

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 April 2015
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.1

Originating Officer: Marc Salver, Director Strategy & Development

Responsible Director: Marc Salver, Director Strategy & Development

Subject: Appointment of Independent Members and Council Members to the Council's Development Assessment Panel (CDAP)

1. Appointment of Independent Members and Council Members to the Council's Development Assessment Panel (CDAP) - Exclusion of the Public

Pursuant to Section 90(2) and 90(3)(a) of the *Local Government Act, 1999* and the provisions of the *Local Government (Access to Meeting and Documents) Amendment Act 2002*, an order be made all members of the public, except:

- CEO - Andrew Aitken
- Director Engineering & Assets – Deb Richardson
- Director Strategy & Development – Marc Salver
- Director Corporate Services – Terry Crackett
- Director Community & Customer Service – David Waters
- Manager Governance & Risk – Lachlan Miller
- Minute Secretry – Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1, Appointment of Independent Members and Council Members to the Council's Development Assessment Panel (CDAP).

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 the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because it would disclose the personal details of candidates who have expressed an interest to be on the CDAP.

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 consideration of the item in a public forum would unreasonably disclose the personal details of candidates who have expressed an interest to be on the CDAP.

2. Appointment of Independent Members and Council Members to the Council's Development Assessment Panel (CDAP) – Confidential

SUMMARY

As the term of the current members of Council's Development Assessment Panel expires on 31 May 2015, Council approval is sought to appoint/re-appoint Independent Members and Elected Members to the Panel.

RECOMMENDATION

That Council appoints/re-appoints the following:

1. Independent Members to the Council's Development Assessment Panel:

- a) Iris Iwanicki
- b) Graeme Hopkins
- c) Kathryn Bellette
- d) Alistair McHenry

2. Elected Members to the Council's Development Assessment Panel:

- 1. Councillor
- 2. Councillor
- 3. Councillor

for a two year period, expiring on 1 June 2017.

3. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

- | | |
|---------------|---|
| Goal 2 | Sustainable Natural and Built Environs |
| 2.4 | Landscape Character and Activity Centres |
| 2.5 | Facilities and Built Form |

- | | |
|---------------|---------------------------------------|
| Goal 4 | A Recognised Leading Performer |
| 4.1 | Leadership |

➤ **Legal Implications**

It is a statutory requirement pursuant to Section 56A(3)(c) of the *Development Act 1993* for Council to have a Development Assessment Panel, comprised of no less than 4 independent members (including an independent Presiding Member) and up to 3 Council Members (or Council officers not directly involved in the assessment of applications).

➤ **Risk Management Implications**

Having an appropriate recruitment and selection process in place, and competitive sitting fees, will assist in mitigating the risk of:

Inability to attract and recruit suitably qualified and experienced candidates for the CDAP potentially leading to poor decision making and development outcomes

Inherent Risk	Residual Risk
High (4C)	Low (1D)

➤ **Financial and Resource Implications**

The independent CDAP members are currently paid a per meeting sitting fee of \$500 ex GST (Presiding Independent Member) and \$380 ex GST (ordinary Independent Member) which is budgeted for annually.

➤ **Customer Service and Community/Cultural Implications**

Having independent members on CDAP with required qualifications, knowledge and skills has proved very beneficial to date. These independent experts ensure rigor in the assessment process, and provides for a higher level of independent scrutiny of applications placed before it. Further, representors and applicants have an opportunity to be heard by the Panel which leads to improved customer service outcomes.

➤ **Environmental Implications**

It is considered that having a Panel comprised of independent members with the required skills set (including property development, natural resource management and landscape architecture) provides for more rigour in the assessment process and in general ensures that any environmental implications are mitigated where possible and necessary.

➤ **Community Engagement/Consultation**

No public consultation is required in this instance.

4. **BACKGROUND**

At the Council meeting held on 9 December 2014 (Item 14.10) Council considered a report regarding the review of the skills set and call for expressions of interest for Independent Membership of the Council's Development Assessment Panel (CDAP) and resolved as follows that:

1. *The report be received and noted.*
2. *The CEO commence an Expression of Interest process for the 4 independent members of the Development Assessment Panel based on the following desired skills and knowledge:*
 - a) *In relation to the independent presiding member, a person with qualifications and applied experience in urban and rural land use planning and design, specific knowledge of the Development Act & Regulations, and knowledge of the Adelaide Hills Council area.*
 - b) *In relation to the other 3 independent members:*

- i) A person with practical knowledge of and applied experience in natural resource management and the environment, and knowledge of the Adelaide Hills Council area.*
 - ii) A person with practical knowledge of and applied experience in landscape architecture and design, and knowledge of the Adelaide Hills Council area.*
 - iii) A person with practical knowledge of and applied experience in property development, commerce or industry (rural development desirable), and knowledge of the Adelaide Hills Council area.*
- 3. The Mayor, Cr Jan Loveday & Cr Lynton Vonow be appointed to a selection panel, assisted by the CEO and Director Strategy & Development, to undertake the short-listing and interviews of the candidates with a view to selecting an independent presiding member and three (3) independent ordinary members.*
- 4. The selection panel report their recommendations to Council for approval by no later than April 2015.*

5. ANALYSIS

In accordance with the above resolution of Council, advertisements were placed in the Advertiser and Mt Barker Courier newspapers on 9 and 14 January 2015 respectively, as well as on Council's website. Eighteen (18) expressions of interest were received in response and of these, 8 were short-listed for interview by the Selection Panel for the four independent member positions on the CDAP.

The following applicants were interviewed in April 2015:

For the presiding member role:

- Stephen Hains
- Iris Iwanicki

For the ordinary independent member roles:

- | | |
|--------------------|--|
| • Kathryn Bellette | Natural Resource Management |
| • Mary-Anne Healy | Natural Resource Management |
| • Daniel Bennett | Landscape Architecture & Design |
| • Graeme Hopkins | Landscape Architecture & Design |
| • Chris Short | Property Development, Commerce or Industry |
| • Alistair McHenry | Property Development, Commerce or Industry |

Arising from these interviews the Selection Panel recommends that the following people be appointed/re-appointed:

- Presiding Member - a person with qualifications and applied experience in urban & rural land use planning and design, specific knowledge of the Development Act & Regulations, and knowledge of the Adelaide Hills Council area.

Iris Iwanicki

In summary, Ms Iwanicki has over 30 years of experience in urban and rural planning and has a Bachelor of Arts degree, Graduate Diploma in Town Planning, Master of Environmental Law degree and a PhD in Architecture. She has been a member of 5 DAP panels (and Presiding Member for 2 of these) and was a deputy Presiding Member of the Development Assessment Commission. She has also has Board Membership experience which includes State Heritage Authority and Pastoral Board of SA, and has knowledge of the planning environment of the Adelaide Hills Council area.

Independent members (3):

- A person with practical knowledge of and applied experience in natural resource management and the environment, and knowledge of the Adelaide Hills Council area.

Kathryn Bellette

In summary, Ms Bellette has over 20 years experience in the environmental area as well as senior positions with the Onkaparinga Catchment Water Management Board (OCWMB) and Planning SA (now DPTI). Her qualifications include a Bachelor of Science degree, Graduate Diploma of Education, Master of Science by Research degree, Advanced Management Program, and a Graduate Diploma in Economics (partially completed). Her previous Board and Committee experience includes the Pastoral Board of SA, AMLR NRM Board, KESAB Board, SA Coast Protection Board, Patawalonga Catchment Water Management Board, Aust Institute of Urban Studies Committee, and has previously been a member of our Council's Development Assessment Panel (CDAP). She has extensive knowledge of the Council area due to her previous experience on CDAP and through her work with OCWMB and Planning SA

- A person with practical knowledge of and applied experience in landscape architecture and design, and knowledge of the Adelaide Hills Council area.

Graeme Hopkins

In summary, Mr Hopkins has over 40 years experience in landscape architecture and design. His qualifications include a Bachelor of Science (Architecture) degree and a Bachelor of Architecture degree, and is a Fellow of Australian Institute of Landscape Architects. His Board and Committee experience includes Office for Design, Architecture SA Design Review Panel, and SA's Integrated Design Commission. He has extensive knowledge of the Council area having been a resident of Montacute for approximately 20 years.

- A person with practical knowledge of and applied experience in property development, commerce or industry (rural development desirable), and knowledge of the Adelaide Hills Council area.

Alistair McHenry

In summary, Mr McHenry has 28 years of experience in the building industry, and is co-director of Ruissell and Yelland Architects. Alistair has a Bachelor of Architecture degree. He has served as a member of Council's DAP for the past 4 years, and has knowledge of the Council area and its planning environment. He has been a resident of Stirling for over 30 years.

The term of appointment shall be for two years commencing from 1 June 2015.

It is noted that the term of the three Council Members appointed to the Panel also expires on 31 May 2015 and therefore Council will need to appoint Council Members to the Panel as well.

6. OPTIONS

The Council has the following options:

- To accept the recommendations contained in this report regarding the appointment of the independent members of the Panel; or
- To appoint other independent members as considered appropriate who were interviewed for the respective roles; or
- To not appoint one or more of the recommended members and seek a further expressions of interest from the public.

The Administration is recommending Option 1 be agreed to noting that a comprehensive recruitment and selection process has been undertaken in this regard. The term of appointment shall be for two years commencing from 1 June 2015.

8. Appointment of Independent Members and Council Members to the Council's Development Assessment Panel (CDAP) – Period of Confidentiality

That having considered Agenda Item 18.1 (Appointment of Independent Members and Council Members to the Council's Development Assessment Panel (CDAP)) in confidence under section 90(2) and 90 (3) (a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7)(b) of that Act, orders that the documents and reports pertaining to this matter be retained in confidence until the appointment have been confirmed with the applicants, but not longer than 6 months.