
Index

A

Aarhus convention

Compliance Committee, 541-543

Aboriginal heritage

World Heritage Convention, 534-547
need for Indigenous participation, 536-539

Access to information

Environmental Democracy Index (EDI), 212-223

Access to justice

Environmental Democracy Index (EDI), 231-252

Agriculture

biodiversity policies, 97, 103-107
prime agricultural land
fracking (SA), 450
riparian land, 150-151, 153-154

Assets – *see* Natural capital

Australian alps

biodiversity, 97-98, 107-110

B

Biodiversity

conservation
Australian policies, 93-114
case studies and governance context, 95-98
Australian Alps, 97-98
Tasmanian Midlands, 97
design implications for biodiversity policy, 110-113
research methods, 98-103
conducting and analysing interviews, 102-103
Institutional Grammar Tool, 99-102
responsibility, accountability and authority
agricultural landscape, 103-107
national parks landscape, 107-110

Book reviews

Bell, Justine, Climate Change and Coastal Development Law in Australia, 294-298
Lees, Emma, Interpreting Environmental Offences: The Need for Certainty, 580

Business

natural capital – *see* Natural capital

C

Cane toads

- extermination, 115-130
 - alternative policy responses, 121-125
 - valuing biodiversity, 121-125
 - better policy responses, 120-121
 - environmental threat, 115-116
 - government policy, 116-117
 - recommendations, 129-130
 - threat abatement plan and other control activities, 117-120
 - valuing biodiversity studies, 125-129

Capital

- natural – *see* **Natural capital**

Carbon capture and storage (CCS)

- legislative regimes (Australia)
 - procedural justice, 3-45
 - decision-making processes for assessment and approval of CCS activities, 11-28
 - offshore acts, 13-19
 - onshore acts, 19-28
 - Qld, 23-25
 - SA, 25-28
 - Vic, 19-22
 - emergence of CCS as potential climate change mitigation technique, 8-11
 - facilitating access to procedural justice, 28-42
 - access to information, 31-36
 - access to justice, 37-42
 - importance in environmental decision-making processes, 28-31
 - public participation, 36-37
 - recommendations for reform, 42-44

Catchment management

- NSW – *see* **Water management (New South Wales)**

Climate change

- coastal areas – *see* **Coastal protection and management**
- mitigation
 - carbon capture and storage, 8-11
 - Ecuador – *see* **Ecuador**

Coal industry – *see* Mining industry

Coal seam gas

- water management (NSW) – *see* **Water management (New South Wales)**

Coastal protection and management

- climate change
 - Australia
 - development law (book review), 294-298

Coastal protection and management – *continued*climate change – *continued*

South Australia, 256-277

case law, 264-265

causes, impacts and future directions for climate change, 257-258

Coast Protection Board policies, 259-261

land-use planning and development assessment, 261-264

observations in addressing coastal impacts of climate change, 265-275

government liability, 270-275

pragmatic approach to taking coastal precautions, 267-270

precautionary principle and new development, 265-267

state policy framework for coastal climate change adaptation, 259

Community relations – *see also* Society's expectations

fracking (SA), 446

Compensation

fracking (SA), 450

Constitution (Cth)

Commonwealth powers, 395-408

legislative powers, 396-405

corporations, 401-403

external affairs, 397-401

limitations, 404-405

taxation, 403-404

spending powers, 406-408

Contaminated land

model law for developing countries, 409-436

adaptation to needs of individual countries, 433-435

benefits of specific law on site contamination, 412-413

key elements, 413-433

definition of "site contamination", 413-414

incentives for voluntary remediation, 427-428

liability allocation process, 415

orphan sites, 431-433

private consultants' role, 428-429

public participation, 429-431

regulatory process for site contamination management, 416-427

retrospectivity, 414-415

single regulatory authority, 433

need for model law, 410-411

trends in development of site contamination law, 410

Corporate environmental responsibilitiesnatural capital – *see* **Natural capital****Costs**natural capital – *see* **Natural capital**

D

Development

riparian and flood-prone land – *see* **Rivers**

E

Economics

natural capital – *see* **Natural capital**

valuation of the environment – *see* **Valuation of the environment**

Ecuador

climate change mitigation

Yasuní-ITT initiative, 278-293

avoided net emissions (ANE), 282-284

context and background, 279-282

strategy to address climate change, 290-292

theoretical and legal analysis, 287-290

Yasuní-ITT Trust Fund, 284-287

EDI – *see* **Environmental Democracy Index**

Endangered species

biodiversity – *see* **Biodiversity**

Environment protection authority (NSW)

risk-based regulation – *see* **Risk assessment**

Environmental Democracy Index (EDI)

Australia's performance, 202-255

content and scope of EDI, 207-209

discussion of results and recommendations, 252-254

history of EDI, 206-207

limitations, 210-211

methodology, 209-210

results, 212-252

access to information, 212-223

access to justice, 231-252

public participation, 224-231

sources of international environmental law underpinning EDI, 203-206

Environmental economics

natural capital – *see* **Natural capital**

valuation of the environment – *see* **Valuation of the environment**

Environmental governance

natural capital – *see* **Natural capital**

water – *see* **Water management**

Environmental offences and penalties

- statutory interpretation (UK)
- book review, 580

F

Feral animals – *see* **Cane toads**

Floodplains – *see* **Rivers**

Flood-prone land – *see* **Rivers**

Fracking – *see* **Gas**

Framework Convention on Climate Change – *see* **United Nations Framework Convention on Climate Change**

G**Gas**

- fracking
 - harmonisation at federal level, 439-440
 - history of fracking in Australia, 438-439
 - South Australia, 437-454
 - community relations, 446
 - health impacts, compensation, 450-451
 - groundwater use and contamination, 447-448
 - lessons from US experience, 451-452
 - prime agricultural land, loss of diversity, invasive species, 450
 - regulatory framework, 440-445
 - assessment and approvals process, 442-445
 - compliance policy, 445
 - legislative and government structures, 440-442
 - wastewater, 448-449

Governance – *see* **Natural capital**

Great Barrier Reef

- World Heritage Area, 536-539

Groundwater

- contamination (SA), 447-448
- use (SA), 447-448

H**Health**

- fracking (SA), 450

Heritage conservation – *see* **World Heritage List**

Housing

- urban consolidation and green amenity – *see* **Ku-ring-gai (NSW)**

Hydraulic fracking – *see* **Gas**

I

Indigenous heritage – *see* **Aboriginal heritage**

Information

access to

Environmental Democracy Index (EDI), 212-223

Institutional grammar tool

biodiversity policy research, 99-102

International environmental law and agreements – *see also* **Environmental Democracy Index (EDI)**

Aarhus Convention Compliance Committee, 541-543

climate change – *see* **United Nations Framework Convention on Climate Change**

(non-)compliance procedures, 539-541

precautionary principle, 328-330

standards – *see* **Environmental Democracy Index (EDI)**

World Heritage Convention – *see* **World Heritage Convention**

Invasive alien species

fracking (SA), 450

J

Justice

access to

Environmental Democracy Index (EDI), 231-252

procedural

carbon capture and storage – *see* **Carbon capture and storage (CCS)**

K

Ku-ring-gai (NSW)

urban consolidation and green amenity, 562-579

impact of housing development, 574-577

local government and NSW planning system, 563-567

statutory onslaught of urban consolidation, 569-574

urban consolidation or sprawl, 567-569

L

Land and Environment Court (NSW)

restorative justice – *see* **Restorative justice conferencing**

Licensing

legal licence, 183-184

social licence, 183-184

Local government (New South Wales)

urban consolidation and green amenity – *see* **Ku-ring-gai (NSW)**

M**Marine pollution**

- land-sourced
 - control of
 - Australian lessons for international regime, 370-371
 - NSW, 361-371
 - NSW regime, 366-370
 - planning law, 368-370
 - pollution licensing, 366-368
 - international point-source, land-based marine pollution framework, 363-366

Mining industry

- liability to redress water quantity and quality (WA), 455-485
 - approvals processes and rehabilitation obligations, 457-466
 - creating and securing post-production liability, 476-485
 - current post-production liability to rehabilitate water sources, 466-476
- New South Wales State Environmental Planning Policy (Mining, Petroleum and Extractive Industries), 486-501
- 2013 reforms, 489-490
- determining validity, 496-501
- interpreting Mining SEPP amendments, 491-496
- mining approval regime, 487-489
- rationale for reform, 490-491

Murray Darling Basin River system

- planning regime, 82-85

N**National parks**

- biodiversity, 107-110

Natural capital

- risk management, 505-533
 - business practice and government responses, 516-520
 - collaborative action, 524-529
 - corporate ecosystem valuation method, 529-532
 - identifying distribution of risk across economy, 513-516
 - policy development to internalise cost, 520-524
 - recommendations, 532-533
 - valuation, 506-513

New South Wales

- Environment Protection Agency – *see* **Risk assessment**
- Gas Plan
 - assessing political will, 141-142
- Land and Environment Court – *see* **Restorative justice conferencing**
- mining industry – *see* **Mining industry**
- riparian corridors – *see* **Rivers**
- water management – *see* **Water management (New South Wales)**

New Zealand

restorative justice, 166-167

O

Oil

Ecuador – *see* **Ecuador**

P

Participation – *see* **Public participation**

Pest animals – *see* **Cane toads**

Planning (New South Wales)

coal seam gas – *see* **Water management (NSW)**

urban consolidation – *see* **Ku-ring-gai (NSW)**

Planning (Queensland)

legislative reform (Newman government), 60-74

Economic Development Act 2012, 68-71

client focus, 70

integration, 69-70

overall assessment, 70-71

streamlining, 69

Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012, 63-66

client focus, 65-66

integration, 65

overall assessment, 66

streamlining, 64-65

microeconomic reform agenda, 60-63

Regional Planning Instruments Act, 71-73

client focus, 72-73

integration, 72

overall assessment, 73

streamlining, 71

regulatory scorecard, 73-74

Sustainable Planning and Other Legislation (Amendment) Act, 66-68

client focus, 68

integration, 67-68

overall assessment, 68

streamlining, 67

Precautionary principle

Australia

law, 330-333

shark hazard mitigation program (WA), 327-345

conclusions and further research, 344-345

discussion, 339-344

shark cull, 333-338

international law, 328-330

Procedural fairness

carbon capture and storage – *see* **Carbon capture and storage (CCS)**

Public confidence

risk-based regulation

Environment Protection Agency (NSW)

case studies, 346-347

reforms, 357-359

Public participation

Aarhus Convention

Compliance Committee, 541-543

Australia

Environmental Democracy Index (EDI), 224-231

Q**Queensland**

planning law – *see* **Planning (Queensland)**

R**Recycling**

wastewater (WA) – *see* **Water management (Western Australia)**

Residential development policy

wastewater recycling and stormwater capture (WA) – *see* **Water management (Western Australia)**

Restorative justice conferencing

concept of restorative justice, 164-165

environmental and planning law, 165-167

New Zealand examples, 166-167

New South Wales Land and Environment Court, 548-561

restorative justice activity orders, 554-559

role of restorative justice conferencing, 559-560

use of restorative justice in environmental and planning law, 549-554

New South Wales planning law, 164-177

amber light approach to merit determination as restorative justice, 173-177

crime, 174-175

facilitator, 176-177

parties, 173-174

resolution of matters, 175-176

Class 1 appeals in Land and Environment Court, 167-173

amber light approach in practice, 171-173

amber light approach to merit determination, 170-171

Class 1 appeals, 167-170

Riparian systems – *see* Rivers**Risk assessment**

natural capital – *see* **Natural capital**

risk-based environmental regulation

Environment Protection Agency (NSW), 346-360

Risk assessment – continued

- risk-based environmental regulation – *continued*
 - Environment Protection Agency (NSW) – *continued*
 - community confidence (case studies), 346-347
 - licensing reforms, 353-357
 - reforms and public confidence, 357-359
 - risk-based regulation, 348-353

Rivers

- development of riparian and flood-prone lands (NSW), 144-163
 - regulating development on flood-prone land, 154-162
 - assessing effectiveness of legal regime, 158-162
 - flood mitigation, 158-161
 - floodplain ecology, 161-162
 - legal regime, 155-158
 - flood risk, 155-157
 - preserving and restoring floodplains, 157-158
 - understanding flood-prone land, 154
- regulating development on riparian land, 147-154
 - assessing effectiveness of legal regime, 151-154
 - farming riparian land, 153-154
 - urban built environments, 151-153
 - legal regime, 148-151
 - farming riparian land, 150-151
 - urban built environments, 148-150
 - reform, 154
 - understanding riparian lands, 147-148

S

Sharks

- shark hazard mitigation program (WA), 327-345
 - conclusions and further research, 344-345
 - discussion, 339-344
 - shark cull, 33-338

Site contamination – see Contaminated land

Society's expectations, 182-201

- application stage, 186-190
 - free, prior and informed consent, 190
 - level of public participation, 187-188
 - timing of public participation, 189-190
- approval stage, 193-197
 - approval inadequately reflecting assessment of application, 195-196
 - conditions trading off unlike benefits and burdens, 196-197
 - inadequate consideration of input of public participation, 194-195
- assessing extent to which society's expectations are met, 186
- assessment stage, 186-190

Society's expectations – continuedassessment stage – *continued*

failure to consider certain social impacts, 192-193

inadequate consideration of social impacts that are assessed, 191-192

lack of legal requirement to undertake independent social impact assessment (SIA), 190-191

difficulties in identifying society's expectations, 184

environmental and social justice, 185-186

implementation stage, 197-200

inadequate enforcement if approval not implemented according to law, 200

inadequate implementation of approval, 197

inadequate monitoring and adaptive management, 197-198

inadequate ongoing community engagement, 198-199

relationship of legal licence, social licence, and society's expectations, 183-184

South Australiafracking – *see* **Gas****State environment planning policies (SEPPs)**mining industry – *see* **Mining industry****Statute law**urban consolidation and green amenity – *see* **Ku-ring-gai (NSW)****Statutory interpretation**

environmental offences (UK)

book review, 580

Stormwatercapture (WA) – *see* **Water management (Western Australia)****T****Tasmania**

Midlands

biodiversity, 97, 103-107

World Heritage Areas, 536-529

U**United Kingdom**

environmental offences

statutory interpretation (book review), 580

United Nations Framework Convention on Climate Change

Conference of the Parties (Paris, 2015), 46-59

climate change in perspective, 48

improvements to “pledge and review” model, 54-56

international efforts, 49-50

lessons from Montreal Protocol, 56-58

scope of 2015 agreement, 50-54

advantages of mixed top-down/bottom-up approach, 50-53

legal form and implementation issues, 53-54

United States environmental law

fracking, 451-452

Urban consolidation

New South Wales – *see* **Ku-ring-gai (NSW)**

Urban development

riparian and flood-prone land, 148-153

V

Valuation of the environment, 301-326

benefit transfer method, 322-324

discounting, 324-326

economic value, 301-303

consumer surplus, 304-305

demand function, 304

measuring trade-offs, 302-304

producer surplus, 305-306

total net economic benefit, 306

trade-offs, 301-302

environmental economics, 301

environmental goods and services, 306-308

ecosystem functions and services, 306-307

market failure, 307-308

value of ecosystem services, 308

market price and productivity methods, 311-314

methods of economic valuation, 311

process of economic valuation, 308-310

defining scope of analysis, 308-309

identifying all environmental impacts, 309

monetising environmental impacts, 309-310

quantifying environmental impacts, 309

revealed preference methods, 314-310

stated preference methods, 320-322

types of environmental value, 310-311

W

Wastewater

recycling (WA) – *see* **Water management (Western Australia)**

Water management – *see also* Rivers

governance (Australia), 75-90

overview, 77-82

planning regime in Murray-Darling Basin, 82-85

White Paper on the Reform of Federation (2014), 85-90

Water management (New South Wales)

- coal seam gas (CSG) development and, 131-143
 - assessing political will, 140-142
 - NSW Gas Plan, 141-142
 - sovereign risk implications, 140-141
 - development approval process and environmental planning instruments, 134-138
 - impact of CSG activities on Special Protected Areas, 139-140
 - Special Protected Areas within Sydney catchment, 139
 - Water NSW Act 2014, 131-134
 - independent review, 132-133
 - legislative reform, 133-134

Water management (Western Australia)

- wastewater recycling and stormwater, 372-391
 - background, 372-376
 - examples of developments, 376-378
 - regulatory framework for residential developments, 378-390

Water pollution

- groundwater contamination
 - fracking (SA), 447-448

Water resources

- groundwater use
 - fracking (SA), 447-448
- management – *see* **Water management**
- wastewater
 - fracking (SA), 448-449

Western Australia

- shark hazard mitigation program, 327-345
 - conclusions and further research, 344-345
 - discussion, 339-344
 - shark cull, 33-338
- water resources management – *see* **Water management**

Wilderness

- Tasmania, 536-539

World Heritage Convention

- compliance, public participation, and rights of Indigenous people, 534-547
 - Aarhus Convention Compliance Committee, 541-543
 - compliance provision in World Heritage Convention, 543-546
 - (non-)compliance procedures in international law, 539-541
 - recent Australian developments, 536-539