

## SOUTH AUSTRALIA

Rebecca McAulay

### Development (Development Plans) Amendment Act 2006

The *Development (Development Plans) Amendment Act 2006* was assented to on 23 November 2006 and will alter the planning system by making changes to a number of areas namely:

- strategic planning
- desired character polices
- the Development Plan Amendment process
- the Major Developments assessment process

### Development (Panels) Amendment Act 2006

The *Development (Panels) Amendment Act 2006* came into operation on 23 November 2006 and will require that Councils have independent members sitting on their Development Assessment Panel (DAP), and an independent and expert presiding member.

Each DAP will consist of seven members in the following positions (however upon approval by the Minister an outer metropolitan Council may have five or nine members and a metropolitan Council nine members):

- a presiding member (who is not an elected member or an officer of Council)
- at least three other specialist/independent members (who are not elected members or officers of Council)
- up to three elected members or officers of Council

The Minister for Urban Development and Planning, the Honourable Paul Holloway, recently determined that all new Development Assessment Panels must be in place by 26 February 2007.

### The Environment, Resources and Development Court (Jurisdiction) Amendment Bill 2006

This Bill proposes to alter the ERD Court's criminal jurisdiction in four ways, namely by;

- increasing the maximum monetary penalty which may be imposed by the Court from \$120,000 to \$300,000.
- permitting the ERD Court to commit convicted offenders to the District Court for sentence.
- permitting persons charged with minor indictable offences to elect to be tried by jury. Where an alleged offender so elects, the ERD Court must transfer the matter to the District Court for trial.
- requiring that proceedings be commenced in the ERD Court where the ERD Court has jurisdiction in respect of that offence. Presently prosecutors are open to commence proceedings in either the Magistrates Court or the ERD Court.

## WESTERN AUSTRALIA

Merinda Logie

### Contaminated Sites Act 2003 proclaimed

After more than 13 years in the making, the Minister for the Environment, Hon. Mark McGowan, announced this week that the *Contaminated Sites Act 2003* (CS Act) and the associated *Contaminated Sites Regulations 2006* will come into effect on **1 December 2006**.

The Proclamation was published in *Gazette* No. 134 on 8 August 2006. The *Contaminated Sites Regulations 2006* were published in *Special Gazette* No. 135, also on 8 August 2006.

An updated brochure on the CS Act and a series of Fact Sheets are available from [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites). Further information and forms will be posted to this webpage progressively.

Public briefings on the CS Act were to be held in Perth and major regional centres in Western Australia in September/October 2006.

DEC has released draft Guidelines providing its interpretation of the reporting requirements for known or suspected sites under the CS Act. Comments are due by 30 September 2006. NELA (WA) were preparing a submission.