

# ENVIRONMENTAL AND PLANNING LAW JOURNAL

Volume 23, Number 2

April 2006

## IPA PLANNING SCHEMES: IS THERE A DIFFERENCE?

**Philippa England**

This article reviews changes to planning schemes resulting from the enactment of the IPA and asks the question: how well are IPA planning schemes delivering on the reform goals underlying the enactment of the IPA? ..... 81

## MARKETS, WATER RIGHTS AND SUSTAINABLE DEVELOPMENT

**DE Fisher**

The use of market instruments has become one of the strategies for managing water resources in Australia over recent years. Water resources are expected to not only be used but to be developed sustainably. To achieve sustainability almost inevitably requires some degree of regulation in the public interest, while the use of market instruments is predicated upon freedom of choice. It is a challenge for the legal system to seek to accommodate these two potentially conflicting principles. This raises a number of questions: What is the nature of a market? How is a market recognised or created? What are the requirements for a water market? What might be a legal framework for a water market? How can sustainability be incorporated in such a framework? This article seeks to respond to some of these questions by using the conceptual framework created by the *National Water Initiative* of 2004 as the model. .... 100

## MARKET-BASED POLICIES FOR DEMAND SIDE ENERGY EFFICIENCY: A COMPARISON OF THE NEW SOUTH WALES GREENHOUSE GAS ABATEMENT SCHEME AND THE UNITED KINGDOM'S ENERGY EFFICIENCY COMMITMENT

**Tom Kearney**

Market-based policies to improve demand side energy efficiency are a comparatively new but increasingly popular approach to greenhouse gas abatement. The governments of New South Wales and the United Kingdom have both been enthusiastic adopters of market-based energy efficiency schemes. However, the New South Wales Greenhouse Gas Abatement Scheme (NGAS) and the United Kingdom's Energy Efficiency Commitment (EEC) represent two contrasting approaches to bringing about improvements in demand side energy efficiency. By comparing the performance of these two schemes a number of tentative conclusions are drawn regarding the successful design of such schemes. In particular it is asserted that policy makers should exercise caution in designing "comprehensive" abatement schemes with energy efficiency objectives – NGAS and EEC performance suggests that targeted schemes will be more effective. In particular these findings raise doubts over the perceived simplicity of market-based schemes, and the economics of demand side energy efficiency. .... 113

## WATER TRADING ALONG THE MURRAY: A SOUTH AUSTRALIAN PERSPECTIVE

**Anne Pye**

Water trading along the Murray river has been viewed as a panacea to its environmental problems. However, the long process of implementing a trading platform has highlighted both the ever-increasing fragility of the Murray ecosystem and the fact that the introduction of water trading will not reduce unsustainable levels of water extraction. While water trading may be a very effective mechanism for transferring water to higher value use, it has had none of the positive environmental outcomes initially claimed. In fact, its implementation so far has reduced environmental flows down the river. Water trading cannot solve the environmental problems of the Murray by itself. Indeed, until overallocation is comprehensively addressed and environmental flows (real water and not paper savings) are formally and sufficiently allocated, the acceleration of water trading will continue to be seriously impeded by concerns over environmental issues and their effect on security of supply. .... 131

## LAND CLEARING IN QUEENSLAND

**Jo Kehoe**

In January 2004, Premier Beattie announced a major pre-election promise: the phasing out of broadscale clearing of remnant (mature) vegetation by December 2006. This article evaluates the resultant policy changes, and, in particular, the initial stages in the implementation of the state's financial commitment to landholders. Amendments to the *Vegetation Management Act 1999* (Qld) were meant to bring certainty to the agricultural community. This article concludes however, that some tensions continue and reflect the underlying problem of interfering with property rights. .... 148

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ISSN 0813-300X

Typeset by Lawbook Co., Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW