

NELR recent developments

AUSTRALIAN CAPITAL TERRITORY

Kirsten Miller

ACT sets renewable energy target of 15% by 2012

As required under the *Climate Change and Greenhouse Gas Reduction Act 2010 (ACT)* the ACT Government has set targets for renewable energy use in the ACT. The target for renewable energy is 15% of total electricity usage by 2012, and 25% by 2020. This target is aimed at assisting in reaching the target in the Climate Change Act of cutting greenhouse gas emissions by 40% by 2020, and for the ACT to be carbon neutral by 2060.

Under the Climate Change Act the Government is still required to set energy efficient targets for the per person use of electricity in the ACT and must determine a method for measuring greenhouse gas emissions. A climate change council is also still to be established.

A copy of the Climate Change and Greenhouse Gas Reduction Act is available at <http://www.legislation.act.gov.au/a/2010-41/default.asp>

A copy of the Determination setting the renewable energy target is at <http://www.legislation.act.gov.au/di/2011-81/current/pdf/2011-81.pdf>

ACT residential feed-in tariff reaches its cap

The ACT Government has announced that the legislated cap of 15MW on small scale electricity generators (essentially household solar panels) has been reached. Consequently the feed in tariff scheme will no longer be available for small scale generators.

In February this year the Government made amendments to the *Electricity Feed-in (Renewable Energy Premium) Act 2008* which expanded the ACT feed-in tariff scheme to medium scale electricity generators. The amendments also introduced a cap of 15MW for small scale generators and a 15MW cap for medium scale generators.

The feed in tariff is available still for medium scale renewable energy generators of between 30kW and 200kW. There is a cap of 15MW for medium scale generators, however the Government has said that this is currently largely unallocated.

The Government has also indicated that it intends to

introduce legislation later this year to apply to large scale generators, to encourage the establishment solar farms across the ACT.

A copy of the *Electricity Feed-in (Renewable Energy Premium) Act 2008* is available at <http://www.legislation.act.gov.au/a/2008-21/default.asp>

Draft bill proposes energy and water efficiency standards for residential rental properties

The ACT Greens have prepared an exposure draft Bill which, if passed, would set minimum standards for energy and water efficiency in residential rental properties in the ACT.

The *Residential Tenancies Act 1997 (ACT)* does not currently address issues of energy efficiency and water efficiency.

The draft Bill would require rental properties to have an energy efficiency rating (EER) of at least 2 by 2013, and an EER of 3 by 2015, with power for the Minister to set a higher energy efficiency standard. The Bill also requires rental properties to meet a minimum water efficiency standard prescribed by regulation. The draft regulations prescribe water efficiency measures, including a dual flush toilet and maximum flow rates for shower heads and tap equipment. There is a power for the Minister to exempt premises from complying with these minimum standards in certain specified circumstances.

The draft Bill gives a tenant a right to issue a rectification notice to a lessor requiring the lessor to ensure that premises comply with a minimum water or energy efficiency standard.

The Exposure Draft of the Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011 is available at http://www.legislation.act.gov.au/ed/db_41272/default.asp

New ACT ministerial and departmental responsibilities

Following the retirement of the former ACT Chief Minister, Jon Stanhope MLA, and the restructuring of the ACT public service following the Hawke review, there have been a number of changes to ministerial and

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departmental responsibilities relating to environment and planning.

The ACT Government has implemented the Hawke review's recommendation of setting up a single ACT government department with different directorates. The former Department of Environment, Climate Change, Energy and Water is now part of the Environment and Sustainable Development Directorate. The new Directorate unites DECCEW with planning (including development assessment, leasing, construction, land use and utilities regulation, surveying and land information), the Government architect, heritage, transport planning and nature conservation.

Simon Corbell MLA, is the new Minister for the Environment and Sustainable Development and the Minister for Territory and Municipal Services.

Gang Gang logo retained

The ACT Government has announced that it intends to retain the Gang-Gang logo for the ACT Parks and Conservation Service. The Gang-Gang is the faunal emblem of the ACT and has been used to represent parks and conservation in the ACT since the 1970s. Following the Hawke review recommendation that a single ACT Government logo be designed to represent all Government, concern was raised that the gang-gang logo would be lost. However the long standing tradition and association of the Gang-Gang logo was considered a special case and the Gang-Gang logo will be retained and will be cobranded alongside the new Government logo.

ACTEW review of ACT water restrictions

ACTEW's Water Conservation Office manages water restrictions and conservation measures in the ACT. ACTEW is currently conducting a review of water restrictions and permanent conservation measures in the ACT and is calling for public comment on how water restrictions should work in the future and how people have been affected by the recent drought.

The ACT currently has a four stage scheme of water restrictions, approved under the *Utilities (Water Conservation) Regulation 2006*. The scheme enables restrictions to be put in place when it is necessary or desirable to do so in order to ensure that, on a medium

to longer-term sustainable basis, ACTEW is able to meet its obligation to supply potable water. When water restrictions are not required, permanent water conservation measures are in place. This restricts things such as hosing down driveways and using sprinklers during hotter times of the year.

ACTEW has developed new concept schemes. Key changes include the introduction of a new Stage 5 as the highest level of restrictions, changes to watering times and days and to the way businesses can use water.

More information is available at <http://www.actew.com.au/SaveWaterForLife/WaterRestrictions/have-your-say.aspx>

Investigation into water quality of Lake Burley-Griffin

The ACT Legislative Assembly has passed a motion calling on the Minister to direct the Commissioner for Sustainability and the Environment to investigate the state of the watercourses and catchment for Lake Burley Griffin, including possible improvements for managing water quality. Under the motion the Commissioner is due to report by 30 September 2011.

Lake Burley-Griffin has been frequently affected by spills from the Queanbeyan Sewerage Plant, which discharges into the Molonglo River, and blue-green algae blooms which has resulted in the lake being closed to water users.

Review of the National Capital Authority

Dr Allan Hawke AO is currently conducting a review of the role and responsibilities of the National Capital Authority with a particular focus on its planning regime, including the appropriate balance of planning responsibilities between the Commonwealth and ACT governments in Canberra. It will consider the work of previous taskforces and committees and make recommendations by June 2011 on the future of the Authority for consideration by the Federal Government.

Legislative Assembly Committee recommendations on FOI

On 7 April the Legislative Assembly's Standing Committee on Justice and Community Safety released a report into the *Freedom of Information Act 1989*. The

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Committee has recommended that the current ACT FOI Act be replaced with an Act that is consistent with the Commonwealth's FOI Act. The Committee has further recommended that information should be published online routinely and at no cost, and that the ACT should enact its own privacy legislation, to replace the Commonwealth legislation currently in force.

To read the report, see: <http://www.legassembly.act.gov.au/committees/index1.asp?committee=114&inquiry=773>

Residential and Subdivision Policy review – Draft Variation 306

Draft variation 306 to the Territory Plan has recently been released for comment. The draft variation was prepared to implement a review of the ACT residential and subdivision policies. The draft variation proposes:

- changes to residential development, estate development and leasing codes
- replacement of residential zones objectives development tables, and housing development codes

- introduction of Residential Zones Development Code and Lease Variation General Code
- replacement of existing Residential Subdivision Development Code with an Estate Development Code.

The changes include changes to solar access provisions, boundary setback changes, reducing the minimum block size for dual occupancy in RZ2 (suburban core zone) and changes to subdivision provisions for new estates.

Draft variation 306 supersedes draft variations 301 and 303 following a review of policies proposed in draft variations 301 and 303 which were put out for public comment last year. Draft variations 301 and 303 have now been withdrawn. Some of the changes have commenced.

More information is available at http://www.actpla.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/current_territory_plan_variations/fact_sheets_for_draft_variation_306

NEW SOUTH WALES

Dr N. Brunton, A. Egan and H. Kahagalle

Infrastructure NSW Act 2011 (NSW)

An Act to establish a new lead agency to develop key strategies for infrastructure was introduced into the NSW Legislative Assembly on 26 May 2011 and passed on 17 June 2011, passed by the NSW Legislative Council on 22 June 2011 and received assent on 27 June 2011.

Part 1 of the amending Act provides preliminary information including definitions. A 'major infrastructure project' means a project that has a capital investment value of more than \$100m or that has been nominated as a special project requiring oversight or coordination by Infrastructure NSW.

Part 2 establishes Infrastructure NSW as a statutory corporation and outlines the roles of the board, chief executive and coordinator general.

Part 3 specifies the functions of Infrastructure NSW,

including the 20-year state infrastructure strategy, five-year plans, preparation of implementation plans, provision of advice regarding risk assessment in infrastructure provision, recommended funding and delivery arrangements, and the overseeing and monitoring of delivery of major infrastructure projects. An important function will be the role of Infrastructure NSW in coordinating funding submissions to the Commonwealth, including Infrastructure Australia.

Part 4 contains the provisions governing the 20-year state infrastructure strategy, annual five-year Infrastructure Plan and state infrastructure strategy sectoral statements. Division 4 of part 4 contains the provisions governing the role of Infrastructure NSW in overseeing and monitoring the delivery of specified major infrastructure projects.

Infrastructure NSW may require a government agency to prepare a project implementation plan. Part 5 of the