of the appointments of Independent Members to the Council Assessment Panel to coincide with the implementation of the Planning Development and Infrastructure Act.		

Meeting Date	3 July 2017	HPRM Reference	DOC/17/57704
Title	Planning Development and Infrastructure Act Update (including Council Assessment Panel Formation)		
Purpose	To inform Elected Members of the implementation of the Planning Development and Infrastructure Act and the need to amend the membership of Council's Assessment Panel.		

Meeting Date	6 October 2015	HPRM Reference	DOC/15/97558
Title	Independent Membership of Council's Development Assessment Panel		
Purpose	To reappoint the current Independent Members of Councils Development Assessment Panel (CDAP) for a further 2 years		



Meeting Date	17 June 2013	HPRM Reference	20/015/032
Title	Confidential Report: Independent Membership of Council's Development Assessment Panel		
Purpose	Appointment of 4 Independent Members of Council's Development Assessment Panel for a period of 2 years from 10 July 2013 to 10 July 2015.		

RELEASED

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	<b>FILE NUMBER:</b>	<b>DOC/20/128847</b>
	<b>ATTACHMENTS:</b>	<b>Nil</b>

Moved Councillor Westwood that Council:

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 Chief Executive Officer, Deputy Chief Executive Officer/General Manager – Governance, Strategic Projects and Wastewater/Recycled Water, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, Acting General Manager Infrastructure, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 be excluded from attendance at the meeting for Agenda Item 18.2 Council Assessment Panel Recruitment.

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 CAP.

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 Minett

CARRIED  
OM20201006.24

Moved Councillor Jones that Council:

Pursuant to Section 83(1)(b)(i) of the Planning Development and Infrastructure Act 2016 form a Council Assessment Panel to comprise four independent members (including one of which to be appointed as Presiding Member) by:

1. Appointing Geoff Parsons, Sally Roberts, and Tom Gregory as independent Council Assessment Panel members for the term commencing October 2020 to October 2022
2. Appointing Mark Adcock as the Presiding Member of the Council Assessment Panel for the term commencing October 2020 to October 2022.

Seconded Councillor Morrison

CARRIED  
*OM20201006.25*

Moved Councillor Morrison that:

Section 91(7) Order

After having considered Agenda Item 18.2 Appointment of four Independent Members (including one Presiding Member) to the Council Assessment Panel in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the successful applicants have been appointed and unsuccessful applicants have been advised of Council's decision.

Seconded Councillor Bailey

CARRIED  
*OM20201006.26*