

11.1 Development Assessment Panel - Appointment of Independent Members

The term of the current independent members of the Development Assessment Panel expires on 30 November 2008. Council direction is sought on appointments for the next term of the Panel.

This is information seeking council direction.

General Manager: Terry Sutcliffe, General Manager City Development
Report Author: Terry Sutcliffe, General Manager City Development
(tersut@onkaparinga.sa.gov.au)
Contact Number: 8384 0792
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Attachments: 1. DAP Terms of Reference (9 pages)

1 Executive Summary

1.1 Topic

The term of the current independent members of the Development Assessment Panel expires on 30 November 2008. Council direction is sought on appointments for the next term of the Panel.

1.2 Context

At its meeting on 15 August 2006 Council re-appointed the current independent Presiding Member of the Development Assessment Panel, Mr David Ellis, for a term expiring 31 October 2008. (We have operated a Panel structure, including an independent Presiding Member, prior to the introduction of legislation in 2006 requiring Panels in the current form. The legislation contained elements of the previous City of Onkaparinga format).

Council subsequently appointed the three current independent members of our Development Assessment Panel, Ms Debra Arnold, Mr Grant Halstead, and Mr Peter Wellington, at its meeting on 5 December 2006 for a term expiring on 30 November 2008.

Three Council members, Cr Apap, Cr Coomans and Cr Nash, were also appointed to the Panel by Council at its meeting of 5 December for a term expiring on 30 November 2008. Appointment of Elected Members to the Panel is the subject of a separate report to Council in November 2008.

Council is now required to consider the process for appointing and/or re-appointing independent Panel members. The independent Presiding Member,

Mr David Ellis, and two of the independent members, Ms Debra Arnold and Mr Grant Halstead, have indicated their desire to continue as Panel members. Mr Peter Wellington has advised he is unable to continue on the Panel due to changed work commitments.

The following report canvasses options for re-appointment of existing members and for calling for registrations of interest for new independent Panel members

1.3 Suggested Outcome

It is suggested that Council consider this item in confidence. Section (ii) 90(3)(a) of the Local Government Act 1999 is suggested as the most appropriate to use for this purpose.

This item is presented as a confidential item because consideration of appointments to the Panel will require a review of personal information relating to current and prospective Panel members, and consideration of information relating to skills and abilities of prospective and current Panel members.

It is proposed that Council re-appoint existing independent Panel members wishing to continue in the role for a further two year term, and call for registrations of interest for the position being vacated by Mr Wellington.

2. Recommendation(s)

1. That

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.**
- b. the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the matter at the meeting on the following grounds:**
 - (c) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);**
- c. That 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 or discussion confidential.**

- 2. That Council resolve to offer to re-appoint Mr David Ellis as independent Presiding Member, and Ms Debra Arnold and Mr Grant Halstead as independent members of Council's Development Assessment Panel for a further term expiring on 30**

November 2010, subject to the same terms and conditions of their existing appointments.

- 3. That registrations of interest be called for the vacant independent member position on Council's Development Assessment Panel created by Mr Wellington advising that he will not be seeking re-appointment, by notices placed in the Hills and Valley Messenger the Southern Times Messenger, and The Advertiser.**
- 4. That the Mayor and the Chairperson of the Planning and Heritage Committee be appointed to a selection panel in conjunction with the General Manager City Development to review and short list registrations of interest, interview short-listed candidates, and make recommendation to Council on the appointment of a suitable candidate, having regard to the appointment criteria contained in the Development Assessment Panel's Terms of Reference.**
- 5. That a further report on the outcomes of the registration of interest process for an independent Panel member be presented to Council no later than 18 November 2008.**
- 6. That all existing independent Panel members be thanked by Council for their service to the Panel, to Council and to the community to date, and that Mr Ellis, Ms Arnold and Mr Halstead be advised of their re-appointment to the Panel.**
- 7. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(a) until finalisation of all appointments to the Panel.**

3. Engagement

3.1 Community

The appointment of independent members to the Development Assessment Panel will involve inviting applications from the public.

3.2 Elected Members

Elected Members will be required to approve the selection process and the final appointment of independent Panel members.

4 Direction

4.1 Strategic/Corporate Direction

Council's Community Plan 2008-2028 recognises our regulatory role in development assessment and the need to continue to guide sustainable and

integrated land use and development. The Development Assessment Panel is a statutory requirement and contributes significantly to development outcomes in our City.

4.2 Council's Role(s)

4.2.1 Regulatory

Our regulatory role requires us to establish a Development Assessment Panel comprising a total of seven members, a minimum of four of which must be independent members, and to delegate development assessment powers to the Panel.

4.3 Legislation or Policy

4.3.1 Compliance requirement

We are required under the Development Act to appoint and maintain a Panel, and to delegate certain development assessment powers to the Panel (and to staff).

Key Factors

5 Discussion

In appointing the three independent Panel members in 2006, Council undertook a recruitment and short-listing process involving an external recruiting agency, with an internal selection panel comprising Councillors Fletcher, Nash and R. Brown, the CEO and the (then) General Manager City Compliance. Given that the appointment process was initiated under the former Council, and was completed under the current Council, the Mayor was also consulted at that time before proceeding with the interview and selection process.

Selection criteria for independent Panel members (including the Presiding Member) have been adopted by Council through the Panel's Terms of Reference (Attachment 1 – Sections 3.3 and 3.4)

In addition, the Panel is required to comprise at least one member of each gender, and, as far as is practicable, should desirably comprise equal numbers of men and women.

It is proposed that the current conditions of appointment – remuneration for meeting attendance, termination provisions, conflict of interest provisions etc. – remain unchanged. The independent Presiding Member receives remuneration of \$600 per meeting, and all other Panel members (independent members and Elected Members) receive \$350 per meeting.

For the current appointment process, Council could again work through an external recruitment agency, or call for registrations of interest through a

process endorsed and managed by Council. Council's preferred option may be influenced by the extent of the recruitment process – whether it calls all positions, or re-appoints existing members and seeks candidates for the position vacated by Mr Wellington.

Options for appointment:

It is recommended that Council resolve to re-appoint those Panel members who have registered their interest in continuing, and call for registrations of interest for the one vacancy created by Mr Wellington's resignation from the Panel at the end of his current term. This process has the advantage of providing continuity to the operation of the Panel and utilising the experience of existing Panel members gained in their term on the Panel. All Panel members have undergone training in their role, and have performed their role well during the current term.

Council also has the option to "spill" all independent Panel member positions, and again call for registrations of interest from the community. Existing Panel members who wish to continue would also be considered for re-appointment in this process. Whilst this option has the advantage of opening up opportunity for additional independent members (noting in any event that at least one independent position will need to be called), the disadvantages are a lack of continuity in the Panel, and a loss of experience and expertise built up within the Panel particularly over the last two years.

On balance, and considering that:

- the initial appointments to the Panel were relatively short (two years) to enable early review of what was then a new process;
- there is a body of experience and expertise in the existing independent Panel membership and existing independent Panel members have performed their role well; and
- due to the vacancy created by Mr Wellington's resignation there will be some turnover of membership;

it is recommended that Council renew the appointments of the existing independent Panel members for a further two year period, and call for registrations of interest for the vacancy created by Mr Wellington not seeking a further term on the Panel.

Appointment procedure options:

The appointment process could be conducted "in house" and not involve an external agency. This is considered manageable for a single vacancy, but for a full "spill" of all independent positions the services of an external recruitment agency would assist in the process, given the expanded number of potential candidates short-listing and interviews required.

Irrespective of whether the process is conducted in house or with the assistance of an external agency consideration needs to be given to the structure and membership of a selection panel. It is recommended that a selection panel comprising the Mayor, the chair of the Planning and Heritage Committee, and the Manager City Development be appointed to review registrations of interest and make a recommendation to Council for the vacant position. The City Development Department will manage the process of calling for registrations of interest for the position.

6 Progress and Reporting

A further report will be required for Council on the outcome of the process and recommending a suitable candidate(s). This is expected to occur at the meeting of Council on 18 November 2008 (unless concluded earlier).