

5 Reports for Discussion

5.1 Council Assessment Panel Member Review

Report Reference	RSC220201R5.1
Originating Officer	Team Leader - Planning – Alex Wright
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

The purpose of this report is to seek feedback from the Review & Selection Committee (RSC) on the proposed recruitment process for the Council Assessment Panel (CAP), given three positions expire in June 2022.

EXECUTIVE SUMMARY

Pursuant to Clause 5.4.1 of the Review and Selection Committee's Terms of Reference, the Committee and the Chief Executive Officer act as the selection panel for all independent expert Members to the CAP.

This report outlines the proposed recruitment process to the RSC pursuant to Clause 5.4.1 of the Terms of Reference and to advise the RSC that this recruitment process is to commence shortly, as the terms of the *Presiding Member*, *Independent Member*, and *deputy Independent Member* expire on 30 June 2022.

In appointing new members, the RSC should consider the following in assessing candidates which is outlined in greater detail in the report:

- Accreditation of panel members;
- Willingness to achieve accreditation requirements without utilising Council resources;
- Ability to preside over applications under the new PDI Act and Planning and Design Code;
- Their role as an independent relevant authority under the new Act; and
- Roles and responsibilities of the CAP under the new Code.

Options for consideration include:

- reappoint for a one or two year term
- recruit for a one or two year term.

The RSC may also wish to consider recommending to Council to review the remuneration of the CAP given this has not increased since at least 2015. Independent Panel members are now required to hold and maintain Planning accreditation, whilst the general types of PDI applications considered by the Panel are considered to be more complex.

RECOMMENDATION

That the Review and Selection Committee:

Delete any recommendations not required

Delete position not to be reappointed

1. Endorses the reappointment of the Independent Council Assessment Member and Deputy Independent Council Assessment Member for a 12-month term to expire on the 1 July 2021 OR a further 24-month term to expire on 1 July 2024.
 - Independent Member – Michael Davis
 - Deputy Independent Member – Benjamin Russ
2. Requests Administration commence the recruitment process for the position of Presiding Member for a (12 OR 24 month) term to expire on (1 July 2023 OR 1 July 2024).

OR

Delete position not to be readvertised

1. Requests that Administration commence the recruitment process for the following independent positions for a (12 OR 24 month) term to expire on (1 July 2023 OR 1 July 2024).
 - Presiding Member
 - Independent Member
 - Deputy Independent Member
2. Notes that following the closure of the advertising period seeking expressions of interest, the Elected Members of the Review and Selection Committee together with the Chief Executive Officer or delegate, shortlist candidates, and then interview candidates and make recommendations to Council on preferred candidates, for both the Presiding Member and general positions.
3. Please note the Council member will be addressed via a separate report.

AND

4. Recommends to Council that the remuneration provided to Independent Members be increased by;

Delete non-applicable option

- Option 1: \$50 per meeting – Presiding Member \$550, Independent Member \$450.
- Option 2: \$100 per meeting – Presiding Member \$600, Independent Member \$500.
- Option 3: \$150 per meeting – Presiding Member \$650, Independent Member \$550.
- Option 4: \$200 per meeting – Presiding Member \$700, Independent Member \$600.

5. Recommends to Council that the remuneration provided to Elected Member be increased by;

Delete non-applicable option

- Option 1: \$50 per meeting – Elected Member \$250
- Option 2: \$100 per meeting – Elected Member \$300
- Option 3: \$150 per meeting – Elected Member \$350
- Option 4: \$200 per meeting – Elected Member \$400

BACKGROUND

Clause 5.4.1 of the Terms of Reference for the Review and Selection Committee (RSC) provides that this Committee and the Chief Executive Officer will act as the selection panel for all expert Members to the Council Assessment Panel (CAP).

Clause 5.4.3 outlines the process to be followed by the Committee, which is as follows:

- *Identification of potential candidates via general advertisement*
- *Shortlist candidates for interviews/discussion*
- *Interviews with candidates to determine suitability for selection*
- *Determine a preferred candidate and confirm their preparedness to be nominated for appointment*
- *Make recommendation to Council on preferred candidates.*

Following the recommendation from the RSC, Council are the official appointing body of the CAP Members.

At previous meetings, Council resolved to appoint the following Independent Members to the Council Assessment Panel for the following length of time:

- Mr Terry Mosel (Presiding Member) until 30 June 2022
- Mr Michael Davis until 30 June 2022;
- Ms Yvonne Svenson until 30 June 2023;
- Mr Bryn Adams until 30 June 2023; and
- Mr Benjamin Russ (Deputy Member) until 30 June 2022.

The current term for the Presiding Member, Mr Terry Mosel, Independent Member, Mr Michael Davis and the Deputy Member, Mr Benjamin Russ, are due to expire on 30 June 2022.

Accordingly, Council must either commence the recruitment process outlined in Clause 5.4.3 by placing an advertisement in the Adelaide Advertiser and relevant online website seeking expressions of interest for Independent Members for the CAP, and/or reappoint some or all of the expiring Members to the Panel.

The current Presiding Member, Mr Mosel, has advised administration he intends to retire and does not wish to be considered for the role once his term expires. As such, the Presiding Member role will need to be advertised and filled either by an external candidate or from an existing Independent Member.

If the recruitment process outlined in Clause 5.4.3 is pursued, the RSC may need to meet outside of its schedule of meetings to progress the recruitment process in a timely manner, as the process includes interviews with candidates.

DISCUSSION

The Review and Selection Committee (RSC) is required to make a recommendation to Council regarding the appointment of Independent Members to the CAP. The CAP shall comprise a maximum of 5 (five) Members, only 1 (one) of which can be (but need not be) an Elected Member of Council.

Councillor Raelene Telfer is the current Elected Member appointed to the CAP, with Councillor Kendra Clancy as the Deputy Elected Member. These appointments expire on 30 June 2022. These appointments were made by Council, therefore the Review and Selection Committee need only consider the appointment of the Presiding Member, single Independent Member position as well as the deputy Member position.

The role of the Presiding Member is critical and requires a high degree of planning knowledge, in addition to an understanding of the Panel operating procedures and terms of reference and the ability to ensure CAP meetings are conducted in an appropriate manner. It is highly recommended the Presiding Member has current and/or recent experience on a Panel and in the planning industry.

The role of the Deputy Member is to act in place of Panel Members in the event they are unable to attend a meeting (i.e. illness, holiday etc.). Council can choose to appoint up to five (5) Deputy Members.

The term of office for each CAP Member is determined by Council but in any event shall not exceed 2 years, in accordance with the Council Assessment Panel Terms of Reference (adopted 22 August 2017). It should be noted that the option exists for Council to appoint Members to a lesser term. An Independent Member is entitled to be re-appointed as a CAP Member for multiple successive terms by Council resolution. A Council Representative is entitled to be re-appointed as a CAP Member for a second successive term by a resolution of the Council.

Additional Roles and Responsibilities of the CAP

Where an Assessment Manager has acted as the relevant authority (i.e. made a decision), the applicant may apply to the assessment panel to review a decision. For example, should the Assessment Manager issue a refusal, the applicant can apply to the Panel to review the decision in lieu of appealing to the ERD Court.

In this respect, the Panel is tasked with reviewing the original decision and will ultimately be required to either affirm, vary or set aside the original (and substitute its own) decision.

Given the Panel is empowered to review and potentially overturn a decision of the Assessment Manager, it is critical Members who are appointed have a considerable and knowledgeable understanding of not only the Planning & Design Code, but are comfortable in undertaking a potential review process.

As of this report, the Panel has not been required to review a decision.

Changes experienced by the CAP as a result of the PDI Act

The number of applications considered by the Panel will decrease over time, however it is anticipated the majority of applications still considered by the Panel will be more complex in nature (i.e. non-residential, commercial, large-scale proposals etc) and generally be 'all code assessed'. This means the panel will require detailed knowledge of the Planning and Design Code as they will be responsible for identifying the applicable assessment criteria.

Financial Implications

Meetings are scheduled to occur in the first week of every month (except the first week of January), with a second meeting to occur on the third week of the month, on an as need basis.

Remuneration for Independent Members is included in the budget each year. Currently, the Presiding Member receives a fee of \$500 per meeting, whilst the Independent Member receives a fee of \$400 per meeting. The Council appointed Elected Member receives a fee of \$200 per meeting.

Given the requirement to hold accreditation and maintain annual professional development, staff have undertaken a review the remuneration of the Independent Members and benchmarked with other Council's.

A CAP member fee comparison prepared by the LGA (Attachment 1) indicates Marion provides some of the lowest remuneration in the metropolitan region. Additionally, a review of Council's records indicates the current remuneration amount was endorsed by Council at the General Council

meeting of 22 August 2017 (GC220817). It is noted the remuneration amount was not increased at this meeting, with the Council simply noting a review had last occurred in 2015.

To ensure the Council maintains and/or attracts the best possible candidates it is recommended that the level of remuneration for the Independent Members be increased. Additionally, given the types and complexity of applications likely to be considered by the Panel, it is recommended that the level of remuneration for the Elected Member also be increased.

Given many CAP Members in South Australia sit on multiple CAPs, it is not recommended however that Council pay accreditation fees or directly contribute to professional development (aside from bi-annual training provided).

Conclusion

In summary, Members are required to demonstrate a high knowledge of the operation and requirements of the PDI Act and the Planning and Design Code, in addition to the Development Act 1993 and the City of Marion Development Plan.

Recommended approach

A staggered approach to appointments has been sought to prevent instances where all Members may be replaced at the same time. This is to provide continuity and maintain 'Marion knowledge' during any transition.

Note, if Members are appointed for 12-months then all four Independent Member positions will expire 30 June 2023. It is recommended a term of 24-months be offered.

Option 1:

Seek expressions of interest from (appropriately qualified/experienced) Members of the public for the Presiding Member position.

Re-appoint the independent and deputy Member to the CAP (provided Members are willing to be re-appointed and maintain accreditation) for a term of 24-months, expiring 30 June 2023. If this option is selected, the existing Members that wish to be reappointed will need to demonstrate they hold the applicable qualifications or are in the process of receiving qualification.

Option 2:

Seek expressions of interest from (appropriately qualified/experienced) Members of the public for the Presiding Member position and independent positions for either a 12-month or 2-year term to be determined by Council.

Option 3:

A combination of the two options above, whereby one current position is appointed to the CAP and expressions of interest sought are from appropriately qualified/ experienced Members of the public to serve on the CAP, for a term to be determined by Council.

It is noted that if an existing independent Member of the CAP applies, and is successful in securing the Presiding Member role, their position will need to be filled.

It is recommended the current Deputy Independent Member be reappointed.

If the Committee wishes to discuss any personal information relating to any of the existing CAP Members, it is recommended that the Committee resolve to move into confidence with the following resolution:

'That pursuant to Section 90(2) and 90(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: Tony Harrison, Ilia Houridis, Kate McKenzie, Warwick Deller-Coombs and Alex Wright 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 the 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 personal affairs of Council Assessment Panel Members.'

Proposed Timeline (for options that require public advertising of CAP positions)

Determine process and timeline	Early February
Advertisement for CAP Members Opens	Mid-February
Advertisement for CAP Members Close	Late-February
Compile a list of applicants and report to a Special Review and Selection Committee Meeting with applications	Late February
RSC to shortlist applicants	Early March
Interview with applicants	Mid-March
Special RSC Meeting	Late-March
Finalise report to RSC for recommendation to Council	Early April
Council resolution to appoint recommended Members	May

Noting that if the RSC reappointed the current Members and current deputy Member, the matter would be brought to the next available Council meeting for resolution.

ATTACHMENTS

1. LGA CAP member fee comparison 22 Sep 2021 [5.1.1 - 1 page]



Council Assessment Panel Member Fee comparison as at September 2021

Council	Presiding Member	Independent Members	Elected Member	Notes
Adelaide City	\$650	\$550	\$550	-
Adelaide Hills	\$500	\$380	\$190	Training \$75/hour
Adelaide Plains	\$450	\$400	\$0	-
Barossa	\$500	\$300	\$300	Training costs paid but not time
Burnside	\$625	\$425	\$250	Workshops \$200
Charles Sturt	\$500	\$350	\$350	Training provided but not paid
Fleurieu (Alexandrina & Yankalilla)	\$550	\$400	\$400	Travel reimbursed at 72c/km and training provided
Gawler	\$425	\$325	\$0	-
Holdfast	\$568	\$437	\$437	No training fees
Light	\$550	\$400	\$400	Annual training provided (no fee)
<i>Marion</i>	<i>\$500</i>	<i>\$400</i>	<i>\$200</i>	<i>Bi-annual training provided (no fee)</i>
Mitcham	\$540	\$420	\$325	Training provided but not funded
Mount Barker	\$498	\$419	\$419	Training time paid
NPSP	\$550	\$450	\$450	
Onkaparinga	\$650	\$450	\$400	\$75/hour training attendance (if separate to meeting)
Playford	\$563	\$450	\$0	-
Port Adelaide Enfield	\$690	\$580	\$580	-
Prospect	\$550	\$475	\$0	-
Salisbury	\$500	\$400	\$320	\$300 each per annum for CPD
Tea Tree Gully	\$550	\$450	\$250	-
Unley	\$530	\$430	\$400	-
AVERAGES (not incl. CWT)	\$545	\$423	\$296	-
West Torrens	\$991*	\$540.50*	\$540.50*	*Based on annual allowances of \$11,892 (PM) & \$6486 (IMs & EM) and 12 meetings/year. Deputy IM \$540.50/meeting. No additional training fee.