

RECENT DEVELOPMENTS

Victoria

Prescribed and Hazardous Waste

A Regulatory Impact Statement has been released for public comment, proposing the following changes to the *Environment Protection (Prescribed Waste) (Amendment) Regulations 1998*:
 establishing a new offence that waste producers, transporters and receivers are not to provide misleading or incorrect information on a transport certificate; and
 facilitating reuse, recycling and energy recovery by extending the exemption provisions to include 'classes of people' as well as individuals.

Victorian Greenhouse Strategy

On 18 August 2000, a discussion paper was released on the Victorian Greenhouse Strategy raising the following issues among others:

- the broad strategic approach that should be adopted in the Victorian Greenhouse Strategy;
- the major opportunities and priorities for action to reduce Victoria's greenhouse gas omission;
- the potential economic, social and environmental implications of any proposed action to reduce greenhouse omission; and
- any substantial issues that have not been adequately addressed in the discussion paper.

Salinity Management Framework

The Minister for Environment has released *Victoria's Salinity Management Framework - Restoring our Catchments*, August 2000

"The framework promotes the partnerships between State Government and the community through the Catchment Management Authorities and with Local Government dealing with land and water salinity."

Review of the Victorian Framework for Ozone Layer Protection

The EPA is conducting a review of Victoria's statutory framework for the control of ozone-depleting substances by considering:

- key statutory instruments which have made up Victoria's ozone protection framework;
- the need to manage ozone-depleting substances currently not controlled within Victoria's statutory framework;
- developments in industry practices and new technologies; and
- the type of statutory instruments or other measures needed to minimise emissions of ozone-depleting substances while meeting the future needs of Victorian industry and the community.

The EPA proposes to vary the present IWMP (*Industrial Waste Management Policy (Control of Ozone-depleting Substances) No.IW-1B*). It has prepared a draft variation

entitled *Industrial Waste Management Policy (Protection of the Ozone Layer)* and draft Policy Impact Assessment (PIA) for public consultation.

The proposed policy variation will establish controls for the avoidance and minimisation of emissions of ozone-depleting substances over the next ten years.

SEPP – Used Packaging Materials

In July 1999 the NEPC made a NEPM on used packaging, seeking to embody the principles of product stewardship. In June 2000, the EPA released State Environment Protection Policy for Used Packaging Materials in order to implement the NEPM in Victoria. In September, Guidelines on the SEPP were released which state:

“The goal of the NEPM is to reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of re-use and recycling of used packaging materials. This objective is to be achieved through supporting and complementing the voluntary strategies of the National Packaging Covenant.

The National Packaging Covenant is an agreement between all Australian jurisdictions (except the Northern Territory) and the packaging supply chain, as well as local government in some States including Victoria. The Covenant sets out the agreed obligations of each party in the manufacture, supply, distribution, consumption and recovery/recycling cycle for post-consumer packaging. A signatory to the Covenant is required to adopt the relevant obligations and to submit an Action Plan to the Covenant Secretariat setting out how the signatory intends to implement the obligations relevant to it.”

Review of Mineral Resources Development Act 1990

A consultation paper on proposed amendments to the *Mineral Resources Development Act 1990* was released in August 2000. The review was in part due to the privatisation of the brown coal mines of the LaTrobe Valley, bringing them within scheme of Act, .

Among other things, it is proposed:

- to change many of the time periods specified under the Act (eg to increase the time periods for exploration licences from 2 to a maximum of 5 years; to reduce the 21 day notification period prior to commencing work to 5 days);
- that minor variations to work plans may be approved without requiring the preparation of a further EES or planning approval;
- that consent of landowners within a 100m radius should not be required where an EES has been prepared;
- that rehabilitation plans take into account the potential of work to have a long-term impact on the environment;
- that the 6 year limitation on the return of bonds be removed; - compensation payable for loss of amenity be limited to \$10,000 (which is in addition to claims for direct loss or damage); and
- that the Act be amended to be consistent with the Native Title Act 1993 in a similar way to the approach adopted in the Petroleum Act 1998.

Draft SEPP- Contaminated Land

Despite rumours that that the Contaminated Land SEPP was close to completion, it is undergoing final negotiations and is not expected until about May this year. It is expected to contain amendments to reflect the NEPM – Assessment of Site Contamination (Dec 1999).

The draft SEPP currently requires:

- (a) occupier's of scheduled premises to prepare and implement an EMP;
- (b) occupiers to manage land to ensure no adverse off-site impacts;
- (c) occupiers to undertake and report the results of a site contamination assessment if requested by the EPA, via a works approval, license or notice;
- (d) owners to provide information regarding the condition of the site to a purchaser or lessee if the site :
 - (i) is listed on the Priority Sites Register;
 - (ii) has undergone a statutory environmental audit;
 - (iii) has been subject to a site contamination assessment.
 (It is not clear that this requirement will remain in the final SEPP).

Hazardous Waste

On 8 December 2000, the Bracks Government outlined its industrial waste management strategy. The main components of the plan include

- (a) the introduction of an Industrial Waste Management Policy (Prescribed Industrial Waste) (gazetted on 5 December 2000); and
- (b) the establishment of a bipartisan taskforce to succeed the Hazardous Waste Consultative Committee and advise on the siting of new facilities

The government's aim is to replace the use of landfill with short-term storage sites where hazardous waste will be stored pending reuse, recycling and recovery or development of appropriate technology to treat the waste.

The Industrial Waste Management Policy (Prescribed Industrial Waste) aims to give EPA the power to impose tighter restrictions on industry including:

- (a) banning hazardous waste which currently goes to landfill,
- (b) putting in place targets that industry will have to work to reduce the amount of waste it produces, and
- (c) specifying how wastes will be treated and managed in the future.

Environment Assessment Council Bill 2000

The Minister for Environment introduced the *Victorian Environment Assessment Council Bill 2000* into the lower house on 2 November 2000. The Bill establishes the Victorian Environmental Assessment Council to replace the Environment Conservation Council.

Unlike the ECC, the VEAC's investigations will not be confined to Crown land and it will have an expanded core membership. In addition to its core members, the minister will be able to appoint additional members and establish a community reference groups for each investigation.

Commissioner for Ecologically Sustainable Development

A consultation paper was released in November 2000 in relation to the Victorian government's proposal to create a Commissioner for Ecologically Sustainable Development to:

- (a) oversee State of Environment Reporting
- (b) provide an Ombudsman-type role for considering public complaints
- (c) monitor Victoria's compliance with international agreements and treaties as well as local legislation such as the Flora and Fauna Guarantee Act
- (d) look into issues that are considered of environmental significance
- (e) develop environmental reporting standards.

It appears that auditing role of the Commissioner will be primarily in relation to government departments and agencies.

Draft SEPP- Air Quality Management

In December the EPA released a draft Air Quality Management SEPP and draft Policy Impact Assessment as well as a number of background papers for public comment.

A main reason for the review is to bring the SEPPs in line with the advances in both policy and

The review is partly to "consider the policy implications of recent developments on environmental issues of international significance, the development of national approaches to environmental management, evolving community aspirations and priorities, current priorities and practices in air quality management, and the latest scientific findings and technological advances relevant to air quality management."

Planning & Environment (Restrictive Covenants) Act 2000

The *Planning & Environment (Restrictive Covenants) Act 2000* is now in operation.

The Act amends the *Planning and Environment Act 1987 (P&E Act)*. It prevents a responsible authority from issuing a permit for a use or development of land if the use of development would result in the breach of a registered restrictive covenant.

In order to use or develop land in a way which would otherwise be a breach of a Covenant, a person is required to remove or vary the Covenant to the extent of the inconsistency.

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