

**Clare & Gilbert Valleys Council, Northern Areas Council, Regional Council  
of Goyder, Wakefield Regional Council**

**Mid North Regional Assessment Panel**

**Terms of Reference**

Adopted by the MNRAP on 5 August 2020

**1. NAME**

1.1 The name of the Panel shall be the Mid North Regional Assessment Panel.

**2. ESTABLISHMENT**

2.1 The Mid North Regional Assessment Panel (“the Panel”) was constituted by the Minister for Planning (“the Minister”) pursuant to Section 84 of the *Planning, Development and Infrastructure Act 2016* (the “PDI Act”) by notice in the Gazette on 23 July 2020 (“the Minister’s Notice”) which comes into operation on 31 July 2020 and consists of the areas of the Clare & Gilbert Valleys Council, Northern Areas Council, Regional Council of Goyder and the Wakefield Regional Council (“the relevant councils”).

2.2 The Panel will, at all times, act in accordance with the PDI Act and its regulations, the Minister’s Notice constituting the Panel, the Code of Conduct for Assessment Panels adopted by the Minister under Schedule 3 of the PDI Act and these Terms of Reference.

**3. PURPOSE**

3.1 The Panel is a relevant authority under the PDI Act.

3.2 In relation to development applications for which the Panel is the relevant authority, the Panel will either determine the application, delegate the determination of the application or in the case of an application for building consent, may choose to refer the assessment of that application to the council for the area in which the development is to be undertaken.

3.3 The Panel will also determine development applications which are referred to it by the Assessment Manager, where it has been given delegated authority to do so by the Assessment Manager.

#### 4. **MEMBERSHIP AND TERM OF OFFICE**

- 4.1 The Panel will consist of five members appointed by the relevant councils.
- 4.2 The relevant councils may appoint one or more deputy members to the Panel for the purpose of filling in for a Panel member who is unable to attend a Panel meeting or part of a Panel meeting.
- 4.3 Where more than one deputy member is appointed, the relevant councils must specify the circumstances in which each deputy member (or any one or more of them) will be invited to attend a Panel meeting.
- 4.4 Unless the context otherwise requires, a reference to a Panel member in this document includes a deputy member.
- 4.5 The Terms of Office for a member of the Panel will be two years.
- 4.6 A person who is a member of a council or a member of the Parliament of the State is not eligible for appointment as a member of the Panel
- 4.7 A member of the Panel may effect his/her resignation from the Panel by giving written notice to the relevant councils.
- 4.8 If a vacancy in the membership of the Panel occurs, the relevant councils will fill that vacancy at the earliest opportunity.
- 4.9 The candidate appointed to fill a vacancy may be a deputy member in which case that person will automatically cease to be a Deputy Member
- 4.10 A person may continue to act as a member of the Panel after the expiration of a Term of Office for the purpose of completing any matter before the Panel at the time of the expiration of the term.
- 4.11 A member of the Panel is eligible for reappointment at the expiration of a Term of Office.

#### **Appointment of members**

- 4.12 When appointing Panel members, the relevant councils may have regard to the following:
  - 4.12.1 the candidate's knowledge of the operation and requirements of the PDI Act;
  - 4.12.2 the candidate's qualifications or experience in a field that is relevant to the activities of the Panel;
  - 4.12.3 that a balance of qualifications and experience among Panel members is desirable;
  - 4.12.4 that gender diversity among Panel members is desirable; and

4.12.5 such other matters as the relevant councils consider appropriate.

### **Expression of Interest**

4.13 The relevant councils will call for expressions of interest for appointment of Panel members.

### **Presiding Member and Acting Presiding Member**

4.14 The relevant councils will appoint one member of the Panel to be the Presiding Member for such term and on such conditions as determined by the relevant councils.

4.15 The Presiding Member will preside at any Panel meeting at which he or she is present.

4.16 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 Panel Members who are present at the meeting.

4.17 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.

4.18 In the event that the Presiding Member resigns or is removed from office, the relevant councils will appoint another member of the Panel to be the Presiding Member for such term and on such conditions as determined by the relevant councils.

### **Removal from Office**

4.19 The relevant councils may recommend to the Minister that the Minister remove a Panel member from office on one or more of the grounds set out in Clause 10(3) of the Minister's Notice.

4.20 Prior to resolving to recommend that the Minister remove a Panel member from office, the relevant councils must:

4.20.1 give written notice to the Panel member of:

4.20.1.1 their intention to remove the member from office; and

4.20.1.2 the alleged behaviour of the member falling within Clause 10(3) of the Minister's Notice or reason the relevant councils consider it appropriate to remove the member,

not less than 7 days before the matter is to be considered;

4.20.2 give the member an opportunity to make submissions to the relevant councils on their intention to remove the member from

office, in such manner as determined by the relevant councils;  
and

- 4.21 have due regard to the Panel member's submissions in determining whether to recommend that the Minister remove the Panel member from office.

## **5. REGISTER OF FINANCIAL INTEREST**

- 5.1 The relevant official, as that term is defined in the PDI Act, will maintain a register containing the disclosures of financial interest made by the members of the Panel pursuant to their obligation under Schedule 1 of the PDI Act.

## **6. CONDITIONS OF APPOINTMENT**

- 6.1 At all times, Panel members must act honestly, lawfully, in good faith, and in accordance with the Minister's Code of Conduct for Assessment Panels.
- 6.2 Panel Members may be remunerated as determined by the relevant councils for the reasonable time and costs incurred by Panel members in attending Panel meetings.
- 6.3 Different levels of remuneration may be fixed by the relevant councils for the Presiding Member, ordinary members and deputy members.
- 6.4 All Panel members must be accredited professionals – Planning Level 2.

## **7. ASSESSMENT MANAGER**

- 7.1 The Panel must have an Assessment Manager in accordance with Section 87 of the PDI Act. The Assessment Manager will be appointed by the Chief Executive of the Department of Planning, Transport and Infrastructure.
- 7.2 Pursuant to Section 84(1)(i) of the PDI Act, the relevant councils will share the costs associated with the Assessment Manager in accordance with the scheme prescribed by the Minister in Clause 14 of the Minister's Notice.

## **8. REPORTING**

- 8.1 The Assessment Manager shall present an annual report detailing the Panel's activities to each of the relevant councils before 30 September each year.

## **9. CIRCUMSTANCES NOT PROVIDED FOR**

- 9.1 If a circumstance arises in respect of which these Terms of Reference, the Minister's Notice, the PDI Act and its regulations and, Mid North Regional Assessment Panel Meeting Procedures are silent or are

incapable of being implemented, the relevant councils authorise the Panel to determine by way of a unanimous decision of the Panel the manner in which the Panel will proceed, and to carry out any action that the Panel deems must be taken.

- 9.2 In the event that an issue remains unresolved the Panel shall refer the matter to the relevant councils for direction.