

South Australia

Development (Regional Development Assessment Panels) Variation Regulations 2009

under section 34 of the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Regional Development Assessment Panels) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 January 2010.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Development Regulations 2008*

4—Insertion of Schedules 28, 29 and 30

After Schedule 27 insert:

Schedule 28—Eastern Eyre Peninsula Regional Development Assessment Panel

1—Interpretation

In this Schedule—

relevant councils means—

- (a) The District Council of Cleve; and
- (b) The District Council of Franklin Harbour; and
- (c) The District Council of Kimba.

2—Constitution of panel

- (1) The Eastern Eyre Peninsula Regional Development Assessment Panel (the *panel*) is constituted in relation to the areas of the relevant councils.
- (2) The panel may act as a delegate of a relevant council in the manner contemplated by section 34(23)(c) of the Act.

3—Number of members

The panel consists of 7 members.

4—Criteria for membership and appointment procedures

- (1) The following provisions will apply in relation to the constitution and membership of the panel:
 - (a) the presiding member will be appointed by the Minister from a list of at least 2 nominees submitted to the Minister by the relevant councils taking into account the following requirements:
 - (i) the presiding member must not be a member or officer of any of the relevant councils;
 - (ii) the presiding member must be a fit and proper person to be a member of a development assessment panel;
 - (iii) the presiding member must be a person who is determined by the Minister to 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;
 - (b) if—
 - (i) less than 2 nominees are submitted to the Minister; or
 - (ii) neither or none (as the case may be) of the nominees submitted to the Minister meets the requirements set out in paragraph (a),the Minister may, having regard to the requirements set out in paragraph (a), appoint a presiding member considered suitable for the position by the Minister;
 - (c) the remaining members of the panel will be appointed taking into account the following requirements:
 - (i) each of the relevant councils will appoint 2 members;
 - (ii) a member appointed by a relevant council may be either a person who is not a member or officer of any of the relevant councils or a person who is either—
 - (A) a member of the relevant council; or
 - (B) an officer of the relevant council (although any such officer may only be a member of the panel if the relevant council has taken steps to ensure that the officer is not directly involved in the assessment of applications under the Act (other than as a member of the panel), or in the preparation of any council report to the panel on the assessment of particular applications);

- (iii) with respect to the members of the panel who are not members or officers of the relevant councils—
 - (A) each must be a fit and proper person to be a member of a regional development assessment panel; and
 - (B) each must be a person who is determined by the relevant council making the appointment to 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; and
 - (C) the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel;
- (d) the Minister and the relevant councils—
 - (i) must, insofar as is reasonably practicable, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and
 - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women.
- (2) The other procedures to be followed with respect to the appointment of members will be determined by the Minister and the relevant councils.
- (3) The Minister and the relevant councils must, within 14 days after a person is appointed as a member of the panel, give notice of the appointment by publishing in a newspaper circulating in the area of the relevant councils the—
 - (a) full name of the person; and
 - (b) the term of the appointment.

5—Term of office

- (1) The term of office of a member will be for a period, not exceeding 2 years, determined by the relevant councils (and, at the expiration of a term of appointment, a member is eligible for reappointment).
- (2) A member of the panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

6—Conditions of appointment

Subject to this Schedule, the conditions of appointment of the members of the panel will be determined by the relevant councils.

7—Appointment of deputy presiding member

The members of the panel will appoint the deputy presiding member of the panel.

8—Procedures of panel

- (1) A quorum at a meeting of the panel is a number ascertained by dividing the total number of members of the panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.
- (2) Each member of the panel present at a meeting of the panel is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (3) Subject to this Schedule, the procedures to be observed in relation to the conduct of the business of the panel will be determined by the panel.

9—Administration of panel

Any—

- (a) staffing and other support issues associated with the creation or operations of the panel; and
- (b) special accounting or financial issues that may arise in relation to the panel,

will be provided for by the relevant councils.

10—Other matters

The relevant councils must, at the request of the Minister, provide information to the Minister—

- (a) about the constitution of the panel under the Act and this Schedule; or
- (b) about the powers and functions delegated to the panel under section 34(23) of the Act.

Schedule 29—Flinders Regional Development Assessment Panel

1—Interpretation

In this Schedule—

relevant councils means—

- (a) The Flinders Ranges Council; and

- (b) The District Council of Mount Remarkable; and
- (c) District Council of Orroroo/Carrieton; and
- (d) District Council of Peterborough.

2—Constitution of panel

- (1) The Flinders Regional Development Assessment Panel (the *panel*) is constituted in relation to the areas of the relevant councils.
- (2) The panel may act as a delegate of a relevant council in the manner contemplated by section 34(23)(c) of the Act.

3—Number of members

The panel consists of 5 members.

4—Criteria for membership and appointment procedures

- (1) The following provisions will apply in relation to the constitution and membership of the panel:
 - (a) the presiding member will be appointed by the Minister from a list of at least 2 nominees submitted to the Minister by the relevant councils taking into account the following requirements:
 - (i) the presiding member must not be a member or officer of any of the relevant councils;
 - (ii) the presiding member must be a fit and proper person to be a member of a development assessment panel;
 - (iii) the presiding member must be a person who is determined by the Minister to 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;
 - (b) if—
 - (i) less than 2 nominees are submitted to the Minister; or
 - (ii) neither or none (as the case may be) of the nominees submitted to the Minister meets the requirements set out in paragraph (a),the Minister may, having regard to the requirements set out in paragraph (a), appoint a presiding member considered suitable for the position by the Minister;
 - (c) the remaining members of the panel will be appointed taking into account the following requirements:
 - (i) each of the relevant councils will appoint 1 member;

- (ii) a member appointed by a relevant council may be a person who is either—
 - (A) a member of the relevant council; or
 - (B) an officer of the relevant council (although any such officer may only be a member of the panel if the relevant council has taken steps to ensure that the officer is not directly involved in the assessment of applications under the Act (other than as a member of the panel), or in the preparation of any council report to the panel on the assessment of particular applications);
- (d) the Minister and the relevant councils—
 - (i) must, insofar as is reasonably practicable, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and
 - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women.
- (2) The other procedures to be followed with respect to the appointment of members will be determined by the relevant councils.
- (3) The Minister and the relevant councils must, within 14 days after a person is appointed as a member of the panel, give notice of the appointment by publishing in a newspaper circulating in the area of the relevant councils the—
 - (a) full name of the person; and
 - (b) the term of the appointment.

5—Term of office

- (1) The term of office of a member will be for a period, not exceeding 2 years, determined by the relevant councils (and, at the expiration of a term of appointment, a member is eligible for reappointment).
- (2) A member of the panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

6—Conditions of appointment

Subject to this Schedule, the conditions of appointment of the members of the panel will be determined by the relevant councils.

7—Appointment of deputy presiding member

The members of the panel will appoint the deputy presiding member of the panel.

8—Procedures of panel

- (1) A quorum at a meeting of the panel is a number ascertained by dividing the total number of members of the panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.
- (2) Each member of the panel present at a meeting of the panel is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (3) Subject to this Schedule, the procedures to be observed in relation to the conduct of the business of the panel will be determined by the panel.

9—Administration of panel

Any—

- (a) staffing and other support issues associated with the creation or operations of the panel; and
- (b) special accounting or financial issues that may arise in relation to the panel,

will be provided for by the relevant councils.

10—Other matters

The relevant councils must, at the request of the Minister, provide information to the Minister—

- (a) about the constitution of the panel under the Act and this Schedule; or
- (b) about the powers and functions delegated to the panel under section 34(23) of the Act.

Schedule 30—Riverland Regional Development Assessment Panel

1—Interpretation

In this Schedule—

relevant councils means—

- (a) The Berri Barmera Council; and
- (b) District Council of Loxton Waikerie; and
- (c) Renmark Paringa Council.

2—Constitution of panel

- (1) The Riverland Regional Development Assessment Panel (the *panel*) is constituted in relation to the areas of the relevant councils.

- (2) The panel may act as a delegate of a relevant council in the manner contemplated by section 34(23)(c) of the Act.

3—Number of members

The panel consists of 7 members.

4—Criteria for membership and appointment procedures

- (1) The following provisions will apply in relation to the constitution and membership of the panel:
- (a) the presiding member will be appointed by the Minister from a list of at least 2 nominees submitted to the Minister by the relevant councils taking into account the following requirements:
 - (i) the presiding member must not be a member or officer of any of the relevant councils;
 - (ii) the presiding member must be a fit and proper person to be a member of a development assessment panel;
 - (iii) the presiding member must be a person who is determined by the Minister to 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;
 - (b) if—
 - (i) less than 2 nominees are submitted to the Minister; or
 - (ii) neither or none (as the case may be) of the nominees submitted to the Minister meets the requirements set out in paragraph (a),the Minister may, having regard to the requirements set out in paragraph (a), appoint a presiding member considered suitable for the position by the Minister;
 - (c) the remaining members of the panel will be appointed taking into account the following requirements:
 - (i) each of the relevant councils will appoint 2 members;
 - (ii) a member appointed by a relevant council may be either a person who is not a member or officer of any of the relevant councils or a person who is either—
 - (A) a member of the relevant council; or

- (B) an officer of the relevant council (although any such officer may only be a member of the panel if the relevant council has taken steps to ensure that the officer is not directly involved in the assessment of applications under the Act (other than as a member of the panel), or in the preparation of any council report to the panel on the assessment of particular applications);
 - (iii) with respect to the members of the panel who are not members or officers of the relevant councils—
 - (A) each must be a fit and proper person to be a member of a regional development assessment panel; and
 - (B) each must be a person who is determined by the relevant council making the appointment to 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; and
 - (C) the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel;
 - (d) the Minister and the relevant councils—
 - (i) must, insofar as is reasonably practicable, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and
 - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women.
- (2) The other procedures to be followed with respect to the appointment of members will be determined by the relevant councils.
- (3) The Minister and the relevant councils must, within 14 days after a person is appointed as a member of the panel, give notice of the appointment by publishing in a newspaper circulating in the area of the relevant councils the—
 - (a) full name of the person; and
 - (b) the term of the appointment.

5—Term of office

- (1) The term of office of a member will be for a period, not exceeding 2 years, determined by the relevant councils (and, at the expiration of a term of appointment, a member is eligible for reappointment).
- (2) A member of the panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

6—Conditions of appointment

Subject to this Schedule, the conditions of appointment of the members of the panel will be determined by the relevant councils.

7—Appointment of deputy presiding member

The members of the panel will appoint the deputy presiding member of the panel.

8—Procedures of panel

- (1) A quorum at a meeting of the panel is a number ascertained by dividing the total number of members of the panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.
- (2) Each member of the panel present at a meeting of the panel is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (3) Subject to this Schedule, the procedures to be observed in relation to the conduct of the business of the panel will be determined by the panel.

9—Administration of panel

Any—

- (a) staffing and other support issues associated with the creation or operations of the panel; and
- (b) special accounting or financial issues that may arise in relation to the panel,

will be provided for by the relevant councils.

10—Other matters

The relevant councils must, at the request of the Minister, provide information to the Minister—

- (a) about the constitution of the panel under the Act and this Schedule; or
- (b) about the powers and functions delegated to the panel under section 34(23) of the Act.

Development (Regional Development Assessment Panels) Variation Regulations 2009

Part 2—Variation of *Development Regulations 2008*

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

following compliance by the Minister with section 34(20) of the Act and with the advice and consent of the Executive Council
on 10 December 2009

No 278 of 2009