

Water (Resource Management) Bill 2005

The Victorian Government yesterday introduced a bill to amend the *Water Act 1989*. The Bill introduces significant reforms outlined in the 2004 Victorian Government White Paper "Securing Our Water Future Together".

The Bill is an extensive piece of legislation (over 250 pages). Key reforms include:

- the establishment of an Environmental Water Reserve
- a framework for long term water resource assessment
- a framework for regional Sustainable Water Strategies
- changes to the Minister's powers to permanently or temporarily qualify water rights
- the "unbundling" of existing water entitlements into water shares, delivery services and water use licenses
- establishment of a water register

The amendments represent a very substantial change to the legislative framework governing the administration of water resources in Victoria. The EDO is working with Environment Victoria and other environment groups to carefully analyse the Bill.

The Bill and the Minister's Explanatory Memorandum can be found on the Victorian Legislation and Parliamentary Documents website - <http://www.dms.dpc.vic.gov.au>

Environment Effects (Amendment) Bill 2005

This bill makes amendments to the *Environment Effects Act 1978*. Although the Bill follows the recently released Environment Assessment Review Advisory Committee report of December 2002, the amendments proposed in the Bill do not adopt key Advisory Committee recommendations for legislative reform such as adding a statement of objectives to the Act and including definitions of key terms such as "environment" and "sustainable development".

The Bill follows the recent release by the Department of Sustainability and Environment of a draft of proposed Guidelines for Environment Assessment under the existing Act (discussed below).

Key features of the proposed amendments include:

- facilitation of proponent referral of projects for advice as to whether environmental effects statement should be prepared
- a new power for the Minister to require the referral of projects for an assessment of the need for an environmental effects statement
- an option for the Minister to determine that an environment effects statement is not required if specified conditions are met
- provisions which provide that timeframes for other legislative approvals are put on hold while an environmental effects statement is prepared
- clarification of the matters that can be covered by guidelines prepared under the Act
- clarification of the Minister's power to require a supplementary statement
- current projects, such as channel deepening, are not covered by the amendments

The Bill and the Minister's Explanatory Memorandum can be found on the Victorian Legislation and Parliamentary Documents website - <http://www.dms.dpc.vic.gov.au>

Permanent Water Saving Rules Introduced in Melbourne, March 2005

Water saving became permanent for Melbourne households with the introduction of the following five Permanent Water Saving Rules on 1 March 2005:

1. Use manual watering systems only between 8pm and 10am.
2. Use automatic watering systems only between 10pm and 10am.
3. Fit your hose with a trigger nozzle.
4. No hosing paved areas.
5. Applications to relevant water retailer for filling a new pool or spa, including a plan for how this water use would be offset within the household.

For further information, refer to: <http://www.ourwater.vic.gov.au>

Sustainable Households Challenge

Victorians are being encouraged to sign up to the Sustainables Household Challenge through committing to at least three of the following actions:

1. Take four minute power showers.
2. Take reusable bags with you when you go shopping.
3. Turn off lights and appliances at the switch when not in use.
4. Switch to Green Power.
5. Choose energy and water efficient appliances.
6. Put your food and plant scraps in the compost or worm farm.
7. Look for products without unnecessary packaging.
8. Walk, cycle or use public transport – and leave the car at home.
9. Grow plants native to your area in your garden.
10. Go chemical free when you clean.

For further information, refer to the Department of Sustainability and Environment's website: <http://www.dse.vic.gov.au/thesustainables/index.htm>

Public litter reports continue to rise, with EPA Victoria issuing some 18, 223 litter fines during 2004 – 2005 financial year

This year's statistics are a slight increase on the 18,087 fines in 2003-2004 and show a significant increase on the 8,502 fines issued for the 2001-2002 financial year. Of even greater significance is the increase in registered online reporters, which has almost reached 7,000.

"EPA continues to receive tremendous support from the Victorian community and this is exemplified by the number of people prepared to report those that litter," said EPA Victoria Executive Director, Regional Services, Bruce Dawson.

"What this clearly demonstrates is our reluctance to 'get involved' as a community is still being overridden by our desire to see litterers made accountable for their behaviour, which threatens wildlife, pollutes our streams and devalues our neighbourhoods."

Victoria's public litter reporting system is unique to Australia, and allows members of the public to report those that they see littering from motor vehicles. "Whilst a vast majority of the reports relate to cigarette butts, food packaging, beverage containers and even rubbish, poorly secured to cars and trailers are also reported," Mr Dawson said.

Those that litter from motor vehicles can be reported to EPA toll free on 1 800 35 25 55, whilst litter report forms can be downloaded from EPA's web site at www.epa.vic.gov.au. Litter reports can also be lodged electronically, via the internet at <http://www.epa.vic.gov.au/Reporting/litter.asp>, while more information on EPA's Litter Report Line can also be found at this address.

EPA eel deaths investigation – report released

The Environment Protection Authority has recently released a report of their investigation into the deaths of eels in a number of Victorian waterways between October 2004 and March 2005. According to the report "No single explanation for the eel deaths has been found and the cause of the eel deaths remains unknown". A copy of this report and other EPA reports can be found on the EPA website: <http://epanote2.epa.vic.gov.au/4A256593001F8336/newreleases>.

Victorian Planning and Environmental Law Association (VPELA) Conference, 8-10 September 2005, Lorne

In the spirit of the upcoming Commonwealth Games, "Going for Gold" is the theme for VPELA's 2005 Conference. The Conference will cover a diverse range of issues, such as: infrastructure provision, environmental management, community engagement and project resourcing.

Keynote speakers include:

Janet Holmes á Court, Chairman, John Holland Group

Rob Hulls, Victorian Minister for Planning

Justin Madden, Minister for the Commonwealth Games

Special Guest: Michel Klim, Olympic and Commonwealth Games Gold Medallist

For further information, email: Secretariat@vpela.org.au or visit the conference website: www.orbitsolutions.com.au/gold

Sixth Asia Pacific Roundtable for Sustainable Consumption and Production, 10-12 October 2005, Melbourne

The theme of this year's Asia Pacific Roundtable for Sustainable Consumption and Production is Doing Sustainable Business in the Asia Pacific Region. This year's program is comprehensive with specific sessions and discussion panel topics to include business and sustainability, capacity building, patterns of consumption, product stewardship, zero waste policies, and innovation, education and design.

Keynote speakers include:

Monique Barbut - Director of the Division of Technology, Industry and Economics at the United Nations Environment Programme.

Mr. Marcel Engel - World Business Council for Sustainable Development.

Dr Clive Hamilton - Executive Director of The Australia Institute.

Warren Evans - Director of the World Bank Environment Department will discuss the Bank's Environment Strategy.

Dr Andrew Thomson - CEO of the China Business Environment Council.

Jon Ward, Manager, Industry and Products Programs, EcoRecycle Victoria and Chair of the Roundtable Committee said "The roundtable is about providing opportunities for conversation, dialogue and debate between delegates to find long term solutions to the water, waste and energy problems confronting the State and more broadly the Region,". Up to 500 delegates are expected to attend the event.

For further information, refer to the following website: <http://www.6aprsccp.com/>

QUEENSLAND

Editor: Larissa Waters

Final SEQ Regional Plan and SEQ Infrastructure Plan released

The December 2004 edition of NELR discussed the Draft South East Queensland Regional Plan. After 8,500 public submissions were received, the specially created Office of Urban Management ("OUM") released the final SEQ Plan ("the Plan") on 30 June 2005.

The Plan is based on an additional 1 million people moving to SEQ by 2026, an area covering 18 local governments from the Gold Coast north to Noosa and west to Toowoomba. The Plan is the first statutory regional plan for Queensland, following several decades of failed non-statutory regional plans. The statutory basis for the Plan is new Chapter 2, Part 5A of the *Integrated Planning Act 1997 (Qld)* ("IPA"), the Act which regulates planning and most development in Queensland. That new chapter was inserted in September 2004 by clause 8 of Part 2 of the *Integrated Planning and Other Legislation Amendment Act 2004*, available from www.legislation.qld.gov.au/LEGISLTN/ACTS/2004/04AC020.pdf. A major policy change is the ability of the Plan to prohibit development, a divergence from the underlying philosophy of IPA which is performance-based and seeks to achieve 'desired environmental outcomes' for areas, rather than prohibiting development.

The Plan is comprised of 8 parts, including Part F. Regional Policies (including on Sustainability, Natural Environment, Natural Resources and Water Management); and Part H. Regulatory Provisions. The Regulatory Provisions divide SEQ into 5 regions:

1. Regional Landscape and Rural Production Area;
2. Rural Living Area;
3. Urban Footprint;
4. Investigation Area, and
5. Mt Lindesay/ North Beaudesert Study Area.

Urban development is effectively prohibited outside the urban footprint, unless there is an "overriding need for the development in the public interest" and the "locational requirements or environmental impacts of the development necessitate its location outside the urban footprint". Subdivision in the Regional Landscape and Rural Production Area and the Investigation Area is also limited to a maximum of 100 hectares, with some exceptions.

As mentioned in the last edition of NELR, the Regional Policy on Nature Conservation in Part F of the Plan contains special rules for koala protection. Until the EPA's draft Conservation Plan for koalas is finalised, development in koala habitat areas will be assessed against the *Interim Guideline: Koalas and Development* which is made and authorised under the Plan. The *Interim Guideline* establishes 3 habitat areas with associated development assessment criteria: the Koala Conservation Area, Koala Sustainability Area and Urban Koala Area. The *Interim Guideline* is available for download from: www.epa.qld.gov.au/nature_conservation/wildlife/koala_conservation_plan/interim_guideline_koalas_and_development/.

The body of the Plan, including the Regional Policies in Part F, has legal status equivalent to a State Planning Policy so Councils must "have regard to" the Plan when assessing development applications, but the Plan is superior as it overrides any other inconsistent State Planning Policies. The Regulatory