

the above mandatory provisions of the Policy will be guilty of an offence and liable for a fine of up to \$4,000.

Water Resources Act 1997

This Act is a significant reform of the supply and management of South Australian water resources. The Act repeals the Water Resources Act 1991 and the Catchment Water Management Act 1995 and implements a comprehensive regime for managing of water resources and catchments.

The Act provides that a person must not take water from a prescribed watercourse, lake or well or take water from a prescribed surface water area unless authorised under the Act. Nor can a person take water from a water course, lake or well or surface area that is not prescribed, in contravention of a water plan that applies to the water.

Furthermore, a person must not conduct works in relation to a well, dam, wall or other structure affecting water and in certain other situations unless authorised by a permit or water licence, nor may a person undertake a range of activities which can affect water resources contrary to a water plan, such as taking or removing streamside vegetation.

The Act provides for licensing and allocating water from prescribed water courses, lakes and wells to users, and sets up a framework of water planning whereby a State Water Plan ("South Australia - Our Water, Our Future" signed by the Minister for the Environment in 1995) is made and Catchment Water Management Plans, which must be consistent with the State Plan, are developed by catchment water management boards. The local councils must act in accordance with these plans.

VICTORIA

New Waste Regulations

New Environment Protection (Prescribed Waste) Regulations commenced on 22 July 1998, replacing the earlier Environment Protection (Prescribed Waste) Regulations 1987 and Environment Protection (Transport) Regulations 1987, which expired on the same date.

The Regulations designate various categories of waste as prescribed wastes, for the purposes of the *Environment Protection Act 1970* and associated regulations, and establish a system of controls over the management of these wastes.

Key elements of the new regulations include:

- a schedule of prescribed waste and prescribed industrial waste, based on the earlier list in the 1987 regulations, but brought up to date and made to be compatible with the proposed National Environment Protection Measure (NEPM) for the Movement of Controlled Waste Between States and Territories;
- requirements that certain industrial waste producers supply information to the EPA, including annual summaries of the type and quantity of waste transported from their premises and its destination, whether it was transported for storage, treatment, disposal, re-use, recycling or for recovery of energy and the type and quantity of waste disposed of on their premises.;
- requirements for the transport of prescribed industrial waste, including a tracking system based on transport certificates, broadly similar to the scheme under the former regulations but now requiring waste receivers to advise the waste producers of receipt of their waste. The waste producers become responsible for ensuring that their waste is received by an appropriate receiving facility.
- exemptions from the transportation requirements and those sections of the *Environment Protection Act* requiring licensing, works approvals and financial assurances of schedule 4 premises. Exemptions are intended principally to encourage waste re-use, recycling or energy recovery from waste; and
- an accreditation system for waste producers who have a management system to ensure waste is consigned and transported to a waste receiver in a way which does not result in an unacceptable risk of damage to the environment.

The stated objectives of the new regulations are to:

- meet community expectations by providing an appropriate level of protection to the environment;

encourage waste generators and managers to adopt a responsible approach to waste management;
 facilitate improvements in all aspects of waste management (and, in particular, facilitate legitimate diversion of materials from the waste stream for re-use, recycling or recovery of energy); and
 ensure there are seamless interfaces with controls in related areas (for example, dangerous goods and occupational health and safety) and with the proposed NEPM.

The new regulations follow the 1996-97 review of the Industrial Waste Strategy which sought public input on whether the regulations could be allowed to expire or needed to be remade. Public comment indicated a clear need for the maintenance of an effective regulatory safety net to ensure the proper management of wastes which have the potential for significant environmental impact.

Victoria Planning Provisions

The Minister for Planning and Local Government approved the Victoria Planning Provisions on 24 December 1996.

The Victoria Planning Provisions contain common statewide planning controls which will be used as the basis for implementing new planning schemes across Victoria during 1997, as required by the *Planning and Environment (Planning Schemes) Act 1996*.

A key feature of the new planning scheme is the requirement that each municipality incorporate within its planning scheme a "municipal strategic statement" setting out the strategic planning objectives and future land use framework for the area covered by the planning scheme.

The Victoria Planning Provisions provide for only 25 zones (five residential, three industrial, five business, three rural, four public land and five special purpose) to operate across the state, with no ability for additional local zones to be implemented. There is, however, provision for additional planning controls to be implemented through a series of overlay controls dealing with environment, landscape, heritage and built form, land and site management, although again in a state standard format.

As part of the ongoing planning reform process in Victoria, the new Act also contains a combined planning scheme amendment and permit process to facilitate development approvals.

Strategy on Biodiversity

Victoria's *Flora and Fauna Guarantee Act 1988* provides for the preparation of a Flora and Fauna Guarantee Strategy (the Strategy). Five years after it was released in draft form, the Strategy has been finalised by the Department of Natural Resources and Environment.

The Strategy is produced in three parts:

1. Victoria's Biodiversity - Sustaining Our Living Wealth;
2. Victoria's Biodiversity - Our Living Wealth;
3. Victoria's Biodiversity - Directions in Management.

A number of management approaches endorsed by the Strategy are specific to the environment conditions of largely natural landscapes, largely natural seascapes, rural landscapes and urban and urban fringe areas.

In urban and urban fringe areas, management approaches are designed to assist local government, developers, communities and urban infrastructure providers to protect and manage sites of significance. Key directions have been identified, including aims to:

- increase accessible strategic advice, such as the new format planning schemes being developed under the Victoria Planning Provisions, to local government planning processes to promote development in the least sensitive areas and to protect and promote corridor areas such as the Metropolitan green wedges, and
- enhance current information management systems so that information about biodiversity values for any particular area can be easily accessed early in the planning cycle by local government, developers, and conservation groups.

The Strategy also advocates implementation of a Biodiversity Reporting Framework, which would provide feedback on management programs.

PCBs Management Plan

Polychlorinated biphenyls (PCBs) were declared notifiable chemicals on 16 December 1997. The Order came into effect on 24 December 1997, when it was published in the Government Gazette.

The *Environment Protection Act 1970* defines a notifiable chemical as a chemical for which the Environment Protection Authority has certified that:

- there are no facilities available or accessible in Victoria for the destruction or disposal of the chemical, or
the nature of the chemical is such that the location, storage or handling of the chemical may cause an environmental hazard.

Under Section 30D, the Governor in Council may declare a chemical to be 'notifiable' if, acting on the recommendation of the Environment Protection Authority, it is of the opinion that such an order is necessary to prevent or abate a serious environmental hazard.

The Australian and New Zealand Environment and Conservation Council has prepared and released a *Polychlorinated Biphenyls Management Plan*. Although the Victorian Environment Protection Authority has released an Information Bulletin providing guidelines for managing materials and wastes containing PCBs at concentrations between two and 50 mg/kg (Publication 512), the broader ambit of the ANZECC Management Plan has not been formally implemented in Victoria.

It is intended to prepare an industrial waste management policy regulating the use and disposal of PCBs pursuant to Section 16(1A)(g) of the *Environment Protection Act 1970*. Such policies can, by virtue of Section 72 of the Act, apply, adopt or incorporate with or without modification the provisions of any document, standard, rule, specification or method.

Accordingly, the Environment Protection Authority may adopt the ANZECC Management Plan, either with or without modification, and incorporate this Plan into its policy. No timetable for public notification and consultation has yet been determined for

preparing the policy and associated Policy Impact Assessment.

Queensland

Environmental and Other Legislation Amendment Act 1997

This Act was passed on 27 November 1997 and received the Royal Assent on 5 December 1997. Various provisions of the Act commence on various dates. However, the bulk of the provisions of the Act are due to commence on 6 July 1998.

The Act integrates the provisions of the *Contaminated Land Act 1991* with the *Environment Protection Act 1994* to provide a central piece of legislation to protect the environment in Queensland in accordance with the principles of ecologically sustainable development. The Act also promotes economic development by limiting lender liability for contaminated land, and reduces overall costs in the development of industrial and commercial property by not requiring unnecessary remediation.

The Act adopts the concept of site-risk management by incorporating the two registers for recording land. The Act distinguishes between sites that constitute an environmental risk and require remediation (risk sites) and those that are likely to have some contamination but have a low probability of risk to human health or the environment under the current land use (low-risk sites). This will remove the stigma associated with contamination for low-risk sites, which are recorded on an Environmental Management Register (EMR), while mandating remedial action in respect of risk sites, which will be recorded on a Contaminated Land Register (CLR).

The Act establishes site management plans to enable land, recorded on the EMR and which has some contamination, to be used subject to plan conditions. If the land use changes to a more sensitive use, for example from industrial to residential, then an assessment is required to ensure that human health and the environment are protected. The Act provides review and appeal provisions (which are less limited than those contained in the *Contaminated Land Act 1991*) for dissatisfied persons such as land owners and persons required to remediate land.