

Port Phillip Bay Channel Deepening EES

The Port of Melbourne Corporation proposal is to deepen sections of the main commercial shipping channels that lead to the Port of Melbourne in order to accommodate vessels with a draft of up to 14m at any state of the tide. The proposal consists of permanently deepening and maintaining the following channels, as well as managing the dredged material:

- The Great Ship Channel at the entrance of Port Phillip Bay (and over Nepean Bank near the South Channel).
- The South Channel adjacent to the Mornington Peninsula in southern Port Phillip Bay.
- The approach channels to the Port of Melbourne.
- Port berths within the Yarra River.

On 9 May 2002 the Minister for Planning required the Victorian Channels Authority (VCA) to prepare an Environment Effects Statement (EES) for their Port Phillip Bay Channel Deepening proposal under the Environment Effects Act 1978, in view of its potentially significant environmental impacts. The Port of Melbourne Corporation (PoMC) has since assumed the responsibilities of the former VCA.

The EES was exhibited for public comment from 5 July to 16 August 2004. The proposal and EES is now the subject of an independent Panel Inquiry appointed under the *Environment Effects Act*. The Panel members are Mr Rynd Smith (Chair), Dr David Smith, Mr Nick Wimbush and Dr Bronwyn Ridgeway. The Full Hearing for the Inquiry commenced on Tuesday 21 September 2004. The Panel will consider the EES and public submissions. It will then prepare a Report to the Minister for Planning. For information about the Panel process please phone Panels Victoria on (03) 9655 8742.

Rural Zones Review

The new zones for rural Victoria have been finalised. The 'Proposed New Zones for Rural Victoria' document was released in November 2003 setting out three draft new rural zones. Comments were sought on the detailed provisions of the draft zones. The closing date for comments was 19 March 2004. The final combination of new zones is as follows:

- Farming Zone – This replaces the Rural Zone and is the main zone for agriculture.
- Rural Activity Zone – A new zone providing flexibility for agriculture and other land uses to co-exist.
- Rural Living Zone – This upgrades the existing zone as the main zone for rural residential areas.
- Rural Conservation Zone Rural – replaces the Environmental Rural Zone. This is the main zone for areas with significant environmental considerations (and also applies to green wedge areas).

Interim Height Controls offered to Councils

Victorian councils will be able to apply for height controls in residential areas and neighbourhood centres under planning changes announced by the Premier, Steve Bracks, and Planning Minister, Mary Delahunty. The Government will create a new zone to reinforce ResCode, the 2001 guidelines introduced to govern residential development in Victoria.

The new zone will provide for a maximum height limit of nine metres (three levels) in sensitive residential areas. Councils can also apply for interim height controls in neighbourhood centres, such as smaller local shopping strips, tailored to suit local circumstances.

2004 Parks & Reserves Legislation

The *National Parks (Additions and Other Amendments) Bill* has been introduced into the Victorian Parliament. Debate on the bill has been adjourned until Spring 2004.

The main feature of the bill is the addition to the parks and reserves system of nearly 37,000 hectares of land across the state. There are additions to existing parks under the *National Parks Act 1975* as well as the creation of new nature conservation reserves under the *Crown Land (Reserves) Act 1978*.

The bill also includes provisions relating to:

- the membership criteria of the National Parks Advisory Council and the Alpine Advisory Committee
- the leasing of land for surf lifesaving purposes
- the removal of a number of redundant sections from the National Parks Act
- the definition of 'restricted Crown land' in the *Mineral Resources Development Act 1990*.

Regulatory Impact Statement - Wildlife (State Game Reserve) Regulations 2004

A Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Wildlife (State Game Reserve) Regulations 2004. The objective of the proposed Regulations is to provide for the management of State Game Reserves established under the *Wildlife Act 1975*.

The proposed Regulations replace the Wildlife (State Game Reserve) Regulations 1994, which are due to expire on 29 November 2004.

Vale Brian Robinson

Brian Robinson left Victoria a better place than he found it. He made a difference, he made the environment matter.

Brian's career spanned some 30 years and was devoted to the protection and improvement of the environment; sadly he passed away on Saturday 1 May 2004.

His work was instrumental in shaping the overall direction of environment protection in Australia and delivered lasting benefit to Victoria, nationally and internationally.

Born and raised in Ireland in 1941, his early grounding in the environment came with his science degree, obtained from Queen's University in Belfast in 1964. This was followed by his PhD in Chemistry from Melbourne University in 1968 after which he returned to Ireland to work in the chemical industry.

He settled in Victoria in 1972, working on the Western Port Environmental Study.

Brian joined EPA Victoria in 1975, where he helped establish EPA's analytical laboratories to support its investigation and prosecution functions and subsequently led EPA's air quality program.

In 1980 he left EPA to work in the Premier's department reviewing chemical laboratory arrangements across the State public sector. He returned in 1983 where he worked on water, waste and chemical issues before becoming Chairman in 1986.

While his achievements were many and diverse, his involvement and leadership in establishing a range of State environment protection policies is one of the most tangible.

During his career, he led the establishment of policies for Victoria's air quality, the protection of Victoria's freshwater and marine ecosystems as well as specific policies for Port Phillip Bay, the Yarra River, Westernport Bay and the protection of groundwater in Victoria.

He was an innovative and articulate advocate for the benefits of cleaner production, recycling and waste

minimisation. He was instrumental in the establishment of EcoRecycle Victoria, the body responsible for the development of Statewide strategies to promote and support waste reduction and recycling.

As EPA Chairman for 15 years, he developed a deep understanding of development and trends in environmental indicators. He shaped and guided the organisation through a period of technological change, major environmental challenges and growing public awareness of the importance of environment protection and sustainable development.

In his time he was the prime advisor on environmental protection to eight ministers and four governments.

There is no doubt that Brian's creativity, knowledge and energy made an outstanding contribution to the direction and shape of environment protection nationally in the past two decades.

Central to his approach was the fostering of scientific excellence in all aspects of environment protection and exploring new ways to inform and involve the community in shaping environmental policy and decision-making.

Brian dedicated his professional life to the improvement of environmental quality and to ensuring that all those with a stake in the environment (in other words the community) had access to reliable, relevant information about their environment and had the opportunity to participate in decisions about its protection.

He did this by establishing site-specific environment improvement plans in which local communities and industries work together to manage their environment.

While most of his work was carried out in Victoria his commitment, innovation, drive and leadership extended well beyond the State.

He was instrumental in ensuring the development of national environment protection measures in a number of areas, but particularly for air quality. He advised the Government of Papua New Guinea on the establishment of its environmental protection program and participated in Australian delegations to United Nations forums including the Kyoto Protocol.

His service and contribution to the people of Victoria were outstanding and he was a humane and visionary leader. Very early in his career he recognised that a robust high quality environment was central to the prosperity of society and of individual enterprises.

He was recognised as one of the strongest and most articulate voices advocating cleaner production as the basis for economic efficiency and environmental sustainability.

For more than 30 years he was a major force in leading environmental improvement in Victoria, in keeping environment on the agenda and in providing innovative approaches to environmental management that have enabled the continued prosperity we enjoy today.

Brian's voice was loud and his passion clear. His vision was to leave Victoria a better place for our children.

He made a difference.

Now it's up to us.

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NELA (SA Division) held its Annual General Meeting on Thursday, 4th November 2004, which was linked to the national NELA AGM, and was held at the National Wine Centre.

Retiring NELA (SA) President, James Levinson, reported on a particularly active 18 months since the last State AGM. Activities have included the presentation of 7 seminars ranging from discussion of the *River Murray Act*, to a discussion about the Environment Protection Authority's *Noise Environment Protection Policy*.

James also noted that the State Committee had made several valuable submissions in recent times in relation to various matters of interest or impact in the field of Environment Law and policy, including comment upon the *Environment Protection (Site Contamination) Amendment Bill 2004*, the *Development (Sustainable Development) Amendment Bill*, and the *Natural Resource Management Bill*.

Many thanks are due to James for his tireless efforts during his term as President of NELA (SA).

WESTERN AUSTRALIA

Editor: Sally Marsh and Lewis McDonald

Contaminated Sites Regulations Released

The Department of Environment released the draft Contaminated Sites Regulations (**CS Regulations**) in mid October for public comment. Submissions may be made until 22 November 2004. The CS Regulations support the *Contaminated Sites Act 2003 (WA) (CS Act)*, which has not yet commenced. The CS Act is expected to commence soon after the CS Regulations are finalised. The CS Regulations:

- exclude from the definition of "contaminated" land and water affected by eutrophication, salinity, unexploded ordnances, substances that are a part of or contained within buildings and the correct application of fertiliser;
- prescribe the forms required to report sites, obtain information about sites, apply for certificate of contamination audits, make disclosure statements and to make disclosure before transferring land;
- set out the fees for searching the contaminated sites database, applying for a certificate of contamination audit, applying to become an auditor and be accredited and the fee to lodge appeals;
- prescribe the information that will be available in the contaminated sites database;
- provide for the appointment of the Contaminated Sites Committee;
- describe what information will be relevant in determining who is responsible for remediation;
- set out how to request a certificate of contamination audit;
- describe what a mandatory auditor's report must include and when mandatory auditor's reports are required;
- describe what information must be provided in a disclosure statement;
- provide for the appointment, accreditation and functions of auditors;
- describe when responsibility for remediation may be transferred to the State; and
- provide for the publication of appeal decisions.

The CS Regulations are critical to the successful operation of the CS Act. They available in the contamination section of the Department of Environment's website: www.environment.wa.gov.au.

Sally Marsh