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PLANNING LAW IN AUSTRALIA

Editor: Glen McLeod

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Planning Systems and Development Approvals WA

Environmental Law SA

The chapter on Environmental Law SA has been reviewed including legislation citations. Updates include:

- Main objects of the *Environment Protection Act 1993*. See [SA.5.7150].
- Environment protection policies currently in force. See [SA.5.7300].

Judicial Systems WA

The chapter on Judicial Systems WA has been reviewed. Updates include:

- Added reference to *Synicast Pty Ltd v Showroom X Pty Ltd* [2023] WASAT 47 under The State Administrative Tribunal – Overview. See [WA.2.3020].
- Commentary on facilitative dispute resolution with reference to *Prichard v M 6:8 Legal Pty Ltd* [2024] WASCA 4. See [WA.2.3090].
- Commentary on costs, with reference to *Danni and Town of Cambridge* [2023] WASAT 123 in which the applicant's roof suffered storm damage. See [WA.2.3180].

Planning Systems and Development Approvals WA

The chapter on Planning Systems and Development Approvals WA has been reviewed. Updates include the following:

- Commentary on the purposes and principal provisions of the *Planning and Development Act 2005* (WA). See [WA.1.4030].
- Updated commentary in relation to subordinate legislation made under the *Planning and Development Act 2005* (WA). See [WA.1.4040].
- State Climate change legislation is proposed but has not yet been passed. See [WA.1.4060].
- Updated list of strategic and statutory committees supporting the Western Australian Planning Commission's work. See [WA.1.4070].
- Commentary on local planning schemes, particularly in relation to the *Environmental Protection Amendment Regulations 2024*. See [WA.1.4130].
- Commentary on State planning policies and the *Planning and Development (State Planning Policies) Regulations 2024*. See [WA.1.4150].
- A new Part 3A, headed "Planning codes" has been inserted into the *Planning and Development Act 2005* (WA). See [WA.1.4160].
- Updated commentary on the environmental impact assessment of proposals. See [WA.1.4370].
- Updated commentary on constitution of the Development Assessment Panels (DAP) and DAP applications. See [WA.1.4390] and [WA.1.4400].

- Added commentary regarding the new Part 11B of the *Planning and Development Act 2005* (WA) and the *Planning and Development (Significant Development) Regulations 2024* which came into effect in early 2024. See [WA.1.4417].
- If the EPA considers that a proposal that has not been referred to it under s 38 of the *Environmental Protection Act 1986* is a significant proposal or a proposal of a prescribed class, it must require the proponent to refer it to the Environmental Protection Authority. See [WA.1.4760].
- The *Local Government (Rules of Conduct) Regulations 2007* (WA) were repealed by the *Local Government (Model Code of Conduct) Regulations 2021*. See [WA.1.4850].
- Updated commentary in relation to State planning policy. See [WA.1.4990].
- Updated table of comparison of procedures for making or amending a Local Planning Scheme. See Appendix A.

Heritage Law ACT

The chapter on Heritage Law ACT has been reviewed. Updates include:

- If a development proposal is likely to have a significant adverse environmental impact on the heritage significance of a place or object registered under the Act, then the proponent is required to prepare an Environmental Impact Statement. See [ACT.3.7080.10].
- Commentary in relation to approval inconsistent with the Council's advice. See [ACT.3.7080.20].
- The Council may have standing to apply to the ACAT for review in its capacity as a body who "made a representation" about the proposal and who may suffer "material detriment" under the Planning Act. See [ACT.3.7080.30].
- Trees in the ACT may hold natural and cultural heritage significance which can be protected under either or both of the *Urban Forest Act 2023* (Urban Forest Act) and the Heritage Act. See [ACT.3.7180], [ACT.3.7180.10] and [ACT.3.7180.20].

