

South Australia

## **Development (Panels) (Transitional Provisions) Regulations 2006**

under the *Development (Panels) Amendment Act 2006*

---

### **Contents**

- 1 Short title
- 2 Commencement
- 3 Preliminary
- 4 Council development assessment panels
- 5 Disclosure of financial interests

### **Legislative history**

---

#### **1—Short title**

These regulations may be cited as the *Development (Panels) (Transitional Provisions) Regulations 2006*.

#### **2—Commencement**

These regulations come into operation on the day on which section 10 of the *Development (Panels) Amendment Act 2006* comes into operation.

#### **3—Preliminary**

- (1) In these regulations—

*Amendment Act* means the *Development (Panels) Amendment Act 2006*;

*council development assessment panel* means a council development assessment panel under section 56A of the principal Act, as amended by the Amendment Act;

*development assessment panel* means a development assessment panel under section 56A of the principal Act, as that section applied immediately before being amended by the Amendment Act;

*final implementation day* means 26 February 2007;

*principal Act* means the *Development Act 1993*.

- (2) These regulations make provisions of a saving or transitional nature consequent on the enactment of the Amendment Act.

#### **4—Council development assessment panels**

- (1) A council is not required to have a council development assessment panel established, with all members appointed, in accordance with the amendments made to the principal Act by the Amendment Act until the final implementation day.

- (2) Taking into account the operation of subregulation (1), a council is not required, until the final implementation day—
- (a) to make delegations in accordance with section 34(23) of the principal Act, as enacted by the Amendment Act; or
  - (b) to establish a policy in accordance with section 34(27) of the principal Act, as enacted by the Amendment Act; or
  - (c) to appoint a public officer of a council development assessment panel under section 56A(22) of the principal Act, as enacted by the Amendment Act.

- (3) Until a council—
- (a) establishes a council development assessment panel in accordance with section 56A(1) of the principal Act, as enacted by the Amendment Act; and
  - (b) makes delegations in accordance with section 34(23) of the principal Act, as enacted by the Amendment Act,

the principal Act will apply in relation to the exercise and performance of the powers and functions of the council as a relevant authority with respect to determining whether or not to grant development plan consent under the principal Act, and section 56A of the principal Act will apply in relation to a development assessment panel, as if the Amendment Act had not been enacted.

- (4) When a council—
- (a) establishes a council development assessment panel in accordance with section 56A(1) of the principal Act, as enacted by the Amendment Act; and
  - (b) makes delegations in accordance with section 34(23) of the principal Act, as enacted by the Amendment Act,

the council development assessment panel may assume responsibility for acting with respect to an application for development plan consent under the principal Act made before the making of those delegations unless—

- (c) the application relates to a Category 2 development or a Category 3 development; and
  - (d) notice of the application has been given in accordance with section 38(4) or (5)(a) of the principal Act; and
  - (e) a person has appeared, or is due to appear, before the relevant authority (or a delegate of the relevant authority) under section 38(10) of the principal Act.
- (5) Except to the extent that a council development assessment panel acts under subregulation (4), a council, and a development assessment panel, may continue to act, as if the Amendment Act had not been enacted, in relation to applications for development plan consent under the principal Act made before the relevant council development assessment panel is established, and holds relevant delegations, under the principal Act as amended by the Amendment Act.
- (6) When a development assessment panel no longer has any applications before it for the purposes of the principal Act, the relevant council may dissolve the development assessment panel (and the members of the development assessment panel will then cease to hold office).

- (7) For the purpose of this regulation, a delegation will be taken to be made when it has effect.

### **5—Disclosure of financial interests**

- (1) A relevant official under Schedule 2 of the principal Act, as enacted by the Amendment Act, is not required to comply with the requirements of that Schedule until the final implementation day.
- (2) A prescribed member within the meaning of Schedule 2 of the principal Act, as enacted by the Amendment Act, must comply with the requirements of section 11A, 34(6a) or 56A(6) of the principal Act, as enacted by the Amendment Act—
- (a) if the prescribed member is appointed before the day on which the register of interest that applies to the prescribed member under Schedule 2 is established—within 6 weeks after the day on which the register is established;
  - (b) if the prescribed member is appointed on or after the day on which the register of interests that applies to the prescribed member under Schedule 2 is established—
    - (i) within 6 weeks after the day on which the member is appointed; or
    - (ii) by the final implementation day,whichever is the later.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Development (Panels) (Transitional Provisions) Regulations 2006* were revoked by r 3 of the *Development (Panels) (Transitional Provisions) Revocation Regulations 2016* on 15.3.2017.

### Principal regulations

Year	No	Reference	Commencement
2006	255	<i>Gazette 23.11.2006 p4083</i>	23.11.2006: r 2