

7 Adjourned Items - Nil

18 Confidential Items

### 18.1 Marion Council Assessment Panel Member Review

Report Reference	GC240123F18.1
Originating Officer	Team Leader - Planning – Alex Wright
Corporate Manager	Manager Development and Regulatory Services – Warwick Deller-Coombs
General Manager	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, Manager Development and Regulatory, Manager Office of the CEO, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Council Assessment Panel Member Review, 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 of the candidates.

### REPORT OBJECTIVE

The purpose of this report is to seek endorsement from Council on the proposed reappointment of the Independent Council Assessment Members for a further 24-month term to expire on 30 June 2026.

### EXECUTIVE SUMMARY

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

The terms of the three independent CAP members, including the Presiding Member, expire at the end of June 2024. This report outlines the process and recommendations of the RSC to full Council. In recommending appointment to the vacant positions, the RSC has considered the following in assessing candidates:

- Accreditation of panel members;
- Willingness to achieve accreditation requirements without utilising Council resources;
- Ability to preside over applications under both the PDI Act and Development Act;
- Their role as an independent relevant authority under the new Act;
- Roles and responsibilities of the CAP under the Code; and
- Their experience, capabilities and knowledge in development assessment matters.

Options for consideration included:

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

The RSC at its meeting of 5 December 2023 recommended the reappointment of Michael Davis as the Presiding Member, Benjamin Russ as an Independent Member and Jock Smylie as the Deputy Independent Member for a two-year period, to expire 30 June 2026.

## RECOMMENDATION

### That Council:

1. **Endorses the reappointment of the following Independent Council Assessment Members for a further two-year term to expire on 30 June 2026 as recommended by the Review and Selection Committee:**
  - **Presiding Member – Michael Davis**
  - **Independent Member – Benjamin Russ**
  - **Deputy Independent Member – Jock Smylie**
2. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 orders that this report, 'Marion Council Assessment Panel Member Review, Report Reference: GC240123F11.1' any attachments and the 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 upon the basis that the information relates to personal affairs of the candidates, until December 2024 or until all candidates have been notified of their appointment (whichever occurs first).**
3. **Pursuant to section 91(9)(c) of the Local Government Act 1999, delegates the power to revoke the confidentiality order to the Chief Executive Officer.**

## BACKGROUND

Clause 5.4.1 of the Terms of Reference for the Review and Selection Committee (RSC) outlines that the RSC and 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 is the official appointing body of CAP Members.

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

- Mr Michael Davis (Presiding Member) until 30 June 2024;
- Mr Benjamin Russ until 30 June 2024;
- Ms Yvonne Svensson until 30 June 2025;
- Mr Bryn Adams until 30 June 2025; and
- Mr Jock Smylie (Deputy Independent Member) until 30 June 2024.

The current term for the Presiding Member Michael Davis, Independent Member Benjamin Russ and Deputy Independent Member Jock Smylie are due to expire on 30 June 2024.

Accordingly, Council must either reappoint some or all of the expiring Members to the Panel and/or 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.

## **DISCUSSION**

The RSC is required to make a recommendation to Council regarding the appointment of Independent Members to the CAP. The CAP comprises a maximum of 5 Members, only one of which can be (but need not be) a Council Member.

Councillor Nathan Prior is the current Council Member appointed to the CAP, with Councillor Matthew Taylor as the Deputy Council Member. These terms expire in June 2023 and will be covered by a subsequent General Council report.

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 CAP Terms of Reference. Members can be appointed for 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.

CAP 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.

Multiple options were presented to the RSC, including reappointment of all members or recruiting for some or all positions.

## **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. It is noted that if Members were appointed for just 12-months then all four Independent Member positions would expire on 30 June 2025.

The RSC at its meeting of 5 December 2023 recommended the reappointment of Michael Davis as the Presiding Member, Benjamin Russ as an Independent Member and Jock Smylie as the Deputy Independent Member for a two-year period, to expire 30 June 2026.

## **ATTACHMENTS**

Nil