

**ADELAIDE HILLS COUNCIL  
ORDINARY COUNCIL MEETING  
Wednesday 26 April 2017  
CONFIDENTIAL AGENDA BUSINESS ITEM**

**Item:** 19.1

**Originating Officer:** Marc Salver, Director Strategy & Development

**Responsible Director:** Marc Salver, Director Strategy & Development

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

**For:** Decision

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

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Engineering & Assets, Peter Bice
- Director Strategy & Development, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community & Customer Service, David Waters
- Executive Manager Governance & Risk, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Appointment of Independent Members to the Council's Development Assessment Panel (CDAP)) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(j) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to the appointment of Independent Members to the Council's Development Assessment Panel (CDAP), the disclosure of which –

- (a) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (b) would, on balance, be contrary to the public interest.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

**2. Appointment of Independent Members to the Council’s Development Assessment Panel (CDAP) – Confidential Item**

**SUMMARY**

As the term of the current members of Council’s Development Assessment Panel expires on 31 May 2017, Council approval is sought to appoint Independent Members to the Panel. At the Council meeting held on 13 December 2016 (Item 14.5) Council considered a report regarding a review of the Selection Criteria and call for Expressions of Interest for Independent Membership of the Council’s Development Assessment Panel (CDAP). The Council at that time also appointed Mayor Bill Spragg and Crs Loveday, Vonow and Kemp, assisted by the CEO and Director of Strategy and Development, to undertake the selection and interview process. Expressions of interest were sought from suitably qualified members of the public to fill the four independent member roles on the Panel. This process commenced in January 2017 and was concluded earlier this month. The Selection Panel recommends that the four people mentioned in the resolution below be appointed for a two year term commencing on 1 June 2017 and ending on 31 May 2019. Note that the Elected Membership of the Panel was dealt with by Council at its meeting of 28 March 2017.

**RECOMMENDATION**

**That Council appoints the following Independent Members to the Council’s Development Assessment Panel for a two year period, expiring on 31 May 2019:**

- 1. Professor Stephen Hamnett (as Independent Presiding Member)**
- 2. Kathryn Bellette**
- 3. Rob McBryde**
- 4. Simon Bradley**

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**1. GOVERNANCE**

➤ **Strategic Management Plan/Council Policy**

Goal 1	People & Business Prosper
Goal 3	Places for People & Nature

➤ **Legal Implications**

It is a statutory requirement pursuant to Section 56A of the *Development Act 1993* for Council to have a Development Assessment Panel, comprising 4 independent members (including an independent Presiding Member) and 3 council members. However, this will be reduced to 5 members (of which only one can be a council member) when this element of the new *Planning, Development and Infrastructure (PDI) Act 2016* becomes operational in mid to late 2017.

➤ **Risk Management Implications**

The appointment of appropriately qualified independent members to Council's Development Assessment Panel 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	Target Risk
High (4C)	Low (1D)	Low (1D)

➤ **Financial and Resource Implications**

The independent CDAP members are 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**

All applications which have been publicly notified and representors have indicated that they wish to be heard by the Panel, are reported to the Panel for consideration. This ensures that such members of the community have an opportunity to present their views about a specific development. These independent experts ensure rigour in the assessment process and provides for a higher level of independent scrutiny of applications placed before the Panel, at times resulting in improved development 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 regard.

## 2. BACKGROUND

At the Council meeting held on 13 December 2016 (Item 14.5) Council considered a report regarding a review of the Selection Criteria and call for Expressions of Interest for Independent Membership of the Council's Development Assessment Panel (CDAP), and resolved as follows:

- "1. That Council resolves to 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 the Planning, Development & Infrastructure Act 2016, 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.*
2. *That the Mayor and Councillors Loveday, Vonow and Kemp 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.*
  3. *That the selection panel report their recommendations to Council for approval by no later than April 2017."*

### 3. ANALYSIS

In accordance with the above resolution of Council, advertisements were placed in the Advertiser, Weekender Herald and Mt Barker Courier on 20 and 26 January 2017 respectively, as well as on Council's website. Nine (9) Expressions of Interest were received in response and, of these, 8 were short-listed for interview (2 for each role/skills set) by the Selection Panel for the four independent member positions on the CDAP.

A comprehensive selection and interview process was conducted with the Selection Panel deciding to recommend that Professor Stephen Hamnett be appointed as Independent Presiding Member, and Kathryn Bellette, Simon Bradley and Rob McBryde be appointed as the other Independent Members on the Council's Development Assessment Panel.

**Professor Stephen Hamnett** has extensive planning experience as a Commissioner of the Environment, Resources & Development Court (2007 – 2014), as Head and Professor of Urban and Regional Planning at UniSA (1990-2007), as Deputy Presiding Member of the State's Development Assessment Commission (where he served for one term) and was one of 3 members of the State's Steering Committee responsible for the review of the Planning System in the 1990's. He therefore has extensive experience of chairing meetings, hearings and public forums in relation to planning and development issues. Further, UniSA awarded him the title of Emeritus Professor in recognition of his distinguished service and he is a registered planner with Planning Institute of Australia (PIA) as a Life Fellow and was awarded the prestigious 'Lifetime Achievement Award' for distinguished contributions to planning and planning education. Professor Hamnett also has a good understanding of the Adelaide Hills Council area and our Development Plan.

**Kathryn Bellette** is a current member of our CDAP and has served two terms on the Panel over the years. Kathryn has extensive knowledge and skills in the area of *Natural Resources Management and the Environment* with qualifications in environmental science, management and education. She has held a number of positions over the years including:

- Biologist for the Department of Environment and Planning
- Principle Adviser for Stormwater and responsible for Aquifer Storage and Recovery licensing at the SA EPA
- General Manager of the Onkaparinga Catchment Water Management Board
- Director of the NRM Research Alliance
- Currently Lecturer in the Bachelor of Environment, Graduate Diploma of Environmental Health Practice and undergraduate and post graduate Degrees in the School of Computer Science, Engineering and Mathematics at Flinders University.

**Simon Bradley** has been a resident of the Adelaide Hills for over 20 years and has extensive knowledge and skills in the area of *Landscape Architecture and Design* being a qualified and registered Landscape Architect with over 22 years of Local Government experience, both in Adelaide and interstate. He has extensive knowledge in the development assessment process having provided advice to the relevant Planning Departments on Development Applications over many years. He was also the General Manager which had the Planning and Building function within its portfolio at the City of Burnside for a number of years. Simon is currently the General Manager of Infrastructure & Environment at the Rural City of Murray Bridge. For the past decade, Simon has been involved in the promotion and delivery of placemaking, urban planning/design and sustainable communities and is well qualified to provide advice in relation to the implementation of the Development Act. He also has a good understanding of the operation of both the old and new planning legislation. Lastly, Simon has also recently been selected to represent the Australian Institute of Landscape Architects (SA) on the South Australian Community Participation and Sustainability Advisory Committee to advise on the implementation of the new planning system.

**Rob McBryde** has been a resident of the Adelaide Hills for many years and has extensive knowledge and skills in the area of *property development, commerce or industry* being an urban and regional planning consultant and property developer for many years. Rob is a qualified and registered planner with over 45 years of experience and has been an independent member of both the Tea Tree Gully and Mount Barker Council's DAPs. He is the current Independent Presiding Member of the Tea Tree Gully CDAP (a position he has held since March 2012) and has previously been the Deputy and Independent Presiding Member of the District Council of Mount Barker's Panel. He has extensive knowledge of the Adelaide Hills Council area having lived and worked in the area for many years, and is well versed with Council's Development Plan.

With regard to the Council Members on CDAP, it is noted that as part of the proposed changes to the planning system as envisaged by the *Planning, Development and Infrastructure Act 2016*, Council's DAP is to comprise of 5 members, including a maximum of one Council Member. It is understood that this element of the PDI Act will become operational from July 2017. When it does, it is understood that the new CDAP will be required to be in place shortly thereafter. Council considered the issue of reducing the number of Council members down from 3 to 1 when this aspect of the PDI Act comes into operation at its meeting of 28 March 2017 (Item 14.6) where it resolved that:

- "1. The report be received and noted.*
- 2. That Council extend the appointment of the 3 current Council Members of CDAP until the Section 83(1) of the Planning Development and Infrastructure Act 2016 becomes operational.*
- 3. That Council appoints Cr Linda Green to be a member of the Panel until the end of the current term of Council, commencing from the date that Section 83(1) of the Planning Development and Infrastructure Act becomes operational."*

#### **4. OPTIONS**

The Council has the following options in this regard:

- To accept the recommendations contained in this report regarding the appointment of the Independent Members; 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 further Expressions of Interest from the public.

Staff are recommending Option 1 be agreed to noting that a comprehensive recruitment and selection process has been undertaken in this. The term of appointment shall be for two years commencing from 1 June 2017 and ending on 31 May 2019..

#### **5. APPENDIX**

Nil

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

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 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*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the Community Representatives referred to in the item are appointed, but not longer than 26 April 2018.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, that Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.