

### 1. Background

- 1.1 The City of Adelaide has appointed the Council Assessment Panel ('CAP') as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016* ('PDI Act').
- 1.2 The CAP is a relevant authority under the PDI Act and during transition to the PDI Act, the CAP will act as a delegate of the Council for the purposes of the *Development Act 1993*.

### 2. Membership and Appointment to CAP

#### Members of CAP

- 2.1 The CAP will be constituted of five [5] Members ('CAP Members'), to be appointed by the Council, comprising:
  - 2.1.1 one (1) Member of the City of Adelaide Council ('Council Member'); and
  - 2.1.2 four (4) Independent Members ('Independent Members'), not being Members of the Council or State Parliament.
- 2.2 When appointing the Independent Members to the CAP, the Council may have regard to the following:
  - 2.2.1 the candidate's knowledge of the operation and requirements of the PDI Act and, during transition to the PDI Act, the *Development Act 1993*.
  - 2.2.2 the candidate's qualifications or experience in one or more of the following disciplines:
    - 2.2.2.1 Urban Planning;
    - 2.2.2.2 Architecture, Urban Design and/or Landscape Architect;
    - 2.2.2.3 Environment and/or Heritage Management
    - 2.2.2.4 Property management and/or Development;
    - 2.2.2.5 Planning/Environmental Law and/or Corporate Governance; or
    - 2.2.2.6 Transport, Infrastructure and/or Social planning;
  - 2.2.3 that a balance of qualifications and experience among CAP Members is desirable;
  - 2.2.4 that gender diversity among CAP Members is desirable; and
  - 2.2.5 such other matters as the Council considers relevant.
- 2.3 When appointing the Council Member to the CAP, the Council must be satisfied that the person is appropriately qualified to act as a member of the CAP on account of the person's experience in local government.

#### Deputy Members

- 2.4 The Council may appoint Deputy Members (Council or Independent) to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 The appointment of any Deputy Member shall be in accordance with clauses 2.1, 2.2 and 2.3.
- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

### **Presiding Member**

- 2.8 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.9 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.10 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.
- 2.11 A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.12 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

### **Appointment of Members**

- 2.13 The Council will call for expressions of interest for appointment of CAP Members when required.
- 2.14 The Council may reappoint an existing CAP Member without calling for expressions of interest.
- 2.15 Subject to clause 4, CAP Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.16 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.17 A CAP Member whose term of office has expired may nevertheless continue to act as a CAP Member until the vacancy is filled by the Council or for a period of six (6) months from the expiry of the CAP Member's term of office, whichever occurs first.

## **3. Conditions of Appointment/Membership**

- 3.1 At all times, CAP Members must act honestly, lawfully, in good faith and in accordance with any code of conduct applicable to CAP Members.
- 3.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP Meetings and/or workshops/training.
- 3.3 Independent CAP Members must be accredited professionals – planning level 2 pursuant to section 83(1)(c) of the PDI Act.
- 3.4 The Council Member must be appropriately qualified to act as a member of the CAP on account of the person's experience in local government pursuant to section 83(2) of the PDI Act.
- 3.5 All CAP Members must comply with section 83(1)(e) of the PDI Act which requires a CAP Member to disclose his or her financial interests in accordance with Schedule 1 (except the Council Member while the Council Member holds office as a member of the Council pursuant to section 83(2)(a) of the PDI Act).
- 3.6 A CAP Member must not act in relation to a development if he or she has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development, as required by section 83(1)(g) and 83(3) of the PDI Act.

## **4. Removal from Office**

- 4.1 A CAP Member will automatically lose office where:
  - 4.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
  - 4.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;

- 4.1.3 in the case of a Council Member, the person ceases to be a member of the Council;
- 4.1.4 the CAP Member dies;
- 4.1.5 the CAP Member completes a term of office and is not reappointed; or
- 4.1.6 the CAP Member resigns by written notice to the Council.
- 4.2 Subject to clause 4.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
  - 4.2.1 a breach of a condition of his or her appointment as a CAP Member;
  - 4.2.2 misconduct;
  - 4.2.3 neglect of duty in attending to the role and responsibilities as a CAP Member;
  - 4.2.4 a failure or inability to carry out satisfactorily the duties of his or her office;
  - 4.2.5 a breach of fiduciary duty that arises by virtue of his or her appointment as a CAP Member;
  - 4.2.6 a breach of any code of conduct applicable to CAP Members;
  - 4.2.7 a breach of any legislative obligation or duty of a CAP Member;
  - 4.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three (3) consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member;
  - 4.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three (3) consecutive occasions to attend a meeting of the CAP when requested to do so; or
  - 4.2.10 for any other reason the Council considers appropriate.
- 4.3 The removal of the CAP Member pursuant to clause 4.2 will take effect upon the Council passing a resolution to remove the CAP Member from office and such resolution is confirmed in writing to the CAP Member within seven (7) days of being passed.
- 4.4 Prior to resolving to remove a CAP Member from office pursuant to clause 4.2, the Council must:
  - 4.4.1 give written notice to the CAP Member of:
    - 4.4.1.1 its intention to remove the CAP Member from office pursuant to clause 4.2; and
    - 4.4.1.2 the alleged behaviour(s) of the CAP Member which falls within clause 4.2 for which the Council considers it appropriate to remove the CAP Member,not less than seven (7) days before the meeting of the Council at which the matter is to be considered;
  - 4.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
  - 4.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

## 5. Vacancy in CAP

- 5.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as reasonably practicable.
- 5.2 A replacement CAP Member may be:
  - 5.2.1 an existing Deputy Member, and in which case they will automatically cease to be a Deputy Member; or

- 5.2.2 a new CAP Member, considered in accordance with clauses 2.2 or 2.3 (as applicable).
- 5.3 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

## **6. Advice to CAP**

- 6.1 At its discretion, the CAP will call for and hear specialist technical/professional advice related to development assessment matters.