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ARTICLES

Urban rivers and riparian systems – directions and recommendations for legislators, policy makers, developers and community users – *Peter J Davies, Christopher D Ives, Sophia J Findlay and Mark P Taylor*

This article examines the evolution of the current legal and planning system influencing urban rivers in New South Wales. A future direction for legislators and policy makers is presented as a means to improve the condition of urban waterways. Ensuring water management professionals appropriately value river systems is a key element. Waterways occupy a tenuous position in the urban landscape despite their ecological significance, often providing the last refuges for biodiversity. Smaller waterways are often piped to improve stormwater drainage, while larger systems are chemically, physically and biologically degraded as a result of development within the catchment. Legal, planning and policy arrangements have historically provided limited protection for urban waterways and riparian environments. This is due to four main factors: rivers are traditionally valued for their utility as conduits for stormwater to manage flooding; the biodiversity value of riparian areas is not widely understood and acknowledged; the cumulative impacts of development on river health are not recognised; and an inadequate legal definition for “river” in legislation and at common law. The fate of many urban riparian environments is often determined due to “death by a thousand pipes”. 313

Carbon reduction schemes and the energy sector: A bottom up approach?
– *Bruno Zeller*

Any unilateral carbon pollution reduction scheme will have significant far-reaching effects on the domestic energy sector. The problem stems from the fact that the Kyoto Protocol and the subsequent failure of Copenhagen have not produced an international convention which levels the playing field for the production of energy. A cost increase in the production of energy flows through the whole economy and considering the current painful recovery post-financial crisis, careful consideration must be given to the establishment of a carbon reduction scheme. 332

Legal frameworks for regulating biosequestration in Australia – *Katrina Cuskelly*

Time is of the essence in responding to climate change. However, development and adoption of emissions reduction technology may take considerable time. Biological carbon sequestration (biosequestration) can reduce atmospheric carbon dioxide concentrations, with minimal impact on our economies and way of life. As such, biosequestration could provide a valuable method of mitigating the impacts of climate change until emissions reduction technologies are realised. However, the implementation of biosequestration requires careful guidance to ensure that real benefits are secured. This article reviews Australian legal frameworks for biosequestration to evaluate their potential as effective and expeditious responses to anthropogenic climate change. It argues that Victoria’s legislative regime is the most comprehensive in addressing ownership and related issues. However, reliance on voluntary markets in most Australian jurisdictions has allowed

creation of credits that may not accurately represent the amount of carbon actually sequestered. Further, it argues that a consistent national approach would be beneficial in promoting inter-State and international trade and investment. 348

Why nothing in this world is certain except death and (environmental) taxes – Kirk Simmons

On 2 May 2010, the federal government released the final report of Australia’s future tax system review (the Henry Review) which purported to position Australia with a tax system to deal with the environmental challenges of the 21st century. In view of the announcement made by the federal government regarding the introduction of a carbon pricing mechanism, this article explores the broad concept of environmental taxation, reviews the Henry Review’s recommendations and considers whether reforms to taxation will improve environmental sustainability by putting a price on nature. 368