

The logo for Total Environment, featuring a stylized globe icon on the left and the words "TOTAL ENVIRONMENT" in large, bold, outlined letters to the right. The background is a grayscale image of an industrial facility, possibly a power plant or refinery, with various structures and pipes.

# TOTAL ENVIRONMENT

2003 / ISSUE 3

E D I T O R I A L

## Turning the energy supertanker

**The idea of energy conservation is not new – it got a big fillip with the energy crisis in the 1970's – but the tanker kept steaming along. The oil crisis was in the headlines, but at the same time, there was enormous growth in the use of fossil fuels and electricity consumption. And then the world became aware of human induced climate change, with the Kyoto protocol placing oil and coal consumption at the forefront of environmental debate.**

In recent months TEC has been working to place energy conservation or demand management (DM) in the electricity sector, onto state and national agendas. Surprisingly it has not received a high profile, even in the environment movement, despite the obvious economic and environmental benefits. But it is the most effective and quick response to spiralling demand and greenhouse gas reduction. And very necessary - for example, Integral Energy has been alarmed to find they will have to invest in 300MW of new generation just to satisfy 25 hours of peak demand a year!

Our first campaign target was the Sydney CBD upgrade – a \$270m spend on supplying more coal power. Analysis showed that a combination of efficiency measures and gas cogeneration could do the job at much less cost and environmental impact. Nevertheless, the traditional power industry convinced the Government to go ahead with more coal. The only saving grace was a mandated \$10m demand management fund. Quite an impressive amount, except that TEC discovered last month that the energy companies were going to waste it on demonstration projects and more studies – showing their cultural negativity to DM. Fortunately we were able to inform the Government and the program can be saved and actually used to reduce peak demand.

Another early win was the creation of the Sustainable Energy Development Authority. It has done great work with business and Green Power. But now it seems the Carr Government will split it up. TEC is campaigning for its retention.

On a more positive note, the Government rejected the proposed Redbank 2 power station (150MW) as inimical to good greenhouse gas reduction policy (it was worse than existing coal fired plants). This was a warning to the traditional power industry, but we expect an even larger scheme, Project Waratah (1,000MW), to appear on the scene soon (see this edition of Total Environment).

TEC was fortunate to connect up with David Nemptzow on his recent visit to Australia. David has been leading USA NGO efforts to reduce demand. He was the Director of the Energy Alliance, a national

bipartisan group established in the 1970's and he is now a Director of the Business Council for Sustainable Energy. His views on the benefits of a sizable Demand Management Fund, operating independently of the electricity industry, were on a par with TEC's and he helped us popularise the idea in business, public and government circles.

Another big part of our campaign has been the release of a 5 Point Energy Plan for NSW (see inside). DM has a major role to play and the Plan clearly shows we don't need new coal fired power. We presented this to the Premier a few weeks ago. After the meeting, Bob Carr went on the record saying he wanted to reduce peak demand, rather than build more power plants.

We are also investigating how to reform the national electricity market – it is operating to encourage more power generation, not the conservation of resources. As part of the project we will be linking up with groups in other states. In fact even the federal grouping of Energy Ministers has put the spotlight on demand management.

The next six months are likely to prove critical to mainstreaming DM. We have to make it a main player in energy supply, otherwise there will be billions of dollars spent on new power generation – condemning the next generation to massive greenhouse pollution.

### **STOP PRESS:**

**At TEC's Green Capital event, 'In Control of Carbon', Premier Bob Carr announced:**

- > He would be working to develop a national carbon emissions trading scheme, based on the NSW benchmarks law;
- > The establishment of an Energy Demand Management Fund;
- > A new Department of Energy, Utilities and Sustainability with a focus on demand management;
- > A \$6m a year Greenhouse Innovation Fund.

JEFF ANGEL

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**Notice: Total Environment appears three times a year.**



**Public transport in New South Wales (NSW) is in a state of crisis with services struggling to cope with demand and many areas deprived of essential bus or train infrastructure. The Sydney airshed is plagued by chronic air pollution, while traffic congestion is a severe and worsening problem in urban areas.**

Despite commitments made in the State Government's 1998 'Action for Air' strategy to stop total Vehicle Kilometres Travelled (VKT) growth by 2021, latest figures from the EPA reveal that VKT is forecast to increase 32% by 2021, eroding the benefits of cleaner vehicles, other air quality measures and, of most concern, breaching the healthy air targets in Action for Air. Meanwhile air quality goals are regularly exceeded with Sydney suffering the worst air pollution of any Australian city.

At the heart of this problem is a failure to invest in new public transport infrastructure as shown by the recent decision to abandon the Parramatta to Epping section of the Parramatta to Chatswood rail link

Earlier this year the Government established a Ministerial Inquiry to consider the State's public transport requirements and identify funding sources. TEC urged the inquiry to adopt a bold approach and introduce a range of measures to fund new rail lines, light rail and bus transitways in addition to improving current services.

Foremost among these was congestion charging, already being used in London, to fund improved public transport and provide a strong incentive to switch to public transport.

TEC has also called on the Government to seek revenue for public transport improvements from developer levies in new release areas and major urban redevelopment projects, redirection of funds from the roads budget, and to join forces with other State Governments to campaign for Federal funding of public passenger transport and rail freight funding.

The interim report of the Inquiry, released in September, canvassed many of these ideas as possible sources of funding. TEC welcomed the scope of the report, but stressed that more emphasis should be given to developing new infrastructure, not simply improving existing services.

The Inquiry will deliver its final report to Transport Services Minister Michael Costa in December 2003. TEC will be working closely with other groups, including unions to ensure the Government commits to funding of long overdue public transport expansion. This is the last chance to avoid another generation of smog city.

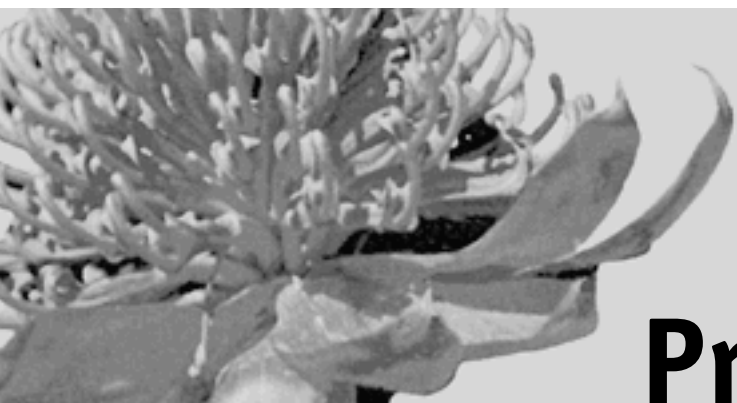
# Georges River - longwall mining threat

**TEC has begun a major project to assess future impacts of longwall mining on the Georges River. The project is funded by the Georges River Foreshore Improvement Program and is focussed on the upper catchment which is planned to be longwall mined in coming decades. Longwall mining involves progressively collapsing underground seams as the coal is extracted. This leads to surface subsidence and can cause severe damage to streams, cliffs, overhangs and wetlands. TEC has been campaigning for improved protection. Since we discovered sections of rivers in Sydney's catchment area had been drained by the surface cracking.**

The aim of the project is to map sensitive sites and seek ways to protect them. Consultant, Eco Logical Australia has been selected to carry out project investigations. A project advisory committee has been established with representatives of local environmental groups and the Gandangarra Aboriginal Land Council. The committee will assist the consultant with information and advice on local environmental values. The minerals industry was invited to nominate representatives along with NPWS and DIPNR, however they did not choose to appoint representatives.

It is expected the study will provide vital information to help proactive planning to protect the environmental and heritage values of the upper Georges River.

If you have any information that may assist the project please contact Leigh Martin at TEC.



## Project Waratah

**An anonymous document, entitled "Project Waratah Media Risk Management Workshop 14,15, April 2003", was quietly slipped into the post to TEC. When opened, the header 'in confidence' certainly grabbed attention.**

The 18 page report described the results of a meeting held at the NSW Department of State and Regional Development, where the proponents of a massive 1,000MW coal fired power station near Ulan, in central west NSW discussed marketing problems with key government regulators like the EPA, Planning NSW; consultants and even a member of the Treasurer's staff. They met over two days to devise strategies to counter genuine community concerns including greenhouse pollution and local impacts. It called for development of crisis management scenarios and the targeting of Upper House MPs.

Over 100 potential problems were identified, with opposition by green groups seen as a high probability with high risk value. They certainly got that right and TEC along with local groups are developing their own strategy. The power station will produce 6 million tonnes of greenhouse gases every year (equivalent to 1.25million cars).

So far the project has yet to emerge from the shadows, no doubt with a supporting EIS and lots of offsets, (like planting trees, a very unreliable exercise) to make the coal power appear responsible.

One of the outcomes of the leak was embarrassment of the Treasurer, Michael Egan, who said in Parliament, "I believe the workshop was an inappropriate involvement for government agencies." TEC and Upper House Greens MLC, Ian Cohen, have sought an assurance that such exercises will not be repeated as it is quite clear that the State Development agency has sponsored these meetings for other controversial projects.



JANE CASTLE

# Our 5 Point Plan for NSW's Energy Future

*"Those people that are sceptical about global warming ought to think again." - (Bob Carr, 11.09.03).*

**Well said, Premier. TEC is now calling on the NSW Government to stop new coal fired power stations and adopt cleaner and greener alternatives.**

Australia emits over 542.6 million tonnes of greenhouse gas every year. Of this, NSW is responsible for over 33 per cent. Coal and gas power generation is by far the largest single source, accounting for 48 per cent of emissions in Australia. How we produce and use this power is central to the greenhouse effect and climate change. Official figures cost excessive electricity emissions at \$64 million annually. Proposed new coal-fired power stations in NSW would add another 7 million tonnes of CO<sub>2</sub> each year (equivalent to 1.5 million cars). This is equivalent to \$198 million annually.

To make it clear that there are smarter ways to meet our energy needs, TEC has developed a five-point plan. Our plan includes cost effective energy efficiency, cogeneration and renewable energy solutions - over 5,994 MW (an increase of 43% on current capacity, especially for peak power). A range of these proposals are close to sign-off, promising clean energy and jobs growth well in excess of the jobs found in the fossil fuel electricity generation industry.

## 5 POINT PLAN FOR NSW ELECTRICITY

### One: Develop Market for Renewables

Wind, solar, low impact hydro and geo-thermal technologies are available for uptake. However, regulatory support is needed to encourage the market.

- NSW should augment the national renewables target to 20 per cent and restrict eligibility to genuine renewables.
- Support tax deductions and credits for investment in renewable technologies and allow accelerated depreciation on investments in renewable technologies.
- Wind Power ready to go at Blayney = **10 MW.**
- Goulburn, Gunning wind farm ready to go = **60 MW.**
- Illawarra WTP hydro under construction = **1 MW.**
- Total capacity potential for renewables = **1634 MW.**

### Two: Statewide Take-up of Solar Hot Water

Australia leads the world in solar hot water technology, with the newest systems offering 'payback' within 3 to 4 years. Over the average ten year life of a system, solar is cheaper than electric hot water. The only hurdle is up front cost.

- Bulk government purchasing to replace old systems as they become obsolete on the 140,000 government owned public housing properties across NSW. Load reduction = **400 MW.**
- Planning ordinances to make solar hot water and/or heat pump mandatory on all new housing.
- 62% of new homes in NSW could have solar electric boosted hot water. Potential replacement market of 7% per annum of existing electric hot water units. Load reduction from replacement of 95,000 units = **120 MW.**

### Three: Encourage Green Electricity Products

Compared to Victoria and Queensland, NSW's state owned retailers are failing to encourage take-up of Green Power products by consumers. The quarter ending June 2003 saw only 14,896 domestic customers in NSW compared with 28,946 in Victoria and 35,250 in Queensland. The Government owned retailers, Energy Australia in particular, are failing to capitalise on the potential of the Green Electricity market.

- Mandatory percentage of Green Power Accredited Products for retailers set at industry leader's current performance and ramped up gradually over the next ten years.
- Introduce measures to increase entry by non NSW retailers and thus improve consumer choice of green energy products. (For example, access to ETEF and simple switching to another retailer.)

### Four: Demand Management and Energy Efficiency

**Demand Management** and energy efficiency offer 1070MW with an average of six months lead time needed and minimal emissions. Within the DM toolkit are energy efficient appliances and buildings, distributed generation, standby generation, interruptible contracts, improved network efficiency and better pricing.

Up to 50,000 air-conditioners are set to be sold every year in NSW, driving inefficient spending on electricity networks and cross-subsidisation of high-energy users. Air-conditioners consume around 40 per cent more energy than natural cooling, and use up to 250 per cent more network capacity on hot days.

- IPART to provide real incentives for Demand Management in its current Determination by formulating a method for rewarding retailers for avoided consumption or by integrating DM into the electricity pricing formula.
- Improved efficiency of coal related technologies in existing power stations, including Bayswater, Liddell = **450 MW**.
- Rescue the failing NSW Government Buildings Energy Management Policy (target of 25% reduction for 2005/6).
- Mandatory appliance labelling showing energy efficiency, sourcing and consumption rates in monetary terms.
- Levy of 10% on the total cost of energy intensive products to raise around \$5 million per year for the Government's Demand Management Fund and energy efficiency solutions.
- Retrofit existing housing stock.
- Mandatory targets for new housing and commercial buildings.
- Total savings from DM initiatives = **1070 MW**.

### Five: Cogeneration and Gas as an Interim Fuel

**Cogeneration** uses a single fuel to generate multiple types of energy by harnessing energy that would otherwise be wasted. Cogeneration can double efficiency, and generating electricity onsite also reduces capacity constraints on networks.

Gas currently represents 2345 MW of potential electricity in NSW, and emits 60% less CO<sub>2</sub> than coal fired generation.

- Cogeneration at Botany and Kurnell has been approved by Government = **770 MW**.
- Gas Turbine Combined Cycle at Tomago awaiting final sign-off = **800 MW**.
- Gas Turbine Combined Cycle at Tallawarra = **350 MW**.
- Industrial Small Cogeneration = **400 MW**.

# Coastal Report

FRAN KELLY

**The battle for the coast continues. Developers rort planning policies; conservation plans are dropped; illegal and preemptive clearing rages; proposals for inappropriate wetland, headland, sprawling and foreshore development and rezoning continue to emerge. It's depressing, but community outrage is growing and the Government has got the message – now we need to see action to protect the coast.**

To give an example of the pace of growth, in the past few weeks alone some of the issues which residents have got in touch with TEC include:

- > Proposed rezoning for urban subdivision in wetlands formerly owned by NSW Fisheries at Tea Gardens (Great Lakes Shire).
- > A basic DA and DCP that allows maximum development to the detriment of threatened species and the environment at North Redhead (Greater Taree Shire).
- > Approval of subdivision over threatened species habitat and proposals of further expansion of urban sprawl under a strategic plan for South West Rocks.
- > Clearing of threatened species habitat that was meant to be retained at a subdivision being developed in Sanctuary Point, Shoalhaven Shire.
- > Clearing and development – preemptive, illegal and approved – right down to the shores of Merimbula Lake, Bega Shire.
- > Delay of a Conservation Strategy for Wyong Council following lobbying by developers and their supportive councillors.
- > Excessive clearing for bushfire protection on undeveloped land in North Arm Cove (Great Lakes Shire).
- > Proposal for a major resort on the shores of North Arm Cove where extensive preemptive clearing has been occurring.
- > Proposal for land sale and rezoning by council to allow major residential apartment development on public land along the shores of Hastings River at Port Macquarie
- > Proposed major new subdivisions and towns along Hastings Shire coast, some earmarked in the Bonny Hills and Lake Cathie strategic plan, others proposed by developers separate to the plan.
- > Aquaculture, and extended caravan/resort development on low lying wetland island in the Clarence, Maclean Shire.
- > Preemptive clearing, grazing etc over formerly protected land at Kings Forest in Tweed Shire. TEC wrote to the Environment Minister requesting the previous interim protection order (IPO) be reapplied.
- > Emergence of an old approval for a wetland/foreshore development at Corindi Beach, Pristine Waters Shire.
- > Virtual wipe out of the Tree Preservation Order by Shoalhaven Council.
- > Wetland development at West Gosford
- > An airstrip being built on Horse Island in Eurobodalla Shire
- > Reemergence of an approved marina at Bass Point, Shellharbour

## BUSHFIRE HAZARD REDUCTION OR DEVELOPMENT?

Pre-emptive clearing for bushfire hazard reduction is being carried out unnecessarily and excessively. While the new Bushfire protection regulations – Planning for Bushfire – are generally good and the Rural Fire Service is working with the NPWS to produce rules to protect threatened species, it is also important that stronger planning regulations and controls to prevent development approvals in high bushfire hazard areas are implemented. Further, more critical assessment to determine whether an application for a hazard reduction permit is about genuine protection from bushfire or another opportunity to undertake preemptive “clearing” for development is required.

## SEPP 71 RORTING

Most substantial proposals in the coastal zone are now being automatically forwarded to DIPNR and this appears to have slowed the pace of council rubber stamping in many cases, however even here developers are finding a way to avoid stronger scrutiny away from their mates on council.

Section 18 of SEPP 71 (Coastal Protection) requires a master plan for subdivision of land within a residential zone in the coastal zone, if it involves more than 25 lots. The master plan must be adopted by the Minister, before consideration of a development application.

The intent of the policy is to properly regulate significant development that could constitute sprawl and cause significant environmental impacts and demand on infrastructure. The set of 17 matters for master plan consideration are essential for orderly and environmentally sensitive development. However, there is an increasing trend for developers to submit applications for a large development in incremental stages of less than 25 lots to avoid the SEPP. For example, South West Rocks recently had two ‘below 25’ applications for the same developer and land approved.

TEC has joined other groups (and councils) in meeting the Planning Minister to urge an end to the loophole.

## MINISTER INSPECTS THE COAST

Planning Minister, Craig Knowles recently joined TEC and local groups to inspect controversial developments and clearing along the NSW coast. The day long tour saw enormous subdivisions, wetland draining, preemptive clearing and destruction of wildlife corridors, lake pollution and an array of highly expensive real estate. The facts presented were dramatic. The Minister and his staff clearly understood the challenges and need for sustainable solutions.

## Survey embarrasses hypocritical electricity companies

**Total Environment Centre has ‘outed’ hypocritical electricity companies in its national survey of retailers that promote and sell energy-guzzling, greenhouse emitting air-conditioners. Electricity companies have recently blamed (and complained) about air-conditioners causing spiralling demand. Yet they do little to curb demand and seek billions of dollars to invest in more generation.**

Selling air-conditioners takes away the incentive for cheaper, sustainable housing designs with natural cooling. Air-conditioners consume around 40 per cent more energy than natural cooling, and use up to 250 per cent more network capacity on hot days.

Our survey was successful in persuading Energy Australia, one of the worst companies on greenhouse issues and demand management, to stop selling these appliances. Energy Australia blamed air-conditioners as a major cause of its \$696 million budget blowout recently. Another NSW company, Integral, had already stopped air con sales.

What retailers fail to tell customers when they sell air-conditioners is that energy prices will be going up as a result of escalating demand. This also results in an unfair cross-subsidy as prices are averaged out, so everyone pays for network augmentations. Over the next 5 years NSW networks are planning to spend billions to accommodate this unnecessary demand, but only about \$5million on energy conservation. It’s the responsible energy users who will be unfairly footing the bill.

Origin Energy, AGL, Ergon, ActewAGL and Energex continue to sell air-conditioners despite wide-scale concern about their effect on energy demand and greenhouse gas pollution. (see our website [www.tec.org.au](http://www.tec.org.au) for full details).



# Urban water crisis

LEIGH MARTIN

**Prolonged drought and the introduction of mandatory water restrictions have focused attention on Sydney's water supply and demand balance. It is wrong, however, to think of water supply problems as simply drought related. Strong population growth and wasteful water use mean that Sydney faces a serious long-term water challenge.**

Current annual average water consumption in Sydney is 630 Gigalitres (GL), well above the sustainable yield of 600 GL per year (without allowing for environmental flows). Providing urgently needed environmental flows to restore the stressed Hawkesbury-Nepean river system will reduce this limit to 500 GL per year.

These figures reveal the magnitude of Sydney's water crisis. A clear decision has to be made - adopt sustainable water use practices or face the environmental destruction and financial cost (estimated at up to \$1billion) of a new dam at Welcome Reef on the Shoalhaven River. It is already NSW Government policy not to build a new dam. Decisions to be made over the next six months will be critical in ensuring that this objective is met.

## **New pricing and incentives**

The Government has announced that it plans to set an annual cap on the volume of water that Sydney Water Corporation (SWC) can draw from Sydney Catchment Authority (SCA) storages. It also plans to introduce a 'step pricing' system for both residential customers and for SWC's bulk water purchases from SCA. Such a system would see a substantial increase in the volumetric price of water once consumption exceeds a pre-set limit. The fate of the Hawkesbury-Nepean system hinges on the Government having the will to set this limit at 500 GL.

The Independent Pricing and Regulatory Tribunal (IPART) has been given the task of setting principles for a new pricing structure and will report to the Government early next year. This will then feed directly into setting the next five year price path for metropolitan water agencies and their water infrastructure and conservation programs.

TEC and other environment groups are advocating an 'invisible dam' for Sydney made up of permanent outdoor water restrictions, water conservation initiatives such as rainwater tanks and effluent reuse. A major report "Sydney's Water - going to waste?" has been produced by the Peak Environment Non-Government Organisations (PENGOs). The report details measures needed to create a sustainable water future for Sydney based on an annual cap of extractions from SCA dams of 500 GL. It also seeks a 1-2% annual growth rate for rainwater tank installation and much greater recycling of the 450GL of wastewater poured into the ocean and rivers every year.

Step pricing is a vital part of this approach. Step pricing for residential customers will directly target the biggest water wasters and provide a clear incentive to reduce consumption.

Step pricing for Sydney Water will remove a big barrier to water conservation. At present there is a major financial disincentive for Sydney Water to meet demand management targets. Put simply, the more water they sell the greater their profit. Step pricing will ensure that they are penalised for any water taken above the annual cap, forcing them to invest in demand management and effluent recycling.

Next year will also see IPART conduct end of term reviews for the SWC and SCA operating licences. There are already indications that Sydney Water is seeking to change the environmental indicator reporting requirements in the Operating Licence and alter the scope of the operational audit.

Why does it want to be less transparent? TEC and other environment groups will be campaigning strongly to ensure that the integrity of the operating licence system is maintained.



# On ending land clearing

JEFF ANGEL

**Land clearing is not only a massive assault on the nation's biodiversity, but is also a large source of greenhouse emissions. It is part of the pioneering ethic brought to Australia by the first European settlers and reinforced as our economy became reliant on rural industry. Much has changed and in the 21<sup>st</sup> century the community is demanding an end to clearing of the bush.**

Two states had already taken action – South Australia and Victoria some decades ago. Despite initial farmer opposition, the laws have stuck, although a great deal had already been destroyed by the time clearing was outlawed. The more recent battles have been in Queensland and New South Wales – with a larger estate of bush and hundreds of thousands of hectares being cleared each year.

Queensland is still floundering with the Beattie Government committed to new laws after the March 2004 State Election, but has placed a moratorium on clearing applications. The key problem is that the Federal Government has been under heavy pressure from the farmer lobby, which wished to retain significant clearing flexibility despite a \$160m financial offer. However, with the return of the state government virtually assured, it looks certain that stronger protection laws will be in place next year.

## NSW takes the lead

New South Wales has staggered from a state environmental policy in 1996 to a Native Vegetation Conservation Act in 1998 to a culmination of the battle in Parliament last week, which saw the passage of 3 new Acts.

The first two attempts were really major forays into the ideological battleground with farmers – that they have a right to do what they like on their land. The NSW Farmers Association and even some landcare groups bitterly fought the idea that their activities could be regulated to protect the environment. They claimed they were already being responsible and that land clearing figures were exaggerated, pointing to 'model' farmers and tree planting efforts.

But the model farmers were few and the tree planting scant recompense for the bulldozing of thousands of hectares of complex native vegetation. Land clearing remained a hot political issue in two state elections, with the Carr Government seeking to marshal the rural vote in order to fulfill its historic destiny to be an urban and rural based party (like it was in the 1930's). Needless to say, policies were largely ineffective and were overseen by weak Ministers and a shambles of a department (DLWC). Prosecution for illegal clearing was poor.

## Finally in 2003

This all changed with the 2003 State Election. The Premier met with the Wentworth Group of Scientists and requested a new approach. They delivered a simple but potent set of recommendations early in the year. With the election, just two months away, the Premier sponsored a roundtable between environmentalists, farmers and the Wentworth Group, to explore agreement on an election policy.

A policy was agreed – to ban broadscale clearing of remnant vegetation and protected regrowth, along with a \$120m assistance package (over 4 years). While both key stakeholders admitted 'there was much devil in the detail', the community received a clear message that consensus was in the wind. The Government received a strong mandate for its policy – now it would have to be implemented!

A week after the election, the Native Vegetation Reform Implementation Group was formed. Chaired by Ian Sinclair, it included TEC, WWF, NSW Farmers Association, scientists and key

departmental heads. Three months of intensive work and much arguing - about what is remnant vegetation; what farmers could do without regulatory interference; new local consent bodies, environmental standards; and much more – led to consensus on most issues (the government had to arbitrate on the rest).

Next the Carr Government had to negotiate an agreement with the Feds, particularly about funding as much of the package was National Heritage Trust based. The public announcement of the response to the Sinclair Report, contained a surprise – funding had been increased threefold over the four year allocation period, to \$406m.

## Parliamentary debate

The pace quickened even further with the introduction of legislation – the Native Vegetation, Natural Resources Commission and Catchment Management Authorities Bills. A good effort in a short time, for such an extensive raft of changes, but many amendments were proposed by environmental and farmer groups. Essentially, farmers wanted more inroads into remnant vegetation (which the environment movement resisted) and environmental groups wanted better protection of important regrowth (which farmers want for production).

Negotiations were tortuous, with the government in the middle. Discussions went on into the late hours of several nights, but eventually a set of 56 amendments were agreed. The Bills were debated until 2am one night and all the next day, in the last hours of the 2003 State Parliament.

The Acts will be brought into force early next year. Now for the regulations.....

## A BRIEF GUIDE TO THE NEW LAWS

- » Clearing of remnant vegetation and protected regrowth is banned if it cannot maintain or improve environmental outcomes (the objective environmental test). This applies to land zoned rural or rural residential (urban excluded).
- » Regrowth is vegetation that has grown since 1990 (1983 in the Western Division) – the rest is remnant.
- » Regrowth can be protected if it meets environmental standards.
- » Farmers can use regrowth for existing activities. Sustainable grazing and rural infrastructure is allowed in remnant and regrowth. All other activities require consent.
- » Farmers can apply for property vegetation plans that will give them up to 15 years of consent for activities and access to funding.
- » An independent Natural Resources Commission will be established to develop environmental standards; advise on the environmental test; review catchment plans and audit results.
- » Thirteen Catchment Management Authorities are established for the whole state. They will allocate incentive funds; develop catchment action plans and eventually administer the clearing consent process. Their membership will be skill based, rather than interest group representation.



# Hazardous chemical regulation put under spotlight

BEN COLE

**TEC has recently led a coalition of environmental lawyers and chemical campaigners to reform NSW's legislation for the environmentally sustainable use of hazardous chemicals.**



When it was first created in 1985 the Environmentally Hazardous Chemicals Act (1985) (EHC) Act represented a huge step forward in chemical management for NSW. The Act ensured that a hazardous chemical could be regulated throughout its entire life cycle – from cradle to grave. This meant the manufacture, transport, use and disposal of a hazardous chemical would all fall under the one Act, rather than numerous less defined Acts.

But over the last 18 years the national approach to regulating chemicals has changed dramatically. The most important development has been the creation of the National Industrial Chemicals Notification and Assessment Scheme (NICNAS). This body assesses all new industrial chemicals prior to use and also reassesses old chemicals that have been 'grandfathered' from the old system. It is within this framework that the EHC Act must now function.

TEC engaged the NSW Environmental Defender's Office and the National Toxics Network to assist in responding to the review of the EHC Act. One of the most outdated aspects of the EHC Act was the lack of objectives set within the legislation. Objectives are used to establish the key themes of a piece of legislation

and have successfully introduced the principles of ecologically sustainable development. We also recommended including community access to relevant and meaningful information about hazardous chemicals; and the control of hazardous chemicals to be based on continuous improvement and benchmarked against international best practice.

Phase-out timelines for prioritised hazardous chemicals has proven to be very successful in numerous international situations. Sweden, Denmark, Norway, Netherlands and the UK have all developed plans to ban the use of a large range of substances to ensure their speedy removal from the market. By establishing a list of the most hazardous chemicals and wastes, industry can prepare for their removal from the market place either through non-toxic or less toxic alternatives or process change.

The recent decisions set out by the recent EU White Paper on chemical regulation have signalled a wave of change to the world's chemical regulators. Within NSW the review of the EHC Act offers an opportunity to stay in step with these international changes.

# HELP THE ENVIRONMENT TODAY FOR OUR FUTURE

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**Total Environment Centre Inc**

**Level 2, 362 Kent Street,**

**Sydney 2000 Australia**

## Consider a Bequest

Please remember TEC in your will. The Law Society of NSW recommends the following wording:  
"I bequeath the sum of \$..... to TOTAL ENVIRONMENT CENTRE Inc. for its general purposes and  
declare that the receipt of the Treasurer for the time being of Total Environment Centre Inc. shall be  
complete discharge to my executors in respect of any sum paid to Total Environment Centre Inc. "

# news letter

Return address:  
TOTAL ENVIRONMENT CENTRE  
Level 2, 362 Kent Street  
Sydney NSW 2000  
Ph: 02 9299 5599

POSTAGE  
PAID  
AUSTRALIA

