

11.9 ESTABLISHMENT OF COUNCIL ASSESSMENT PANEL

REPORT AUTHOR: Manager, Development Assessment
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4567
FILE REFERENCE: S/01099 S/00421
ATTACHMENTS: A - B

PURPOSE OF REPORT

The commencement date for the provisions of the *Planning, Development and Infrastructure Act 2016*, (PDI Act) which require the establishment of new Council Assessment Panels (CAPs), has been proclaimed as 1 October 2017.

Accordingly, the purpose of this report is to obtain approval for the establishment of a CAP and to delegate powers to CAP and the Chief Executive Officer (CEO), such that the CAP can operate under the continuing development assessment provisions of the *Development Act 1993* and *Development Regulations 2008* from 1 October 2017, when the CAPs will come into effect.

BACKGROUND

The PDI Act came into operation on 1 April 2017, with a number of sections suspended from operation to provide for a smooth transition from the *Development Act 1993* to the new Act. The *Statutes Amendment (Planning, Development and Infrastructure) Act 2017* (also operational in part from 1 April 2017), supports the transfer of processes and rights granted under the current system, as each stage of the new system “goes live”.

The PDI Act will be introduced in stages over the next three (3) years.

On 1 August 2017, the Council Assessment Panels provisions of the PDI Act commenced operation. At the same time, the *Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017*, commenced operation, to provide for the establishment of Council Assessment Panels under the PDI Act. CAPs must be in place from 1 October 2017.

The new CAPs are required to have a maximum of five members, one of which may be an Elected Member of the Council.

Members, other than Elected Members, will need to have relevant expertise and in 2018, following the commencement of the accredited professionals scheme, will be required to be an ‘accredited professional’.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The following Goals contained in *City Plan 2030, Shaping Our Future*, have been identified as relevant to core business of the Development Assessment Panel.

Outcome 2: Cultural Vitality

Objectives:

4. *Pleasant, well designed, sustainable urban environments.*

Outcome 3: Economic Prosperity

Objectives:

1. *A diversity of business and services attractive to consumers.*
2. *Cosmopolitan character business precincts contributing to the prosperity of the City.*

Outcome 4: Environmental Sustainability

Objectives:

1. *Sustainable and efficient management of water, waste, energy and other resources.*
3. *Sustainable quality streetscapes and open spaces.*

Forming a Panel in accordance with the relevant legislation, is both a statutory requirement and good governance and provides the community with the confidence that the Council's processes, procedures and delegations, are robust - all of which allows the Council to focus on strategic planning. In addition, appointing a Panel comprised of persons with a suitable mix of qualifications and experience, ensures that objectives (often competing) relating to economic development, environmental sustainability and visual amenity, are appropriately balanced in the development assessment process.

FINANCIAL AND BUDGET IMPLICATIONS

Specialist External Members of the Council's Development Assessment Panel have been remunerated at a rate of \$400 per scheduled Panel meeting and the Presiding Member has received a sitting fee of \$500 per meeting. As resolved by the Council, Elected Members appointed to the current DAP do not receive a sitting fee. The sitting fees were most recently reviewed by the Council in December 2016.

In this context, the cost of providing sitting fees to DAP Members, has been \$2100 per meeting, or approximately \$27,300 per year (allowing for one additional special DAP meeting per year).

The cost of providing sitting fees to CAP Members, based on the current fee and delegations structure, would be \$1700 per meeting, or around \$22,100, representing an annual saving of approximately \$5,200.

If the Council resolves that one Elected Member appointed to the CAP is to receive a sitting fee equivalent to that of the Specialist External Members, the total cost of providing sitting fees to CAP Members would be the same as the current cost of providing sitting fees to DAP Members.

If the Council resolves to significantly amend the delegations to the CAP, as per one of the options presented in the Discussion section of this report, it is anticipated that the meeting frequency of the CAP would reduce, resulting in commensurate reductions in the operational costs of the CAP. For example, if amended delegations resulted in the need for the CAP to meet only on six (6) occasions per year, then depending on whether or not the Elected Member appointed to the CAP receives a sitting fee, the cost of providing sitting fees would be between \$10,200 and \$12,600.

EXTERNAL ECONOMIC IMPLICATIONS

Nil.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

A new Code of Conduct for CAP Members has been released and will commence operation on 1 October 2017. A copy of the Code of Conduct is contained in **Attachment A**.

The Code of Conduct imposes Conflict of Interest provisions which are similar to those which presently exist under the *Development Act 1993*. To this end, in summary the new Code of Conduct continues to prohibit Panel Members from:

1. engaging in consultation outside of the panel process with any party on a proposed Development Application that is likely to be heard by the panel;
2. giving advice to an Applicant or other third party on a Development Application after it has been lodged outside of a panel meeting;
3. speaking at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a Development Application unless required by the Act;
4. expressing an opinion on a Development Application or a proposed development outside of a panel meeting; and
5. engaging in any other act or omission which may give rise to a reasonable presumption that they have prejudged a development proposal or Application.

All Code of Conduct complaints concerning CAP Members are required to be made to, and addressed by, the State Planning Commission. Unlike the current requirement under the *Development Act 1993*, Councils are not required to have a Public Officer for their CAP. This means that the Council's current policy for dealing with Development Assessment Panel related complaints will become redundant.

CONSULTATION

- **Elected Members**
Elected Members have been advised and are aware of the new planning system and the consequent changes to the current DAP structure and composition.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment
- **Other**
Not Applicable

DISCUSSION

Panel Member Composition and Term of Engagement

The Council is responsible for determining the appointment of Members to the CAP, including Presiding Member and Deputy Members, selection criteria, the term of office, conditions of appointment and remuneration.

The PDI Act specifies that the Council must determine the membership of the CAP, being no more than 5 members, only 1 of which may be an Elected Member of the Council. The PDI Act does not designate a minimum number of members, however publications from the Department of Planning Transport and Infrastructure (DPTI), have suggested that between 3 and 5 Members are to be appointed.

The Council's current DAP comprises nine (9) Members, comprising five (5) Specialist External Members and four (4) Elected Members. Considering the nature and complexity of issues which the CAP will be required to consider, it is considered appropriate that the maximum allowable number of Members (ie. 5) be appointed.

That said, it is open to the Council to appoint fewer members to the CAP if it so chooses. It is currently a requirement under the *Development Act 1993*, that at least 1 member of the DAP is a woman and at least 1 member is a man and advises that the Council should, insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of men and women. The PDI Act contains no such gender provisions. Notwithstanding this, it is recommended that the Council take gender balance into account in determining appointment of Members to the CAP, as this is best practice.

Unlike the *Development Act 1993*, which specifies a maximum term of office of two (2) years, the PDI Act does not specify a maximum term. Given the experience of the Panel Members, the safeguards in the Terms of Reference to remove a Member at the discretion of the Council at any time, the fact numbers are reducing to 5 and historical absence of any operational concerns, it is recommended that Members be appointed for 2 years and biennial reviews of the Panel be undertaken.

Specialist External Panel Members

On the assumption that the Council determines to appoint five (5) members to the CAP, it will be necessary for the Council to appoint four (4) Specialist External Members.

The membership of the five (5) current DAP Specialist External Members was reviewed by the Council in December 2016, with all five Specialist External Members being reappointed. Therefore, it is considered appropriate to select the appointees to the CAP from the current Specialist External Members, rather than calling for expressions of interest.

The five Specialist External Members have varied professional backgrounds and are all highly regarded in their respective fields of expertise. Mr Mosel is a qualified and experienced Town Planner and former ERD Court Commissioner, Ms Jenny Newman is a UK qualified architect with heritage conservation experience, Mr Smith and Mr Donaldson are qualified and experienced Town Planners and Ms Bowden is a qualified and experienced Landscape Architect. Each Member also has knowledge of the Development Act and Regulations, an understanding of the procedure for assessing a proposal against Council's Development Plan and general knowledge of the City of Norwood Payneham & St Peters.

For the time being, Specialist External Members of the CAP are not required to be accredited professionals under the PDI Act or otherwise comply with Section 83(2) of the PDI Act. The accreditation scheme is expected to come into effect around mid-2018. That said, it is not expected that any of the current Specialist External Members would experience any difficulty in obtaining accreditation.

All Specialist External Members have expressed a desire to serve on the CAP.

Assessing the performance of Panel Members is very difficult as the core business of the Panel involves Members undertaking objective assessments of Development Applications which are often complex and not clear-cut. As such, opinions will vary on each matter considered by the Panel. In addition, Panel Members prepare for meetings by themselves (ie. undertaking site inspections, reading Agenda reports and seeking clarification of issues from staff prior to meetings), therefore the amount of time that Panel Members invest in preparing for Panel meetings is difficult to gauge. That said, even if the amount of preparation time was known, it is not considered to be a strong indicator of their individual performance, because each Member would prepare for Panel meetings differently.

Overall, it is considered that all Panel Members have discharged their responsibilities appropriately and in doing so, have performed well. All Members have contributed to discussions on Agenda Items in a robust manner, sought advice and clarification from staff at various times, asked questions of representors, Applicants and staff at Panel meetings, identified planning trends of concern and it is evident from observing the meetings that all Members have prepared thoroughly for each meeting. The quality of decision making is considered to have been very good.

Elected Member

The Council may appoint one Elected Member to the CAP. The Elected Members on the current DAP are Cr. Kevin Duke, Cr. John Frogley, Cr. Evonne Moore and Cr. Carlo Dottore. The Council has adopted numerous methods of appointing Elected Members to the DAP in the past, including a rotational system, whereby each year two Members would stay on and two would be replaced.

Of the current Elected Members on the DAP, Cr.'s Evonne Moore, Kevin Duke and Carlo Dottore have all served on the Panel for at least the past 20 months, whereas Cr. Frogley has only served since December 2016. That said, the Council may appoint any Elected Member to the CAP, or it can choose to appoint none.

Presiding Member

The Council must appoint a Presiding Member to the CAP. The Presiding Member may not be an Elected Member of Council. The current Presiding Member of the DAP is Mr Terry Mosel.

Mr Mosel has performed very well in the role of Presiding Member, providing a high level of professionalism and control over meetings in a range of situations. Intervention is provided by the Presiding Member when required, resulting in good efficiency and public perception of the Panel. Mr Mosel has expressed a desire to serve as Presiding Member on the CAP.

Acting Presiding Member

The PDI Act requires that the Council determines the process for appointing an Acting Presiding Member, in the event that the Presiding Member is absent from a meeting. This will replace the previous process of the DAP appointing a Deputy Presiding Member.

In the past, the appointment of a Deputy Presiding Member by the DAP has occurred annually. However, it is understood that the change in terminology from Deputy Presiding Member to Acting Presiding Member was an intentional change to prevent meetings from having a "second in charge" present at meetings.

To avoid this, and consistent with the intent of the legislation, it is recommended that in the event that the Presiding Member is not present at a meeting (or part thereof), an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting. This process would be facilitated by the Council's appointed Assessment Manager.

Deputy Panel Members

The Council may also appoint Deputy Members to the CAP. Deputy Members can attend meetings in the place of absent CAP members on an 'as-needs' basis. The appointment of Deputy Members may assist the CAP in avoiding quorum issues.

All existing Specialist External Members have been asked whether they would be prepared to be considered as a Deputy Member in the event that they are not selected as a substantive member of the CAP and all have respectfully declined.

Accordingly, if the Council determines to appoint a Deputy Member, it will be necessary to call for expressions of interest in the position. It is open to the Council to elect not to appoint a Deputy Member to the CAP.

At this time, it is recommended that a Specialist External Deputy Member not be appointed, however that the need be evaluated upon the first review of the CAP's operations.

That said, it is recommended that the Council appoint an Elected Member to the position of Deputy Member, to replace the substantive Elected Member on the CAP, in instances when that person is unable to attend a meeting. Where an Elected Member is appointed as a Deputy Member, that person may not act as a deputy for any other CAP Member.

Delegations

Pursuant to the PDI Act, CAP's are not delegates of the Council, but relevant authorities in their own right. Therefore, when Development Applications are lodged and assessed under the PDI Act, it will not be necessary (or possible) for Councils to delegate to their CAPs. However, when the CAP commences operating on 1 October 2017, Development Applications will still be lodged and assessed under the Development Act, until a future step in the transition to the new legislative scheme occurs and the development assessment functions under the PDI Act are activated.

Therefore, while decisions are being made by the CAP under the *Development Act 1993*, the CAP will require delegations from the Council. In this respect, it is considered an appropriate opportunity to undertake a review of the delegations to the Panel, as the Council may determine that the change to the composition of the Panel alters its views on the types of Development Application that should be determined by the CAP.

Currently, the DAP is responsible for assessing the following types of Development Applications:

- *any Development Application classified as Category 3, except where such Applications relate to the installation of satellite dishes, solar panels, water tanks and similar structures, for which no representations opposing the proposal have been received;*
- *any Development Application classified as Category 2, to which there are unresolved representations opposing the development, relating directly to the component of the development that triggered the need for public notification;*
- *any Development Application of a form deemed to be non-complying (not including minor alterations and additions, or the decision to proceed to notification and assessment of the application);*
- *any Development Application for more than two dwellings on one allotment;*
- *any Development Application for two dwellings on one allotment which do not meet the relevant quantitative Development Plan criteria with respect to dwelling type, site area, site frontage, site coverage, height, setbacks, car parking and private open space, unless the Development Application fails only one of those criteria and both the Manager, Development Assessment and the General Manager, Urban Planning & Environment determine that the variation is very minor in nature;*
- *any new dwelling in an Historic (Conservation) Zone;*
- *Development Applications for land division to which there is no approved related development and which does not meet the relevant quantitative Development Plan criteria with respect to site area or site frontage, unless the Development Application fails only one of those criteria and both the Manager, Development Assessment and the General Manager, Urban Planning & Environment determine that the variation is very minor in nature;*
- *any Development Applications that seek to vary a Development Plan Consent which has previously been issued, provided that such Applications are processed in accordance with the Council's Policy relating to 'Applications to vary a previously issued Consent', adopted by the Council on 3 December 2012;*
- *any Development Application, where a Council Employee or an Elected Member or, in either case, a member of their immediate family², own or have an interest³ in the property, with the following exceptions:*

- any Development Application for the installation of satellite dishes, solar panels, water tanks, and similar structures;
 - any Land Division Development Application relating to a boundary realignment or the amalgamation of allotments; and
- any other Development Application which, in the opinion of staff, should be referred to the Panel for determination

The current delegations to the DAP have been reviewed annually since the establishment of the Panel and were most recently reviewed in December 2016. Incremental changes have occurred over time in order to respond to trends, legislative and policy changes. The delegations result in an average of approximately five (5) items being considered by the Panel each month, of which it is typical for one or two of the items to be deferred decisions from previous meetings or appeal compromises.

With the commencement of the CAP, the Council may consider that the reduced involvement of Council Elected Members in the decision-making, warrants a reconsideration of the delegations. In particular, the Council may wish to consider whether there is merit in significantly increasing the threshold of Applications which are to be determined by the CAP, in the interest of cost saving to the Council and improved efficiency of service to its applicants and the community.

For example, the Council could limit delegations to the CAP, the authority to determine all Applications for:

- Category 2 and 3 Development Applications where representors wish to be heard;
- all Development Applications where the cost of development exceeds \$5 million; and
- all Development Application where a Council Employee or an Elected Member or, in either case, a member of their immediate family, own or have an interest in the property (subject to the current exceptions and qualifications).

In this scenario, the CAP would only be responsible for the assessment of Development Applications where a third party wishes to make a verbal submission expressing their concerns and Development Applications involving large scale developments which are likely to be more complex, attract greater public interest and potentially be more controversial than smaller scale developments.

This would significantly reduce the number of items to be considered by the CAP, such that it would be possible for the CAP to meet less frequently and potentially on an 'as needs' basis, with the Assessment Manger being responsible for the scheduling of meetings according to demand.

A number of efficiencies could result from this scenario, including:

- reduced Panel Member sitting fees, through reduced meeting frequency;
- reduced assessment timeframes for those Development Applications which would otherwise be required to considered by the CAP, resulting in –
 - improved applicant and community satisfaction;
 - increased likelihood of investment in the City area; and
- the ability for the CAP to focus on the proposals with the greatest potential impacts.

If the Council considers that there is sufficient merit in considering a significant change to the delegations to the Panel, akin to the example given, it is recommended that the Council resolve that a further report be prepared and presented to a subsequent meeting of Council, providing greater analysis, including:

- the number and type of Development Applications received by Council over the past 12 months exceeding \$5 million value;
- the number of Development Applications received by Council over the past 12 months for Category 2 or 3 Development Applications, where representors wish to be heard; and
- details of proposed procedures to ensure that all Development Applications which are currently determined by the DAP and which would not be determined by the CAP, are reviewed by the Manager, Development Assessment and/or the General Manager, Urban Planning & Environment, prior to determination.

That said, it should be noted that the Council is only able to delegate authority to the CAP, whilst the assessment provisions of the PDI Act are yet to be phased into operation. When the new provisions come into operation, the timing of which is unknown, the types of applications which are to be determined by the CAP and the Assessment Manager will be prescribed by regulation.

In light of the fact that the type of applications to be assessed by the CAP will ultimately be prescribed by regulation and given that current arrangements are not problematic, albeit they are not as efficient as they could be, it is recommended that no changes to delegations be introduced at this time.

Meeting Procedures

The PDI Act requires that the procedures of CAPs comply with any regulations which have been made. The *Planning, Development and Infrastructure (General) Regulations* will, from 1 October 2017 prescribe basic meeting procedures for CAPs. These meeting procedures are limited to the following, all of which are similar to those which presently exist in the *Development Act 1993*:

- instances where a CAP may exclude the public from attendance (i.e. go into confidence);
- the recording of minutes and access to agendas and minutes by members of the public;
- the determination of quorum;
- voting rights; and
- the validity of CAP proceedings in the event of a vacancy in membership or a defect in the appointment of a member.

All further meeting procedures may be determined by the CAP itself. To this end, draft Terms of Reference and Meeting Procedures templates for CAPs have been drafted by Norman Waterhouse Lawyers on behalf of the LGA, as model procedures that adopt best practice and exceed the bare requirements set out in the PDI Act and PDI Regulations.

The templates provided by the LGA have been used to develop the draft Terms of Reference contained in **Attachment B**.

Assessment Manager

The Chief Executive Officer is required to appoint an Assessment Manager, prior to 1 October 2017. The role of the Assessment Manager under the PDI Act is, for the time being, limited to assisting the CAP and ensuring that it is adequately resourced.

At a later date, the role of the Assessment Manager will expand to include that of a relevant authority for development applications of a certain class under the PDI Act.

OPTIONS

The Council is required to establish a CAP by 1 October 2017. If the Council does not establish a CAP, the Minister for Planning may (after consultation with the State Planning Commission) appoint a Local Assessment Panel to assume the CAP role for that Council area and the Council would be prevented from appointing its own CAP. The Council would be responsible for the costs and liabilities of the Local Assessment Panel appointed by the Minister.

Options available to the Council in establishing a CAP include:

- the number of Members – fewer than 5 is possible;
- whether or not to appoint an Elected Member to the Panel;
- which persons to appoint to the CAP;
- which Member to appoint as the Presiding Member; and
- whether or not to appoint Deputy Members.

It is recommended that 5 Members be appointed, including 1 Elected Member. It is also recommended that an additional Elected Member be appointed as a Deputy Member, for instances where the substantive Elected Member on the CAP is unavailable to attend meetings.

The Council may also determine to review its delegations to the CAP. However, this is not recommended for the reasons set out in the body of this report.

CONCLUSION

The replacement of the Council's Development Assessment Panel with a new Council Assessment Panel is a legislative requirement. The role of the CAP is the same as that of the DAP, albeit with fewer Members and less Elected Member representation. The Council must determine to establish a CAP, which Members to appoint to the CAP, and delegate authority to the CAP.

COMMENTS

Nil

RECOMMENDATION

1. That Council establish the City of Norwood Payneham & St Peters Council Assessment Panel in accordance with Sections 82-87 and clauses 12-16 of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*, commencing 1 October 2017.
2. That the City of Norwood Payneham & St Peters Council Assessment Panel operate in accordance with the Terms of Reference contained in Attachment B, in addition to any requirements established pursuant to Sections 82-87 and clauses 12-16 of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*, commencing 1 October 2017.
3. That the following Elected Member be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 1 October 2017 until 31 October 2018:
 - _____
4. That the following Elected Member be and is hereby appointed as a Deputy Member to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 1 October 2017 until 31 October 2018:
 - _____
5. That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 1 October 2017 until 1 October 2019, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council:
 - _____;
 - _____;
 - _____; *and*
 - _____.
6. That the following person be and is hereby appointed as Presiding Member to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 1 October 2017 until 1 October 2019, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council:
7. That all Specialist External Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$400 per meeting, other than the Presiding Member, who shall receive a sitting fee of \$500 per meeting and that the Council Elected Member of the Panel receive no sitting fee.

8. That the City of Norwood Payneham & St Peters Council Assessment Panel, shall operate, function and be delegated powers, in accordance with the document titled “Terms of Reference of the City of Norwood Payneham and St Peters Development Assessment Panel”, contained in Attachment B to this report and as varied by any other resolution of the Council, until such time as the Council Assessment Panel determines its own procedures in relation to the conduct of business of the Panel not already determined by the *Planning, Development & Infrastructure Act 2016*, or by the Terms of Reference referred to above.
9. That the first meeting of the Council Assessment Panel be held on Monday 16 October 2017 in the Mayor’s Parlour, Norwood Town Hall, commencing at 7:00pm.

Cr Duke moved:

1. *That Council establish the City of Norwood Payneham & St Peters Council Assessment Panel in accordance with Sections 82-87 and clauses 12-16 of Schedule 8 of the Planning, Development and Infrastructure Act 2016, commencing 1 October 2017.*
2. *That the City of Norwood Payneham & St Peters Council Assessment Panel operate in accordance with the Terms of Reference contained in Attachment B, in addition to any requirements established pursuant to Sections 82-87 and clauses 12-16 of Schedule 8 of the Planning, Development and Infrastructure Act 2016, commencing 1 October 2017.*

Seconded by Cr Whittington and carried.

Cr Duke moved:

That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$400 per meeting, other than the Presiding Member, who shall receive a sitting fee of \$500 per meeting.

Seconded by Cr Stock.

Cr Duke with the consent of the Seconder, withdrew the motion.

Call for Nominations for Appointment of an Elected Member to the City of Norwood Payneham & St Peters Council Assessment Panel

The Mayor called for nominations for appointment to the City of Norwood Payneham & St Peters Council Assessment Panel.

The following nominations were received:

- Cr John Minney;
- Cr John Frogley; and
- Cr Carlo Dottore.

Cr Minney declared an actual conflict of interest in the matter as he was nominated for appointment to the City of Norwood Payneham & St Peters Council Assessment Panel.

Cr Frogley declared an actual conflict of interest in the matter as he was nominated for appointment to the City of Norwood Payneham & St Peters Council Assessment Panel.

Cr Dottore declared an actual conflict of interest in the matter as he was nominated for appointment to the City of Norwood Payneham & St Peters Council Assessment Panel.

Cr Minney left the meeting at 9.51pm.

Cr Frogley left the meeting at 9.51pm.

Cr Dottore left the meeting at 9.51pm.

Voting by Secret Ballot

A secret ballot was conducted and the General Manager, Governance & Community Affairs was appointed as Returning Officer for the counting of votes.

Cr Marcuccitti left the meeting at 9.54pm.

Completion of Counting of Votes by Secret Ballot

The votes were counted and the results were declared to the Council as follows:

Cr John Minney (7 votes)

Cr John Frogley (2 votes)

Cr Carlo Dottore (1 vote).

Cr Duke moved:

That Cr John Minney be and is hereby appointed to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 1 October 2017 until 31 October 2018:

Seconded by Cr Shepherdson and carried.

Cr Minney returned to the meeting at 9.55pm.

Cr Frogley returned to the meeting at 9.55pm.

Cr Dottore returned to the meeting at 9.55pm.

Cr Whittington moved:

That Cr Carlo Dottore be and is hereby appointed as a Deputy Member to the City of Norwood Payneham & St Peters Council Assessment Panel for a period commencing on 1 October 2017 until 31 October 2018:

Seconded by Cr Stock and carried.

Call for Nominations for Appointment of Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel

The Mayor called for nominations for appointment of Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel.

The following nominations were received from Elected Members:

- Mr Terry Mosel;
- Mr Phil Smith;
- Mr Don Donaldson;
- Ms Fleur Bowden; and
- Ms Jenny Newman.

Cr Frogley moved:

That the Council consider Item 11.10 whilst the votes are being counted and then return to this item following the counting of the votes.

Seconded by Cr Knoblauch and carried.

Voting by Secret Ballot

A secret ballot was conducted and the General Manager, Governance & Community Affairs was appointed as Returning Officer for the counting of votes.

Completion of Counting of Votes by Secret Ballot

The votes were counted and the results were declared to the Council as follows:

- Mr Terry Mosel (13 votes)
- Mr Phil Smith (12 votes)
- Ms Fleur Bowden (12 votes)
- Ms Jenny Newman (8 votes)
- Mr Don Donaldson (7 votes).

Cr Duke moved:

That the following persons be and are hereby appointed as Specialist External Members to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 1 October 2017 until 1 October 2019, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council:

- *Mr Terry Mosel;*
- *Mr Phil Smith;*
- *Ms Fleur Bowden; and*
- *Ms Jenny Newman.*

Seconded by Cr Minney and carried.

Cr Frogley moved:

That Mr Terry Mosel be and is hereby appointed as Presiding Member to the City of Norwood Payneham & St Peters Council Assessment Panel, for a period commencing on 1 October 2017 until 1 October 2019, or until extended or removed from membership of the Council Assessment Panel by resolution of the Council.

Seconded by Cr Minney and carried unanimously.

Cr Marcuccitti left the meeting at 9.44pm
Cr Marcuccitti returned to the meeting at 9.45pm

Cr Minney declared an actual conflict of interest as he has been appointed (at this meeting) as a Member of the Council Assessment Panel and left the meeting at 10.33pm.

Cr Dottore declared an actual conflict of interest as he has been appointed as a Deputy Member of the Council Assessment Panel and left the meeting at 10.33pm.

Cr Duke moved:

That all Members of the City of Norwood Payneham & St Peters Council Assessment Panel receive a sitting fee of \$400 per meeting, other than the Presiding Member, who shall receive a sitting fee of \$500 per meeting.

Seconded by Cr Stock and carried.

Cr Minney returned to the meeting at 10.37pm.
Cr Dottore returned to the meeting at 10.37pm.

Cr Duke moved:

That the City of Norwood Payneham & St Peters Council Assessment Panel, shall operate, function and be delegated powers, in accordance with the document titled “Terms of Reference of the City of Norwood Payneham and St Peters Council Assessment Panel”, contained in Attachment B to this report and as varied by any other resolution of the Council, until such time as the Council Assessment Panel determines its own procedures in relation to the conduct of business of the Panel not already determined by the Planning, Development & Infrastructure Act 2016, or by the Terms of Reference referred to above.

Seconded by Cr Frogley and carried.

Cr Duke moved:

That the first meeting of the Council Assessment Panel be held on Monday 16 October 2017 in the Mayor’s Parlour, Norwood Town Hall, commencing at 7:00pm.

Seconded by Cr Knoblauch and carried.