

His Worship the Mayor  
Councillors  
**CITY OF MARION**



**NOTICE OF  
REVIEW & SELECTION COMMITTEE MEETING**

Notice is hereby given pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

**Tuesday 22 August 2017**

**Commencing at 5.30pm**

**In Committee Room 2**

**Council Administration Centre**

**245 Sturt Road, Sturt**

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to Committee Room 2 is via the main entrance to the Administration building on Sturt Road, Sturt.

A handwritten signature in blue ink, appearing to read "Adrian Skull", is written over a faint, circular official stamp.

Adrian Skull  
**CHIEF EXECUTIVE OFFICER**

17 August 2017

**CITY OF MARION  
REVIEW & SELECTION COMMITTEE AGENDA  
FOR THE MEETING TO BE HELD ON  
TUESDAY 22 AUGUST 2017  
COMMENCING AT 5.30 PM  
COMMITTEE ROOM 2  
245 STURT ROAD, STURT**



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**1. OPEN MEETING**

**2. KAURNA ACKNOWLEDGEMENT**

*We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.*

**3. MEMBER'S DECLARATION OF INTEREST (if any)**

**4. CONFIRMATION OF MINUTES**

- 4.1 Confirmation of the Minutes for the Review and Selection Committee meeting held on 2 May 2017 .....4
- 4.2 Confirmation of the **Confidential** Minutes for the Review and Selection Committee meeting held on 2 May 2017  
Report Reference: RSC220817R4.2 .....8

**5. BUSINESS ARISING**

Nil

**6. PRESENTATION**

Nil

**7. REPORTS**

- 7.1 Establishment of Council Assessment Panel  
Report Reference: RSC220817R7.1 .....9

**8. CONFIDENTIAL ITEMS**

Nil

**9. ANY OTHER BUSINESS**

**10. MEETING CLOSURE**

The Review & Selection Committee meeting shall conclude on or before 6.00pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**11. NEXT MEETING**

The next meeting of the Review & Selection Committee is scheduled to be held on:

**Time: 6:30pm**

**Date: 7 November 2017**

**Venue: Committee Room 2**

**MINUTES OF THE REVIEW & SELECTION COMMITTEE MEETING  
HELD AT ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON TUESDAY 2 MAY 2017**



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**PRESENT**

**Elected Members**

Mayor Kris Hanna (Presiding Member)  
Councillor Appleby, Councillor Crossland and Councillor Veliskou (from 6.50pm)

**Independent Member**

Nil

**In Attendance**

Adrian Skull	Chief Executive Officer
Steph Roberts	Manager Human Resources

**1. OPEN MEETING**

The meeting commenced at 6.30pm.

**2. KAURNA ACKNOWLEDGEMENT**

*We acknowledge the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.*

**3. MEMBERS DECLARATION OF INTEREST**

The Presiding Member asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

- *No declarations made*

**4. CONFIRMATION OF MINUTES**

**Moved Councillor Crossland, Seconded Councillor Appleby** that the minutes of the Review and Selection Committee meeting held on 7 February 2017 are confirmed as a true and correct record of proceedings.

**Carried Unanimously**

**5. BUSINESS ARISING**

Nil

**6. PRESENTATION**

Nil

**7. REPORTS**

**7.1 6.30pm 2017-18 Corporate and CEO KPIs  
Report Reference: RSC020517R7.1**

**Moved Councillor Appleby, Seconded Councillor Crossland** that the Review and Selection Committee:

- Recommend to Council the adoption of the Corporate KPIs for the 2017-18 financial year as set out in Appendix 1.
- Recommend to Council that the CEOs KPIs for the 2017-2018 financial year be aligned to the Corporate KPIs, when the 2016-2017 end of year CEO performance review has been conducted in November 2017.

**Carried Unanimously**

**6.50pm Councillor Veliskou joined the meeting**

**7.2 6.50pm CEO Recruitment Timeline  
Report Reference: RSC020517R7.2**

**Moved Councillor Crossland, Seconded Councillor Appleby** that the Review and Selection Committee:

1. Review and endorse the proposed timeline for conducting the CEO recruitment as outlined in Appendix 2.

**Carried Unanimously**

**8. CONFIDENTIAL ITEMS**

**8.1 7.05pm CEO Key Performance Indicators for Quarter 3 2016/17  
Report Reference: RSC020517R8.1**

Discussion regarding KPI D

- Seasonal adjustment to be built in to include the actual measure along with a measure that takes into account seasonal and Council requested factors.
- Opportunity for the 2017-2018 financial year KPIs to build in the new organisational KPI for capturing total employee cost, rather than FTE only.

**Moved Councillor Veliskou, Seconded Councillor Crossland** that:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 3 2016/17, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.

**Carried Unanimously**

**7.10pm the meeting went into confidence**

**Moved Councillor Veliskou, Seconded Councillor Crossland** that the Review and Selection Committee:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, CEO Key Performance Indicators for Quarter 3 2016/17 (including appendix) and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2017.

**Carried Unanimously**

**7.40pm the meeting came out of confidence**

**9. ANY OTHER BUSINESS**

Nil

**10. MEETING CLOSURE**

The meeting was declared closed at 7.42pm

**11. NEXT MEETING**

The next meeting of the Review & Selection Committee is scheduled to be held on:

**Time: 6:30 pm**

**Date: 7 November 2017**

**Venue: Committee Room 2**

**CONFIRMED**

.....  
**CHAIRPERSON**  
/ /

**CITY OF MARION  
REVIEW AND SELECTION COMMITTEE MEETING  
22 AUGUST 2017**

**CONFIDENTIAL REPORT**

**Originating Officer:** Steph Roberts, Manager Human Resources  
**Chief Executive Officer:** Adrian Skull  
**Subject:** Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 2 May 2017  
**Report Reference:** RSC220817R4.2

If the General Council so determines, this matter may be considered in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999* on the grounds that the report contains information relating to the personal affairs of the Chief Executive Officer.



**RECOMMENDATION:**

1. That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Review and Selection Committee orders that all persons present, with the exception of the following persons: Adrian Skull and Steph Roberts be excluded from the meeting as the Review and Selection Committee receives and considers information relating to CEO Key Performance Indicators for Quarter 3 2016/17 upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of the Chief Executive Officer.



**CITY OF MARION  
REVIEW AND SELECTION COMMITTEE MEETING  
22 AUGUST 2017**

**Originating Officer/Manager:** Rob Tokley, Team Leader - Planning

**General Manager:** Jason Cattonar, Manager Development and Regulatory Services

**Subject:** Establishment of Council Assessment Panel

**Report Reference:** RSC220817R7.1

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**EXECUTIVE SUMMARY**

The provisions of the *Planning, Development and Infrastructure Act 2016 (PDI Act)* relevant to the establishment of *Council Assessment Panels (CAPs)* commenced operation on 1 August 2017, with the operative date for CAPs to function as the relevant authority commencing from 1 October 2017. The CAP will replace the existing *Development Assessment Panel (DAP)*. CAPs must comprise a maximum of 5 (five) Members, only 1 (one) of which can be (but need not be) an Elected Member of Council.

Pursuant to section 5.4 Review and Selection Committee (RSC) Terms of Reference, the RSC will act as the selection panel for all Independent Members to the Development Assessment Panel (DAP) and hence, now the CAP.

This report outlines the various options for the RSC to consider regarding the appointment of Independent Members to the CAP, and then make a recommendation to Council at its meeting of 22 August 2017 (Council Report Reference GC220817R01).

**RECOMMENDATIONS**

**DUE DATES**

**That the Review and Selection Committee:**

- |   |                       |
|---|-----------------------|
| <b>1. Recommend to Council the appointment of Gavin Lloyd-Jones, Graham Goss, Charmaine Thredgold and Nathan Sim to the Council Assessment Panel for a term commencing from its first meeting in October 2017 and concluding 1 July 2018;</b> | <b>22 August 2017</b> |
|---|-----------------------|

**OR**

- |  |                       |
|--|-----------------------|
| <b>1. Recommend to Council that expressions of interest is sought from suitably qualified and/or experienced members of the public to fill the X vacant positions on the Council Assessment Panel for a term commencing from its first meeting in October 2017 and concluding 1 July 2018.</b> | <b>22 August 2017</b> |
|--|-----------------------|

## **BACKGROUND**

The provisions of the *Planning, Development and Infrastructure Act 2016* (PDI Act) relating to the implementation of Council Assessment Panels (CAPs) commenced on 1 August 2017, with 1 October 2017 being the date that CAPs will operate as a 'relevant authority'.

In many respects, the CAP will undertake the same roles and functions as the existing Development Assessment Panel (DAP), albeit over time, it is anticipated that the nature of applications considered by the CAP will alter, as the PDI Act will increase the role of private certifiers over the coming years.

## **ROLE OF THE REVIEW AND SELECTION COMMITTEE**

The purpose of the RSC is to source and recommend to Council the appointment of expert members to Committees. Therefore, the RSC will meet prior to the 22<sup>nd</sup> August General Council Meeting, where the RSC will recommend to Council how to progress with the appointment of independent members to the CAP.

## **DEVELOPMENT ASSESSMENT PANEL ANNUAL PERFORMANCE REVIEW**

In accordance with its Terms of Reference, the DAP recently undertook an Annual Performance Review (APR) for the 2016/17 financial year, which involved the answering of a number of survey questions relating to Panel structure and membership, meetings, leadership, relationships and reporting and roles and responsibilities.

All Panel members, in addition to past Elected Members who have recently served the DAP and a number of staff who have regular contact with the DAP were invited to respond to the survey. (Previous Manager – Development and Regulatory Services, was also invited to participate). The results of the survey are attached as Appendix 1 to this report.

A copy of the previous DAP Annual Performance Review, conducted in in 2011, can be found in Appendix 2.

## **APPOINTMENT OF INDEPENDENT MEMBERS TO THE CAP**

The current DAP has four Independent Members being Gavin Lloyd-Jones, Graham Goss, Nathan Sim and Charmaine Thredgold.

Gavin Lloyd-Jones and Graham Goss were appointed by Council in May 2015 for a term of two years. Council also resolved to appoint Gavin Lloyd-Jones to act as Presiding Member during his two-year term. In May 2017, Council resolved to defer the appointment of DAP membership until after 1 July due to the new legislative amendments, hence both independent members have continued on the DAP during this period. Nathan Sim and Charmaine Thredgold were appointed by Council in May 2016 for a term of two years.

The RSC are now required to make a recommendation to Council regarding the appointment of Independent Members to the CAP. The CAP must comprise a maximum of 5 (five) Members, only 1 (one) of which can be (but need not be) an Elected Member of Council.

The options to consider include:

1. Re-appoint current DAP Members to the CAP – commencing from the first meeting in October 2017. Administration has sought the position of the Members, all four of which have confirmed they are eager to serve on the new CAP. In seeking their position in continuing to serve as an Independent Member Administration clearly communicated that appointments to the CAP is a decision made by Council.
2. Seek expressions of interest from (appropriately qualified/experienced) members of the public to serve on the new CAP.

3. A combination of the two, whereby one or more current DAP Independent Members are appointed to the CAP and expressions of interest from appropriately qualified/experienced members of the public are sought for one or more positions on the new CAP.

If the RSC recommends an expression of interest process to the Council, the proposed timeline could be applied. This timeline has been developed in accordance section x5.4.3 of the RSC Terms of Reference.

<b>22 August 2017</b>	Council resolution
<b>30 August – 13 September 2017</b>	Advertisement for expressions of interest
<b>14 September 2017</b>	Applicants collated and provided to RSC
<b>19 September 2017</b>	RSC shortlist candidates for interview
<b>Week 25-29 September 2017</b>	RSC interview candidates
<b>10 October 2017</b>	RSC recommendation to General Council Meeting for appointment of members to CAP

### **APPOINTMENT OF PRESIDING MEMBER**

The PDI Act identifies that the Presiding Member (PM) of the CAP is appointed by the Council.

In the event the RSC recommends Council appoints all four (4) existing Independent Members of the DAP to the CAP, the RSC may wish to recommend Council appoint the current Presiding Member, Mr Gavin Lloyd-Jones to this role. Mr Lloyd-Jones has indicated his willingness to continue in this role. The current Deputy Presiding Member of the DAP, Mr Graham Goss has also expressed an interest in serving as the Presiding Member. As stated previously in this report, discussion with the current Independent Members regarding interest in continuing on the CAP has occurred with the understanding that the decision to appoint rests with Council.

The following recommendation could be added to the resolution of the RSC if they determined appropriate.

*That the RSC recommend to Council that XX be appointed as the Presiding Member for a term commencing from its first meeting in October 2017 and concluding 1 July 2018.*

Alternatively, if Council resolves to seek expressions of interest from members of the public to become Independent Members of the CAP, resolution of who is to be appointed the PM will be presented to a future Council meeting following the shortlisting, interviewing and selection of candidates by the RSC.

### **DEPUTY MEMBERS**

Council can choose to appoint up to five (5) deputy members to act in place of Panel Members when those members are unable to attend a meeting (i.e. illness, holiday etc.). Deputy members can be assigned to particular Panel Members, or can be called on to act in place of whichever Panel Member (including the Elected Member) is unavailable. An Elected Member can also be appointed as a deputy member to act in place of an Elected Member Panel Member. If required, this will occur within the Council meeting.

If the RSC consider appropriate that one (1) or more deputy members are appointed, expressions of interest from the public will be required.

## **TERM OF APPOINTMENT**

The PDI Act contains provisions requiring that all members of a CAP (except the Elected Member) be 'Accredited Professionals'. However, the accreditation scheme is yet to be finalised and is not likely to be introduced until mid-2018. Until this time, members of CAPs are not required to be accredited professionals. As such, it is recommended that members of the CAP (except the Elected Member) are appointed for a period until 1 July 2018.

## **APPOINTMENT OF COUNCILLOR**

Elected Members serving the DAP/CAP enhance their understanding of the town planning and development assessment process, which provides benefits in determining planning policy and other built form outcomes for the City. The inclusion of an Elected Member ensures the CAP has local representation.

The PDI Act identifies that an Elected Member need not be an 'Accredited Professional' if the Council is satisfied that the person is appropriately qualified to act on account of the person's experience in local government.

As such, it is recommended that an Elected Member of the CAP is one who has served at least one full term of Council or who is or has been a member of the DAP.

Council will need to determine if an Elected Member will form part of the membership of the CAP. If Council determines accordingly, nominations will be sought at the 22<sup>nd</sup> August 2017, General Council Meeting. If there is more nominations than vacancies, a ballot will be held in accordance with the resolution of Council at its meeting of 8 September 2015 (GC080915R05) which requires preferential voting.

## **CONCLUSION**

In accordance with the requirements of the Planning, Development and Infrastructure (PDI) Act, from 1 October 2017, Council Assessment Panels (CAPs) will replace Development Assessment Panels (DAP).

The Review and Selection Committee are asked to consider and recommend to Council how to progress with the appointment of Independent Members to the CAP.

**Appendix 1: DAP Annual Performance Review**

**Appendix 2: DAP Annual Performance review report 2011**

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 16 August 2017**

**Agenda Ref No:** DAP160817R3.1

**Originating Officer:** Rob Tokley  
Team Leader - Planning

**Report Purpose:** To report to the DAP regarding the Annual Performance Review

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As Members would be aware, the Development Assessment Panel undertook a survey that formed part of the Annual Performance Review.

As part of the survey, a number of questions related to Panel structure and membership, meetings, leadership, relationships and reporting and roles and responsibilities.

All panel members, in addition to past Elected Members who have recently served the DAP and a number of staff who have regular contact with the DAP were invited to respond to the survey. (Previous Manager – Development and Regulatory Services, Mr Steve Hooper was also invited to participate).

Included as Appendix I to this report is a table of the responses to the survey, including a summary of comments received and opportunities for review/improvement identified by administration following review of the responses and comments received.

Data regarding the number of applications considered by the DAP and resultant appeals for this past financial year is included as Appendix 2 to this report.

Policy observations of the DAP and administration's commentary is included as Appendix 3 to this report.

**DEVELOPMENT ASSESSMENT PANEL ANNUAL PERFORMANCE REVIEW SURVEY SUMMARY**

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree	Summary of Comments				
<b>1 Panel Structure Committee Structure and Membership</b>									
1.1 The structure of the Panel is appropriate to manage workload and obligations	2	20%	10	66.6%	2	13.3%	0	0%	Members have varying experience and capabilities.
1.2 The Panel's Terms of Reference clearly outline roles and responsibilities	3	31.2%	10	62.5%	1	6.2%	0	0%	The Terms of Reference will need to be amended to incorporate new Act provisions
1.3 The Panel's General Operating Procedures clearly outline member obligations and meeting process	2	20%	4	80%	0	0%	0	0%	The Panel's General Operating Procedures should always be open to review to refine and improve
1.4 Panel members have the right skills, experience and knowledge to undertake their role	2	15.3%	5	38.4%	6	46.1%	0	0%	The comments provided raised concerns that not all members of the Panel have the level of knowledge and experience to deal with complex applications
1.5 Panel members are provided with appropriate material and documentation when commencing	2	13.3%	12	80%	0	0%	1	6.6%	Opportunity for members to undertake training once appointed which outlines their roles and responsibilities and how to interpret the development plan when making decisions/assessment
1.6 Panel members are recruited based on required skills, experience and knowledge	1	7.1%	7	50%	5	35.7%	1	7.1%	The comments provided raised concerns that not all members of the Panel have the level of knowledge and experience to deal with complex applications
1.7 All Panel members understand their legal duties pursuant to the Development Act, 1993	3	18.7%	9	56.2%	4	25%	0	0%	Subject to updates and training

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree	Summary of Comments				
<b>1 Panel Structure Committee Structure and Membership</b>									
1.8 The remuneration of the Panel is appropriate based on role, responsibility, skills/experience, time commitment and retention	1	6.6%	11	73.3%	2	13.3%	1	6.6%	DAP members are adequately recompensed. Opportunity for remuneration to be based on level of experience and time spent on DAPs

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree	Summary of Comments				
<b>2 Panel Meetings</b>									
2.1 The Panel meetings are appropriately scheduled (i.e. frequency, timing, duration, etc.	2	12.5%	13	81.2%	0	0%	1	6.2%	Appropriate for Panel members and members of the public/applicants and for the volume of matters being considered
2.2 On-site meetings are beneficial in decision making	3	18.7%	13	81.2%	0	0%	0	0%	Members gain a greater appreciation of the site and are more aware of finely balanced matters (such as view loss, overlooking etc.)  Risk of members being influenced by emotional matters, rather than applicable planning policy.
2.3 The timing and conduct of on-site meetings is appropriate	1	6.6%	13	86.6%	1	6.6%	0	0%	Pre meeting inspections are useful.  Opportunity for meetings to be held at an earlier time/date, in order to allow Panel members to review the report after having conducted on-site meeting.
2.4 Panel members contribute to robust discussion regarding applications	2	13.3%	6	40%	5	33.3%	2	13.3%	Not all Panel members always contribute to discussion regarding applications, however, the Panel is always able to reach a majority view in an appropriate and efficient manner.  There can be limited constructive discussion regarding the planning merits of the matter.
2.5 Panel members equally contribute to analysis of applications and decisions	1	6.6%	7	46.6%	6	40%	1	6.6%	The comments provided raised concerns that not all members verbally contribute to Panel decisions.

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree		Summary of Comments
<b>2 Panel Meetings</b>									
2.6 Members of the public and applicants are well-informed of the reasons for Panel decisions	0	0%	10	62.5%	5	31.2%	1	6.2%	Concerns raised that the reasons for supporting a finely-balanced proposal or what can and cannot be considered in a planning decision is often not relayed to members of the gallery
2.7 Decisions of the Panel are balanced and consistent with the aims of the Development Plan	0	0%	12	75%	3	18.7%	1	6.2%	Concerns raised that decisions can be inconsistent between meetings and occasionally members rely on their personal view, rather than professional opinion
2.8 Decisions of the Panel are consistent between meetings	1	6.6%	5	33.3%	6	40%	3	20%	Concerns raised that decisions can be inconsistent between meetings and occasionally members rely on their personal view, rather than professional opinion
2.9 Making decisions in public leads to better decisions	2	12.5%	5	31.2%	6	37.5%	3	18.7%	The comments provided raised concern that the limited experience of some members and expression of personal views can hinder the public's understanding of the decision making process, whilst discussion of applications in public tends to prevent 'fleshing out' the issues.  However, comments also acknowledged that decisions in public can lead to members of the public being informed of the planning process and reasons for planning decisions. Further, decision making in public is transparent and democratic, and should continue.
2.10 The discussion within the Panel meetings are relevant and useful for decision making	3	21.4%	9	64.2%	1	7.1%	1	7.1%	The comments provided acknowledged the benefit of having different perspectives contributing to discussions to inform debate and decision-making.  However, comments provided raised concerns that occasionally members cite a personal view regarding an application that is not relevant to the key assessment considerations. Further, there remains opportunity for the Presiding Member to assist in facilitating relevant and robust discussion.
2.11 All Members contribute to decisions by voting on all applications	2	13.3%	8	53.3%	4	26.2%	1	6.6%	Comments provided raised concern that on occasions, members whose position is contrary to most members do not discuss the reasons for their position, which is to the detriment of democratic decision making and it is important that all contrary views are explained and justified for the benefit of all panel members and members of the public/applicants



Statement	Strongly Agree		Agree		Disagree		Strongly Disagree		Summary of Comments
<b>2 Panel Meetings</b>									
2.12 Administration does not influence the decisions of the Panel	2	12.5%	10	62.5%	4	25%	0	0%	Comments provided acknowledge that administration reports are intended to inform and assist Panel members to making a fair and reasoned decision.  Concerns were raised that reports are too long, and too much emphasis is placed on why/why not an application should be supported, however, that administration has always displayed a high degree of professionalism and provide advice in a balanced, unbiased way.
2.13 The Panel uses the right to exclude members of the public from parts of the meeting appropriately	1	6.67%	13	86.6%	1	6.67%	0	0%	Comments provided cite that reasons to exclude member of the public is subject to legislation
2.14 The Panel has a useful process to record policy observations	0	0%	13	86.6%	2	13.3%	0	0%	Comments received cite improved communication back to panel regarding policy observation is an area for improvement
2.15 Agendas and reports are distributed in a timely manner	3	18.7%	13	81.2%	0	0%	0	0%	Comments received cite preference and opportunity for DAP agendas to be sent electronically
2.16 The size of the agenda is manageable within the meeting	1	6.6%	12	80%	1	6.6%	1	6.6%	Comments received cite that reports can be too long, and that agendas should be capped so that members are not making decisions when fatigued.
2.17 Panel reports are well written and can be easily understood	3	18.7%	12	75%	1	6.2%	0	0%	Comments provided state that reports are of a consistently high level, however, there remains opportunity to reduce the length of reports.
2.18 Panel reports include a comprehensive and balance analysis	3	18.7%	12	75%	1	6.2%	0	0%	Concerns were raised that reports are too long, and too much emphasis is placed on why/why not an application should be supported, however, that administration has always displayed a high degree of professionalism and provide advice in a balanced, unbiased way.
2.19 The Panel receives comprehensive analysis that is used to support Panel decisions	1	7.1%	10	71.4%	3	21.4%	0	0%	Comments provided raised concern that on occasions reports prepared by staff appear to be ignored or not read in detail.

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree		Comments
<b>3 Leadership and Integrity</b>									
3.1 All Panel members express their professional view within the meeting	1	7.6%	7	53.8%	3	23.3%	2	15.3%	Concern raised that occasionally members rely on their personal view, rather than professional opinion
3.2 Panel discussion is appropriate and relative to the item being discussed	1	6.6%	8	53.3%	5	33.3%	1	6.6%	Concern raised that occasionally members rely on their personal view, rather than professional opinion
3.3 All Panel members appropriately disclose any conflicts of interests	2	13.3%	12	80%	1	6.6%	0	0%	Comments provided acknowledge that conflicts are the responsibility of individual members and that there can be confusion regarding what determines a conflict.
3.4 Panel members act in accordance with the City of Marion values being Respect, Integrity, Achievement and Innovation	3	20%	10	66.6%	2	13.3%	0	0%	Comments provided cite that members are generally respectful and are there to make decisions. However, that occasional inconsistency in decision making could suggest reduced integrity.
3.5 The Panel works effectively as a team	3	20%	7	46.6%	5	33.3%	0	0%	Comments provided cite there is a good level of cooperation between members, however, there can be a lack of robust discussion and to inform members of the public/applicants the reasons for decisions
3.6 The Presiding Member has an effective and constructive working relationship with Council and administration	2	12.5%	13	81.2%	1	6.2%	0	0%	Comments provided cite the Presiding Member has a healthy relationship with members and the level of cooperation is high, however, there is opportunity to chair the meeting with more rigour.
3.7 The Presiding Member builds healthy room dynamics	2	12.5%	13	81.2%	1	6.2%	0	0%	Comments provided cite the Presiding Member provides an environment that encourages an open exchange of views, however, more can be done to ensure all panel members contribute to discussion and that those with a contrary view to staff recommendation or panel consensus adequately clarify their view.
3.8 The Presiding Member keeps the meeting focused and does not get side-tracked	2	14.2%	11	78.5%	1	7.1%	0	0%	Comments provided cite the Presiding Member could provide stronger leadership in focusing assessment discussion on policy.

Statement	Strongly Agree		Agree		Disagree		Strongly Disagree		Comments
<b>3 Leadership and Integrity</b>									
3.9 The Presiding member seeks the views of all members prior to seeking a decision	3	20%	11	73.3%	1	6.6%	0	0%	Comments provided cite the Presiding Member could do more to ensure all panel members contribute to discussion and that those with a contrary view to staff recommendation or panel consensus adequately clarify their view.

Statement	Agree		Strongly Agree		Disagree		Strongly Disagree		Comments
<b>4 Relationships and Reporting</b>									
4.1 The Council actively seeks the views of the Panel on matters relating to its Terms of Reference	1	7.1%	7	50%	5	35.7%	1	7.1%	Comments received cite that Council could seek feedback from Panel Members regarding the Terms of Reference.
4.2 The Panel has a constructive relationship with the Council	1	7.6%	10	76.9%	2	15.3%	0	0%	Comments received cite that the relationship with Council has been constructive and appropriate, albeit it is at 'arms – length'.
4.3 The Panel has a constructive relationship with administration	2	13.3%	10	66.6%	3	20%	0	0%	Comments received cite the relationship between panel members and administration is cooperative, respectful and professional
4.4 The Panel has appropriate access to information and staff	4	25%	12	75	0	0%	0	0%	Comments received cite the requests of staff are responded to promptly and willingly.
4.5 Administration keep the Panel informed of relevant information between meetings	4	25%	11	68.7%	1	6.2%	0	0%	Comments received cite the provision of information is appropriate
4.6 The minutes, decisions and actions of the Panel are reported in a timely and accurate manner	5	31.2%	11	68.7%	0	0%	0	0%	Comments received cite opportunity for DAP agendas to be sent electronically, and that minutes are finalised within statutory time.

Statement	Agree		Strongly Agree		Disagree		Strongly Disagree		Comments
<b>4 Relationships and Reporting</b>									
4.7 Appropriate communication to the Panel is provided from Council regarding Panel policy observations	1	6.25%	12	75%	3	18.7%	0	0%	Comments received cite improved communication back to panel regarding policy observation is an area for improvement

Statement	Agree		Strongly Agree		Disagree		Strongly Disagree		Comments
<b>5 Roles and responsibilities</b>									
5.1 Administration understand their responsibilities	7	43.7%	9	59.2%	0	0%	0	0%	Comments received cite there is an excellent level of professionalism, but that administration could manage the politics better at times.
5.2 The Council has appropriate internal controls established to ensure the proper processing of development applications	2	13.3%	13	86.6%	0	0%	0	0%	A comment received cited there has not been any difficulties in this area evidenced.

**ADMINISTRATION COMMENTS - OPPORTUNITIES FOR REVIEW AND IMPROVEMENT**

<b>Question</b>	<b>Opportunity</b>
2.1	The DAP may wish to consider an earlier meeting time. However, it is appreciated a number of Panel members work full time and it may be difficult for them to attend much earlier. The introduction of the PDI Act will alter the number of applications the CAP will be considering, which will may influence both the frequency of CAP meetings and the time in which the CAP meeting can commence.
2.4	To ensure all Members are contributing to discussion – particularly when there are opposing views – it would be of value for the Presiding Member to seek the views of each Member prior to seeking a motion for a decision. (Such actions may not be required when an application is ‘straight forward’).
2.6	<p>There remains opportunity for the Panel to educate members of the public regarding their decisions – particularly when an application is controversial, but nonetheless warrants Planning Consent (such as telecommunication towers etc.). Providing members of the public context to the ‘balance’ in the decision making process enhances the general public’s understanding of why decisions are made.</p> <p>Opportunity for staff to increase the information available in the Development Assessment Panel brochure regarding ‘frequently asked questions’ and why matters such as fencing and property values cannot be considered in the planning merits of an application.</p> <p>See 2.4 above also.</p>
2.10	At times, comments and discussion can stray away from the matter at hand. It is in the interests of sound decision-making, and for the public trust of the Panel, to ensure that discussions are focussed on the primary planning issues and that members do not articulate personal views. Opportunity for the Presiding Member curb such discussion.
2.12	<p>Opportunity for staff to review the tone/language of reports, so that their position is not seen to ‘champion’ the cause of the applicant.</p> <p>Opportunity to review the length and format of reports – ensuring however, that a comprehensive analysis is nonetheless undertaken.</p> <p>The Planning and Design Code to be implemented under the PDI Act will significantly alter the way in which planning assessments are undertaken.</p>
2.15	Opportunity for all agendas to be provided to members electronically – saving staff time in preparation and printing costs. This is currently being investigated by administration.
2.17	See 2.12 and 2.15 above.
3.1	See 2.4 and 2.10 above.

<b>3.3</b>	Opportunity for education of Members regarding what is likely to be considered a perceived and direct conflict of interest, particularly, with changes to the Members Code of Conduct prepared by the Minister.
<b>3.5 and 3.7</b>	See 2.4 above.
<b>3.8</b>	<p>On occasions, members of the public raise matters that are not applicable in the planning assessment process. If they are not advised that this matter cannot be considered by the Panel, they may consider their views were ignored. To assist in increasing the general public's understanding of the decision making process, there remains opportunity for Panel members, in their discussions regarding the application's merit, to identify those matters and to explain why such cannot be taken into consideration in their decision.</p> <p>See 2.6 and 2.10 above also.</p>
<b>3.9</b>	See 2.4 above.
<b>4.1</b>	There remains opportunity for Council to seek feedback from the CAP regarding the Terms of Reference to ensure the terms (other than those legislated by the PDI Act) are relevant and best practice.
<b>4.6</b>	See 2.15 above.
<b>4.7</b>	<p>There remains opportunity for feedback to the Panel regarding policy observations (noting that this DAP Annual Performance Review contains commentary regarding policy observations of the DAP).</p> <p>Ensuring APR is undertaken annually will ensure more timely feedback to DAP regarding policy observations.</p>

## Appendix II

<b>DETERMINATION OF APPLICATIONS - FINANCIAL YEAR 16/17</b>		
<b>Determining body</b>	<b>Number of applications</b>	<b>Percentage</b>
Total lodged with Council	2433	100%
Administration (delegated decision)	2313	95.1%
Development Assessment Panel	120	4.9%

<b>DETERMINATION OF APPLICATIONS BY DAP - FINANCIAL YEAR 16/17</b>				
<b>Total Applications</b>	<b>Approved</b>	<b>Refused</b>	<b>Decisions contrary to staff recommendation</b>	<b>Appeal of DAP decision</b>
120	100 (83%)	20 (17%)	13 (11%)	13 (11%)

<b>APPEALS DATA - FINANCIAL YEAR 16/17</b>								
<b>Total Appeals</b>	<b>From DAP decisions</b>		<b>Resolution: Compromise approved</b>		<b>Resolution: Appeal</b>		<b>Yet to be resolved</b>	
15	13	87%	7	54%	1	8%	5	38%

<b>POLICY OBSERVATION DATA</b>		
<b>2015-2017 Financial Years</b>		
<b>Date</b>	<b>Policy Observation</b>	<b>Staff Commentary</b>
<b>15-Feb-17</b>	Policy Observation - The Panel encourage staff to report to the Urban Planning Committee regarding urban renewal and heat island effect and seek for a copy to be provided for the Panel's consideration.	Report to be presented to the 3 October Urban Planning Committee meeting (report has been delayed due to time-critical reports on the UPC agenda since February)
<b>21-Dec-16</b>	Policy Observations - For staff to consider whether site coverage provisions can relate to the more 'meaningful' footprint of the dwelling (i.e.: excluding 'alfresco' verandas and the like).	Definitions of site coverage are currently not identified in Schedule 1 of the Development Regulations and it is anticipated this will be addressed via the implementation of the Planning and Design code.
<b>2-Nov-16</b>	Policy Observation - The panel wishes to consider the West Australian density policy criteria when available.	To be considered at an upcoming meeting of the Urban Planning Committee (report has been delayed due to time-critical reports on the UPC agenda since February).
<b>20-Apr-16</b>	Policy Observation - The panel recommend that Council explore further wording regarding 'boundary-to-boundary development', having regard to crime prevention, resident amenity and streetscape outcomes.	The ability for dwellings to be constructed boundary-to-boundary is a prerequisite of row dwellings. It is anticipated that significant change to the assessment criteria of new dwellings will result with the introduction of the Planning and Design Code (PDC). It is considered appropriate to await the implementation of the PDC.
<b>3-Feb-16</b>	Policy Observation - The panel suggest that the council consider Development Plan policy that prevents or restricts hammerhead development on existing residential allotments, to maintain the attractiveness of the streetscape and minimise driveways onto existing allotments for more comprehensive, orderly development.	<p>Report presented to the Urban Planning Committee on 5 April 2016. The UPC recommended that "following Ministerial support for the Housing Diversity DPA, Council administration undertake detailed consideration of hammerhead development as part of the investigation process for that DPA."</p> <p>Investigations of hammerhead development have been undertaken as part of the Housing Diversity DPA. In order to improve the design quality of hammerhead developments in the Northern Policy Area 13, policy changes are proposed to (a) increase the width of hammerhead driveways (b) increase the amount of landscaping provided, including increased landscaping strip width (c) increasing site areas required for</p>



		group/residential flat building sites and (d) encouraging low/no front fencing between the front dwelling and hammerhead driveway.
<b>18-Nov-15</b>	Policy Observation - Consider increasing secondary street setback requirement for sites where dwelling 'orientation' is alerted - Consider improved design guidelines for increased landscaping on development sites - Consider increasing design requirements for dwellings on corner properties to incorporate design elements to present to both streets (acknowledged this is currently part of Council's DPA)	Improved secondary streetscape presentation was a focus of Council's proposed Residential (General) DPA. Part 1 of the DPA was gazetted in December 2015. DPTI have recently advised that Part 2 will not proceed.
<b>10-Oct-15</b>	Policy Observation - Consideration should be given to placing greater emphasis upon the retention of mature vegetation on development sites.	Staff consider the merits of mature vegetation on development sites on a case-by-case basis.
<b>1-Jul-15</b>	Policy Observations - The Panel recommend staff consider Development Plan Criteria to encourage the amalgamation of sites to achieve improved function and streetscape outcomes and efficiency in development	Providing incentives to encourage allotment amalgamation is being considered as part of the Housing Diversity DPA. The Urban Planning Committee have agreed to introduce different height limits for new buildings in the Suburban Activity Node Zone depending on the size of the site - thereby allowing more storeys on larger sites to encourage amalgamation.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
25 OCTOBER 2011**

**REPORT RELATING TO:  
A leader in the delivery of the Community Vision**

**Originating Officer:** Steve Hooper, Manager Development Services

**Director:** Adrian Skull, Director City Development

**Subject:** Development Assessment Panel – Terms of Reference/Annual Performance Review & Policy Observations.

**Reference No:** GC251011R03  
**File No:** 3.14.1.1

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**CORPORATE OBJECTIVES:**

*CW2.3 – Improve the built environment by enhancing character, amenity, safety and accessibility.*

**REPORT OBJECTIVE AND EXECUTIVE SUMMARY:**

The purpose of this report is to inform Council of the results of the City of Marion Development Assessment Panel (DAP) Annual Performance Review that has been undertaken in accordance with Clause 2.3 of the DAP Charter.

The report also brings to Council's attention the policy observations of the DAP that have become apparent or arisen through its assessment of development applications under the Development Act as required under Clause 2.2 of the DAP Charter.

Further, as members would be aware, and in accordance with legal advice, the DAP Charter has been divided into two distinct documents (Terms of Reference and General Operating Procedures) for adoption by the Council and DAP respectively. The Draft Terms of Reference is therefore referred to Council for adoption.

**RECOMMENDATIONS:**

**That Council:**

- 1. note the City of Marion Development Assessment Panel Annual Performance Review, dated August 2011 and note that the Panel is currently developing an 'Improvement Plan'.**
- 2. adopt the City of Marion Development Assessment Panel 'Terms of Reference';**
- 3. note the policy observations made by the City of Marion Development Assessment Panel at its meeting on 5 October 2011;**

4. request administration to commence investigations and discussions with DPLG with a view to commencing a 'General' Development Plan Amendment to formally amend the Development Plan having regard to policy observations of the DAP;
5. request the administration convene a forum with Elected Members to discuss any other policy observations from the perspective of Elected Members prior to any investigations being formalised into a Statement of Intent.

## DISCUSSION:

### Annual Performance Review

Clause 2.3 of the Development Assessment Panel Charter provides that one of the functions of the DAP is as follows:

*2.3 to cause an Annual Performance Review (APR) to be undertaken of the DAP, examining the composition of the DAP from a needs perspective, the contribution, behaviour and conduct of DAP Members, the function and procedures of the DAP and other relevant and like matters. The APR shall be reported to Council within one month of completion of the APR.*

The APR was conducted by 'insync surveys' and completed following a briefing to the Panel by Nick Barnett of 'insync surveys' on 21 September 2011. The findings of the APR will be available on the Elected Members Extranet or upon request.

The survey concluded that:

*"Based on the responses to the Development Assessment Panel Effectiveness Survey, the Panel appears to be very effective in all areas viewed as important by Panel members. The Panel was also assessed as being effective in each of the framework areas important to the Panel's effectiveness, including:*

- *Purpose and Structure;*
- *Composition and Resourcing;*
- *Leadership, Teamwork and Dynamics;*
- *Agenda Meeting and Minutes;*
- *Reports to and from the Panel;*
- *Panel Tasks."*

Responses to most questions were very similar between respondents, suggesting a high level of consistency in viewpoints shared by the Panel Members. The overview provided by 'insync surveys' commented that:

*"Panel Members appear to be of one mind on most issues and have far more comments in relation to the strengths of the Panel than suggestions for improvement."*

There were areas where Panel Members identified opportunities for improvement and some areas where there were comparatively divergent viewpoints offered by respondents. The key area for improvement related to the induction for new Panel Members.

The Development Assessment Panel is in the process of developing an 'Improvement Plan'. The key focus of the 'Improvement Plan' is in enhancing the induction process for new members of the Development Assessment Panel by sourcing 'best practice' induction

practices adopted elsewhere within Local Government for new members of Development Assessment Panels.

An Improvement Plan is expected to be completed for the Panel's adoption within the next 1-2 months.

### **Terms of Reference**

In June 2011, Council received legal advice with respect to the content of Council's current Development Assessment Panel Charter. This advice observed that the DAP Charter is a combination of matters that are properly determined by the Council in relation to the Charter, and others for the DAP in relation to Operating Procedures. It recommended that the DAP Charter be reviewed and amended in its entirety in terms of the functions and powers that are to be exercised by the Council separate from those exercised by the DAP. On this basis the resulting suite of DAP documentation will ultimately comprise:

- a) a Charter or Terms of Reference adopted by the Council;
- b) delegations to the support the Charter/Terms of Reference as resolved by the Council;
- c) general operating procedures as developed and adopted by the DAP.

The DAP Charter has been reviewed and converted into two distinct documents, namely the DAP operating procedures and the DAP Terms of Reference.

The General Operating Procedures were adopted by the Development Assessment Panel at its meeting on 3 August 2011.

The draft DAP Terms of Reference were forwarded to Elected Members for comment in September 2011 and is now provided to Council for adoption. The Terms of Reference are attached at **Appendix 1**

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### **Policy Observations**

Clause 2.2 of the Development Assessment Panel Charter provides that one of the functions of the DAP is as follows:

*2.2 to provide advice and reports to the Council as it thinks fit on the trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of development applications under the Act.*

The Development Assessment Panel considered and adopted a series of policy observations at its meeting on 5 October 2011. A summary of these policy observations is provided at **Appendix 2**.

It is recommended that policy observations of the DAP be discussed in detail with Elected Members at a future forum concentrating on potential issues and/or particular changes to the City of Marion Development Plan. Elected Members might also give consideration to their own observations in relation to the effectiveness of the City of Marion Development Plan with respect to the built form trends within the City.

In due course, it is anticipated that Council might wish to commence a 'General' Development Plan Amendment to modify the Development Plan to address any areas where the current Development Plan is considered deficient in policy detail as well as correct any unintended errors, omissions or failings with respect to the Plan.

As the State Government is in the throes of structure planning for the growth corridors associated with the 30 Year Plan for Greater Adelaide, however, it is possible that the State Government will not support a Development Plan Amendment at this point in time that does not directly relate to the implementation of the 30 Year Plan. Accordingly, it is recommended that Council instruct the administration to commence investigations and discussions with DPLG with respect to the potential feasibility of commencing a 'General' Development Plan Amendment prior to the forum being convened.

## **INTERNAL ANALYSIS:**

### **Legal/Legislative and Risk Management:**

The Draft Terms of Reference has been reviewed by Council's Solicitors and modified so as to be consistent with Section 56A of the Development Act, 1993.

### **Financial Implications:**

The Annual Performance Review was undertaken within existing budgets.

## **EXTERNAL ANALYSIS:**

### **Consultation:**

A 'General' Development Plan Amendment would proceed through the standard Development Act, 1993 consultation process including two months agency and public consultation.

## **CONCLUSION:**

The City of Marion Development Assessment Panel has completed its Annual Performance Review and is now developing an 'Improvement Plan' focusing on areas identified for possible improvement, most particularly, an improvement to the induction of new members of the Development Assessment Panel.

The City of Marion Development Assessment Panel Charter has been divided into two documents namely Operating Procedures which have been adopted by the Development Assessment Panel and a Terms of Reference for adoption by the Council. The contents within each document have not been altered materially from that within the current DAP Charter. Members received the Terms of Reference in September for comment and are now asked to formally adopt the Terms of Reference as attached.

One of the functions of the DAP is to provide advice on policy trends and issues. The Panel adopted a series of 'policy observations' at its meeting on 5 October 2011 which forms the basis of a possible 'General' Development Plan Amendment. As there are likely to be many other issues for Elected Members with the Development Plan it is recommended the policy observations be the subject of an Elected Member Workshop/Forum before the formal commencement of a 'General' Development Plan Amendment.

Appendix One: Draft DAP Terms of Reference

Appendix Two: Summary of Policy Observations of the DAP – 5 Oct 2011