

# NELR recent developments

- to plan for the coordinated provision of transport, and of infrastructure, for land development;
- to provide advice to local government in relation to planning schemes under the Land Use Planning and Approvals Act 1993 and the functions of local government under that Act; and
- to review, and advise the Minister in respect of, State and regional strategic land use planning matters.

Membership of the Commission represents a range of community, industry, conservation and Local and State Government interests and comprises a full-time Executive Commissioner and seven part-time Commissioners."

## **Forthcoming Legislation**

Further draft planning legislation (available for public comment at the time of writing via <[www.planning.tas.gov.au/planning/legislation](http://www.planning.tas.gov.au/planning/legislation)>) includes the:

- *Land Use Planning and Approvals Amendment (Miscellaneous Amendments) Bill 2009* (Tas); and
- *State Policies and Projects Amendment Bill 2009* (Tas).

<[www.planning.tas.gov.au/planning/legislation](http://www.planning.tas.gov.au/planning/legislation)> states:

"The Bills amend the *Land Use Planning and Approvals Act 1993* to introduce more effective enforcement provisions and make changes to the *State Policies and Projects Act 1993* to introduce an improved framework for the development and implementation of State Policies.

The Bills have been prepared based on the Proposed Changes to Planning Legislation, Consultation Draft released in March 2009."

While unavailable at the time of writing, public comments in relation to these Bills should be made available for public viewing in due course via <[www.planning.tas.gov.au/planning/legislation](http://www.planning.tas.gov.au/planning/legislation)>.

## **VICTORIA**

*Elisa de Wit*

### **Victorian Renewable Energy Target Scheme**

The Victorian Renewable Energy Target Scheme (RET scheme) Annual Report 2008 was released by the Essential Services Commission in August 2009.

The report details the operation and administration of the *Renewable Energy Act 2006* (Vic), and provides details on the level of compliance by scheme participants.

According to the report, energy retailers fell short of the Victorian Renewable Energy Certificates (VREC) surrender target of 193, 000 in 2008. Only 125, 060 VRECs were surrendered during the period.

The Victorian Renewable Energy Amendment Bill 2009 (Vic), which proposes to amend the *Renewable Energy Act 2006* (Vic), received its second reading speech in Council on 17 September 2009.

The Bill aims to support the transition of the Victorian RET scheme to the Commonwealth's expanded RET scheme under the Renewable Energy (Electricity) Act 2000 (Cth). The Bill provides for:

- Prohibition on applications for power station accreditation after the commencement of the

proposed Act;

- Discretionary power of the Minister to cause an independent review of the principal Act; and
- Transitional provisions regarding undertakings given by an applicant for power station registration or accreditation.

### **2009 Victorian Bushfires Royal Commission**

The Royal Commission interim report was released on 17 August 2009. The Victorian Government has also released a response to the recommendations.

Key recommendations of the interim report, which the Government will implement for the 2009/10 bushfire season include:

- Neighbourhood Safer Places to be established in 52 of the towns considered most at risk;
- Limited broadcasting of the Standard Emergency Warning Signal;
- Development of guidelines for CFA and DSE Incident Controllers to assess relocation;
- Auditing fire refuges;
- Review of roadblock guidelines; and
- Giving the CFA Chief Officer the responsibility to issue bushfire warnings to the community.

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The final report of the Royal Commission is scheduled to be released on 31 July 2010.

## **Native vegetation**

In preparation for the 2009/10 bushfire season, the Victorian Government has announced interim planning provisions which create exemptions from residents' need to obtain a permit to clear native vegetation around their homes.

The new planning scheme provision, Clause 52.43, introduces the 10/30 right. This right allows landowners in specified Council areas to clear, without a planning permit,:

1. any vegetation, including trees, within 10 metres of a house
2. any vegetation (except for trees) within 30 metres of a house.

Any vegetation either side of the boundary fence of a property to a combined maximum width of 4 metres may also be cleared without a permit.

Vegetation can only be cleared by the owner of the property or by someone with written authority of the owner or the relevant public land manager.

The list of specified Councils can be found at the DSE website: <http://www.dse.vic.gov.au>

Clause 42.43 will expire on 31 August 2010, and vegetation removal provisions will be reassessed following the release of the Bushfire Royal Commission final report.

## **Planning and Environment Act Review update**

The Victorian Government's proposed reforms to the *Planning and Environment Act 1987* include:

1. Broadening the objectives of Planning in Victoria;
2. Introducing an 'Impact Assessment Track' to assess state-significant developments;

3. Establishing separate tracks for assessment of 'technical' and 'standard' amendments to planning schemes; and
4. Introducing a dual assessment track system for permit applications – a 'code assess track' and a 'merit assess track'.

The Department of Planning and Community Development has released five response papers in response to public concerns and is now seeking feedback on the papers.

## **Major Transport Projects Facilitation Act 2009**

This Act, which provides for a more streamlined and efficient assessment and approval process for major transport projects, comes into operation on or before 1 July 2010. The Government intends the Act to commence on 1 November 2009. This will enable projects such as the West Werribee – Southern Cross Regional Rail Express and the Avalon – Hume Outer Metropolitan Ring Road to be fast-tracked.

The Planning Minister must classify each project under the Act as requiring an Impact Management Plan (IMP) or Comprehensive Impact Statement (CIS). The CIS is a much more involved and lengthy assessment process. Any project requiring an IMP or a CIS must also have a Cultural Heritage Management Plan (CHMP) approved prior to receiving further approvals.

The Act has been criticised for several reasons, including:

- The lack of formal public consultation during the development of the Bill
- The broad range of powers given to the Planning Minister under the Act
- The express exclusion of judicial and merits review of most decisions under the Act.