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Update Summary

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UPDATE 186

SEPTEMBER 2024

**LOCAL GOVERNMENT LAW AND PRACTICE
NEW SOUTH WALES**

S White

Updated by L Groom

Material Code 42609006

Print Post Approved PP255003/00393

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New and updated content has been provided by **Lawrie Groom**:

Local Government Act 1993

Updated:

- The ordinary rules of contract apply to councils with a need to pay proper regard as part of context to the legislative and regulatory framework within which a public body operates. See *Piety Developments Pty Ltd v Cumberland City Council* [2024] NSWCA 173, at [LGA.23.90].
- There must be sufficient communication by the public body concerned of the acceptance of an offer before a binding contract arises. See *Piety Developments Pty Ltd v Cumberland City Council* [2024] NSWCA 173, at [LGA.55.50].
- There is no freestanding common law rule which fixes whether and when a common law duty of care upon a statutory authority might, or might not, arise. See *Electricity Networks Corporation v Herridge Parties* [2022] HCA 37, (2022) 276 CLR 271, at [LGA.124.140].

Chapter 1. Chs 8–18

Updated:

- If a council sought to acquire land for an ulterior purpose, there would be an ostensible but not a real exercise of the power granted by the Act. See *Perry Properties Pty Ltd v Georges River Council* [2023] NSWLEC 51, (2023) 258 LGERA 113, at [LGA.187.30].
- Section 188 deals specifically with the compulsory acquisition of land for resale. See *R & R Fazzolari Pty Ltd v Parramatta City Council* (2009) 237 CLR 603, at [LGA.188.10].
- The object or purpose of s 220 is the establishment of the legal status of a council. See *Environment Protection Authority v McMurray* [2024] NSWLEC 6, at [LGA.220.20].
- A party to negotiations with a council on a contract must ensure it acts in accordance with official authorised communications from the council. See *Re Waverley Municipal; Ex parte Renouf* (1924) SR (NSW) 463, at [LGA.372.10].
- The delegation should be read in a way that promotes its purpose. See *One.Tel Ltd v Australian Communications Authority* (2001) 110 FCR 125; [2001] FCA 54, at [LGA.378.10].
- No tax can be levied without parliamentary authority. See *Redland City Council v Kozik* [2024] HCA 7, at [LGA.CH15.05].
- Edelman J raised questions on the legality of State taxes. See *Vanderstock & Victoria* [2023] HCA 30, at [LGA.CH15.10].
- The first step of making the charge is general; the second step of levying the charge is particular to each parcel of rateable land. See *Clarence Village Ltd v Clarence Valley Council* [2023] NSWLEC 135, at [LGA.501.10].

- Section 577 entitles a council in cases of hardship to make an order directing certain eligible persons are not liable to pay rates. See *Mangoola Coal Operations Pty Ltd v Muswellbrook Shire Council* [2023] NSWCA 275, at [LGA.527.30].
- The case addressed the test for determining the “dominant” use of land to gain an exemption from the payment of land tax in NSW. See *Godolphin Australia Pty Ltd v Chief Commissioner of State Revenue (NSW)* [2024] HCA 20, at [LGA.555.290].
- The council submitted that “the language of s 694 is mandatory and that no discretion arises”. See *Blacktown City Council v Hambly (No 3)* [2023] NSWLEC 141, at [LGA.694.10].

New:

- **Status of unconfirmed minutes**, has been inserted, at [LGA.375.10].
- **Overview**, has been inserted, at [LGA.CH15.01].
- **Dedication of a highway**, has been inserted, at [LGA.701.10].

Schs 1–9 and Dictionary

Updated:

The Supreme Court considered whether certain land was “subject to a trust for a public purpose”. See *Piety Developments Pty Ltd v Cumberland City Council* [2023] NSWSC 480, at [LGA.SCH7PT2.20].

