

## **TERMS OF REFERENCE FOR THE FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL**

### **Function**

1. The Governor has by regulation constituted the Flinders Regional Development Assessment Panel (**the Panel**) in relation to the areas of the District Councils of Orroroo-Carrieton, Mount Remarkable, Peterborough and The Flinders Ranges Council.
2. The Panel shall:
  - (a) act as the relevant authority with respect to all development proposals of a prescribed kind (as referred to in section 34(1)(ab) of the Development Act 1993 (**the Act**) within the areas of the constituent councils;
  - (b) act as a delegate of the constituent councils in accordance with the requirements of the Act;
  - (c) provide advice and reports to the constituent councils on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Panel's assessment of applications under the Act;
  - (d) perform other functions apart from policy formulation functions assigned to the Panel by the constituent councils.

### **Development Assessment Role**

3. To exercise, perform and discharge the following responsibilities on behalf of the constituent councils:
  - (a) the assessment and determination of all applications for planning consent which are the subject of a delegation from the constituent councils to the Panel;
  - (b) the provision of comment or advice to the Development Assessment Commission on major matters submitted to the constituent councils by the Commission;

- (c) in consultation with the relevant constituent Council, the consideration of proposals for settlement on matters subject to appeal to the Environment, Resources and Development Court; and
  - (d) the consideration of such other assessment matters as may be referred to the Panel by the constituent councils or public officer.
4. In consultation with the relevant constituent Council, the Panel will call for and hear specialist technical/professional advice related to assessment matters.
  5. The constituent Council in whose area any particular development is proposed shall have the responsibility for preparing a report on the proposed development (in a format determined by the Panel) together with recommended action for the Panel's consideration and action.

#### **Responsibilities of the Panel**

6. The Presiding Member and Deputy Presiding Member of the Panel shall be appointed by the constituent councils. In the absence of the Presiding Member and Deputy, the Panel will select a Panel member to preside at a meeting.
7. Panel meetings must be held in a place open to the public (subject to the power to exclude the public from meetings in accordance with the provisions of Section 34(12) of the Act).
8. Public access must be provided to both the Agenda for and Minutes of a meeting of the Panel.
9. The Panel shall be responsible for the determination of an ordinary meeting schedule.
10. The Panel shall be responsible for the determination of the distribution and presentation requirements for agendas and reports to members of the Panel.
11. The Panel shall be responsible for the determination of the distribution requirements for agendas and reports to the public.
12. The Panel must ensure that accurate minutes are kept of its proceedings.

## **Review of Delegated Power and Function**

13. The constituent councils will review annually the delegated powers and functions of the Panel.
14. The Panel (through the Public Officer) will report in writing to the constituent councils annually detailing:
  - (i) the level of attendance of Panel members at Panel Meetings;
  - (ii) the Panel's activity and performance in making decisions; and
  - (iii) comment on or analysis of policy or process that are relevant to the Panel's assessment functions and suggesting improvements.

## **Membership and Conditions of Appointment**

### **Composition:**

- (a) The Panel will consist of five (5) members (effective 10 February 2010), comprising:
    - (i) four (4) Members made up of one elected member or officer appointed by each of the constituent councils; and
    - (ii) one (1) independent Presiding Member.
  - (b) The Minister shall select the Presiding Member from a list of at least two nominees submitted to the Minister by the constituent councils.
  - (c) The Presiding Member must have a reasonable knowledge of the operation and requirements of the Act and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.
  - (d) The constituent councils may each appoint one additional deputy member and by agreement, a deputy presiding member.
15. **Membership**

Presiding Member:

*(Name to be inserted on appointment)*

Deputy Presiding Member:

*(Name to be inserted on appointment)*

Members:

*(Names to be inserted on appointment)*

Deputy Members:

*(Names to be inserted on appointment)*

### **Conditions of Appointment**

16. The inaugural members are appointed to the Panel for a period expiring on the date of the next periodic local government elections and thereafter the term of office of a member of the Panel will be for a period of 2 years.
17. Members may be reappointed at the expiration of their initial term of appointment.
18. The constituent councils shall place advertisements calling for expressions of interest from persons wishing to fill the role of an independent Presiding Member on the Panel.
19. The Presiding Member shall be paid a sitting fee of \$*[insert amount]* per hour. All other members of the Panel shall not be paid sitting fees.
20. All Panel members will be entitled to have their travel expenses incurred in attending the Panel meetings reimbursed as well as reasonable out of pocket expenses incurred in performing their roles as members of the Panel.
21. All Panel members must comply with the provisions of Section 34(7) and (8) of the Act, namely the requirement to disclose a direct or indirect personal or pecuniary interest.
22. Pursuant to Section 34(9) of the Act a member of the Panel incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or functions under Division 4 of Part 4 of the Act.
23. All Panel members must comply with the requirements of any relevant code of conduct under Section 21A of the Act.
24. The constituent councils may remove a member of the Panel from office for:
  - breach of, or failure to comply with, the conditions of appointment;
  - misconduct;

- neglect of duty;
- incapacity to carry out satisfactorily the duties of his or her office;
- failure to carry out satisfactorily the duties of his or her office;
- failure to comply with the requirements to disclose a Panel member's financial interests;
- failure to disclose a direct or indirect pecuniary interest in a matter before the Panel; or
- a breach of or failure to comply with the Code of Conduct under Section 21A of the Act.

25. The Office of a Member of the Panel becomes vacant if a member:

- Dies; or
- completes a term of office and is not reappointed; or
- resigns by written notice addressed to the constituent council by whom the member was appointed; or
- is removed from office by the constituent councils in accordance with clause 24 above; or
- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- is convicted of an indictable offence punishable by imprisonment.

All Panel members who are not Council elected members must disclose his or her financial interests in accordance with Schedule 2 of the Act.

26. On the office of a member of the Panel becoming vacant, a person will be appointed in accordance with the appointment process contained herein for members of the Panel to the vacant office.

27. A Panel member whose term of office has expired may nevertheless continue to act as a member for a period of up to six months until he or she is reappointed or a successor is appointed (as the case may be).

28. The Panel and Panel members are subject to the complaint and review procedures set out in Chapter 13 Part 1 of the *Local Government Act 1999* in relation to their duty of disclosure of direct or indirect personal or pecuniary interests.

**Public Officer**

29. The Panel will appoint a Public Officer for the purposes of Section 34(18b) of the Act for the term of the inaugural panel at the first meeting of the Panel and thereafter at the commencement of the term of each new Panel.