

ENVIRONMENTAL AND PLANNING LAW JOURNAL

Volume 28, Number 6

November 2011

ARTICLES

Regulating greenhouse gas emissions from coal mining activities in the context of climate change – *Professor Sharon Christensen, Dr Nicola Durrant, Associate Professor Pamela O'Connor and Angela Phillips*

Current approaches to the regulation of coal mining activities in Australia have facilitated the extraction of substantial amounts of coal and coal seam gas. The regulation of coal mining activities must now achieve the reduction or mitigation of greenhouse gas emissions in order to address the challenge of climate change and achieve ecologically sustainable development. Several legislative mechanisms currently exist which appear to offer the means to bring about the reduction or mitigation of greenhouse gas emissions from coal mining activities, yet Australia's emissions from coal mining continue to rise. This article critiques these existing legislative mechanisms and presents recommendations for reform. 381

The ideal model for solar access rights – *Anna Kapnoullas*

The classical Greek playwright, Aeschylus, writing in the 5th century BC proclaimed that primitive people have "neither knowledge of houses built of bricks and turned towards the sun, nor yet of work in wood". One of the key conclusions of this article is that the rights of solar panel owners are not protected and the owners of passive heating designs are significantly under-protected by the current Victorian law. This article recommends that the State Parliaments legislate to modernise this area of the law through the implementation of a solar easements permits system in developed areas and strengthened subdivision planning requirements in new estates. The models detailed in this article ultimately aim to facilitate the protection of proprietors who invest in solar panels and passive heating designs and to harness the opportunities provided by subdivision applications by planning for solar access in new estates. 416

Australia's Clean Energy Future Package: Are we there yet? – *Rosemary Lyster*

This article provides a detailed examination of the Clean Energy Future Package, including a comparison with the previously proposed Carbon Pollution Reduction Scheme, and an analysis of the Jobs and Competitiveness Program. 446

VOLUME 28 – 2011

Table of Authors 481
Index 483

