

**CITY OF MARION
REVIEW AND SELECTION COMMITTEE
19 SEPTEMBER 2017**

CONFIDENTIAL REPORT

Originating Officer: Rob Tokley, Team Leader - Planning

Manager: Jason Cattonar, Manager – Development and Regulatory Services

General Manager: Fiona Harvey Acting General Manager City Development

Subject: Selection of candidates for interview/appointment for Council Assessment Panel

Reference No: RSC190917R8.1

If the Council so determines, this matter may be considered in confidence under Section 90(2) and 90(3)(a) of the *Local Government Act 1999* on the grounds that the report contains information relating to the candidates for interview/appointment for the Council Assessment Panel.



**Abby Dickson
Acting Chief Executive Officer**

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Abby Dickson, Steph Roberts, Robert Tokley and Fiona Harvey any other person remaining in room, be excluded from the meeting as the Committee receives and considers information relating to the selection of candidates for interview/appointment for Council Assessment Panel, upon the basis that the Committee 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 the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

EXECUTIVE SUMMARY

At the Review and Selection Committee (RSC) meeting held on 22 August 2017, it was resolved to recommend to Council that expressions of interest are sought from suitably qualified and experienced members of the public to be appointed to the four vacant Independent Member positions and one Deputy Member position of the (to be established) Council Assessment Panel.

At the General Council Meeting held 22 August 2017, Council resolved the following;

- To establish a Council Assessment Panel (CAP), in accordance with the Planning, Development and Infrastructure Act 2016 (PDI Act);
- To seek expressions of interest from suitably qualified and experienced members of the public to be appointed to the four vacant Independent Member positions and one Deputy Member position; and;
- To appoint Councillor Byram as the Elected Member to the CAP, with Cr Hutchinson the Deputy Member for Cr Byram.

Pursuant to section 5.4 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 identifies the process the Review and Selection Committee (RSC) can undertake in recommending to Council the appointment of the Presiding Member, three Independent Members and Deputy Member of the CAP. Following the resolution of the recommendations, a report will be drafted for the General Council Meeting of 10 October 2017.

RECOMMENDATIONS

DUE DATES

That the Review and Selection Committee:

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|---|--------------------------|
| 1. Resolve to interview XXX, XXX, XXX, XXX and XXX for positions to the CAP; OR | 19 September 2017 |
| 2. Recommend to Council the appointment of XXX as Presiding Member of the CAP, XXX, XXX and XXX as Independent Members of the CAP and XXX as a Deputy Member to the CAP, all for a term commencing from its first meeting in October 2017 and concluding 1 July 2019. | 19 September 2017 |
| 3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, <i>Selection of candidates for interview/appointment for Council Assessment Panel</i> and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, 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. | Dec 2017 |

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 need to consider whether it wishes to interview one or more persons for the CAP positions, and/or whether to recommend to Council the appointment of members without interview.

In the event the RSC resolves to undertake interviews, times for interview during the week commencing 25 September 2017 will need to be considered. Administration will arrange times with candidates.

Following the conclusion of interviews, a special meeting of the RSC (possibly at the conclusion of the final interview) will need to be convened to enable the RSC to formally resolve recommendations to Council. This will be followed by a report from administration to the 10 October 2017 General Council Meeting seeking appointment of the recommended applicants.

APPOINTMENT OF INDEPENDENT MEMBERS TO THE CAP

Expressions of interest were advertised via employment website seek.com.au and via the Coast City Messenger newspaper. A total of 22 applications were received.

Council received a high calibre of applicants for the positions of the CAP.

Of particular note, Mr Terry Mosel (previous Commissioner of the ERD Court), Mr Don Donaldson (planning professional with over 40 years' experience (20 of which with the City of Marion)), [REDACTED] (architect, urban planner) and [REDACTED] (architect, urban planner) have applied to serve the City of Marion CAP.

Three of the current four DAP Independent Members, Mr Gavin Lloyd-Jones, [REDACTED] and Mr Nathan Sim also applied, in addition to a number of candidates with over 10 years' experience in urban planning and related fields.

Members are advised the PDI Act does not require a minimum composition of males and females, and therefore the gender of recommended persons need not be a determining factor.

The RSC is required to determine whether it wishes to recommend to Council the appointment of the Presiding Member and/or Independent Member/s and/or Deputy Member to the CAP without interview, or whether to interview persons for appointment for these position/s.

The options to consider include:

1. Recommend to Council the appointment of a Presiding Member, three Independent Members and one Deputy Member to the CAP without interview; or
2. To interview no less than five persons for the appointment of a Presiding Member, three Independent Members and a Deputy Member of the CAP; or

3. A combination of the two, whereby one or more persons are recommended to Council for appointment as a Presiding Member and/or Independent Member/s and/or Deputy Member of the CAP, and interview one or more persons for the remaining position/s of the CAP.

APPOINTMENT OF PRESIDING MEMBER

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

The RSC may wish to either seek expressions of interest from applicants as to their willingness to act as PM if appointed to the CAP, or alternatively, ask persons during interview.

Applicants [REDACTED] and [REDACTED] have both previously indicated a willingness to act as PM of the CAP if appointed.

The position of other applicants as to their desire to act as PM has not been sought by administration at this time. Administration can contact applicants on behalf of the RSC to seek clarity on any matters prior to interview, if desired.

DEPUTY MEMBERS

At its meeting of 22 August 2017, the RSC resolved to seek expressions of interest for one Deputy Member. A Deputy Member can act in place of Panel Members when those members are unable to attend a meeting (i.e. illness, holiday etc.). In considering and/or interviewing applicants, the RSC will need to consider, and recommend to Council, the appointment of a Deputy Member.

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 (DAPs).

Expressions of interest were sought over a two week period, with a high calibre of applicants from the planning and development industry submitting applications.

The Review and Selection Committee may wish to;

1. Recommend to Council the appointment of a Presiding Member, three Independent Members and one Deputy Member to the CAP without interview; or
2. To interview no less than five persons for the appointment of a Presiding Member, three Independent Members and a Deputy Member of the CAP; or
3. A combination of the two, whereby one or more persons are recommended to Council for appointment as a Presiding Member and/or Independent Member/s and/or Deputy Member of the CAP, and interview one or more persons for the remaining position/s of the CAP.

In the event the RSC choose to interview one or more persons, a special meeting of the RSC will need to be convened (possibly at the conclusion of the final interview) to formally resolve the recommended appointments to the CAP.

Following this, a report will be prepared by administration to the general Council Meeting to be held on 10 October 2017.

Appendix 1: Council Assessment Panel applicants list