

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

WRITTEN ADJOURNMENT RESPONSES

22, 23 and 24 June 2010

(Extract from book 10)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary	Mr A. G. Lupton, MP

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Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee. (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson.

Education and Training Committee — (*Council*): Mr Elasmarr and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mr Murphy and Mrs Petrovich. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland. (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips. (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
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Deputy Leader of the Opposition:
Ms WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

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Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan ²	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue ¹	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles ³	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William ⁴	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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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, 22 June 2010

City of Brimbank: Ombudsman's report

Raised with: Minister for Planning

Raised by: Mr Guy

Raised on: 7 May 2009

REPLY:

I have obtained a list of all State planning decisions in relation to Brimbank City Council for the period 1 January 2005 to 1 June 2009. There were no decisions made by the State Government on planning permit applications for this period apart from those made in relation to planning scheme amendments which involved a combined amendment and one or more planning permits. All decisions made in relation to planning scheme amendments were laid before both houses of parliament within 10 sitting days of the decision being made.

Brimbank City Council made 947 decisions on planning permit applications from the period 1 July 2007 to 30 June 2008. Section 49 of the *Planning and Environment Act 1987* requires the Council, as the responsible authority, to keep a register of all applications for permits and all decisions and determinations relating to permits. Council must make the register available during office hours for any person to inspect free of charge.

Given that there are strict privacy laws governing the release of information related to private individuals, if Mr Finn would like to obtain any further information from Brimbank City Council regarding specific planning decisions related to individuals that is not publicly available, the appropriate mechanism to apply for this information is through the *Freedom of Information Act 1982*.

City of Brimbank: Ombudsman's report

Raised with: Minister for Planning

Raised by: Mr Finn

Raised on: 7 May 2009

REPLY:

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City of Brimbank: Ombudsman's report

Raised with: Minister for Planning

Raised by: Mr D. Davis

Raised on: 7 May 2009

REPLY:

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Rail: Nunawading station

Raised with: Minister for Roads and Ports

Raised by: Mr Atkinson

Raised on: 2 February 2010

REPLY:

With the removal of the Nunawading level crossing and new Nunawading railway Station opening in early January, there has been a positive impact on the community and road users. Traffic congestion has reduced, while road safety and public transport facilities have been improved.

I am advised that the project team has been in close consultation with the residents abutting the new Nunawading station both before and during the Springvale Road Grade Separation project, through a wide variety of channels, including letter drops, advertising and face to face meetings.

Whilst I acknowledge that the relocation of the Nunawading station and platforms may have had an impact on nearby residential areas, I understand that there are no provisions in the *Victorian Transport Act 1983* that would result in noise walls to protect residential properties adjacent to existing railway reserves. Noise from the station building must comply with PA guidelines in order to minimise the nuisance to residents.

Metro Trains Melbourne and rail regulators are mindful of the impact that rail activities can have on people living in close proximity to railways, and they continue to review and make adjustments to the operations of railway stations to minimise noise and other impacts experienced by adjacent residents.

As an example, following feedback from adjacent residents and reviews of noise and sound levels at the Nunawading railway station, the public address speakers on the platform have been lowered and speaker volumes reduced. Metro Trains Melbourne is continuing to review the sound levels and use of the public address system to reduce the impact on adjoining properties, without compromising safe rail operations.

Major construction works impacting on road and rail users are completed with final works to be completed by mid-2010.

Environment: illegal dumping

Raised with: Minister for Environment and Climate Change

Raised by: Mrs Peulich

Raised on: 2 February 2010

REPLY:

The Government takes illegal disposal of waste very seriously. It is an issue that spans a continuum of wastes, from cigarette butts, to dumped household goods, to more significant and systematic illegal dumping and land filling. These are being actively addressed by Government through partnerships between the Victorian Litter Action Alliance (VLAA) and its member bodies, which include EPA, Sustainability Victoria, VicRoads, Regional Waste Management Groups, local government, and non-government and community organisations.

The Government's recent announcement of increases to landfill levies, which is currently being considered by Parliament, contains a specific \$6 million commitment to establish a Strike Force to address illegal dumping. The proposed Strike Force on illegal dumping will target the larger scale waste dumping and illegal land filling end of this continuum. It also aims to support the great work undertaken by local government by taking decisive action against those whose actions warrant a greater penalty than allowed for under the litter provisions.

The Strike Force will be complemented by funding for local government litter prevention officers, funding through the Government's \$6 million Litter Strategy, which was announced by the Premier in early March of this year. This initiative includes a range of measures in relation to education, enforcement, infrastructure provision and the provision of cleaning services required to successfully tackle litter and illegal dumping.

I encourage your constituents to report any specific accidents of littering associated with motor vehicles that they witness to the EPA Litter Report line on 1800 35 25 55 or via the internet at <http://www.epa.vic.gov.au/Reporting/litter.asp>. Specific observations of more significant illegal dumping of waste should be reported to EPA's Pollution Watch Line on 9695 2777.

State Library: noise levels

Raised with: Minister for the Arts

Raised by: Mrs Coote

Raised on: 9 March 2010

REPLY:

I am aware there are issues raised about the level of noise at the State Library of Victoria.

The administration and management of the State Library, including the physical environment are the legislative responsibility of the Library Board of Victoria. Accordingly, I have drawn Mrs Coote's Adjournment Debate question to the attention of the President of the Library Board of Victoria, the Hon John Cain.

Francis Street and Somerville Road, Yarraville: truck curfew

Raised with: Minister for Roads and Ports

Raised by: Ms Hartland

Raised on: 11 March 2010

REPLY:

Work on the Truck Action Plan has commenced with engineering and planning investigations well advanced. A planning study has been undertaken, including extensive community consultation to determine the preferred route option for the Truck Action Plan, and to provide better access to the Dynon/Port precinct for heavy freight vehicles, whilst improving the amenity and livability of Melbourne's inner west.

Also, in December 2009 I announced funding of \$11 million for the early works on Shepherd Bridge. To date, ground investigations and feature survey have been undertaken.

In relation to funding for the Truck Action Plan, the Victorian and Federal Governments are continuing dialogue on further funding. A funding application for the Truck Action Plan has been made to Infrastructure Australia in October 2009.

Department of Primary Industries: Kilmore East aerial spraying

Raised with: Minister for Agriculture

Raised by: Mrs Petrovich

Raised on: 23 March 2010

REPLY:

I refer to the matter you raised in the Legislative Council during the Adjournment Debate on 23 March 2010 in relation to aerial spraying.

The regulation of agricultural chemicals is complex, and is undertaken by both the Commonwealth and State governments. The Australian Pesticide and Veterinary Medicines Authority (APVMA) is responsible for the regulation of all agricultural chemicals to the point of retail sale. State governments are responsible for controlling the use of these chemicals.

The use of chemicals in plantation forestry is significantly less than other agricultural or horticultural industries. The total chemical use in plantations is further reduced when considered over the length of a 12 to 30 year rotation, as opposed to annual or bi - annual rotation for many other agricultural crops.

Prior to planting, the first general spraying program is undertaken to control weeds to minimise competition. Follow up spraying may be undertaken where weed growth occurs or pre-planting treatments failed due to seasonal conditions. After the second year of weed control the use of chemicals is significantly reduced and only applied to maintain the health of the forest.

The plantation industry, has implemented best practice processes that go beyond the current minimum regulatory requirements in using chemicals in Victoria. Companies such as Midway Timber Plantation have developed and implemented their own procedures, manual, guidelines and codes of practice.

It is not required to notify the neighbours before aerial spraying unless the spraying is by aerial or mister and within 200 metres of a hospital, school, aged care facility or children's service. In these situations up to 48 hours notice may be required. There is also a Civil Aviation Safety Authority requirement that aircrafts are not permitted to fly within 100m horizontally or 300 feet vertically from an occupied residence unless the occupants have been notified.

Aircraft Operators are a highly professional group of specialists who undertake comprehensive training to be licensed by Department of Primary Industries (DPI), and to be accredited under the industry Quality Assurance scheme "Operation SpraySafe". Aircraft Operators are audited by DPI when spraying and for record keeping. DPI continues to work closely with aircraft operators to ensure best practices and a high standard are maintained.

Agricultural Chemical Control Areas (ACCA) are established under section 38 of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*, however the Midway Timber Plantation at Kilmore East is outside the Melbourne Agricultural Chemical Control Area (ACCA), therefore it does not require a permit to enable aerial spraying to be undertaken. It should also be noted that had Midway's plantation been within the ACCA, based on their proposed methodology a permit would have been issued to enable them to spray.

Environment Protection Authority and Department of Human Services are responsible for pollution of waterways and drinking water.

Finally, a permit or some other permission may or may not be required from the shire by Midway Timber Plantation or the aerial operator to undertake spraying. Consultation will need to be undertaken with the local shire to ascertain whether any such permit or permission is required.

Thomson and Macalister rivers: black wattles

Raised with: Minister for Water

Raised by: Mr P. Davis

Raised on: 24 March 2010

REPLY:

I understand that the floods of 2007 have led to dense stands of willows and wattles germinating on the sand bars of the lower Thomson River (Rainbow Creek specifically) and the lower Macalister River. Continuing low flows, since the floods, have allowed this vegetation to establish.

The adjacent land-holders are concerned that the river bed vegetation growth will deflect flows and exacerbate bank erosion. However, while the bed vegetation may cause erosion in some situations, it nevertheless assists in controlling the movement of sediment from the floods that would otherwise make its way in to the Gippsland Lakes.

Government investment in waterway management is guided by the *Victorian River Health Strategy* and associated regional river health strategies. Within the *West Gippsland Regional River Health Strategy* investment is allocated to prioritised high-value river reaches.

Rainbow Creek has not been identified as a priority reach within the West Gippsland strategy. However, the West Gippsland Catchment Management Authority (CMA) has been working with the local land-holders to find a solution.

The West Gippsland CMA has met with adjacent land-holders and will commence field assessments to identify critical locations with excessive vegetation growth for targeted maintenance work.

The lower Macalister River is a regional priority and works are already being completed there to remove instream willows. Wattle thinning will also occur where necessary.

The CMA will continue to work with the local community in developing work programs and will seek to secure funding within the annual investment program.

Planning: amendment VC56

Raised with: Minister for Planning

Raised by: Ms Lovell

Raised on: 25 March 2010

REPLY:

I refer to the Matter raised in the Adjournment Debate of 25 March 2010 by Ms Lovell in relation to community consultation and the involvement of Councils on projects that are funded as part of the *Social Housing Initiative* of the *Commonwealth Government's Nation Building Economic Stimulus Plan*.

Ms Lovell has requested that I refer each of the social housing projects that I have approved under Amendment VC56 to the Legislative Council's Standing Committee on Finance and Public Administration for review. Ms Lovell has also raised particular concern regarding two projects I approved under Amendment VC56; the development of the former Geelong TAFE site at 312-328 Moorabool Street, Geelong, and a development at 973 Nepean Highway, Bentleigh.

On 22 May 2009, Amendment VC56 was introduced to the Victoria Planning Provisions and all planning schemes to:

- establish myself as Responsible Authority for the use and development of land for accommodation that is recommended for funding under the *Social Housing Initiative*, and
- to introduce a new particular provision, Clause 52.41 Government Funded Social Housing, that exempts social housing applications that have been recommended for funding under the *Social Housing Initiative* from the notice and review requirements of the *Planning and Environment Act 1987*.

Under the provisions introduced by Amendment VC56, Councils are given an opportunity to review and comment on the applications that have been submitted for consideration under the *Social Housing Initiative*.

The conditions of Commonwealth funding require that projects funded under the Stimulus Plan are completed within very tight time frames. For the *Social Housing Initiative* at least 75 per cent of all new social housing projects must be completed by 31 December 2010, with the balance delivered by 30 June 2012.

It was not possible to ensure the tight time frames for the completion of projects set by the Commonwealth could be achieved under the existing planning permit process and planning scheme requirements. Without the planning provisions introduced under Amendment VC56, the Commonwealth's conditions may not have been met, which would result in a loss of funding.

I am satisfied that the provisions introduced as part of Amendment VC56 provide an appropriate balance between ensuring that projects can secure valuable funding from the Commonwealth, while still seeking the views of the Council. The Government is committed to delivering good design solutions for sites while delivering much needed housing for the growing population of Victoria.

Ms Lovell has raised particular concern regarding the development of the former Geelong TAFE site at 312-328 Moorabool Street, Geelong. On 20 November 2009 I granted a planning permit for the development of the Geelong TAFE site at 312-328 Moorabool Street, Geelong. The development includes two stages.

Stage 1 of the permit grants approval for a four-storey building on the corner Kilgour Street and Moorabool Street containing 30 social housing apartments, ground level retail premises, basement car parking and associated landscaping. This project will provide much needed social housing in a well serviced locality, close to the central Geelong Activity Centre, consistent with the Greater Geelong Planning Scheme. This project has already commenced and it is anticipated to be completed in 2011.

The plans for Stage 2 of the development have not been finalised and will be subject to further consultation. I have instructed VicUrban to seek further input from the local community and interested stakeholders on the content and final form of Stage 2, prior to submitting the Stage 2 plans for consideration.

When submitted, I will refer the Stage 2 plans for review by an Advisory Committee, established under s151 of the *Planning and Environment Act 1987*. The Advisory Committee will produce a report of its findings and on receipt of this report I will make the findings public. Following consideration of the Advisory Committee report, I will determine whether to approve Stage 2 of the development.

I am satisfied with the level of involvement of the community and the Council for the project at 312-328 Moorabool Street, Geelong.

Ms Lovell has raised particular concern regarding the development at 973 Nepean Highway, Bentleigh. On 7 December 2009, I granted a planning permit for the construction of a part two storey, part four storey building accommodating 49 dwelling apartments at 973 Nepean Highway, Bentleigh.

This project will provide much needed social housing in a well serviced locality, close to the Moorabbin Train Station and is within a precinct designated for mixed commercial and residential development in a denser form consistent with the Glen Eira Planning Scheme. I am satisfied that the approved development is of an appropriate scale and form for the site.

Ms Lovell has requested that I refer each of the social housing projects that I have approved under Amendment VC56 to the Legislative Council's Standing Committee on Finance and Public Administration for review.

I have approved 278 social housing projects under Amendment VC56, as of the 24 May 2010.

I am satisfied there has been an acceptable level of involvement from the relevant Council for these projects, and therefore I will not be referring them to the Legislative Council's Standing Committee on Finance and Public Administration for review.

The funding allocated as part of the *Social Housing Initiative* is an unprecedented opportunity for the Victorian Government to bolster its stocks of social housing and to provide leadership through the development of high quality, well located social housing, while also delivering on policy objectives set out in *Melbourne @ 5 Million*.

Woodend Winter Arts Festival: funding

Raised with: Minister for the Arts

Raised by: Mrs Petrovich

Raised on: 25 March 2010

REPLY:

The Woodend Winter Arts Festival is a valuable event and I commend the work of all the organisers and artists involved.

The arts in Victoria continues to thrive in a local, national and international context. In my role as Minister for the Arts, I was pleased to be invited, along with the Member for Macedon, Joanne Duncan MP, to attend and officially launch the Woodend Winter Arts Festival program in March of this year.

Funding through Arts Victoria for these types of activities is based on written applications that are assessed against published guidelines by Peer Advisory Panels. This process is very competitive and there are many worthy applicants who unfortunately do not receive funding.

The Woodend Winter Arts Festival applied to the 2010 Annual Operations program with Arts Victoria receiving 50 applications for this funding round. Of these 20 (40 per cent) applications totalling \$1,065,000 were recommended for funding. On this occasion, the Woodend Winter Arts Festival were not successful.

The Woodend Winter Arts Festival has however received \$13,500 from Tourism Victoria for the 2010 Festival.

I understand that committee members from the Woodend Winter Arts Festival have made contact with my Department about possible funding opportunities for future festivals.

I recommend all applicants talk to the appropriate staff at Arts Victoria to receive feedback on applications and endeavour to meet the criteria outlined in the funding guidelines.

Planning: green wedge zones

Raised with: Minister for Planning

Raised by: Mr O'Donohue

Raised on: 13 April 2010

REPLY:

I understand the issue of Mr Wale's land at Yarra Junction has been resolved as a result of the declaration by the Victorian Civil and Administrative Tribunal in March 2010. I note that although Mr Wale's land has been included in a Green Wedge Zone since 2004, the dispute was centred around the interpretation of existing use rights rather than the detail or clarity of the Green Wedge Zone provisions. The Department of Planning and Community Development considers important decisions and declarations made by the Tribunal and takes them into account in subsequent proposals for refinements and updates of the *Planning and Environment Act 1987*, the Victoria Planning Provisions and all planning schemes.

I understand that the Tribunal review of the Browns' application for a dwelling on land in a Green Wedge Zone at Tuerong involved consideration of the objectives of the Zone, the policy provisions of the Mornington Peninsula Planning Scheme and the proximity of a neighbouring broiler farm. The Green Wedge Zone objectives and planning scheme policies relate to protection of a range of non-urban values and "Dwelling" is a discretionary use in the Green Wedge Zone. With ongoing support from the Department of Planning and Community Development, Mornington Peninsula Shire Council is developing a Green Wedge Management Plan, which may provide additional guidance regarding consideration of applications for discretionary uses in the green wedge.

In response to concerns expressed by representatives of landowners at Gembrook, I have established a Gembrook Working Group convened by the Department of Planning and Community Development. The Working Group will have appropriate agency representation as well as community representation. It will help to inform the preparation of a Green Wedge Management Plan for Cardinia Shire's "Northern Ranges" green wedge area. The Green Wedge Management Plan is the appropriate mechanism for identifying land use, land management and other options for addressing challenges such as those facing the potato industry at Gembrook.

Liquor licensing: fees

Raised with: Minister for Consumer Affairs

Raised by: Mr P. Davis

Raised on: 14 April 2010

REPLY:

I refer to the matter you raised during the adjournment debate in the Legislative Council, regarding the impact of the new risk-based liquor licence fees in the Liquor Control Reform Regulations 2009 on the Loch Sport Boat Club, and small community clubs more generally.

It costs Victoria more than \$35 million per year to regulate and police the liquor industry. While some of these costs relate to targeted compliance and enforcement activities in particular areas across Melbourne, the bulk of the costs relate to broader education, regulation, compliance and enforcement activity undertaken by the Director of

Liquor Licensing, Responsible Alcohol Victoria and Victoria Police across all areas of the state. The new fee structure that took effect from 1 January 2010 ensures that licensees, and not the Victorian taxpayer, pay the full costs of regulation.

I note your concerns about the impact of the new licence fees on the Loch Sport Boat Club. The Government recognises the importance of small community clubs, and aims to strike the right balance between minimising alcohol-related harm and promoting the development of a responsible liquor industry that is vibrant, innovative and diverse.

Alcohol-related harm can arise from one-off instances of misuse resulting in violence and anti-social behaviour, accident and injury, as well as from long-term abuse. Any supply of alcohol has the potential to contribute to alcohol-related harm. The new fee structure ensures that larger late night venues associated with the most risk of alcohol-related harm pay the highest fees and smaller venues that close earlier and are associated with the least risk pay comparatively less. Lower risk licensees, such as small community clubs with restricted club or renewable limited licences, pay a base fee that is half that paid by most other licence types.

Where certain licensees would suffer serious financial hardship by paying a higher licence renewal fee, they could apply to have their fee waived or reduced. I note that an application under the hardship scheme was received from the Loch Sport Boat Club, and as a result the Director of Liquor Licensing decided to reduce the club's liquor licence renewal fee for the 2010 calendar year from \$397.00 to \$300.00. Under the Liquor Control Reform Regulations 2009, the Director of Liquor Licensing has discretion to determine the amount of any fee reduction.

The new fee structure will be subject to ongoing evaluation and the issues you have raised will be considered as part of any future reviews. As further evidence on alcohol-related harm linked to licensed premises becomes available, it may be possible to refine the fee structure further.

Thank you for bringing these issues to my attention. Further information regarding the new fee structure is available on the Department of Justice website at www.justice.vic.gov.au/alcohol.

Department of Primary Industries: Kilmore East aerial spraying

Raised with: Minister for Agriculture

Raised by: Mrs Petrovich

Raised on: 14 April 2010

REPLY:

I refer to the matter you raised in the Legislative Council during the Adjournment Debate on 14 April 2010 in relation to aerial spraying.

The regulation of agricultural chemicals is complex, and is undertaken by both the Commonwealth and State governments. The Australian Pesticide and Veterinary Medicines Authority (APVMA) is responsible for the regulation of all agricultural chemicals to the point of retail sale. State governments are responsible for controlling the use of these chemicals.

The use of chemicals in plantation forestry is significantly less than other agricultural or horticultural industries. The total chemical use in plantations is further reduced when considered over the length of a 12 to 30 year rotation, as opposed to annual or bi - annual rotation for many other agricultural crops.

Prior to planting, the first general spraying program is undertaken to control weeds to minimise competition. Follow up spraying may be undertaken where weed growth occurs or pre-planting treatments failed due to seasonal conditions. After the second year of weed control the use of chemicals is significantly reduced and only applied to maintain the health of the forest.

The plantation industry, has implemented best practice processes that go beyond the current minimum regulatory requirements in using chemicals in Victoria. Companies such as Midway Timber Plantation have developed and implemented their own procedures, manual, guidelines and codes of practice.

It is not required to notify the neighbours before aerial spraying unless the spraying is by aerial or mister and within 200 metres of a hospital, school, aged care facility or children's service. In these situations up to 48 hours notice may be required. There is also a Civil Aviation Safety Authority requirement that aircrafts are not permitted to fly within 100m horizontally or 300 feet vertically from an occupied residence unless the occupants have been notified.

Aircraft Operators are a highly professional group of specialists who undertake comprehensive training to be licensed by Department of Primary Industries (DPI), and to be accredited under the industry Quality Assurance scheme "Operation SpraySafe". Aircraft Operators are audited by DPI when spraying and for record keeping. DPI continues to work closely with aircraft operators to ensure best practices and a high standard are maintained.

Agricultural Chemical Control Areas (ACCA) are established under section 38 of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*, however the Midway Timber Plantation at Kilmore East is outside the Melbourne Agricultural Chemical Control Area (ACCA), therefore it does not require a permit to enable aerial spraying to be undertaken. It should also be noted that had Midway's plantation been within the ACCA, based on their proposed methodology a permit would have been issued to enable them to spray.

Environment Protection Authority and Department of Human Services are responsible for pollution of waterways and drinking water.

Finally, a permit or some other permission may or may not be required from the shire by Midway Timber Plantation or the aerial operator to undertake spraying. Consultation will need to be undertaken with the local shire to ascertain whether any such permit or permission is required.

Liquor licensing: fees

Raised with: Minister for Consumer Affairs

Raised by: Mr P. Davis

Raised on: 15 April 2010

REPLY:

I refer to the matter you raised during the adjournment debate in the Legislative Council, regarding the impact of the new liquor licence fees in the Liquor Control Reform Regulations 2009 on the marketing and promotion activities of small wineries in Gippsland, and the wine industry more generally.

The Brumby Government recognises the importance of the wine industry to regional tourism and the Victorian economy, and endeavours to help promote the high quality wines produced in Victoria. The new liquor licence fees that took effect from 1 January 2010 seek to recover the real cost of regulating the liquor industry and keeping our venues safe. The Government aims to strike the right balance between minimising alcohol-related harm and promoting the development of a responsible liquor industry that is vibrant, innovative and diverse.

Following consultation with industry representatives including the Victorian Wine Industry Association (VWIA) and Government, the Director of Liquor Licensing (the Director) issued a new policy in February 2010 authorising wine producers with a current liquor licence to supply their wine for off-premises consumption at up to 12 farmers' or craft markets per year under a single temporary limited licence. The application fee for a temporary limited licence under the new fee structure is \$90.50, which equates to approximately \$7.55 per market. In contrast, the application fee under the previous fee structure for a temporary limited licence for a licensed person was \$27.70 but only authorised attendance at up to three markets per year, at a cost of approximately \$9.20 per market. This new policy reduces the cost and administrative burden on wine producers who sell their wine at farmers' and craft markets. Further, applications for this type of temporary limited licence may be lodged online.

In relation to your comments regarding the new major event licence category, your matter for adjournment states that a major event must have over 5,000 attendees and claims that there is no consistency in the way the Department of Justice designates major events. Under the Liquor Control Reform Act 1998 (the Act), the Director may determine that an event is a major event only if satisfied that the event is likely to have a significant impact. The Act provides that an event is likely to have a significant impact if it is likely to require significant regulatory enforcement effort or oversight, or have a significant impact on the provision and organisation of public transport and emergency services or on public safety and/or the amenity of the area in which the event is to be held. In determining whether an event is likely to have a significant impact, the Director must have regard to the criteria contained in the Act.

Under the Act, an event is taken to be a major event if the Director determines that it is likely to attract more than 5,000 patrons. However, the Director may determine that an event likely to attract more than 5,000 patrons is not a major event if it is unlikely to have a significant impact on any of the factors set out in the Act.

Your matter for adjournment also states that applicants for a temporary limited licence to supply wine at farmers' or craft markets must provide a site plan showing the exact location of the market stall, to be submitted eight weeks in advance of the attendance at the market, and that police approval for each event must be obtained. Although most liquor licences authorise the supply of liquor within a defined area of licensed premises known as the 'red line plan', I understand that the Director does not generally require wine producers who apply for temporary limited licences authorising the supply of wine at farmers' or craft markets to provide a red line plan of the proposed licensed area. In a small number of cases, the Director may ask the applicant to provide additional information such as a 'mud map' of the market that identifies the approximate location of the proposed stall. An applicant is required to submit the application eight weeks prior to the first market to ensure that sufficient time is available for the application to be processed. Under the Act, the Director has discretion to provide a copy of an application for a temporary limited or a major event licence to Victoria Police for comment. I understand that the Director's discretion is exercised on the basis of a risk assessment in each case.

Thank you for bringing these issues to my attention. Further information regarding the new liquor licence fee structure is available on the Department of Justice website at www.justice.vic.gov.au/alcohol.

Disability services: respite care policy

Raised with: Minister for Community Services

Raised by: Mr Drum

Raised on: 5 May 2010

REPLY:

The Department of Human Services acknowledges the importance of providing accurate information for families who have a child with a disability to enable them to make the best choices for the way in which they receive support.

The availability of Disability Services is promoted through a number of pathways and any family with a child with a disability can ask for assistance by contacting their regional Disability Services Intake and Response team. These teams provide information about the range of community and disability supports available and can assist families to develop a plan that responds to their child's needs.

Disability Services also funds a number of community service organisations that provide information and advice. Autism Victoria is a statewide organisation that provides specialist information, referral and advocacy support for families with a child with autism spectrum disorder and for Victorians living in regional areas this can be obtained by telephoning their 'advice line'.

In addition, the new Respite Online Information Service, Respite Victoria provides access to the latest information about available respite services from Commonwealth, state and local government programs. The new on-line

service is an information resource that will help families, carers and people with a disability to access accurate, current and useful information about respite and carer support services that match their needs.

The Victorian Government recognises the need to ensure families with a child with a disability are aware of the ways to obtain information about suitable supports and will continue to promote the work between early intervention, education and disability services to improve information sharing.

Parks Victoria: management

Raised with: Minister for Environment and Climate Change

Raised by: Mr P. Davis

Raised on: 5 May 2010

REPLY:

The entry fees applicable to parks are not tied specifically to car parking fees. In metropolitan parks such as Werribee Park, Coolart Wetlands and Homestead, the National Rhododendron Gardens and William Ricketts Sanctuary, admission fees apply on a per person basis as people pass through entry gates.

In some national parks, entry fees are charged on vehicle access to the park with cost determined by size, such as at Wilsons Promontory, Mount Buffalo and Mornington Peninsula National Parks. Payment is made as vehicles pass through entry gates.

Entry fees to parks will be removed from 1 July 2010, to encourage more Victorians to engage with Victoria's park network. Visitor number monitoring performed by Parks Victoria indicates that removal of entry fees will lead to a significant increase in park visitation. For example, visitor surveys for the Thousand Steps Walking Track in the Dandenong Ranges National Park indicate that following removal of entry fees to the Ferntree Gully Picnic Ground car park in 2000, from which the walking track is accessed, visitation increased from 52,500 visitors in that year to current estimates of 360,000 visitors per year. Similarly, in the five-month peak visitation period each year that entry fees are collected at the Mornington Peninsula National Park, Parks Victoria gate staff have observed at least one in five cars turn around when they discover an entry fee is payable. Based on current visitation numbers, this translates to approximately 100 vehicles per day that did not enter the park during that five-month period.

As an interim measure, the Government announced funding of \$2 million to Parks Victoria in 2010-11 to compensate for the removal of park entry fees, and ensure ongoing provision of existing services within those parks. The Government will conduct a review of revenue streams and cost associated with the management of Victoria's parks to ensure parks continue to be funded sustainably into the future. The Government is currently considering the nature of this review and will advise of the details in due course.

The Government will continue to engage openly with the Victorian community on matters of park management through existing mechanisms such as park management planning processes and visitor satisfaction surveys.

Graffiti: Bentleigh

Raised with: Minister for Local Government

Raised by: Mrs Coote

Raised on: 5 May 2010

REPLY:

The Glen Eira City Council is very committed to tackling illegal graffiti and is currently undertaking a Graffiti Management Program in accordance with powers granted to it under the Graffiti Prevention Act 2007, in order to reduce the incidence of graffiti within its community.

The Program aims to achieve this by, among other things, removing graffiti from private property using a team of Council contractors and supervised Corrections Victoria clean up crews, as well as providing a training and education campaign within Glen Eira.

The Victorian Government has also responded to community concerns about graffiti, developing the 2009–11 Graffiti Prevention and Removal Strategy, which aims to prevent and remove graffiti, as well as enforce graffiti laws.

In addition to the operation and enforcement of the Graffiti Prevention Act 2007, a key component of the Government's Strategy is to provide annual grants to local councils and communities to facilitate the delivery of local responses to this important problem.

It is understood that the Glen Eira City Council received \$30,300 funding for three Graffiti Clean-up Community Grant projects for 2007–10 under the Government's Strategy.

Such council programs coupled with the Government's Strategy towards graffiti and powers granted under the Graffiti Prevention Act 2007 provide all councils with greater mechanisms for addressing this issue.

Little Yarra Road–Warburton Highway: signage

Raised with: Minister for Roads and Ports

Raised by: Mr O'Donohue

Raised on: 5 May 2010

REPLY:

Direction signing and route numbering play an important part in assisting drivers to navigate. The Statewide Route Numbering Scheme gives a unique number to each route, which appears prominently on direction signs and on maps. The system aims to provide adequate direction signs to enable effective navigation, while ensuring that drivers are able to receive the information without being distracted from the driving task. It is expected that drivers who are unfamiliar with a region will also navigate by means of maps or street directories.

Like many townships of similar size, Powelltown has not been included as a destination on signs on the Warburton Highway or Little Yarra Road. For VicRoads to provide a consistent signing scheme, all of these townships would require signing. This would result in signs with too much information to be interpreted easily, and this could distract motorists from the driving task.

VicRoads has reviewed its records dating back to 2003 and found that signage directing motorists to Powelltown has not been in place at the intersection of the Warburton Highway and Little Yarra Road, Yarra Junction, since that time.

VicRoads will liaise with Tourism Victoria to determine whether it would be appropriate for Powelltown to be signed as a tourist destination in the context of tourism objectives in the area.

Sherbourne Road, Greensborough: traffic congestion

Raised with: Minister for Roads and Ports

Raised by: Mrs Kronberg

Raised on: 6 May 2010

REPLY:

I am informed that, as at the date the question was raised:

WRITTEN ADJOURNMENT RESPONSES

3204

COUNCIL

Tuesday, 22 June 2010

Sherbourne Road from Para Road to Karingal Drive is a local road under the care and management of Banyule City Council. The Council is responsible for investigating the need for any traffic management measures on this road.

Your request for a review of the operation of Sherbourne Road should therefore be directed to the City of Banyule. I am advised that Mr Justin Dynan (Tel: 9457 9877) is an appropriate contact person at the Council.

WRITTEN ADJOURNMENT RESPONSES

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

Wednesday, 23 June 2010

Harness racing: Stawell facilities

Raised with: Minister for Environment and Climate Change

Raised by: Mr Vogels

Raised on: 9 March 2010

REPLY:

I am advised that the Stawell Harness Racing Club has asked Northern Grampians Shire Council to put their proposal on hold and consequently the planning permit remains undetermined as a result of Club's request.

DSE was recently advised that in November 2009 the Stawell Harness Racing Club requested Northern Grampians Shire Council to place their application on hold until revised plans are received. A subsequent meeting between the Stawell Harness Club and the Northern Grampians Shire resulted in a decision to defer any decision on the Planning Permit Application.

DSE is prepared to continue to facilitate this application if it is re-activated.

In summary, the time taken on this project is not a result of DSE inactivity and DSE has required the proponent to provide a level of assessment detail commensurate with the level of risk posed to this site of biodiversity significance.

WRITTEN ADJOURNMENT RESPONSES

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

Thursday, 24 June 2010

Bairnsdale Regional Health Service: consulting suites

Raised with: Minister for Health

Raised by: Mr P. Davis

Raised on: 13 April 2010

REPLY:

Bairnsdale Regional Health Service has for some considerable time been providing rooms for doctors to support local access to Specialists. To help improve the facilities for doctors and patients, the health service is in the process of allocating public money to renovate these rooms. This refurbishment process has recently been initiated with planned completion by 30 June 2010 at an estimated cost of \$200 000. The works include replacement of carpet, internal painting, installation of air conditioning, a revised reception area, and additional hand basins.

Bairnsdale Health Service is currently in negotiation with each individual visiting specialist regarding an appropriate contribution to the costs associated with use of the rooms, and in particular the varying levels of administrative support provided to the specialists. It is noted that some specialists have raised concerns about paying a contribution to the cost of the rooms, however I am confident that this will be resolved satisfactorily in most cases. Indeed, improved amenity in the offices may attract even more specialists to work in Bairnsdale. Even after the introduction of any negotiated fees, the health service will continue to heavily subsidise the costs associated with the rooms, with any new funds raised being able to be used to enhance public health services in East Gippsland.

Housing: tenancy

Raised with: Minister for Housing

Raised by: Ms Lovell

Raised on: 6 May 2010

REPLY:

Under the *Residential Tenancies Act 1997* (RTA) a tenant does not have the right to sublet a property, without the express approval of the Department. The Department does not normally approve such requests.

I am advised that where it becomes known that a tenant has left their property and passed possession on to another person, action is taken to recover the property in accordance with the RTA.

Where information is received regarding a tenant's income (or household composition) from someone other than the tenant, and this information contradicts the department's records, the Office of Housing contacts the tenant and requests that they supply documentation detailing the current income and bank balances of all household members.

Once confirmed, the income of all household members is then included for the purposes of calculating the rent, which is set at 25 per cent of assessable income.

I am also advised that if the tenant does not supply the requested information within four weeks, the rental rebate subsidy is cancelled and the tenant is charged full market rent from the following fixed rent effective date.

I understand that while the Director of Housing has no legislated authority under the RTA or *Housing Act 1983* to compel tenants to disclose information, cancellation of a tenant's rental rebate usually has the effect of inducing a tenant to take all necessary steps to prove a rental rebate entitlement.

I also understand the Office of Housing will explore options to enhance existing Income Confirmation Service data transfer arrangements with Centrelink to better identify and follow up on households with address discrepancies.

I am advised that home visits to public tenants are prioritised to those most at risk of tenancy failure. There is particular priority placed on visiting tenants in arrears, tenants facing a rebate cancellation, and where there are instances of anti social behaviour or property damage. In the period July 2009 to mid May 2010, around 39 500 tenants received a home visit, and 21 000 of these received multiple visits in this time.

These visits sustain tenancies by early identification of tenancy issues, and through linking tenants to support where required.

Planning: Ashwood development

Raised with: Minister for Housing

Raised by: Mr D. Davis

Raised on: 26 May 2010

REPLY:

Many parts of Melbourne, including the Ashwood and Chadstone areas, require density to accommodate anticipated population growth in a manner that minimises environmental, social and economic impacts.

Port Philip Housing Association (PPHA), the not-for-profit housing association delivering the Ashwood Chadstone Gateway Project, undertook community consultation sessions and established that there is strong community support for the inclusion of affordable rental housing in the Ashwood Chadstone area.

It is vital that there is an appropriate scale and mix of housing to ensure the Ashwood Chadstone Gateway Project is socially sustainable and commercially viable, as well as responding to the challenges of population growth. In particular, the site at 2–4 Power Avenue was identified as a suitable location to demonstrate how increased density can be successfully accommodated within well-serviced locations to enhance amenity, while minimising impacts on the surrounding neighbourhood.

The Power Avenue buildings will range from four to seven floors. The building designs will follow the natural contours of the land, keeping actual rooflines relatively low and minimising the visual impact of its various heights. Consequently, PPHA, Monash City Council (through its unanimous support of the development plan) and the Victorian Government have supported the appropriateness of the height and density within the neighbourhood character.

While the scale and density of the site has been determined, PPHA will continue to engage with residents about the Ashwood Chadstone Gateway Project and ongoing property management of the housing once it is completed.

This is an example of the Victorian Government delivering affordable and appropriate housing that is well located to jobs, transport, services and other amenities.