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Update Summary

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ENVIRONMENTAL RESPONSIBILITIES LAW NEW SOUTH WALES

**Jeff Kildea, Olia Koudrina
Russell Schmidt, Zaina Shahnawaz and
Hon. Justice Brian Preston**

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Environmental Responsibilities Law NSW

Update Summary

Annotations in the following chapters have been reviewed and updated by **Jeff Kildea**.

Land and Environment Court Act 1979

Updated commentary on Division 2 – Claims for Compensation, with reference to *Gill v Liverpool City Council* [2024] NSWLEC 133. See [LECA.PT3.DIV2.10].

Refusal to admit evidence is an interlocutory decision that would normally require leave to appeal. However, leave is not required if the rejected evidence would have had a material effect on the final decision. See [LECA.PT5.DIV2.10].

Civil Procedure Act 2005

In *Mittagong Central Developments Pty Ltd v Secretary of the Department of Customer Service* [2024] NSWLEC 104, Robson J declined to order that a judicial review proceeding transferred from the Sup Ct pursuant to s 149B(2) be heard separately and before a related merits review proceeding in the LEC. See [CPA.PT9.DIV2A.10].

Uniform Civil Procedure Rules 2005

Updated commentary regarding the award of costs in proceedings where there has been no hearing on the merits, with reference to *Slattery v Dunn (No 3)* [2024] NSWLEC 110. See [UCPR.PT42.DIV1.10].

Annotations in the following chapter have been reviewed and updated by **Guy Dwyer**.

National Parks and Wildlife

Updated commentary concerning case *Neilson v Secretary, Department of Planning and Environment* [2024] NSWCA 28; (2024) 260 LGERA 108 in which Payne JA (with whom Ward P agreed) held that Pain J was correct to conclude that the plan of management did not positively oblige the respondent to manage and maintain the particular road and trail. See [NPWA.81.10].