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VOLUNTEER IMMUNITY AND LOCAL GOVERNMENT

Myles McGregor-Lowndes and Scott Edwards

Every jurisdiction in Australia has now enacted legislation to protect volunteers of local government from incurring personal civil liability. Local government will be affected by these laws, most jurisdictions transferring liabilities incurred by a volunteer to it. This article examines the background to these reforms before undertaking a detailed examination of how the legislation in each jurisdiction addresses the issue of volunteer protection as it applies to local governments and their volunteers. The article concludes by proposing some areas in which reform would benefit local government's ability to deal with the liabilities imposed by the legislation.....53

PLANNING AGREEMENTS: TOWARDS BETTER INTEGRATION OF LAND-USE PLANNING WITH INFRASTRUCTURE PLANNING

Steven Liaros

Planning processes are under review. The Department of Infrastructure, Planning and Natural Resources (**DIPNR**) is conducting a review of developer contributions through s 94 of the *Environmental Planning and Assessment Act 1979* (NSW). On 18 November 2003, the *Environmental Planning and Assessment Amendment (Planning Agreements) Bill 2003* was introduced to NSW State Parliament but was withdrawn on 29 June 2004. This article will argue that planning agreements are possible even in the absence of legislation, but that legislation should be introduced to provide consistency in application or alternatively to explicitly make such common law agreements illegal. In May 2004, DIPNR placed on public exhibition proposed amendments to *State Environmental Planning Policy No 1 (SEPP 1)*, that provide for a consistent approach when departing from development standards and requiring that, for example, social or community benefits be achieved in exchange for such departures. It is suggested that such an exchange of benefits should be documented in a planning agreement73

ENHANCING IPA OUTCOMES THROUGH ADAPTIVE MANAGEMENT: A CALL
TO GET REAL

Darryl Low Choy and Shelly Welsh

When Queensland adopted a performance-based statutory planning approach in 1997 it positioned the State's local governments, who have the delegated responsibility for statutory planning, at the leading edge of contemporary landscape and environmental management. It gave the State's planning agencies a direct and immediate connection to evolving forms of adaptive management that is considered by many to offer substantial potential for achieving sustainable management outcomes. However the recent legislative amendments that removed the mandatory requirements for performance indicators as key elements of planning schemes are considered as a backwards step. This article argues that this retrograde step can be addressed through a number of options that can lead to the reintroduction of performance monitoring as an integral component of statutory planning and thereby ensure that a culture of adaptive management is fully incorporated within the state's statutory planning process.83

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Produced by Stefani White92

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Editorial inquiries:

Tel: (02) 8587 7000

HEAD OFFICE

100 Harris Street PYRMONT NSW 2009

Tel: (02) 8587 7000 Fax: (02) 8587 7100



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