

# LOCAL GOVERNMENT LAW JOURNAL

Volume 14, Number 3

April 2009

## CASENOTES

<b>Anderson on Behalf of Numbahjing Clan within the Bundjalung Nation v New South Wales Minister for Planning (No 2)</b> .....	155
<b>McGovern v Ku-ring-gai Council</b> .....	160
<b>Parramatta City Council v R&amp;R Fazzolari Pty Ltd; Parramatta City Council v Mac's Pty Ltd</b> .....	163
<b>Williams v Minister for Planning</b> .....	166
<b>Broker Pty Ltd v Shoalhaven City Council</b> .....	172
<b>Mar Mina (SA) Pty Ltd v City of Marion</b> .....	177

## POLICY AND PRACTICE

<b>New South Wales</b> .....	181
------------------------------	-----

## ARTICLES

### **The effects of the recent amendments to the Environmental Planning and Assessment Act 1979 (NSW) on the role of local government** – *Amanda Kiely*

The Environmental Planning and Assessment Amendment Act 2008 (NSW) received assent on 25 June 2008 as part of major State government reforms to environmental and land-use planning in New South Wales. The reforms will affect applicants for development, public participation in the development process, private certifiers and the role of the Land and Environment Court of New South Wales, as well as the role of local government. This article focuses on the reforms that affect local government, reviews the relevant recent amendments to the EPA Act, considers their impact on the functions and financing of local government in relation to land-use planning in New South Wales and discusses whether the amendments are consistent with the object of promoting the sharing of responsibilities for environmental planning between New South Wales' State and local governments. ....

186

### **Climate change – regulatory and judicial developments: Catalysts for corporate social responsibility reform?** – *Katherine Gardner*

For some time legislative reform has attempted to strengthen corporate social and environmental responsibility, with mixed success. This article examines some of the recent regulatory reform changes that are in the process of being introduced to address the problem of climate change in Australia. It also considers recent judicial decisions which have demonstrated a willingness to give the issue of climate change, through the application of ESD principles, increasingly greater significance. It is arguable that these regulatory and judicial developments directly responding to the issue of climate change will in turn have a positive influence on corporate social and environmental responsibility. ....

197

---

<b>VOLUME 14 – 2008-2009</b>	
Table of Authors .....	209
Table of Cases .....	211
Index .....	219

# Submission requirements

All contributions to the journal are welcome and should be emailed to the Production Editor, *Local Government Law Journal*, at [LTALglj@thomsonreuters.com](mailto:LTALglj@thomsonreuters.com) for forwarding to the Editor.

## Licences

- It is a condition of publication in the journal that contributors complete a licence agreement. Licence agreements can be downloaded at [http://www.thomsonreuters.com.au/support/as\\_contributors.asp](http://www.thomsonreuters.com.au/support/as_contributors.asp) and emailed with the submission or mailed separately to the Production Editor, *Local Government Law Journal*, Thomson Reuters (Professional) Australia Limited, PO Box 3502, Rozelle, NSW 2039.

## Letters to the Editor

- By submitting a letter to the Editor of this journal for publication, you agree that Thomson Reuters, trading as Lawbook Co, may edit and has the right to, and may license third parties to, reproduce in electronic form and communicate the letter.

## Manuscript

- Manuscript must be original, unpublished work that has not been submitted or accepted for publication elsewhere, including for online publication.
- Personal details (name, qualifications, position) for publication and a delivery address, email address and phone number must be included with the manuscript on a separate page.
- Manuscript must be submitted electronically via email in Microsoft Word format.
- Manuscript should not exceed 15,000 words for articles or 3,000 words for section commentary or book reviews.
- An abstract of 100-150 words must be included at the head of articles.
- Authors are responsible for the accuracy of case names, citations and other references. Proof pages will be emailed to contributors but excessive changes cannot be accommodated.
- **Graphics** (diagrams and graphs) to be grayscale; in .jpeg format; no more than 12 cm in width; within a box; of high resolution (at least 300 dpi); font is to be Times New Roman, no more than 10pt. The heading for a graphic should be placed outside the box.

## Peer review

- This journal complies with the Higher Education Research Data Collection (HERDC) Specifications for peer review. Each article is, prior to acceptance, reviewed in its entirety by a suitably qualified expert who is independent of the author.

## Style

1. **Levels of headings** must be clearly indicated (no more than four levels).
2. **Unpointed style** is to be used – there are no full stops after any abbreviation or contraction.
3. **Cases:**
  - Where a case is cited in the text, the citation follows immediately after the case name, not as a footnote.
  - Authorised reports must be cited where published, and one other reference can be used in addition.
  - For “at” references use media-neutral paragraph numbers within square brackets whenever available.
  - For international cases best references only should be used.
4. **Legislation** is cited as follows:
  - *Trade Practices Act 1974* (Cth), s 51AC (including in full within footnotes).
5. **Books** are cited as follows:
  - Ross D, *Ross on Crime* (3rd ed, Lawbook Co, Sydney, 2006) pp 100-101.
  - In footnotes do not use *ibid* or *op cit*. Repeat author surname and add footnote reference to first mention.
    - <sup>1</sup> Hayton D, “Unique Rules for the Unique Institution, The Trust” in Degeling S and Edelman J (eds), *Equity in Commercial Law* (Lawbook Co, Sydney, 2005) p 284.
    - <sup>2</sup> Hayton, n 1, p 286.
6. **Journals** are cited as follows:
  - Kirby M, “The Urgent Need for Forensic Excellence” (2008) 32 Crim LJ 205.
  - In footnotes do not use *ibid* or *op cit*. Repeat author surname and add footnote reference to first mention.
    - <sup>3</sup> Trindade R and Smith R, “Modernising Australian Merger Analysis” (2007) 35 ABLR 358.
    - <sup>4</sup> Trindade and Smith, n 3 at 358-359.
  - Wherever possible use official journal title abbreviations.
7. **Internet references** are cited as follows:
  - Ricketson S, *The Law of Intellectual Property: Copyright, Designs and Confidential Information* (Lawbook Co, subscription service) at [16.340], <http://www.thomsonreuters.com.au/default.asp> viewed 25 June 2007. Underline the URL and include the date the document was viewed.

## SUBSCRIPTION INFORMATION

The *Local Government Law Journal* comprises three parts a year.

Customer service and sales inquiries:  
**Tel: 1300 304 195 Fax: 1300 304 196**  
**Web: [www.thomsonreuters.com.au](http://www.thomsonreuters.com.au)**  
**Email: [LTA.Service@thomsonreuters.com](mailto:LTA.Service@thomsonreuters.com)**

Editorial inquiries:  
**Tel: (02) 8587 7000**

**HEAD OFFICE**  
100 Harris Street PYRMONT NSW 2009  
Tel: (02) 8587 7000 Fax: (02) 8587 7100



**THOMSON REUTERS**

© 2009 Thomson Reuters (Professional) Australia Limited  
ABN 64 058 914 668

Lawbook Co.

Published in Sydney

ISSN 1324–1265

Typeset by Thomson Reuters (Professional) Australia Limited, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW