

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

WRITTEN ADJOURNMENT RESPONSES

19, 20 and 21 February 2013

(Extract from book 2)

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Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, #Mr Lenders, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

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Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Tuesday, 19 February 2013

Building Commission: consumer protection

Raised with: Minister for Planning

Raised by: Mr Barber

Raised on: 9 February 2012

REPLY:

The government has announced its intention to establish the Victorian Building Authority.

The government has already responded to criticism of the performance of the Building Commission, made in the report of the Victorian Auditor-General in December 2011, by supporting the Auditor-General's recommendations. The government is committed to an industry that is well regulated and that has a regulator that is focussed on its core role as a regulator.

I am also advised in relation to the Zaitzen case that the Building Practitioners Board found the builder guilty of nine allegations and the building surveyor guilty of three allegations.

I understand that the builder and building surveyor have appealed the decisions to the Building Appeals Board.

Farming: Victorian Building Commission requirements

Raised with: Minister for Planning

Raised by: Mr Ramsay

Raised on: 7 June 2012

REPLY:

The primary purpose of the draft Practice Note which was released for consultation and comment from the farming industry is to provide advice and guidance in relation to the appropriate classifications of certain buildings according to their use.

The classification of buildings is determined by the building surveyor issuing a building permit in accordance with the National Construction Code.

The Practice Note was reviewed to ensure that when appropriate (notably buildings that are places of employment) certain fire safety and amenity requirements are addressed.

Following feedback from the farming industry, agreement was reached on changes to the draft Practice Note which has now been finalised.

The final Practice Note, Classification of buildings: Practice Note 2013-64, is available on the Building Commission's website at http://www.buildingcommission.com.au/resources/documents/PN_2013_64.pdf.

Planning: zoning reform**Raised with:** Minister for Planning**Raised by:** Mrs Petrovich**Raised on:** 14 August 2012**REPLY:**

I thank Mrs Petrovich for her comments supporting the proposed reforms to the rural zones.

The government has identified the importance of reviewing the rural zones. The proposed changes support agricultural activity, allow more tourism related uses and support population retention.

The reforms remove unnecessary conditions and prohibitions of some land uses and introduce more permit exemptions.

The proposed reforms will allow a wider range of uses to complement agriculture, tourism and community uses, and will give local councils a greater say in managing local planning issues such as subdivision policies.

An advisory committee will consider submissions received and make recommendations on the proposed reformed zones.

Mushroom Exchange: expansion**Raised with:** Minister for Planning**Raised by:** Mr Ondarchie**Raised on:** 28 August 2012**REPLY:**

Thank you for raising this matter. I am aware of the Mushroom Exchange's operations and plans for expansion at both Mernda and Nagambie.

I recently approved Amendment C133 to the Whittlesea Planning Scheme and Amendment C66 to the Strathbogie Planning Scheme, which provide for the expansion plans at each facility.

I am pleased that the expanded Mernda facility will secure 600 existing jobs and provide 50 new jobs in Melbourne's northern suburbs

Planning: zoning reform**Raised with:** Minister for Planning**Raised by:** Mr Tee**Raised on:** 30 August 2012**REPLY:**

The government is seeking to implement its planning election commitments to rebuild confidence in the planning system with more certainty and clearer rules.

The government announced its intention to reform planning zones through four separate media releases on 11 July 2012.

All Victorians, councils and industry groups were invited to provide comment on any impacts of the recommended changes.

I welcome all feedback about the reformed zones to ensure that when implemented the reformed zones are fair and improve planning in Victoria.

After the consultation period an advisory committee will consider and make recommendations on the proposed reformed zones.

Planning: Williamstown

Raised with: Minister for Planning

Raised by: Ms Hartland

Raised on: 12 September 2012

REPLY:

I thank you for your interest in these matters. I am pleased to advise that I recently amended the State Planning Policy Framework to protect and enhance the significant river corridors of Metropolitan Melbourne.

The Victorian coalition government is fully committed to the protection of Melbourne's natural assets and was proactive in introducing river controls. In addition I will be introducing similar controls along the remainder of the Yarra River corridor and also along the Maribyrnong River corridor to ensure new development is sensitively designed and sited to maintain and enhance environmental assets, significant views and the landscape along both river corridors.

I am able to advise that Melbourne Water considers that the mouth of the Yarra River is at the head of Port Phillip Bay at Newport. The former Port Phillip Woollen Mills site is not considered to be within the Yarra River corridor

Local government: LeadWest funding

Raised with: Minister for Local Government

Raised by: Mr Finn

Raised on: 11 October 2012

REPLY:

I am advised that LeadWest was formed in 2007 by the municipalities of Brimbank, Maribyrnong, Melton, Moonee Valley and Wyndham.

These five councils represent one of Melbourne's fastest growing regions.

LeadWest performs a role in the management western Melbourne's development at a time when sustainable growth is challenged by many pressures, particularly rapid demographic and environmental change.

By joining together, the member councils have sought to maximise their capacity and resources to meet these challenges.

I note your views about the use of ratepayers' money by LeadWest.

I can advise that the responsibility for auditing council finances lies with the Auditor-General.

I thank you for your ongoing interest in local government.

Glenelg planning scheme: amendment

Raised with: Minister for Planning

Raised by: Ms Tierney

Raised on: 24 October 2012

REPLY:

In relation to Planning Scheme Amendment C93 I can confirm that I made the decision to prepare, adopt and approve this amendment on 2 October 2012. The reasons for this decision are set out in the document 'Reasons for decision to exercise power of intervention under section 20(4) of the Planning and Environment Act 1987, Glenelg Planning Scheme Amendment C93' (Reasons of Intervention), which is provided to Ms Tierney.

In summary, I considered that compliance with any of the requirements of sections 17, 18 and 19 of the Planning and Environment Act 1987 and the regulations was not warranted because:

- A prompt decision on the development proposals was desirable;
- The views of potentially affected parties were known and were considered in preparation of the Amendment;
- Compliance with the requirements of sections 17, 18 and 19 of the act and the regulations would be unlikely to raise any issues not previously considered.

Planning: contaminated land management

Raised with: Minister for Planning

Raised by: Ms Hartland

Raised on: 13 November 2012

REPLY:

I refer to the matter that you raised during the adjournment debate in Parliament on 13 November 2012 regarding the Auditor-General's report *Managing Contaminated Land* and the Ministerial Advisory Committee report *Potentially Contaminated Land*.

The Victorian government is committed to ensuring that the management of contaminated land minimises the risk of public and environmental health impacts and takes the recommendations of the Victorian Auditor-General and Advisory Committee reports seriously.

The government acknowledges that a whole-of-government approach is needed to address the matters raised in the reports, given the breadth and significance of the issues requiring reform.

The government is currently reviewing the way in which we can effectively advance the recommendations of both reports.

Thank you for your interest in this matter.

Planning: Footscray development**Raised with: Minister for Planning****Raised by: Mr Eideh****Raised on: 29 November 2012****REPLY:**

The developments referred to by Mr Eideh include 1 Ascot Vale Road, Flemington and the 18–24 Hopkins Street, Footscray. 1 Ascot Vale Road is a 21-storey development that had its permit issued by VCAT on 3 November 2010. I was not involved in the issuing of this permit and therefore cannot comment on the merits of that development.

The development at 18–24 Hopkins Street is part of the Footscray Renewal Project Area and I am responsible for issuing development permits in this area for developments with an estimated cost greater than \$250 000. The site is located within the Joseph Road Urban Renewal Precinct, which is earmarked in the Maribyrnong Planning Scheme for high density residential development with a mix of commercial, community and public open space uses. The planning scheme specifies preferred heights for development in this precinct, however these are not mandatory but instead provide an indication as to what may be acceptable. In the case of the development at 18–24 Hopkins Street I approved a height limit greater than that specified as I was satisfied that the planning objectives for the area were met and the overall design outcomes were positive. Maribyrnong City Council was consulted throughout the assessment of this development proposal and their comments were considered before I issued the development permit.

Developers are required to contribute towards the funding of infrastructure in the Footscray Renewal Area. All developments within the Footscray Renewal Area must contribute to the delivery of public infrastructure (roads, footpaths, street furniture) around their development sites as a condition of planning permits in the area. A contribution towards upgrading local road intersections, open space and community facilities is also a requirement as a condition of planning permits for development in the area.

South East Water: headquarters relocation**Raised with: Minister for Planning****Raised by: Hon. M. P. Pakula****Raised on: 11 December 2012****REPLY:**

On 18 December 2012, I received a request from Frankston City Council to approve amendment C90 to the Frankston Planning Scheme under section 20(4) of the Planning and Environment Act 1987. The amendment would make me the Responsible Authority for the site of the proposed South East Water building in Playne Street, Frankston.

My department is currently preparing advice on the request. I will consider the request after receiving this advice in early 2013.

Building Practitioners Board: performance

Raised with: Minister for Planning

Raised by: Mr Barber

Raised on: 13 December 2012

REPLY:

The government is committed to a building industry that is well regulated and that has a regulator that is focused on its core job as a regulator.

The government recently took action to ensure that the industry is well regulated and has a transparent building regulator in the Victorian Building Authority (VBA) to replace the Building Commission, Plumbing Industry Commission and the Architects Registration Board of Victoria.

The establishment of the VBA is a critical component of a package of reforms designed to deliver consistency of outcomes for consumers, focus on dispute prevention rather than only on dispute resolution; raise safety and technical standards as well as practitioner capability and improve enforcement of regulation.

An independent consultant will review and provide advice on the most appropriate organisational structure (including the Building Practitioners Board and the Building Appeals Board) for the VBA as a best practice regulator.

Energy: smart switch installation

Raised with: Minister for Energy and Resources

Raised by: Mr Elasmr

Raised on: 13 December 2012

REPLY:

I refer to the matter you raised during the Adjournment debate in the Legislative Council on 13 December 2012 regarding the regulation of installations of standby power controllers (SPCs) offered under the Energy Saver Incentive (ESI) scheme.

The ESI scheme has established regulatory measures in place, that currently govern accredited persons and the installation of SPCs in Victorian homes.

The Essential Services Commission (ESC), as the independent regulator of the ESI scheme accredits businesses to participate in the scheme. The accreditation process requires detailed information to be provided to the ESC. The ESC uses this information to assess whether a business has the policies, processes and expertise needed to operate within the scheme.

All accredited persons are subject to periodic audits by the ESC in order to ensure that scheme participants have kept the necessary records required under the Victorian Energy Efficiency Target Act 2007 (VEET act) and to confirm that certificates have been created in accordance with the requirements of the legislation. The quality assurance and record keeping practices of participating businesses are key aspects of the application process.

Improper creation of certificates can incur serious penalties and may lead to financial and legal consequences such as suspension from the scheme and/or prosecution.

The Victorian government is acting to ensure the ESI scheme has appropriate safeguards in place. The ESC's powers under the VEET act were extended in 2012 to include the power to:

- impose conditions or restrictions on accreditation;

- require independent audits for compliance (by an approved third party auditor at the accredited person's expense);
- require the surrender of certificates deemed to have been invalidly created;
- suspend accredited persons from the scheme indefinitely or revoke accreditation altogether; and/or
- prosecute accredited persons found to have acted unlawfully.

Each SPC device needs to be approved by the ESC for use in the scheme. Applicants applying for approval of an SPC must submit details from an independent laboratory test for the product, conducted in accordance with the requirements outlined in an Explanatory Note available from the Victorian Energy Efficiency Target website (www.veet.vic.gov.au). SPCs tested in accordance with the methods outlined in this document will be deemed to pass or fail the minimum eligibility requirements of the Regulations. The ESC will not assess any product that does not have electrical authority approval from Energy Safe Victoria (or an equivalent electrical safety authority).

The ESC's compliance team has also conducted (product) pre-accreditation meetings with all accredited persons who have applied to undertake this activity. These meetings ensure accredited persons have in place processes, procedures and controls to undertake this activity in accordance with the VEET act, regulations and guidelines.

Furthermore, installers and accredited persons must ensure that consumers, on installation, sign a Victorian Energy Efficiency Certificate assignment form. Through this form, the consumer declares, amongst other things, that they have received adequate information about the product and how it operates. Consumers must be given a copy of this at the time of signing and installers must discuss product information, including product warranty and surge protection, with them. This ensures that the installers and accredited persons are accountable for their work and provides a sufficient audit trail, should the ESC need to investigate any consumer issues or complaints. The ESC also requires all accredited persons to ensure that installers are suitably trained to install approved products and understand what appliances are considered 'controlled appliances' and what appliances are considered 'master appliances'. These details are provided in the Explanatory Note.

If a customer believes an installer has improperly installed a device leading to appliance damage, then they should either contact the installer on the contact details provided at the time of installation or refer a complaint to the ESC.

I am advised, however, that there have been more than two million standby power controllers installed in Victoria to date, with no evidence of any damage to appliances known to the ESC.

Thank you for raising this matter with me.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Wednesday, 20 February 2013

Winchelsea Gun Club: relocation

Raised with: Minister for Environment and Climate Change

Raised by: Ms Tierney

Raised on: 30 August 2012

REPLY:

In 2008 the Department of Sustainability and Environment (DSE), Surf Coast Shire and Winchelsea Gun Club agreed that the club's activities are not the most appropriate use of the Winchelsea Common and that an alternate site for shooting activities was required.

Surf Coast Shire and the Winchelsea Gun Club have identified a new site which may be suitable subject to planning approvals.

DSE and Surf Coast Shire are now considering an extension beyond the 31st December 2012. DSE has written to the shire outlining a way forward to allow this to occur while the planning application proceeds.

The Winchelsea Gun Club can continue to use the club rooms for meeting purposes until an alternate site is located.

I appreciate the broader community links and benefits of the Winchelsea Gun Club and I hope the new site can be facilitated under the planning process.

DSE will continue to provide advice to the Surf Coast Shire and Winchelsea Gun Club as required.

Parks Victoria: disability access

Raised with: Minister for Environment and Climate Change

Raised by: Mrs Coote

Raised on: 13 November 2012

REPLY:

Parks Victoria is committed to improving access to parks and nature and recreational facilities for people with disabilities.

Parks Victoria has embarked on a range of initiatives which include: forging new partnerships, improving information delivery and providing equipment to improve access for persons with disabilities and their carers.

On 3 December 2012, you and I had the opportunity to join representatives from Blind Sports Victoria and Parks Victoria to celebrate International Day of People with a Disability at Albert Park. The event underscored our commitment to improving access to parks for people with disabilities.

The day highlighted Parks Victoria's Walk in the Park Program, a volunteer guide program which aims to reduce the barriers to visitors to parks who are blind or vision impaired.

Parks Victoria is partnering with MIND Australia, a leading provider of community mental health services, to create the Taste of Adventure and the North East Adventure Programs. These programs aim to assist young adults,

between the age of 16 and 25, with severe mental health challenges to participate in nature-based adventure activities in parks.

The Green Gym and Green Pathways volunteer programs, which enable people with disability to work in parks undertaking conservation work, is also a result of Parks Victoria partnering with Leisure Networks and Conservation Volunteers Australia.

The Victorian government has committed \$260 000 over the last two years for the provision of all-terrain wheelchairs, special accommodation equipment in selected parks and park programs for people with disabilities and carers.

The Parks Victoria website has improved park access information for over 30 of Victoria's most visited parks. The website is interactive and enables visitors to provide their comments on park access to assist other park visitors.

All these initiatives are part of Parks Victoria's aim of achieving healthy parks and enhancing people's health and wellbeing.

Shire of East Gippsland: Bastion Point boat ramp

Raised with: Minister for Environment and Climate Change

Raised by: Ms Pennicuk

Raised on: 12 December 2012

REPLY:

The matter raised concerns a proposal by the East Gippsland Shire Council which is seeking to construct a new boat ramp at Bastion Point near Mallacoota to improve safety and access for users.

In June 2009 during the term of the previous government, the minister for Planning's assessment of the East Gippsland Shire Council's proposal, under the Environment Effects Act, found that on the question of a 'clear overall societal benefit':

Current safety concerns that have been identified during the Inquiry process are such that 'do nothing' is not an option.

Of the options considered, Option 3b, including access provided along the base of the headland, via the existing access track leading off an expanded existing car park, is preferable in terms of minimising overall impact.

In his assessment, the minister for Planning also stated that his assessment would be made available to decision-makers under Victorian law, in particular the minister for Environment and Climate Change, who must consider this assessment before deciding whether to allow the proposal to proceed under the Coastal Management Act 1995.

Subsequently, the council, as the proponent for Option 3b applied for consent under the Coastal Management Act for this option. Option 2h was not submitted and therefore could not be considered by the minister. The choice of proposal submitted was made by the council.

On 14 January 2013, following a detailed evaluation of the council's application, consent under the terms of the act was granted, subject to a range of strict conditions. A decision on the consent was required to be made within the parameters of the Coastal Management Act that provides for the use and development of coastal Crown land, including the construction and carrying out of works.

The consent sets out conditions to ensure the council's construction and operation of the project met the standards expected by the community for protecting the environment. It requires the council to develop and implement an environmental management plan for construction, maintenance and operational works. The council is also required

to ensure that maritime safety requirements are addressed during the project's operation. Council's compliance with these standards is to be independently audited. The council must also keep the community informed about its project through a communications plan.

Winton Wetlands: master plan

Raised with: Minister for Environment and Climate Change

Raised by: Ms Darveniza

Raised on: 12 December 2012

REPLY:

Early this year I appointed a new Committee of Management for the Winton Wetlands, which is skills based interwoven with strong local knowledge.

Their charter is to take forward the excellent work of the previous committee in developing and establishing a sustainable future for the wetlands, and which has a strong community focus.

The new committee recently launched the Winton Wetlands Master Plan, and I am advised there was good community representation at the public presentations on 6 December 2012.

The Master Plan is ambitious, and has two stages to reflect the funding and budget strategy, which I have been fully briefed on.

In the meantime the Department of Sustainability and Environment will continue to work closely with and support the committee to realise their vision.

Victorian Multicultural Commission: community grants program

Raised with: Minister for Multicultural Affairs and Citizenship

Raised by: Ms Mikakos

Raised on: 13 December 2012

REPLY:

The Victorian Multicultural Commission's (VMC) Community Grants Program includes funding to enhance community infrastructure.

Faith-based organisations are also eligible to receive funding under the program for buildings and facilities that are to be used for community activity.

As has been the case since the inception of the grants program, funding is not provided to construct or enhance places of worship.

Faith-based organisations continue to be eligible for funding for buildings and facilities that are to be used for community activity. However, projects that relate specifically to religious practice or worship remain ineligible.

The VMC has recently made this criterion explicit in the funding guidelines to assist applicants in determining the eligibility of their proposals.

WRITTEN ADJOURNMENT RESPONSES

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Thursday, 21 February 2013

Respite care: West Sunshine accommodation

Raised with: Minister for Community Services

Raised by: Mr Eideh

Raised on: 23 October 2012

REPLY:

The health and safety of people with a disability in the care of the Department of Human Services is the Victorian government's first priority.

I was saddened to learn about the self-inflicted injuries of the young person following an incident with a co-resident.

The young person received immediate first aid and subsequent medical attention for his injury and continues to be supported by departmental staff. Previously any broken glass had been replaced with safety glass and now all windows at this respite facility have been replaced with safety glass.

I am advised that while works were undertaken at this respite facility, alternative respite care was arranged that provided this young person and his family with tailored in-home respite services. The department has worked closely with the family to slowly transition this young person back to using the facility based respite services. The transition has been successful for this young person, with visit, and now overnight stays occurring at the facility.

I have personally written to the family in response to their concerns.

Water: management

Raised with: Minister for Water

Raised by: Mrs Petrovich

Raised on: 12 December 2012

REPLY:

The coalition government will continue to manage water resources in Victoria for the benefit of all Victorians, to increase the livability of the state, economic opportunities and for environmental benefit.

The Victorian desalination project officially finished its commissioning tests on Monday, 17 December 2012.

As commissioning is complete, water production has ceased and the plant has been placed in standby mode as the government has decided not to order water for 2012–13.

Water orders for each water year are required to be placed by 1 April. As Minister for Water, I will look at all the relevant information on hand and make a determination on a water order for the desalination plant at that time.

To meet our commitment to provide a world class irrigation industry in northern Victoria, in October 2011, the Australian and Victorian governments signed an agreement for \$1.216 billion to fund the complete modernisation of irrigation systems in northern Victoria's food bowl, including stage 2 of the Connections Project.

With over \$2 billion committed to irrigation modernisation in northern Victoria I have taken a number of steps to ensure the efficient and effective delivery of this investment. An independent review by Victoria's Ombudsman resulted in a decision by the coalition government to integrate the Northern Victoria Irrigation Modernisation Project (NVIRP) into Goulburn-Murray Water (G-MW), which occurred on 1 July 2012.

In addition there has been a restructure to the G-MW board, a review of the stage 1 business case and the introduction of an independent appeals panel to address individuals concerns with the G-MW irrigation modernisation project. Additionally G-MW has introduced a new process for developing new connections proposals, to ensure that the process is inclusive of irrigators from the beginning. I believe these changes will improve the delivery of the \$2 billion investment in northern Victoria's irrigation systems.

Western Treatment Plant: employment policy

Raised with: Minister for Water

Raised by: Hon. M. P. Pakula

Raised on: 7 February 2013

REPLY:

City West Water is undertaking a project on Melbourne Water's land at Werribee for the construction and operation of a dual membrane salt reduction plant producing 6.0ML/d of treated water for future supply to public open space, commercial and residential customers throughout Werribee via a dual water supply pipe scheme. Total construction cost for the salt reduction plant and ancillary works is approximately \$41 million, and this work has been contracted to TEDRA Australia Pty Ltd, who have subcontracted packages of work to a number of Australian companies.

This project is part of a larger project which will provide potable and recycled water to the growth areas in Melbourne's west. The total estimated cost for the whole project is \$170 million. It is due to be finished in 2014.

Tenders for both the salt reduction plant and the ancillary works were called in November 2011. Contracts were finalised in February 2012.

Site establishment works commenced in June 2012.

City West Water has followed government procurement guidelines in undertaking this project and it would be inappropriate for me to intervene.