



RIVERLAND REGIONAL ASSESSMENT PANEL

Terms of Reference

1. **Name**
 - 1.1 The name of the Panel shall be the Riverland Regional Assessment Panel.
2. **Establishment**
 - 2.1 The Riverland Regional Assessment Panel (the "Panel") is established by the Minister for Planning ("the Minister") pursuant to Section 84 of the *Planning, Development and Infrastructure Act 2016* (the "PDI Act") and consists of the Berri Barmera Council, the District Council of Loxton Waikerie and the Renmark Paringa Council (the "Councils").
 - 2.2 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.
3. **Purpose**
 - 3.1 The Panel will, in accordance with the authority delegated to it by the Councils, assess all development applications that are referred to it by the Assessment Manager.
4. **Powers and Functions**
 - 4.1 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"), the *Development Act 1993* ("the Development Act") and the *Development Regulations 2008* ("the Development Regulations") and this terms of reference.
 - 4.2 The powers, functions and duties that have been delegated to the Panel by the Councils are as follows:-
 - Category 2 applications where representations have been made, and a representor or representors wish to address the RAP in support of their representation.
 - Category 3 applications where representations have been made, and a representor, or representors wish to address the RAP in support of their representation.
 - Non-complying applications which are being assessed on their merits, and in respect of which representations have been made, and a representor, or representors wish to address the RAP in support of their representation.
 - Other such development applications, which do not meet the above requirements, but in respect of which the Chief Executive Officer and/or his/her delegate believe determination by the RAP is warranted.

5. The Schedule of Delegations to the Panel as resolved by each of the Councils are attached (Appendix A).

6. **Membership and Term of Office**
 - 6.1 The Membership and Terms of Office for the Presiding Member and Panel Members will be specified by the Minister upon constituting the Panel.
 - 6.2 A member of the Panel may effect his/her resignation from the Panel by giving written notice to the Minister.
 - 6.3 The Elected Member's appointment to the Panel automatically terminates when he/she ceases to be an Elected Member of one of the Councils.
 - 6.4 If a vacancy in the membership of the Panel occurs, the Minister will fill that vacancy at the earliest opportunity.
 - 6.5 In accordance with clause 5 of the Regional Assessment Panel Meeting Procedures, an act of the Panel is not invalid by reason only of a vacancy in its membership.

7. **Register of Financial Interest**
 - 7.1 The relevant official, as that term is defined in the PDI Act, 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.

8. **Conditions of Appointment**
 - 8.1 All members of the Panel must abide by the Minister's Code of Conduct (Appendix C)

9. **Assessment Manager**
 - 9.1 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.
 - 9.2 Pursuant to Section 84(1)(i) of the PDI Act, the Councils will share the costs associated with the Assessment Manager in accordance with a scheme prescribed by the Minister.

10. **Meetings of the Panel**
 - 10.1 Meetings of the Panel must take place as determined by the Panel from time to time.
 - 10.2 Meetings may be held by telephone, audio-visual or other instantaneous means (telecommunications meeting) provided that at least a quorum is present.
 - 10.3 Meetings may be held in camera to discuss confidential information in accordance with clause 1(2) of the Regional Assessment Panel Meeting Procedures.
 - 10.4 The Panel may resolve to exclude the public from attendance in accordance with clause 1(2) of the Regional Assessment Panel Meeting Procedures .
 - 10.5 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 posted to each Council not less than three clear working days prior to the meeting.
 - 10.6 The Presiding Member or any three Panel Members may call a special meeting of the Panel and in doing so, must submit a written request that includes an agenda for the meeting to the Assessment Manager .
 - 10.7 Members of the Panel cannot call for a division on a motion, nor can they submit any notices of motion to revoke or amend previous decisions of the Panel.
 - 10.8 In accordance with Section 41 of the Development Act the Panel shall determine all applications as expeditiously as possible.

10.9 Copies of the notice of meeting and accompanying agenda will be made available to the public three days prior to the meeting and the minutes of the meeting will be made available five days after the meeting.

11. Reporting

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

12. Circumstances not provided for

12.1 If a circumstance arises in respect of which the procedures and the PDI Act and/or Regional Assessment Panel Meeting Procedures are silent or are incapable of being implemented, the Councils authorise the Panel to determine by way of a unanimous decision of the Panel and to carry out any action that the Panel deems must be taken .

12.2 In the event that an issue remains unresolved the Panel shall refer the matter to the Councils for direction.