



11.3 Review and Selection Committee - Appointment of Independent Council Assessment Panel (CAP) Members

Report Reference	GC220222F11.6
Originating Officer	Team Leader - Planning – Alex Wright
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	Acting General Manager City Development - Tony Lines

CONFIDENTIAL MOTION

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager of the Office of the CEO, Manager Development and Regulatory Services, Team Leader Planning, Unit Manager Governance and Council Support, Executive Officer to the CEO be excluded from the meeting as the Council receives and considers information relating to the Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members, 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.

REPORT OBJECTIVE

For Council to endorse a new Presiding Member and new independent Member of the Marion Council Assessment Panel (CAP) for a period of two years, and to undertake a recruitment process for the deputy Independent Member position of the Panel, as recommended by the Review and Selection Committee.

EXECUTIVE SUMMARY

At the Review and Selection Committee (RSC) held 1 February 2022, it was resolved to recommend to the Council the appointment of existing Independent Member Michael Davis to the role of Presiding Member and existing deputy Independent Member Benjamin Russ to fulltime Independent Member for a term commencing 1 July 2022 and concluding 30 June 2024.

The existing terms expire at the end of June this year and the current Presiding Member, Mr Terry Mosel indicated a willingness to retire. Mr Davis and Mr Russ have indicated to the Assessment Manager a desire to continue their commitment to the Marion CAP and to take on the new positions as described above.

The RSC further resolved to undertake a formal recruitment process for the deputy Independent Member role as well as recommending to Council that the financial remuneration for all Panel Members (both Independent and Council) be increased by \$50 per meeting.

RECOMMENDATION

That Council:

- 1. Endorses the appointment of Mr Michael Davis as Presiding Member of the Council Assessment Panel for a 24-month term, to commence on 1 July 2022 and expire 30 June 2024.**

2. **Endorses the appointment of Mr Benjamin Russ as an Independent Member of the Council Assessment Panel for a 24-month term, to commence on 1 July 2022 and expire 30 June 2024.**
3. **Endorses a \$50 per meeting increase in the remuneration provided to all members of the Panel, the new total per meeting being;**
 - **Presiding Member \$550**
 - **Independent Member \$450**
 - **Elected Member \$250**
4. **Resolves that a recruitment process be undertaken to identify a preferred candidate for the Deputy Independent Member position.**
5. **Formally thanks Mr Terry Mosel for his substantial contribution to the Marion Council Assessment Panel.**
6. **Notes a report recommending the preferred candidate for the Deputy Independent Member will be presented to Council at a subsequent meeting.**
7. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and 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 until after candidates have been advised. This confidentiality order will be reviewed at the General Council Meeting in December 2022.**

DISCUSSION

Council Assessment Panels (CAPs) operate as a 'relevant authority' pursuant to the Planning, Development and Infrastructure Act 2016 (PDI Act).

Whilst the number of PDI Act applications considered by the CAP has decreased compared to Development Act applications, it is noted the majority of applications still considered by the Panel are complex in nature (i.e. non-residential, commercial, large-scale proposals etc) and are generally 'all code assessed'. This means the panel requires detailed knowledge of the Planning and Design Code as they will be responsible for identifying the applicable assessment criteria.

In addition to making decisions on applications, the CAP has the ability to undertake a review of the Council Assessment Manager. 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 CAP 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.

Role of the Review and Selection Committee

One of the roles of the RSC is to source and recommend to Council the appointment of expert members to Committees.

Appointment of Presiding Member and Independent Member

The terms of Terry Mosel (Presiding Member), Michael Davis (Independent Member) and Benjamin Russ (deputy Independent Member) expire 30 June 2022.

The current Presiding Member, Mr Terry Mosel, has advised Administration he will not seek reappointment.

At the RSC held on 1 February 2022, the committee resolved to recommend to the Council the appointment of existing Independent Member Michael Davis to the role of Presiding Member and existing deputy Independent Member Benjamin Russ to fulltime independent Member for a term commencing 1 July 2022 and concluding 30 June 2024.

Mr Michael Davis, a current member of the CAP and Mr Benjamin Russ the deputy independent member of the CAP both hold the relevant Planning – Level 2 Accreditation which is required to sit on a CAP.

Both members have detailed knowledge of the Council area, the roles, responsibilities and requirements of the Panel (including delegations) and have demonstrated the ability to operate in accordance with the Accredited Professionals Scheme Code of Conduct.

The Review and Selection Committee recommended to Council the following persons be appointed to the Council Assessment Panel for a term commencing from its first meeting in July 2022 concluding 30 June 2024:

- Presiding Member, Mr Michael Davis
- Independent Member, Mr Benjamin Russ

The Council may also wish to resolve to thank the current Presiding Member, Mr Terry Mosel for his substantial contribution to the Panel.

Panel Remuneration

The RSC further resolved to recommend to Council that the financial remuneration for all Panel Members (Independent and Council) be increased by \$50 per meeting.

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 Councils (**Attachment 1**).

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 currently provided).

Deputy Independent Member

The RSC resolved to undertake a formal recruitment process for the deputy Independent Member role. A report outlining the Review and Selection Committee's recommendation for this role will be presented at a future Council meeting.

ATTACHMENTS

1. LGA CAP member fee comparison 22 Sep 2021 [**11.3.1** - 1 page]

CAP member fee comparison 22 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)
Marion	\$500	\$400	\$200	Bi-annual training provided but not funded.
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	
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.