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- the agreement accredits the assessment process for projects of regional significance under the *Land Use Planning and Approvals Act 1993*
- the federal minister may now elect to not apply the agreement in relation to a particular action. This power is consistent with bilateral agreements in other jurisdictions, and is expected to be exercised only in cases where, due to its complexity, an action requires particular attention
- the clause requiring the state government to ensure that environmental impacts are assessed 'to the greatest possible extent' has been amended. This obligation will be satisfied where an assessment is undertaken in accordance with one of the accredited assessment processes.

Back to the drawing board for State Coastal Policy

The Tasmanian Planning Commission finalised its review of the draft *State Coastal Policy 2008* in May 2011. The Commission recommended that the draft Policy not be adopted, noting 'the deficiencies were such that the Draft Policy would not be able to be satisfactorily altered without major modification'. The Commission recommended that any revised draft follow the approach of coastal strategies in states such as Queensland and Victoria, adopt a precautionary approach, reflect current scientific information, adequately map the coastal zone and settlement nodes within the zone and be supported by detailed implementation guidelines.⁶

The Premier accepted the recommendation of the Commission to reject the draft Policy and has directed the Minister for Planning to 'present recommendations

to Cabinet in the near future on the priorities and scope of a comprehensive coastal planning framework.'⁷

The new policy was intended to replace the *State Coastal Policy 1996*, but that policy will remain in force until a new coastal framework is developed.

Progress for irrigation schemes

On 20 May 2011 the Whitemore Irrigation Scheme became the first of 13 projects to be completed under the Tasmanian Water Development Strategy. The Scheme will supply 5 500ML of water annually with over 40 water entitlements already purchased by farmers in the region.

The biggest of the projects, the \$88m Midlands Water Scheme, had been subject to a strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999*.⁸ In April 2011 Federal Environment Minister Burke endorsed the Scheme's Program Report, outlining a range of measures to minimise or offset impacts on matters of national environmental significance and committing to zero clearance and conversion of Lowland Native Grasslands. The Scheme is expected to be completed within two years.

The Tasmanian Government has also passed the *Irrigation Company Act 2011*, consolidating the Rivers and Water Supply Commission and its subsidiaries into one organisation, Tasmanian Irrigation Pty Ltd, which will be responsible for managing irrigation development in Tasmania.

6 www.planning.tas.gov.au/__data/assets/pdf_file/0019/170263/State_Coastal_Policy_2008_Report_on_the_Draft.pdf

7 <http://www.media.tas.gov.au/release.php?id=32366>

8 www.environment.gov.au/minister/burke/2011/mr20110417.html

VICTORIA

Syngas demonstration plant

On 20 May 2011, EPA Victoria gave part approval for Dual Gas Pty Ltd's demonstration power station in the Latrobe Valley.¹

Dual Gas proposes to build a 600MW plant

1 <http://www.epa.vic.gov.au/compliance-enforcement/comments/dual-gas.asp>

by Barnaby McIlrath

demonstration project using coal to produce syngas to generate electricity through two gasifiers and two turbines. Syngas or synthetic gas is a gaseous fuel created from coal. It primarily consists of hydrogen.

EPA has approved a 300MW demonstration plant, which includes one gasifier powered by coal and one turbine. The demonstration project will produce electricity with around a 30% improvement on current greenhouse gas

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emissions from coal fired power stations. In technical terms, the Dual Gas demonstration project will have a greenhouse emission intensity (GEI) of .8t of CO₂/MWh. By comparison the Yallourn power plant has a GEI of 1.3 and Hazelwood's equivalent GEI is 1.4.

Appeals have been filed with the Victorian Civil and Administrative Tribunal (VCAT) by HRL together with a third party objector appeal filed by Environment Victoria, represented by the Environment Defenders' Office. Dual Gas has suggested that the 300MW plant will not be commercially viable.

As the appeal comes before the VCAT after the commencement of the *Climate Change Act 2010* (Vic), the proceeding is likely to test the application of the 20% reduction target and decision making principles in that Act to the grant of works approvals for brown coal.

EPA statutory policy review

The Victorian Environment Protection Authority (EPA Victoria) and the Department of Sustainability and Environment (DSE) are jointly reviewing the framework for state environment protection policies (SEPPs) and waste management policies (WMPs) under the *Environment Protection Act 1970* (Vic). A discussion paper is open for comment until 19 August 2011 and can be downloaded from the EPA website.

Environment effects inquiry continued

On 4 May 2011 the Victorian Parliament's Environment and Natural Resources Committee's Inquiry into the Environment Effects Statement Process in Victoria was again referred for inquiry, consideration and report. Work previously undertaken for the Inquiry during the 56th Parliament has already been published.²

Inquiry into environmental design and public health

On 5 April 2011 the Victorian Legislative Council agreed to a motion requiring the Environment and Planning References Committee to inquire into and report on the contribution of environmental design to public health in Victoria. The terms of reference require the Committee to:

- review the evidence of the contribution of the

natural and built environments to the promotion of health and well being

- identify and report on those elements of environmental planning and design which provide the most promising opportunities for improving health outcomes in Victoria
- assess the extent to which these factors are currently taken into account in environmental planning and design in both the public and private sectors, and their effectiveness, with particular reference to new growth areas
- determine opportunities to influence environmental planning and design for health, including consideration of the role of legislation, guidelines, and public-private partnerships, and the costs and benefits of various options
- provide recommendations for future planning and investment.

The Committee will consider:

- the effectiveness of the *Environments for Health Municipal Public Health Planning Framework*
- the *State Public Health and Wellbeing Act 2008*, the *Transport Integration Act 2010* and the *Planning and Environment Act 1987*
- international experience such as the World Health Organisation's (WHO) Healthy Cities initiative
- the consistency of policy approaches across the Victorian Government to promote health through evidence based environmental planning and design measures
- the role of public open space in promoting health.

The Committee is expected to report within 12 months.

Advisory committee on potentially contaminated land³

The Minister for Planning, the Hon Matthew Guy MLC, has appointed an advisory committee to provide advice on reforms to the management of contaminated land

³ <http://www.dpcd.vic.gov.au/planning/panelsandcommittees/current-planning-panels-and-committees/contaminated-land-advisory-committee>

² <http://www.parliament.vic.gov.au/enrc/inquiry/303>

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through the planning system. A three person committee has been appointed which will report to the Minister later in the year. The terms of reference do not extend to any legislative review of Part IXD of the *Environment Protection Act 1970* (Vic), or EPA processes relating to the oversight of environmental auditors.

An issues paper is to be prepared and released for comment between May and June 2011 with submissions open until August 2011. The Committee is expected to report by October 2011.

Review of planning system

The Minister for Planning has appointed an advisory committee to engage in a broad ranging review of Victoria's planning system. The Committee will:

- advise ways to improve the planning system, including the legislative base, the structure of planning schemes and state and regional policy provisions, as well as regulations under the *Planning and Environment Act 1987* (Vic) and other relevant legislation
- advise on the perceived efficiency of the planning system from the perspectives of its users.

A preliminary report is to be delivered to the Minister for Planning by 30 November 2011.

Legislation update

The *Environment Protection Amendment (Landfill Levies) Act 2011* (Vic), assented to on 21 June 2011, amends the *Environment Protection Act 1970* (Vic) to

provide for the current year increase in the landfill levy for municipal waste and industrial wastes.

The Planning and Environment (Growth Areas Infrastructure contribution) Amendment Bill 2011 passed the lower house on 16 June 2011 and second reading was moved in the Legislative Council that day. The Bill proposes to establish a system under which persons may be allowed to meet growth areas infrastructure contribution (GAIC) liabilities by in kind contributions, such as provision of land or carrying out works, instead of paying in cash. The bill, which proposes to amend Part 9B of the *Planning and Environment Act 1987* (Vic), provides for the Minister to enter into work-in-kind agreements. It also allows a person liable to pay GAIC as a result of a dutiable transaction relating to land to defer the whole of the required payment in specified cases.

The Victorian Greens' private member's Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011 (Vic) was introduced on 1 May 2011 by Ms Colleen Hartland MP. The Bill aims to establish a beverage container deposit and recovery scheme. Importers and producers of beverage containers would be liable to pay a levy unless granted an exemption. The levy would be 10c or such higher amount as prescribed. The Bill includes machinery for authorisation of collection depots. Second reading debate was moved on 15 June 2011.

WESTERN AUSTRALIA

Kimberley Science and Conservation Strategy launched

The WA Government launched the Kimberley Science and Conservation Strategy on 17 June 2011 as part of a broader plan to conserve the environmental and cultural heritage values of the vast Kimberley region.¹ The strategy is underpinned by the Kimberley Wilderness Parks which creates an interconnected system of marine and terrestrial parks covering over 3.5m ha of

by Ainsley Reid and Joe Freeman

the Kimberley region. The four primary marine parks which, in total, almost triple the area of coastal water parks and reserves in Western Australia are:

- North Kimberley Marine Park
- Camden Sound Marine Park
- Roebuck Bay Marine Park
- Eighty Mile Beach Marine Park.

The strategy also upgrades the Prince Regent Nature Reserve to National Park status and creates conservation

¹ <http://www.dec.wa.gov.au/content/view/6558/1/>