

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

TERMS OF REFERENCE

Adopted March 2020

Name

1. The name of the Panel shall be the Upper Spencer Gulf Regional Assessment Panel (“the Panel”).

Establishment

2. The Panel is established by the Minister for Planning (“the Minister”) pursuant to Section 84(1) of the *Planning, Development and Infrastructure Act 2016* (the "PDI Act").
3. The Panel is, pursuant to section 84(1)(c) of the PDI Act, constituted for the areas of the following councils:
 - 3.1 City of Whyalla
 - 3.2 Port Augusta City Council
 - 3.3 Port Pirie Regional Council(together referred to as “the Councils”)
4. The Panel will, at all times, act in accordance with the PDI Act, the Minister’s notice constituting the Panel, the Code of Conduct adopted by the Minister under Schedule 3 of the PDI Act and these Terms of Reference.

Number of Panel members

5. Pursuant to section 84(1)(e)(i)(A) of the PDI Act, the Panel is constituted of five (5) members, none of which may be a member of a council.

Appointment of members

6. Pursuant to section 84(1)(e) of the PDI Act, the Minister makes provision for the appointment of members of the Panel as follows:
 - 6.1 all members of the Panel, must be accredited as an accredited professional – planning level 2 under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*;
 - 6.2 prior to the appointment of the initial Panel and, thereafter (as relevant):
 - 6.2.1 within one (1) month after the resignation of, or termination of appointment of a Panel member; or
 - 6.2.2 within two (2) months prior to the expiry of each term of the Panel,

the Councils will determine a list of five (5) persons nominated for appointment as members of the Panel and a nomination for appointment as the Presiding Member of the Panel.

- 6.3 At the expiration of a term of appointment, a Panel member is eligible for reappointment.

Term of office

7. Members of the Panel will be appointed for two (2)-year terms.

Conditions of appointment and grounds for removal from office

8. Panel members are appointed to the Panel subject to the condition that all Panel members must maintain the accreditation required by clause 6.1 above for the term of their appointment.
9. Appointment to the Panel will expire if the Panel member:
- 9.1 fails to comply with clause 8 above;
 - 9.2 dies;
 - 9.3 resigns by giving written notice of his/her resignation to the Minister;
 - 9.4 becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors;
 - 9.5 is convicted of an offence;
 - 9.6 is removed from office under clause 10 below.
10. The Minister may remove a Panel member from the Panel on the following grounds:
- 10.1 maladministration;
 - 10.2 misconduct;
 - 10.3 neglect of duty;
 - 10.4 incapacity to carry out satisfactorily the duties of his/her office;
 - 10.5 failure to carry out satisfactorily the duties of his/her office;
 - 10.6 failure to disclose his/her financial interests in accordance with Schedule 1 of the PDI Act;
 - 10.7 upon receipt of a recommendation or direction from the State Planning Commission that the Panel member be removed from office pursuant to regulation 11 of the PDI Regulations.
11. If a vacancy in the membership of the Panel occurs, subject to clause 6.2.1 above, the Councils will fill that vacancy at the earliest opportunity.

12. An act of the Panel is not invalid by reason only of a vacancy in its membership.
13. The remuneration of Panel members will be determined by the Councils. The Councils are responsible for the payment of remuneration to Panel members.
14. The costs of and associated with the Panel will be borne by the Councils.

Purpose

15. The Panel is the relevant authority for development applications within the areas of the Councils as specified by section 93 the PDI Act.

Powers and Functions

16. The powers, functions and duties of the Panel are to be exercised in accordance with the PDI Act, the *Planning, Development and Infrastructure (General) Regulations 2017* (“the PDI Regulations”) and these Terms of Reference.
17. The powers, functions and duties of the Panel are assigned by section 93 of the PDI Act and Part 5 of the PDI Regulations.
18. The Panel has the power to delegate its powers, functions and duties pursuant to section 100 of the PDI Act.

Register of Financial Interests

19. The Minister will maintain a register containing the disclosures of financial interests made by the members of the Panel pursuant to their obligation under Schedule 1 of the PDI Act.

Assessment Manager

20. The Panel must have an Assessment Manager in accordance with Section 87 of the PDI Act.
21. The Assessment Manager be appointed by the Chief Executive of the Department of Planning, Transport and Infrastructure having regard to a nomination provided by the Councils.
22. The costs associated with the Assessment Manager will be borne by the Councils.

Meetings of the Panel

23. Meetings of the Panel must take place as determined by the Panel from time to time.
24. Meetings may be held by telephone, audio-visual or other instantaneous means (telecommunications meeting).
25. The meeting procedures of the Panel are those prescribed by Part 3 of the PDI Regulations, unless otherwise resolved by the Panel.
26. Notice of a Panel meeting (whether ordinary or special) and the accompanying agenda will be given by the Assessment Manager to each Panel member and provided to each of the Councils not less than three clear working days prior to the meeting.

Reporting

27. The Assessment Manager shall present an annual report detailing the Panel's activities to each of the Councils before 30 September in each year.

Circumstances not provided for

28. 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.
29. In the event that an issue remains unresolved the Panel shall refer the matter to the Assessment Manager for direction.