

19.1 Council Assessment Panel - appointment of members

Moved: Cr S Pledge, Seconded: Cr R Cotterill

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Daryl Buckingham
- Director Corporate Services, Roy Jones
- Director Works and Infrastructure, Brett Freeland
- Senior Manager Governance & Legal, Melissa Grimes
- Manager Development Services, Rachel Knuckey

Be excluded from attendance at the meeting for Agenda item 19.1 in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

This report relates to confidential information of applicants. 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 and discussion confidential.

CARRIED

Minute: OM307:2025

Moved: Cr S Pledge, Seconded: Cr B Teasdale

12:33pm That meeting procedures be suspended for a sufficient period of time to allow for informal discussion on the matter.

CARRIED

Minute: OM308:2025

12:51pm Meeting resumed from suspended procedures.

Moved: Mayor M Pengilly, Seconded: Cr V Bates

That Council:

- a. Receives and notes the report and in doing so appoints the following persons to the Kangaroo Island Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for a term of two years commencing 1 September 2025:
 - Graham Smith - Presiding Member
 - David Altman – Independent Member
 - Stephanie Johnston – Independent Member
 - Steve Hooper – Independent Member
 - And a current sitting Elected Member

CARRIED

Minute: OM309:2025

Moved: Cr B Teasdale, Seconded: Cr S Pledge

That Cr Veronica Bates be appointed as the Council Member to the Council Assessment Panel.

CARRIED

Minute: OM310:2025

Moved: Cr R Cotterill, Seconded: Cr S Mumford

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda item 19.1 in confidence under sections 90(2) and 90(3) (a) of the Local Government Act 1999, resolves that an order be made under the provisions of

sections 91(7) and (9) of the Local Government Act 1999 to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	30 June 2026
Related Attachments	30 June 2026
Minutes	
Other	

Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

CARRIED

Minute: OM311:2025

Moved: Cr B Teasdale, Seconded: Cr R Cotterill

That Elected Members be notified of meeting dates in advance to facilitate their attendance as observers and the Presiding Member be invited to speak with Council.

CARRIED

Minute: OM312:2025

19.1 Council Assessment Panel - appointment of members

Responsible Officer	Rachel Knuckey
Title	Assessment Manager
Directorate	Development Works & Infrastructure
Purpose	Decision
Summary	

The Council Assessment Panel (CAP) is a statutory body established under the Planning, Development and Infrastructure Act 2016 (PDI Act). Council is required to appoint suitably qualified and accredited independent members to the Panel to assess development applications against the Planning and Design Code.

The current CAP membership expired on 31 May 2025. Following an Expression of Interest (EOI) process and interview-based assessment, it is recommended that Council appoint a refreshed CAP for a two-year term commencing 1 September 2025.

The proposed new CAP composition will retain two experienced members and introduce two new members to provide technical depth, governance strength, and broader planning expertise. Council is also asked to consider the appointment of a Deputy Independent Member to ensure continuity.

Officer Recommendation

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- **Chief Executive Officer, Daryl Buckingham**
- **Director Corporate Services, Roy Jones**
- **Director Works and Infrastructure, Brett Freeland**
- **Senior Manager Governance & Legal, Melissa Grimes**
- **Manager Development Services, Rachel Knuckey**

Be excluded from attendance at the meeting for Agenda item 19.1 in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

This report relates to confidential information of applicants. 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 and discussion confidential.

2. That Council:

- a. Receives and notes the report and in doing so appoints the following persons to the Kangaroo Island Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for a term of two years commencing 1 September 2025:**

- David Altman – Presiding Member
- Stephanie Johnston – Independent Member
- Steve Hooper – Independent Member
- Graham Smith - Independent Member
- Josh Banks – Deputy Independent Member (optional)

b. Determines in accordance with Section 83(1) (b) of the Planning, Development and Infrastructure Act 2016 that the appointment of Presiding Independent Member, Independent Members and Deputy Member to the Council Assessment Panel is subject to their compliance with and acceptance of the Terms of Reference and Meeting Procedures for the Council Assessment Panel;

c. Endorses an increase to the sitting fee from \$300 to \$350 for Independent members and from \$300 to \$400 for the Presiding member.

3. Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda item 19.1 in confidence under sections 90(2) and 90(3) (a) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

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Minutes	
Other	

Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

BACKGROUND

The *Council's Assessment Panel* (CAP) is managed and advised by Council's Assessment Manager, and its key functions include:

- The assessment and determination of performance assessed development applications using the Planning and Design Code (The Code), and deciding whether or not to grant planning consent.
- Hearing representations from the public concerning applications that have been publicly notified.
- Hearing and consideration of proposals that may be subject to appeal against the decision of Council's Assessment Manager.
- The consideration of compromise proposals subject to appeal to the Environment Resources and Development Court.

In accordance with the *Planning Development & Infrastructure Act 2016* (PDI Act), the CAP is also responsible for adopting its own Terms of Reference and Meeting Procedures. A copy of the current versions is provided for Council's information within the Attachments. These procedures will be up for review and refinement when the new Panel is appointed.

Current membership of the Kangaroo Island CAP is as follows:

- Graham Smith – Presiding member
- Stephen Smith – Independent member
- Stephanie Johnston – Independent member
- Julian Rutt – Independent member

The current term for Independent Members serving on the CAP expired on 31 May 2025.

Accordingly, an expression of interest process was undertaken for a period of 10 working days, seeking three (3) independent member and one (1) presiding member to form the Panel for a two-year term commencing September 2025.

A selection panel comprising Rachel Knuckey (Assessment Manager), Brett Freeland (Director Development Works & Infrastructure) and Elizabeth Trethewey (Community Development Advisor) was formed to review submissions and conduct interviews from the pool of suitable candidates. Ten (10) candidates were interviewed. A matrix of submissions is provided in Attachment 19.1.4. Shortlisted candidate submissions are provided in Attachment 19.1.6.

The purpose of this report is for Council to consider the recommendations of the selection panel and make a decision on membership of the CAP.

DISCUSSION

Clause 8 of the CAP Terms of Reference states that at an expiration of a term of appointment an existing member is eligible for reappointment. All existing CAP members expressed their interest to remain on the CAP for an additional term. All members are appropriately qualified or have the necessary exemption having been a former member of Council. Notably, the three (3) existing independent members sit on several other CAP's.

Following the Expressions of Interest (EOI) process, 15 submissions were received of which four (4) were received from existing members. Of those received five (5) candidates expressed interest in the Presiding member role, and 14 as an Independent member. All were reviewed for relevant experience, qualifications and Accredited Professional status.

Following a shortlisting process ten (10) candidates were interviewed. Interview questions sought to gauge candidates knowledge around the governance requirements of CAP, applicable legislation, and to articulate what value they would bring to the CAP in the capacity for which they had applied.

The candidates interviewed were:

- Graham Smith* - PM and Ind
- Stephen Smith* - PM and Ind
- Stephanie Johnston* - PM and Ind
- Julian Rutt* - Ind
- David Altman – PM and Ind
- Mark Thompson - Ind
- Ken Stratton - Ind
- Josh Banks - Ind
- Steve Hooper - Ind
- John Byleveld (withdrew) - Ind

*Indicates existing CAP member

Section 83(1)(b) of the PDI Act prescribes a Panel can comprise of no more than 5 members. Ultimately it is at the discretion of the Council as to how many members are appointed. Considering the comparative size of the council, and the number and types of applications presented to the Panel it is recommended that a Panel of four (4) members is suitable to fulfil Councils decision making obligations. This is also a fiscally responsible position to adopt. Furthermore, clause 6.3 of the Terms of Reference outline that at least one member of the panel must be a woman – refer to Attachment 19.1.2.

Following the interview process and deliberations, the selection Panel recommends as the preferred option, appointment of the following candidates:

- David Altman – Presiding Member
- Stephanie Johnston – Independent Member
- Steve Hooper – Independent Member
- Graham Smith – Independent Member.

- ** Josh Banks – Deputy Independent Member

All candidates have the necessary Level 2 accreditation required to perform their role on the Panel, aside from Graham Smith who is subject to an exemption under Section 83(2) of the PDI Act – refer to Attachment 19.1.1.

Of the four (4) candidates interviewed for Presiding Member position, David Altman and Stephanie Johnston, were unanimously considered suitable to fill this position.

Of the two (2) David Altman is recommended as the preferred candidate. David was able to clearly articulate and strongly demonstrate his knowledge, skills, and experience, along with a detailed understanding of the key challenges facing development on Kangaroo Island. He has previously chaired CAP's and other meetings in a Local Government context and emphasised the importance of good governance in the running of a Panel. His technical knowledge and extensive experience in the planning profession would be invaluable in being able to effectively discharge the duties and successfully guide the operations of the Panel as a decision-making authority.

Stephanie Johnston whilst not the preferred candidate as Presiding Member is still considered to be a suitable candidate as an independent member. Stephanie has a diverse background in heritage, architecture and environmental issues. In this regard her skillset brings value to the Panel as a decision-making authority. She also acknowledges differing perspectives from both other members and the community, and the value this brings to making sound decisions. She currently sits on the State Commission Assessment Panel (SCAP) so can bring a broader more strategic outlook in her decision making. Her current role as independent member on the KI CAP has been welcomed and it is recommended that Stephanie be reappointed in this capacity for a further term.

Stephen Smith and Graham Smith were not considered to be suitable for the Presiding member role as they did not convey their understanding on the level of overarching governance required to chair the Panel to allow for effective meeting facilitation.

Notwithstanding, Graham Smith is recommended unanimously by the selection panel for an independent position onto the Panel. Graham brings a wealth of local knowledge and experience and offers a balanced perspective to key issues impacting development on Kangaroo Island. He has been a well-accepted and valuable existing panel member and is therefore recommended for reappointment.

Steve Hooper is recommended for appointment as the third independent member. Steve clearly understands the role and how to conduct himself in a public forum. Being an Assessment Manager in his current employment, he has a detailed knowledge of Panels, the

operational requirements, and how to achieve good development outcomes. Despite not having any direct regional experience his skillset and knowledge would be a welcomed addition to the Panel and is offset by the other members.

There is also the option of appointing a deputy independent member to substitute in when a member may be absent or a quorum cannot be achieved. Should members be minded appointing a deputy it is recommended that Josh Banks fill this role. Josh has a detailed understanding of regional planning and the types of issues facing development in a regional context. His planning knowledge and understanding of the mechanics of a Panel were clearly articulated in interview.

Sitting Fees

Currently Panel members are paid a sitting fee of \$300 for each meeting attended. There is no differentiation between the Presiding member and the Independent members. Given the importance of the Presiding member role in chairing meetings, liaising with the Assessment Manager, and providing overarching leadership to the Panel, there needs to be some recognition of this in the fee structure.

There is also a travel allowance for each member up to \$300 each financial year to compensate for travel.

Notably, the sitting fee has not been subject to any CPI increases for at least the last five (5) years.

As the preferred option for appointment of the CAP is to consider new membership rather than rolling over the existing CAP membership, it is prudent to reconsider the fee structure. An increase in fees was considered in setting the budget allocations for the current financial year.

It is proposed to increase the fee for Independent member(s) to \$350 and that of the Presiding member to \$400. The travel allowance is proposed to remain at \$300 per member. This increase to the sitting fees provides adequate remuneration for time together with the prerequisite Professional Accreditation which comes at an annual cost.

Conclusion

It is recommended that Council appoint the Panel as per the preferred option. The changes see two (2) existing panel members maintain their roles as independent members and two (2) new members being appointed. The Panel configuration represents an opportunity to retain experienced, dynamic and stable independent membership, as well as refreshing positions to bring in new perspectives.

It is recommended that the current membership of the Panel be reappointed for a new 2-year term commencing 1st September 2025. An increase in sitting fees is also proposed to appropriately compensate members for their time.

An optional recommendation is for a Deputy Independent Member to be appointed at the discretion of Council.

ANALYSIS

Strategic Management Plan

4.5.1 Manage the built environment within the SA regulatory framework to enable timely and viable development on the Island.

5.3.1 The Council implements and maintains appropriate governance frameworks.

Legal Considerations / Council Policy Alignment

In order to fulfil legislative requirements pursuant to Sections 82 and 83 of the PDI Act, Council is required to establish a CAP and appoint its members to carry out certain development assessment functions. Appointing a Panel for a new term effectively mitigates risk.

Council will not be exposed to any risk if it appoints a CAP for the new term (to commence September 2025) in accordance with the CAP Terms of Reference.

Risk Management Implications

Risk Appetite Statement

GOVERNANCE, LEGAL and COMPLIANCE - Relates to legislative and regulatory compliance and industry guidelines that apply to Council's operational and commercial activities and how these are implemented at an organisational level

PRIMARY AVERSE

Council recognises that incidents of non-compliance with legislative and legal requirements are unacceptable. Our approach in relation to risks of this type, should prioritise the establishment of robust controls and clear policies to ensure adherence to legal obligations while fostering a culture of accountability and transparency. Therefore, Council adopts an **Averse** appetite regarding activities and actions that lead to risks related to governance, legal, and compliance matters. Council understands that while compliance may sometimes slow down business processes, it is essential for maintaining integrity.

Strategic Risk

There is a risk that Council fails to maintain appropriate governance frameworks.

This could mean that Council is unable to retain corporate knowledge, identify risks or conduct continuous improvement activities, leading to operational inefficiencies, missed opportunities, and a failure to adapt to changing circumstances,

RISK	
Identify	Mitigation
A new Panel is not appointed, and the current Panel is out of term as of 31 May 2025	Appointment of a new Council Assessment Panel in accordance with Sections 82 and 83 of the <i>Planning, Development and Infrastructure Act 2016</i> ensures Council meets its statutory obligations and avoids risks associated with lapses in assessment authority. Although Clause 66 of the CAP Meeting Procedures provides assurance that Panel decisions remain valid despite vacancies or appointment defects, proactively confirming membership for the upcoming term from 1 September 2025 strengthens governance confidence and supports effective planning administration.

Financial / Resource Implications

The proposed increase in sitting fees will result in a modest uplift in CAP-related expenditure. Based on an estimated 10 meetings per year, the total annual cost for sitting fees will increase by approximately \$800 per member (Independent: from \$300 to \$350; Presiding:

from \$300 to \$400). For a panel of four members and one deputy (factoring in occasional substitution), the overall annual increase is estimated at \$3,200 to \$3,600.

The sitting fees for membership have been budgeted for as well as allowances for travel to the Island should it be deemed necessary to conduct a site visit prior to hearing an application.

Customer Service and Community Implications

Appointment of a new panel allows effective decision making to be maintained and timely presentation of development applications to be presented for a decision.

OPTIONS

Council has the following options:

1. To appoint the following candidates to the Panel for a two-year term:

- David Altman – Presiding member
- Stephanie Johnston – Independent member
- Steve Hooper – Independent member
- Graham Smith – Independent member

and endorse an increase of the sitting fee to \$350 for Independent members and \$400 for the Presiding member.

2. To appoint Josh Banks as a Deputy Independent member to the Panel for two-year term

3. To reappoint the existing Panel for an additional 2-year term with the following membership:

- Graham Smith – Presiding member
- Stephen Smith – Independent member
- Stephanie Johnston – Independent member
- Julian Rutt – Independent member

and endorse an increase of the sitting fee to \$350 for Independent members and \$400 for the Presiding member.

4. Appoint an alternative configuration of members from the interviewed candidates: Council may resolve to appoint a different combination of members based on interview outcomes. All interviewed candidates are listed in the confidential EOI Matrix. Any selection must meet the legislative requirements for accreditation and gender diversity.
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ATTACHMENTS

- 19.1.1 - Excerpt of PDI Act – Division 2 - Assessment Panels, Section 83
- 19.1.2 - CAP Terms of Reference
- 19.1.3 - CAP Meeting Procedures
- 19.1.4 - CAP EOI Matrix
- 19.1.5 - EOI for CAP membership
- 19.1.6 - CONFIDENTIAL CAP EOI shortlisted candidates

Part 6—Relevant authorities

Division 1—Entities constituting relevant authorities

82—Entities constituting relevant authorities

Subject to this Act, the following will be relevant authorities:

- (a) the Minister;
- (b) the Commission;
- (c) an assessment panel appointed by a joint planning board;
- (d) an assessment panel appointed by a council, but not—
 - (i) in respect of an area in relation to which—
 - (A) a planning agreement that envisages the appointment of an assessment panel by the joint planning board under this section applies; or
 - (B) a regional assessment panel has been constituted; or
 - (ii) if a local assessment panel has been constituted by the Minister in substitution for an assessment panel appointed by the council;
- (e) any of the following assessment panels constituted by the Minister:
 - (i) a combined assessment panel;
 - (ii) a regional assessment panel;
 - (iii) a local assessment panel;
- (f) an assessment manager;
- (g) an accredited professional;
- (h) a council.

Division 2—Assessment panels

83—Panels established by joint planning boards or councils

- (1) The following provisions will apply in relation to an assessment panel appointed by a joint planning board or a council (a *designated authority*) under Division 1:
 - (a) a designated authority may appoint more than 1 assessment panel but, if it does so, the designated authority must clearly specify which class of development each assessment panel is to assess;
 - (b) a designated authority must determine—
 - (i) the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the designated authority thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and

Planning, Development and Infrastructure Act 2016—20.9.2021

Part 6—Relevant authorities

Division 2—Assessment panels

- (ii) the procedures to be followed with respect to the appointment of members; and
 - (iii) the terms of office of members; and
 - (iv) conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and
 - (v) the appointment of deputy members; and
 - (vi) who will act as the presiding member of the panel and the process for appointing an acting presiding member;
 - (c) a person appointed as a member of an assessment panel must be an accredited professional;
 - (d) a person who is a member of the Parliament of the State is not eligible to be appointed as a member of an assessment panel;
 - (e) a person appointed as a member of an assessment panel must disclose his or her financial interests in accordance with Schedule 1;
 - (f) the procedures of an assessment panel must comply with any requirements prescribed by the regulations;
 - (g) a member of an assessment panel 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;
 - (h) the designated authority that appoints an assessment panel will be responsible for—
 - (i) arranging the staffing and support required for the purposes of the operations of the panel; and
 - (ii) the costs and other liabilities associated with the activities of the panel;
 - (i) in the case of an assessment panel appointed by a council—the council must substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under section 86.
- (2) Subsection (1)(c) does not apply if—
- (a) the person is a member, or former member, of a council; and
 - (b) the designated authority is satisfied that the person is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.
- (2a) Despite subsection (1)(e), a member of a council appointed as a member of an assessment panel is not required to disclose their financial interests in accordance with Schedule 1 while the member holds office as a member of a council.
- (3) Without limiting the effect of subsection (1)(g), a person will be taken to have a pecuniary interest in a matter for the purposes of the subsection if an associate of the person has an interest in the matter.

20.9.2021—Planning, Development and Infrastructure Act 2016Relevant authorities—Part 6
Assessment panels—Division 2

- (4) A person who contravenes subsection (1)(g) is guilty of an offence.

Maximum penalty: \$20 000.

84—Panels established by Minister

- (1) The following provisions will apply in relation to an assessment panel constituted by the Minister under Division 1:
- (a) the assessment panel will be constituted by the Minister by notice published in the Gazette;
 - (b) in relation to a combined assessment panel—the Minister may constitute a combined assessment panel if the panel is to act as a relevant authority under this Act and, at the same time, be involved in the assessment of matters relevant to obtaining a licence, permission, consent, approval, authorisation, certificate or other authority under another Act;
 - (c) in relation to a regional assessment panel—
 - (i) the Minister may, in accordance with subparagraph (ii), constitute the panel in relation to an area or areas of the State comprising parts or all of the areas of 2 or more councils and, if the Minister so determines, a part or parts of the State that are not within the area of a council; and
 - (ii) the Minister may constitute a regional assessment panel if—
 - (A) 2 or more councils request the Minister to constitute a regional assessment panel in relation to their combined areas; or
 - (B) the Minister has, after seeking the views of the relevant councils, determined that it is appropriate in the interests of orderly and effective development assessment that a regional assessment panel be constituted in relation to the areas of 2 or more councils (or parts of such areas);
 - (d) in relation to a local assessment panel—the Minister may only constitute a local assessment panel if the Minister is acting on the recommendation of the Commission under section 86;
 - (e) the Minister may, in constituting an assessment panel, make provision with respect to—
 - (i) the membership of the assessment panel, including—
 - (A) the number of members, provided that only 1 member of the assessment panel may be a member of a council; and
 - (B) the procedures to be followed with respect to the appointment of members; and
 - (C) the terms of office of members; and
 - (D) conditions of appointment of members (including their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and
 - (E) the appointment of deputy members; and



Kangaroo Island Council Assessment Panel

	TERMS OF REFERENCE KANGAROO ISLAND COUNCIL ASSESSMENT PANEL
File Number	3.2.2
Date Issued:	7 December 2020
Version No :	1
Next Review date:	Upon Next Constitution of Panel

Interpretation

1 In this document:

- 1.1 *Assessment Manager* means the person appointed to that role by the Chief Executive Officer of the Council pursuant to section 87(d)(ii) of the PDI Act, or their delegate
- 1.2 **Council** means the Kangaroo Island Council
- 1.3 **Development Act** means the *Development Act 1993*
- 1.4 **Member** means a member of the Panel
- 1.5 **Panel** means the Kangaroo Island Council Assessment Panel established by the Council pursuant to section 83 of the PDI Act;
- 1.6 **PDI Act** means the Planning, Development and Infrastructure Act 2016
- 1.7 **PDI (AP) Regulations** means the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019
- 1.8 **PDI (Gen) Regulations** means the Planning, Development and Infrastructure (General) Regulations 2017
- 1.9 **Phase 3 Commencement date** means the date determined by the South Australia State Government upon which the Commencement of the Planning and Design Code applies to Kangaroo island Council
- 1.10 **Presiding Member** means the Presiding Member of the Panel appointed by the Council pursuant to section 83 of the PDI Act

Purpose

- 2 The Panel is established pursuant to Section 83(1)(b) of the PDI Act and in accordance with this document.





Kangaroo Island Council Assessment Panel

- 3 The Panel is a relevant authority pursuant to section 93 of the PDI Act and is responsible for assessing and determining planning consent for performance assessed development applications requiring public notification.
- 4 The Panel may, in its discretion, provide advice and reports to the Council on trends, issues and other matters relating to planning and development and the operation of the Planning and Design Code in the Council's area that have become apparent or have arisen through the assessment of development applications.
- 5 The Panel is also the delegate of the Council for the determination of certain development applications lodged under the Development Act prior to Phase 3 Commencement date. The Delegations Policy and delegated powers of Council to the Panel under the Development Act are contained in Appendix A. For the sake of clarity, references to "Council Development Assessment Panel" are to be read as "Council Assessment Panel".

Membership of the Panel

6. The Panel shall consist of five (5) Members appointed by the Council as follows:
 - 6.1. no more than one (1) person who is an elected member of the Council;
 - 6.2. the balance being persons who are accredited as Accredited professional — planning level 2 under the PDI (AP) Regulations or who otherwise is a former and not current elected member of a Council;
 - 6.3. at least one (1) Member must be a man and at least one (1) Member must be a woman;
 - 6.4. as far as reasonably practicable, the Panel must consist of equal numbers of men and women.
- 7 The Council will determine the term of appointment for Members. Terms of appointment for one (1) or more Members may be extended at any time by the Council in its absolute discretion.
- 8 At the expiration of a term of appointment, a Member is eligible for reappointment.
- 9 The Council may appoint deputy Members for the Panel. If deputy Members are appointed, an elected member of the Council may be appointed as the deputy Member for the incumbent elected member on the Panel. Other deputy Members must comply with clause 6.2 above.
- 10 Members of the Panel are required to comply with the Assessment Panels — Code of Conduct adopted by the Minister in accordance with Schedule 3 of the PDI Act (and as contained in Appendix B to this document).
- 11 Pursuant to Regulation 11 of the PDI (Gen) Regulations, any person may make a complaint to the State Planning Commission if the person believes that a member of the Panel has acted in contravention of the Assessment Panels — Code of Conduct. The SPC may conduct an investigation regarding the complaint at its sole discretion.
- 12 All Members must disclose their financial interests in accordance with Schedule 1 of the PDI Act.





Kangaroo Island Council Assessment Panel

- 13 Members of the Panel other than elected members of the Council will be paid a sitting fee of \$300.00 per Panel meeting, whether attended in person or in accordance with Item 30 of this document. Additionally an allowance of up to \$300.00 shall be made available in respect of compensation of travel expenses for attendance of Panel meetings.

Appointment of Members

14. The Presiding Member will be appointed by the Council having regard to the following factors.
- 14.1. the Presiding Member must not be an elected member or officer of the Council; and
- 14.2. the Presiding Member must be a person who is determined by Council to have:
- 14.2.1. demonstrable, detailed knowledge of the operation and requirements of the PDI Act and the Development Act;
 - 14.2.2. appreciation for the unique attributes of Kangaroo Island and its geography;
 - 14.2.3. knowledge of the provisions of the Planning and Design Code as they apply to Kangaroo Island;
 - 14.2.4. prior experience in chairing public meetings.
- 15 Other Members (other than the elected member of the Council appointed to the Panel) will be appointed by the Council having regard to the following factors:
- 15.1 Members must not be an officer of the Council;
- 15.2 Members must demonstrate appropriate knowledge of:
- 15.2.1 the operation and requirements of the PDI Act and the Development Act;
 - 15.2.2 the unique attributes of Kangaroo Island and its geography;
 - 15.2.3 provisions of the Planning and Design Code as they apply to Kangaroo Island.

Assessment Manager

- 16 The Chief Executive Officer of the Council will appoint an Assessment Manager in accordance with Section 87 of the PDI Act. The Assessment Manager is not a member of the Panel.
- 17 The functions of the Assessment Manager are prescribed in Section 87 of the PDI Act and regulation 24 of the PDI (Gen) Regulations.
- 18 The Panel will delegate appropriate functions and powers to the Assessment Manager.

Responsibilities of the Presiding Member

- 19 The role of the Presiding Member includes, but is not be limited to:





Kangaroo Island Council Assessment Panel

- 19.1 the conduct of the business of the Panel at meetings and ensuring appropriate meeting procedures are followed, including matters relating to the Assessment Panels — Code of Conduct and the Panel's Meeting Procedures; and
- 19.2 ensuring the Panel properly considers matters in terms of the PDI Act and the Development Act in an efficient and timely manner; and
- 19.3 ensuring that Members are aware of their role and responsibilities under the PDI Act and do not confuse that role with any other role including, as relevant, as an elected member of the Council under the *Local Government Act 1999*.

Responsibilities of Panel Members

- 20 The Panel will ensure that its meeting procedures:
 - 20.1 are, as far as permitted under the PDI Act, fair and contribute to open, transparent and informed decision making; and
 - 20.2 reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at that meeting; and
 - 20.3 are sufficiently certain to give the community and decision maker's confidence in the deliberations undertaken at the meeting.
- 21 The Panel will appoint an acting Presiding Member of the Panel pursuant to section 83(1)(b)(vi) of the PDI Act whenever the Presiding Member is not present at a meeting.

Removal from Office

- 22 Subject to the procedural requirements under this Clause, the Council may resolve to remove a Member from the Panel on the following grounds:
 - 22.1 breach of, or failure to comply with, this document; or
 - 22.2 maladministration or misconduct; or
 - 22.3 neglect of duty; or
 - 22.4 incapacity to carry out satisfactorily the duties of his or her office; or
 - 22.5 failure to carry out satisfactorily the duties of his or her office; or
 - 22.6 failure to disclose his or her financial interests in accordance with Schedule 1 of the PDI Act; or
 - 22.7 failure to attend three (3) consecutive meetings of the Panel without first obtaining the leave of the Panel; or
 - 22.8 upon receipt of a recommendation or direction from the SPC that the member be removed from office pursuant to regulation 11 of the PDI Regulations.
- 23 Particulars of the grounds for removal shall be communicated to the Member at least one (1) calendar month before the meeting of the Council at which the matter will be determined.





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- 24 The Member must provide any written representation in response to the particulars at least fourteen (14) days before the meeting of the Council at which the matter will be determined, which response must be taken into account in any determination by the Council.
- 25 The determination of the Council shall be communicated to the Member, and in the event of an adverse determination the Member shall cease to be a Member immediately after the Council has communicated its determination to him or her.

Vacancy of Office

- 26 The office of a Member of the Panel will become vacant if the Member:
 - 26.1 fails to maintain the accreditation required by the PDI Act and clause 6.2 above;
 - 26.2 dies;
 - 26.3 completes a term of office and is not reappointed;
 - 26.4 resigns by written notice to the Council;
 - 26.5 becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - 26.6 is convicted of an indictable offence punishable by imprisonment;
 - 26.7 is removed from office in accordance with this document.
- 27 On the office of a Member becoming vacant, a person will be appointed in accordance with the provisions of the PDI Act and this document.
- 28 The vacancy of office of a single Member will not invalidate the decisions made by the Panel.

Meetings of the Panel

- 29 Meetings of the Panel must take place as determined by the Panel from time to time.
- 30 Meetings may be held by telephone, audio-visual or other electronic means provided that at least a quorum is present.
- 31 The meeting procedures of the Panel are those prescribed by the PDI Regulations.

Circumstances not provided for

- 32 If a circumstance arises in respect of which these Terms of Reference are silent or are incapable of being implemented, the Panel is authorised to determine by way of a unanimous decision of the Panel how to proceed and to carry out any action that the Panel deems must be taken.
- 33 In the event that an issue remains unresolved the Panel shall refer the matter to the Assessment Manager for direction.





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Review

- 34 These Kangaroo Island Council Assessment Panel (CAP) Terms of Reference shall be reviewed by the Kangaroo Island Council within (2) years of the issued date.





Kangaroo Island Council Assessment Panel

Appendix A

Kangaroo Island Council

Delegations Policy

DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008





Kangaroo Island Council Assessment Panel

Appendix B

Kangaroo Island Council

Schedule 3 – Assessment Panels -- Code of Conduct





Kangaroo Island Council Assessment Panel

	MEETING PROCEDURES KANGAROO ISLAND COUNCIL ASSESSMENT PANEL
File Number	3.2.2
Date Issued:	7 December 2020
Version No :	1
Next Review date:	Upon Next Constitution of Panel

Interpretation

1. In this document:
 - 1.1 *Assessment Manager* means the person appointed to that role by the Chief Executive Officer of the Council pursuant to section 87(d)(ii) of the PDI Act, or their delegate
 - 1.2 *Council* means the Kangaroo Island Council
 - 1.3 *Development Act* means the Development Act 1993
 - 1.4 *Member* means a member of the Panel
 - 1.5 *Panel* means the Kangaroo Island Council Assessment Panel established by the Council pursuant to section 83 of the PDI Act;
 - 1.6 *PDI Act* means the Planning, Development and Infrastructure Act 2016
 - 1.7 *PDI (Gen) Regulations* means the Planning, Development and Infrastructure (General) Regulations 2017
 - 1.8 *Presiding Member* means the Presiding Member of the Panel appointed by the Council pursuant to section 83 of the PDI Act

Purpose

2. This document has been adopted by the Panel pursuant to Part 3 of the PDI (Gen) Regulations .
3. The procedures in this document are intended to:
 - 3.1 outline the procedures by which the Panel will conduct its business at meetings; and
 - 3.2 facilitate the conduct of the Panel's business in a transparent, timely, efficient and appropriate manner to ensure compliance with the requirements of the Act.
4. In so far as meeting procedures for the Panel are not determined in this document, the Panel may determine its own procedures as required.





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Meeting Notice, Times and Venue

5. Scheduled meetings of the Panel will be held 'as required' on the first available Monday of each month (excluding a meeting in January) at 12:30pm, as determined by the Assessment Manager:
 - 5.1 at the Council Chambers; or
 - 5.2 via teleconference, video conference, webinar, online platform or other electronic means.
6. Where a meeting is to be convened at the Council Chambers, Panel members may request that they attend the meeting via teleconference, video conference, webinar, online platform or other electronic means. Such requests must be made to the Assessment Manager, via email, at least one (1) clear business day before the meeting. The Assessment Manager will determine how attendance will be facilitated and will provide appropriate details to the Panel member.
7. A minimum of five (5) clear business days' notice of a scheduled meeting shall be given to applicants and representors as required by the PDI (Gen) Regulations
8. Notice of a Panel meeting and the accompanying agenda will be provided to Members three (3) clear business days before a scheduled meeting.
9. Notice of the meeting shall be given by email or fax. Notice via post will be given only if the relevant Member, applicant or representor has not provided an email or fax number or has otherwise indicated that they wish to receive notices by post only. The notice must specify whether the meeting will be convened as a physical meeting or via teleconference, video conference, webinar, online platform or other electronic means. If the latter, the notice must include appropriate log-in and other details.
10. Special meetings (being any meeting of the Panel which is not a scheduled meeting under 5 above) of the Panel may be required in special circumstances to expedite decisions on applications before the Panel, and will be called at the discretion of the Presiding Member in consultation with the Assessment Manager. Members, applicants, representors and the public shall be given five (5) clear business days' notice of a special meeting of the Panel. The Assessment Manager will determine whether a special meeting will occur at a physical location or via teleconference, video conference, webinar, online platform or other electronic means. Where a special meeting is to occur at a physical location, the Assessment Manager will determine the location.
11. Meetings of the Panel shall be conducted in public except where the Panel may exclude the public pursuant to regulation 13 of the PDI (Gen) Regulations. Where a meeting is to be convened via teleconference, video conference, webinar, online platform or other electronic means, the meeting will be livestreamed or made accessible in a manner deemed appropriate by the Assessment Manager, such that members of the public can hear and (if relevant) see the meeting as they would in the public gallery of a physical meeting.
12. Public notice of a scheduled meeting will be provided at the Council's offices and on the Council's website. Where a scheduled meeting is to be convened via teleconference,





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video conference, webinar, online platform or other electronic means, log-in and/or access link details will be provided in the notice.

13. A copy of the Agenda and reports provided to the Panel for every meeting of the Panel shall be available for viewing by the public at the Council's offices at least three (3) business days before the meeting.
14. A copy of the Agenda and reports from the Assessment Manager for every meeting of the Panel shall be available for viewing on each of the Council's websites (excluding the attachments to reports or any 'in confidence' details or documents) at least three (3) business days before the meeting.

Applicants to address the Panel

15. An applicant has the right to address the Panel in accordance with the provisions of regulation 50 of the PDI (Gen) Regulations.
16. Except as provided in regulation 50 of the PDI (Gen) Regulations or otherwise provided in these Meeting Procedures an applicant for a development application before the Panel may not address the Panel but the Presiding Member may allow Panel Members to address questions to the applicant or their representatives. The applicant or their representatives must limit their response to the questions raised.
17. Applicants and their representatives may request that they attend Panel meetings via teleconference, video conference, webinar, online platform or other electronic means. Such requests must be made to the Assessment Manager, via email, at least one (1) clear business day before the meeting. The Assessment Manager will determine how attendance will be facilitated and will provide appropriate details to the applicant or their representative.

Hearing of Representations

18. The Panel shall conduct a hearing of representations in accordance with regulation 50 of the PDI (Gen) Regulations for all performance assessed development applications that require public notification. For clarity, the Panel will hear all representors who lodge a valid representation and who indicate on their written representation that they wish to be heard on their representation by the Panel. The hearing of representations will take place at the commencement of the consideration of the relevant agenda item.
19. Representors will be heard in support of their representations before the applicant's response to the representations. Persons making representations will be allocated five (5) minutes to address the Panel. The applicant will be allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member.
20. Where two (2) or more persons have nominated a spokesperson to support their representations at the Hearing of Representations the Presiding Member will prior to the Panel meeting determine the allocated time that the spokesperson will address the Panel.
21. Where representors are addressing the Panel on a common issue or issues, the Panel may request such representors to address the Panel in a group, rather than individually.





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22. Representors will not be allowed a further opportunity to address the Panel once applicants have concluded their response.
23. Representors or the applicant will not be allowed a further opportunity to address the Panel at any subsequent meeting of the Panel to consider the matter, except at the discretion of the Presiding Member.
24. Where no representors appear at a Panel meeting an applicant may only be heard at the discretion of the Presiding Member where their written response to representations requires explanation or where the Panel determines that it will otherwise benefit from hearing them.
25. Panel Members may question and seek clarification from a representor and the applicant at the conclusion of their address to the Panel.
26. Individual elected members of the Council do not have a right to be heard by the Panel unless they have made a representation as a private citizen and are a representor pursuant to regulation 50 of the PDI (Gen) Regulations or have been appointed by a representor to speak on their behalf
27. Representors and their representatives (as relevant) may request that they attend Panel meetings via teleconference, video conference, webinar, online platform or other electronic means. Such requests must be made to the Assessment Manager, via email, at least one (1) clear business day before the meeting. The Assessment Manager will determine how attendance will be facilitated and will provide appropriate details to the representor or their representative.
28. Panel Member will be diligent in the event where there is no statutory public notification undertaken pursuant to regulation 50 of the PDI (Gen) Regulations to exclude any notional or actual influence of any other public opinion or sentiment expressed to members individually or collectively, in determining a matter before the Panel.

Site Inspections and Locality Visits

29. Formal site visits of the Panel may be arranged on request from any Member. The Panel may request attendance of the Assessment Manager or their delegate to provide relevant information. The Panel will not hear from representors or applicants at a formal site visit.
30. Formal site visits by the Panel or locality visits by one or more Members will be undertaken in accordance with the Ministers Code of Conduct for Assessment Panel members.

Information provided following preparation of the meeting agenda

31. Additional information submitted after distribution of the meeting agenda, either before or during a meeting of the Panel, should be submitted to the Assessment Manager so that they may advise the Panel. Additional information submitted at the Panel meeting will not normally be considered unless on the advice of the reporting officer or at the discretion of the Presiding Member. The Panel may defer consideration of the application to enable a full and proper assessment of any further information submitted.
32. Representors and applicants must avoid raising new material that has not been raised in their written submissions when they appear before the panel. Where it is necessary, any





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new additional information that must be presented should be forwarded to the Assessment Manager at least five (5) business days prior to the meeting so that the Assessment Manager can confirm necessity and effect distribution to the applicant and to members of the Panel for consideration.

33. After hearing an applicant and /or representors, the Panel may discuss an application and any new information to determine its relevance and may seek clarification from the Assessment Manager.
34. At the discretion of the Presiding Member (in consultation with members of the Panel), any new information presented by any person appearing before the Panel, may not be considered. The Presiding Member's determination in this regard is final.

Deferrals

35. The Panel may defer a decision on an application where:
 - 35.1 the assessment timeframe for the application prescribed by regulation 53 of the PDI (Gen) Regulations has not expired; and
 - 35.2 the applicant has requested the deferral to allow variations to be made to the application; and
 - 35.3 there is sufficient time available for the variations to be made and submitted to the Panel's delegate prior to the expiry of the relevant assessment timeframe for the application.
36. Where a decision on an application is deferred by the Panel pursuant to clause 35 above, the Panel must resolve to authorise the Assessment Manager to determine the application on any conditions specified by it, should the variations not be received prior to the expiration of the relevant assessment timeframe.
37. Where the Panel has permitted an applicant to vary its application:
 - 37.1 it must be noted that it is a privilege of the applicant to request that they be permitted to vary an application, and that the Panel is not empowered to request or compel an applicant to vary an application;
 - 37.2 a variation of an application may be permitted, providing that the essential nature of the development does not change. The test for determining whether the essential nature of a development has changed is to ask whether the amended proposal is essentially the same as the original proposal.

Quorum and Voting

38. A quorum at a meeting of the Panel is a number ascertained by dividing the total number of Members for the time being in office by two (2), ignoring any fraction resulting from the division, and adding one (1). The Panel comprises five (5) Members and therefore a quorum at a meeting is three (3) Members.
39. If the number of apologies received by the Presiding Member or the Assessment Manager, indicate that a quorum will not be present at a meeting, the Presiding Member, may adjourn the meeting to a specified day and time.





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40. In the absence of the Presiding Member, an acting Presiding Member shall be appointed by the Panel for the relevant meeting or portion of a meeting.
41. Should a quorum not be reached within thirty (30) minutes of the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the meeting will be cancelled and the business on the agenda will be considered at the next meeting of the Panel.
42. Decisions will be made by a vote of all members present and the decision made on the basis of a majority vote. If the votes are equal, the Presiding Member is entitled to a second or casting vote.
43. Subject to the entitlement of the Presiding Member at clause 41 above, all Panel Members will participate in the decision of the Panel by making one (1) vote.
44. The minutes must record the decision of the Panel on each development application and record a mover and seconder for items decided by vote.
45. Members cannot call for a division, nor can they submit any notice of motion to revoke or amend a previous decision of the Panel.

Decision-making

46. The Panel must have regard to the Planning and Design Code or the Development Plan (as relevant) as the basis for its decisions, and also have regard to any written and verbal representations made in accordance with the provisions of the Act.
47. In making a decision, the Panel:
 - 47.1 must state whether the proposal is seriously at variance with the provisions of the Planning and Design Code or the Development Plan (as relevant) (and must refuse to grant planning consent if the proposal is seriously at variance with the provisions of the Planning and Design Code or the Development Plan (as relevant)); and
 - 47.2 if the proposal is not seriously at variance with the provisions of the Planning and Design Code or the Development Plan (as relevant), must state whether planning consent should be granted or refused; and
 - 47.3 must provide reasons why a proposal is seriously at variance with the provisions of the Planning and Design Code or the Development Plan (as relevant);
 - 47.4 if planning consent is granted subject to conditions, the conditions must indicate why the conditions have been imposed OR why planning consent is refused (as the case may be).

Minutes

48. The decisions of the Panel will be recorded in the Minutes of the meeting.
49. The Minutes of the proceedings of a meeting will record:
 - 49.1 the names of the Members present;
 - 49.2 the name and time of a Member entering or leaving;





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- 49.3 the name of a person who has made a verbal representation to the Panel at the meeting;
 - 49.4 the decision of the Panel;
 - 49.5 any disclosure of interest made by a Member and the nature of the interest; and the decision of the Panel to exclude public attendance including reasons.
50. The Panel may, before it releases a copy of any minutes to the public, exclude from the minutes information about any matter dealt with on a confidential basis by Members.

Planning Appeals

51. Should an appeal be lodged in the relation to a decision of the Panel the Panel will determine whether any "compromise proposal" is appropriate or the matter proceed to a Hearing of the Environment, Resources and Development Court.

Conflict of Interest

52. If a Member is of the view that they have a conflict of interest in relation to a matter before the Panel they are required to make a disclosure clearly stating the nature of that interest to the Panel, in accordance with Clause 7(a) of the Assessment Panels – Code of Conduct pursuant to Schedule 3 of the PDI Act, and then in the meeting when the relevant agenda item is reached, must remove themselves from the meeting in accordance with clause 7(b) of the Code.

Conduct

53. Members of the Panel must act at all times in accordance with section 15(2) of the Act and the Assessment Panels – Code of Conduct and professional standards adopted pursuant to Schedule 3 of the PDI Act.
54. The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a member, an applicant, a representor or any person or persons present at the meeting of the Panel until such time as the disruption or disturbance ceases, or failing that, order a persons or persons to leave the meeting.
55. The Panel whenever possible will conduct its meetings in public; however should the discussion or determination of a development application be inhibited by the presence of the public at the meeting the Panel may exclude the public from attendance pursuant to the PDI (Gen) Regulations.
56. Where a meeting is convened via teleconference, video conference, webinar, online platform or other electronic means, the Presiding Member may mute or disconnect a person from the meeting link in the event that the person is, in the opinion of the Presiding Member, behaving in accordance with clauses 53 or 54 above.
57. Where a meeting is convened via teleconference, video conference, webinar, online platform or other electronic means, and the Panel resolves to exclude the public from the meeting pursuant to the Regulations, members of the public will, as relevant, be excluded from the meeting via livestream being paused or otherwise audio and video feeds being disabled for the duration of the confidential item.





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58. Members must not initiate individual discussions with applicants, representors or government agencies regarding a matter that is or is likely to be before the Panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be constructed as having made a decision in relation to the proposal before the Panel has collectively assessed and determined the development application.

Other Matters

59. An applicant will not be permitted to defer matters from the meeting agenda after the agenda has been sent to Members, unless agreed at the meeting or by the Presiding Member prior to the meeting. The applicant must make this request in writing to the Panel Assessment Manager, including reason(s) for their request to defer.
60. Should a Member receive by direct post, fax, e-mail or other means, information in relation to a development application being assessed by Council development assessment officers who may be referred for decision by the Panel at a future time, then the Panel Member must immediately forward the information received to the Assessment Manager. The Panel Members should not acknowledge receipt of the information and must not enter into discussion with the sender in relation to any matters contained within the information received. If a Panel Member receives such information, he or she must disclose this fact to the meeting, and confirm that the information will not be taken into account for the purposes of making a decision on the relevant application.
61. Should a request be made for public comment on the operations or decisions made by the Panel the matter should be referred to the Presiding Member. Comment may be made at the discretion of the Presiding Member.
62. The Panel at a meeting may appoint an additional member of the Panel for the purpose of providing independent expert advice on any relevant matter before the Panel. The person will be appointed under section 86 of the PDI Act and will be a member of the Panel in all respects but will not have a vote on any matter arising for determination by the Panel.
63. The role of the Panel is not one of mediator or arbitrator for parties expressing divergent views but is a decision maker charged with the responsibility of assessing each proposal against the relevant provisions of the Planning and Design Code. It is a role that is inquisitorial rather than adversarial. The Panel does not therefore have a role as a mediator or arbitrator at its meetings or otherwise between an applicant and representors.
64. The Panel, at a meeting may request independent expert advice on any relevant matter before the Panel. The request must be made to the Assessment Manager. If the Assessment Manager decides not to obtain such advice, then the Panel must be advised of the decision and the reason as soon as reasonably possible.
65. Except insofar as a procedure is not prescribed by the PDI Act or the PDI (Gen) Regulations, procedures will be determined by the Panel.
66. A proceeding of the Panel (i.e. any decision made by the Panel) is not invalid by reason of a vacancy in its membership or a defect in the appointment of a member.





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Public access to meetings

67. In accordance with regulation 13 of the PDI (Gen) Regulations:

67.1 In connection with the conduct of the proceedings of the Panel, members of the public are entitled to attend a meeting of the panel other than as set out in sub-regulation (2).

67.2 The Panel may exclude the public from attendance at a meeting:

67.2.1 during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:

- i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- ii. information the disclosure of which:
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (B) would, on balance, be contrary to the public interest;
- iii. information the disclosure of which would reveal a trade secret;
- iv. commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
- v. matters affecting the safety or security of any person or property;
- vi. information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- vii. matters that should be considered in confidence in order to ensure that the Panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- viii. legal advice;
- ix. information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place; and
- x. information the disclosure of which:
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the State Planning Commission, or another public authority or official; and
 - (B) would, on balance, be contrary to the public interest;

67.2.2 during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel.





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CAP EOI Listing of Applicants July 2025

Name	AP status	PM	Ind	Skillset	Interview
*Stephen Smith (existing member)	✓	✓	✓	Masters Business Admin, Bachelor of Arts in Planning, Grad Dip Environmental Planning, Grad Dip in Public Sector Management, on 10 CAP's across SA, Planner	*Yes
Mark Thompson	Previously held but not currently – could easily obtain		✓	Bachelor Environmental Management, Grad Dip U&RP, planner has own consultancy	Yes
*Stephanie Johnston (existing member)	✓	✓	✓	Masters of U&RP, Bachelor of Architectural studies, heritage, stakeholder engagement	*Yes
Josh Banks	✓		✓	Bachelor of Planning, Project management, regional planning	Yes
Steve Hooper	✓		✓	Bachelor of Economics, Diploma in U&RP, on 3 CAP's	Yes
*Graham Smith (existing member)	N/R – PDI Act S83(2)(a) and (b)	✓	✓	Former EM and resident of KI – vast experience with KI landscape and has robust understanding of challenges	*Yes – will need to attend civic centre as has no technology
*Julian Rutt (existing member)	✓		✓	Has previously been panel member on ODASA state govt, architect, currently on 3 CAP's and deputy on 1 CAP	*Yes
Ross Bateup	✓		✓	Architecture, Landscape Architecture, Urban Design	Not at this stage
Carol Muzyk	✓	✓		Masters in Environmental Management & Sustainability, Grad Dip U&RP, Graduate Cert in Env Health, been member of Development Policy Advisory Committee (DPAC) as environmental specialist, been on board for NAWMA, current deputy independent member for Marion CAP, has been on 4 previous CAP's	Not at this stage
Ken Stratton	✓		✓	Planner and Building surveyor	Yes

CAP EOI Listing of Applicants July 2025

Name	AP status	PM	Ind	Skillset	Interview
David Altmann	✓	✓	✓	Experience across CAP's RAP's and other Council Committees as chair and executive officer, member SCAP, Planner – Fellow PIA member so highly regarded	Yes
Louise Custance	Will attain		✓	Landscape architect, environmental management, community engagement, has deep understanding of KI diverse communities and local context	No
John Byleveld	✓		✓	Architect, urban design, heritage, familiar with coastal and regional environments, masterplanning	Yes
Nick Croker	Not provided		✓	Masters of Public Policy, no planning related experience	x
John Dedes	Not provided		✓	Incomplete submission – has Grad Dip in U&RP, Gard Dip Project Management, Bachelor of Business Property	x