

CONFIDENTIAL



REPORT FOR:	Operations Committee		
MEETING DATE:	16 January 2017		
REPORT FROM:	Community Planner		
REPORT TITLE:	Council Development Assessment Panel – Appointment of New Panel		
FILE NAME:	F10/233	RECORD NO:	AR16/47458

Community Vision and Strategic Plan Outcomes

4.3 Value, protect and enhance the quality of our natural and built environment.

PURPOSE

To appointment four (4) independent members to the Council Development Assessment Panel.

RECOMMENDATION

Operations Committee recommends Council:

1. Appoints Mr John Veen, Mr James Cargills, Mr Terry Walsh and Ms Jodie Perone to the CDAP for a period of two years from February 2017 to January 2019 inclusive.
2. Appoints Mr John Veen as Independent Presiding Member of the CDAP. Mr Veen's term is from February 2017 to January 2019 inclusive.
3. Advises the applicants that the appointment is subject to the Statutory Declaration (attachment A) being returned to Council within one (1) month of Council decision.
4. Approves placing an advertisement in the Transcontinental to notify the community of the appointment of the CDAP Independent Members.

BACKGROUND

1. Section 56A(3) of the *Development Act 1993* provides that the constitution and membership of a CDAP must;
 - a) consist of 7 members; and
 - b) ensure that at least 1 member of the panel is a women and at least 1 member is a man; and
 - c) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women;

- d) up to half of the members may comprise council members or officers of the Council who are not directly involved in the assessment of applications under this Act, or in the preparation of any council report to the panel on the assessment of particular applications.

In addition to the above requirements, Section 56A(3) also provides that the presiding members will be appointed by the Council taking into account the following requirements:

- a) that the presiding member must not be a member or officer of the Council;
- b) must be a fit and proper person to be a member of a council development assessment panel;
- c) subject to any provision made by the regulations, the presiding member must be a person who is determined by the Council to have a reasonable knowledge of the operation and requirements of this Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel.

The Act also provides that members of the panel who are not council members:

- a) must be a fit and proper person to be a member of a council development assessment panel; and
- b) subject to any provisions made by the regulations, each must be a person who is determined by the council to have a reasonable knowledge of the operation and requirements of this Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel; and
- c) the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel.

2. The office of a member of the panel will become vacant if the member-

- a) dies; or
- b) completes a term of office and is not reappointed; or
- c) resigns by written notice to the council; or
- d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- e) is convicted of an indictable offence punishable by imprisonment; or
- f) is removed from office by the council under paragraph 56A(3)(g) of the Act.

DISCUSSION

Interviews were held with three of the applicants, the fourth applicant could not attend due to work commitment and provided answers to a number of questions via email. All applicants have knowledge and understanding of the planning system and legislation of varying degrees. All applicants met the requirements of Section 56A(3) of the *Development Act 1993*.

The following recommendations are presented to Council on the appointment, and the reason for each appointment, of the Independent CDAP Members.

Independent Membership term of office

Section 56A(3) of the *Development Act 1993* specified the term of office for a member of CDAP not exceeding 2 years. Members of past CDAPs have been appointed for 2 year terms. However, the implementation of the *Planning, Development and Infrastructure Act 2016* being scheduled for the first half of 2017 may have an impact on the CDAP members' term of office. The Transitional Bill is being considered by the Legislative Council which manages this issue among others.

It is recommended that the term of office for CDAP members is from February 2017 to January 2019 inclusive.

1) Mr John Veen

Mr Veen has been an independent member of the CDAP since it began operation and was previously involved in assessing development applications as a Councillor. Mr Veen has a certificate in Agriculture and is employed as the Industries Manager at the Port Augusta Prison.

Mr Veen's commitment to Port Augusta and his enthusiasm to see Port Augusta continue to grow was acknowledged. His understanding of the Council's development assessment process was very good and he has always maintained a professional approach to his activities on the Panel.

It is recommended that Mr John Veen be reappointed to the CDAP as the Independent Presiding Member.

2) Mr James Cargill

Mr Cargill is a retiree and has numerous experiences in property related areas. During the interview, Mr Cargill demonstrated acceptable knowledge and understanding of the development legislations and planning system. Mr Cargill has an interest in good design that promotes the amenity of the region.

It is recommended that Mr James Cargill be appointed to the CDAP.

3) Ms Jodie Perone

Ms Perone is a qualified and practicing planner. She is currently employed by the City of Whyalla as a Planning Officer. Ms Perone has approximately 15 years of working experience in local government.

Ms Perone has excellent knowledge and understanding of the planning system and will be a positive contributor to CDAP.

It is recommended that Ms Perone be appointed to the CDAP.

4) Mr Terry Walsh

Mr Walsh has a background in education and science. He accumulated extensive experience in the property development field and was the CEO of the Urban Development Institute of Australia (SA). Mr Walsh's knowledge will be a valuable contribution to the Panel.

It is recommended that Mr Walsh be appointed to the CDAP.

The appointees will be required to provide a Statutory Declaration outlining that they have not

- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors
-
- been convicted of an indictable offence punishable by imprisonment
- been removed from office by the council under paragraph 56A(3)(g) of the Development Act 1993.

The Statutory Declaration is to be returned to Council within one (1) month of Council's decision.

Pursuant to Section 56A(5) of the *Development Act 1993*, an advertisement must be placed in a newspaper circulating in the area of the Council, to notify the community of the appointments to the Council Development Assessment Panel.

CONFIDENTIALITY PROVISIONS

It is considered that pursuant to Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this report is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Mr John Veen, Mr James Cargills, Mr Terry Walsh and Ms Jodie Perone because the personal details provided to Council regarding their skills and knowledge and personal interests used as a basis for applying for a position of the CDAP, should be able to be discussed openly and the decision made by Council in relation to the appointments advised to each applicant prior to it being made available to the general public.

It is considered necessary to discuss this report in confidence and that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because each applicant should be awarded the courtesy of being provided feedback on their appointments or non-appointment prior to it being made public.

It is recommended that the confidential provisions remain in force until the 31 January 2017, to provide an opportunity for applicants to be appropriately advised of their appointment/non-appointment following the Council decision on 23 January 2017.

RISK MANAGEMENT

1: Financial/Budget

CDAP Members receive a Sitting Fee of \$300 (members) and \$350 (Presiding Member) for meetings attended. This sitting fee allocation has been included within the 2016/2017 budget.

2: Legal/Policy

Section 56A of the *Development Act 1999* provides that Council must establish a Council Development Assessment Panel.

3: Environment/Planning

Not applicable.

4: Community

General

An advertisement will be placed in the Transcontinental following the appointments of the CDAP Members by Council, to notify the community of the appointments.

- 4.2 Aboriginal Community Consultation
Not applicable.

Tung Pham
19/12/2016

Attachment A

STATUTORY DECLARATION
State of South Australia – Oaths Act 1936

I,.....
(Full Name)

of.....
(Address)

do solemnly and sincerely declare that

I have not:

- became bankrupted
- applied to take the benefit of a law for the relief of insolvent debtors
- been convicted of an indictable offence punishable by imprisonment
- been removed from office by a council under paragraph 56A(3)(g) of the Development Act 1993.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1936.

Signature.....
Signature of person making this declaration
[to be signed in front of an authorised witness]

Declared at.....

in the State of South Australia

this..... day of..... 2017

Before me:

.....
Signature of authorised witness

NOTE—This Declaration must be signed before a Justice of the Peace, a Commissioner for Taking Affidavits, or a Notary Public.
Any alteration made must be initialled by both the applicant and the Justice of the Peace.