# ENVIRONMENTAL LAW REPORTER

ABN 54 158 326 831

**Issue (2024) 43 ELR (24-098) – (24-104)** 30 September 2024


**INSIDE THIS ISSUE:**




**REPORTERS IN THIS ISSUE:**

**Bamidele Emmanuel Akinyemi** is a solicitor at Macpherson Kelley

**Georgie Cooper** is a solicitor at Local Government Legal

**Lily Whiting** is a solicitor at King & Wood Mallesons

**Serafina Carrington** is an associate at Hones Lawyers



Registered by Australia Post Publication: NBG 6415 ISSN: 1035-6150

## NEW SOUTH WALES

## COURT OF APPEAL

### (24-098) M. & S. Investments (NSW) Pty Ltd v Affordable Demolitions and Excavations Pty Ltd [2024] NSWCA 151

Ward P and Mitchelmore JA; Preston CJ of LEC – 19 June 2024

**Keywords: judicial review – appeal under s 5F of the *Criminal Appeal Act 1912* –unlawful disposal of asbestos waste – summons stated offence committed on date preceding date on which offence provision commenced – summons dismissed as not disclosing offence known to law – misapplication of *Criminal Procedure Act 1986* – misunderstanding of prosecutor's argument as to how offence committed**

The Applicant commenced Class 5 criminal proceedings in the LEC against one company and four individuals, charging the defendants with each committing an offence against s 144AAA of the ***Protection of the Environment Operations Act 1997*** in relation to disposal of asbestos waste at a place which cannot lawfully receive that waste. There was a defect in the summonses filed by the Applicant, as the offence was stated to have been committed on a date (or dates) in 2016, 3 years before the relevant provision had commenced. The Applicant applied to amend the offence date in the summonses to a date in 2019, after s 144AAA had commenced operation. The defendants applied to quash the summonses.

The primary judge, Pain J, heard both motions. The primary judge heard the defendants' motion first and dismissed the summonses, finding that they did not disclose any offence known to law, as s 144AAA "did not exist when the offence allegedly occurred" (at [47]). As a result, the primary judge did not allow the Applicant to amend the summonses because they were nullities. The primary judge also considered that the proposed amendment would result in the defendants not committing an offence against s 144AAA as no act of disposal of waste was said to have occurred on the 2019 date.

In the Court of Appeal, the Applicant filed a summons for judicial review and an appeal under s 5F of the ***Criminal Appeal Act 1912***, which were dealt with together. The Applicant argued that the primary judge erred in law based on a number of grounds related to:

a) dismissing the summonses;

b) deciding not to give leave to amend the summonses; and

c) the interpretation of the Applicant's argument regarding the application of s 144AAA.

The Applicant sought leave to file its notice of appeal after the expiry of the filing period, which was not opposed by the defendants.

**HELD:**

1. Leave was granted for the filing of the appeal after the expiry of the filing period.

2. In relation to the primary judge's decision to dismiss the summonses: the 'wrong' statement of the date on which the offence was committed did not cause the summonses to be nullities, for two reasons:

    i) The first flows from two provisions of the ***Criminal Procedure Act 1986***:

        a) Section 16(1) provides that an indictment, such as the summonses, was not "bad, insufficient, void, erroneous or defective" on the ground that the time was stated wrongly, imperfectly or on an impossible day.

        b) Section 16(2)(a) provides that no objection may be taken to an indictment in relation to a summary offence on the grounds of "any alleged defect in it in substance or form...".

        c) In applying the relevant common law principles, s 144AAA was not an offence for which the time or date of the offence was an element or essential ingredient (an exception to s 16(1)), except in being relevant to when proceedings for such an offence may be commenced, which was not a relevant issue for the present offences.

d) The proper course once the error in date stated on the summonses became apparent was for the Applicant to apply for leave to amend and for the primary judge to grant this leave.

ii) Second, the summonses did disclose an offence which is known to law, and this character was not lost due an impossible date being stated.

3. In relation to the primary judge's decision not to give leave to amend the summonses, the appeal was upheld for four reasons:

a) The summonses were not nullities such that no summonses existed to be amended.

b) It was correct that s 68(2) of the LEC Act did not give power to amend the summonses, however, this section did not apply as there was no failure of the Applicant to comply with procedural requirements of the LEC Act. The LEC had power to amend the summonses under ss 20 and 21 of the Criminal Procedure Act.

c) The Applicant's argument was that s 144AAA created a positive obligation to dispose of asbestos waste at a place that can lawfully receive the waste, not a negative obligation not to dispose of it at a place that cannot lawfully receive it. The Applicant argued that disobedience of this positive obligation is a continuing act giving cause of complaint from day to day. The primary judge misunderstood the Applicant's argument and denied the opportunity for the case to be run on this basis, where the case was at least arguable.

d) Although there was no positive action by the defendants on the 2019 offence date, and no evidence was brought that disposal of the waste occurred on this date. These were not valid reasons for the amendment of the summonses not to be allowed.

4. It was unnecessary to determine the other grounds of review and appeal.

5. The s 5F appeal was a sufficient means of challenging the primary judge's decisions; the judicial review proceedings were unnecessary.

Set aside the orders of Pain J (1) dismissing the summons and (2) ordering that the Applicant pay each defendants' costs.

Remit the Applicant's notice of motion to the LEC for redetermination. Case for exclusionary remitter order not made out.

No order as to costs.

**Reporter: Georgie Cooper**

## NEW SOUTH WALES

## LAND AND ENVIRONMENT COURT

### (24-099) CFT No. 8 Pty Ltd; Telado Pty Ltd v Sydney Metro [2024] NSWLEC 60

Duggan J – 7 June 2024

**Keywords: Notice of motion – expert evidence – misuse of commercially sensitive or confidential information – risk not a real or sensible possibility**

The substantive proceedings related to a claim for compensation for the compulsory acquisition of the Applicants' land by the Respondent. The Court had granted leave for the Respondent to adduce expert town planning evidence from Ms Miller, whose statement of evidence was served on 5 April 2024.

Ms Miller was subsequently appointed as an Acting Commissioner of the Land and Environment Court. On 29 May 2024, the Respondent filed Notices of Motion seeking leave to file an expert report prepared by Mr Tim Blythe to replace Ms Miller as town planning expert.

The Applicants, who had filed evidence in the proceedings which contained confidential and commercially sensitive information, opposed leave being granted for the Respondent to adduce evidence prepared by Mr Blythe. The Applicants contended that there was a real possibility of misuse, even subconsciously, of any confidential information that Mr Blythe may become aware of during the course of the proceedings. This was because Mr

Blythe's firm was providing town planning support to the Respondent for the broader CBD East Project – although Mr Blythe was "not involved" – and had previously advised commercial competitors of the Applicants in a related tender process.

The Applicants contended that Mr Blythe had a real and likely conflict of interest, as he had also provided advice to the Valuer-General on the acquisition of the Applicants' land.

The Respondent adduced evidence that Mr Blythe had not been given access to the confidential information contained in the Applicant's evidence in preparing his report. Mr Blythe had also offered to provide a written undertaking. Confidentiality and probity arrangements in place at Mr Blythe's firm meant that he had no role or information in connection with the competitor's tender, nor had these matters been discussed at board level.

**HELD:**

1. The Court was not satisfied that there was a real and sensible possibility of the misuse of confidential information.

2. The Applicants did not identify the confidential information which would need to be disclosed by the Applicants or provided by the Respondent that the witness may inadvertently disclose. In any event, there was not a real and present risk of Mr Blythe intentionally disclosing any confidential information which he may come to hold.

3. Inadvertent disclosure of such information was protected against by the undertaking offered by Mr Blythe and the probity arrangements of his firm. The fact that multilayered disclosure would be required for misuse of such information made it unlikely that such a risk was real and sensible.

Leave granted for the Respondent to rely upon the expert town planning evidence of Mr Blythe in the proceedings.

**Reporter: Georgie Cooper**

## (24-100) C-Corp Nominees Pty Ltd v Inner West Council [2024] NSWLEC 65

Preston CJ - 26 June 2024

**APPEAL – appeal of questions of law – Commissioner's refusal of development consent for development in a heritage conservation area – development of a negative detraction and non-contributory element in DCP – incorrect assessment by Commissioner – error not established**

The Appellant appealed against the decision and orders of the Commissioner to refuse a development application for development in a heritage conservation area under s 56A(1) of the *Land and Environment Court Act 1979*. The Appellant argued that the Commissioner had erred in several ways in her consideration of the Development Control Plan (DCP) in its application to the Heritage Conservation Area (HCA). The Appellant raised the following grounds:

1. Ground 1 – Incorrect interpretation: The Commissioner wrongly determined the development application by not considering and applying the provisions of Chapter E-1 of the DCP concerning detracting buildings. The development was classified by the Federal Fyle HCA Character Statement as being a detracting building, but the Commissioner did not accept this characterisation.

2. Ground 2 – The Commissioner exceeded her jurisdiction: The Commissioner failed to consider the building's classification as a detracting building as a fundamental factor. The Commissioner should have accepted the classification and applied the relevant rules corresponding to that classification under the DCP.

3. Ground 3 – Failure to apply the correct classification: The Commissioner ignored the building's assessment as a non-contributory element, resulting in the Commissioner failing to consider the relevant issues in the case.

4. Ground 4 – Miscarriage of justice: By disregarding the Character Statement's classification of the building as a non-contributory element, the Commissioner's assessment of the impact of the building's demolition on the heritage significance

of the Federal Fyle HCA constituted a miscarriage of justice.

5. Ground 5 – Error of law: The Commissioner's finding about the cursory nature of the heritage study was unsupported by evidence.

## (24-101) Warwick Farm Central Pty Ltd v Valuer General (No 2) [2024] NSWLEC 67

Pritchard J - 12 July 2024

**Keywords – Power to set aside or vary judgment or order – Slip rule – corrections to alleged miscalculation of adjustments to comparable sales– no mathematical error**

The Appellant applied to the Court pursuant to r 36.16 of the **UCPR** (ie the power to vary a judgment or order), and in the alternative pursuant to r 36.17 of the UCPR (ie the "slip rule"), to correct alleged miscalculations of land value of land in Warwick Farm across three consecutive valuing years. The corrections resulted in reductions to land value in the amount of approximately $5-$6million. The Appellant contended that there were readily rectifiable errors made in the primary judgment, which could be corrected by utilising ruler 36.16 or 36.17 as opposed to pursuing Court of Appeal proceedings.

In addition to alleged mathematical errors, the Appellant's application concerned an alleged failure by the Court to make findings in relation to flooding, and in relation to a sewer pipe on the relevant land.

The Respondent conceded that the Appellant correctly identified mathematical errors, but contended that those errors were not the result of any misapprehension of the facts, nor were they readily identifiable or rectifiable as they would involve the exercise of further discretion of the Court. In relation to the flooding and sewer pipe issues, the Respondent argued that the Court adequately considered those issues in the primary proceedings. As judicial valuer, the Court was not obliged to act only on the evidence of experts led by the parties.

**HELD:**

1. The slip rule should not be given a narrow interpretation. The Court must seek to give overriding effect to s56 of the *Civil Procedure Act 2005*.

2. The Appellant did not establish a mathematical error on the part of the Court.

3. The proposed amendment to the orders, being the recalculations, require an exercise of discretion, and concerned matters of which a real difference of opinion might have existed.

4. The Appellant sought reconsideration and alteration of the substance of the result that was recorded.

5. The Appellant did not establish that the Court had jurisdiction pursuant to r 36.16 or r 36.17 of the **UCPR**.

Notice of motion dismissed. Costs to be dealt with on the papers.

**Reporter: Serafina Carrington**

## (24-102) Sharp v Kiama Municipal Council [2024] NSW LEC 1360

Espinosa C - 28 June 2024

**DEVELOPMENT APPEAL – residential development – whether minimum lot size a development standard or whether prohibition – satisfaction of jurisdictional prerequisite prior to exercise of authority**

The Applicant appealed the Council's decision to refuse a development application to construct a dwelling, carry out earthworks, and install a swimming pool at 44 Halls Road, Jerrara. The Council contended that the proposed development was prohibited on the land because of the minimum 40ha lot size requirement pursuant to cl 4.2A(3)(a) of the Kiama Local Environmental Plan 2011 (**KLEP**). The DA proposed development site with an area of only 19.35 hectares. It was argued that the Court did not have the power to grant consent to the DA due to this prohibition set out in the KLEP.

The Applicant contended that the 40ha minimum lot size requirement was a development standard and, therefore, could be varied under cl 4.6 of the KLEP. The Applicant's argument referred to the principles handed down in *Canterbury Bankstown Council v Dib* [2022] NSW LEC 79. The Applicant submitted that "[t]here is nothing in the

definition of "dwelling house" that requires [the proposed dwelling] to be on 40 hectares. It is the imposition of the regulatory language of cl 4.2A(3)(a) that specifies that requirement".

**HELD:**

1. The 40ha minimum lot size requirement in cl 4.2A(4)(a) of the KLEP was a development standard that could be varied under cl 4.6.

2. The Court determined that the Applicant's request to justify a deviation from the development standard in cl 4.2A of the KLEP met the necessary criteria outlined in cl 4.6(3) of the KLEP. The Court was satisfied that the proposed development aligns with both the specific objectives of the standard and the broader goals for development in the relevant zone, indicating it serves the public interest.

3. Development consent was granted subject to conditions.

**Reporter: Bamidele Emmanuel Akinyemi**

## NEW SOUTH WALES

## SUPREME COURT

### (24-103) Snowy Mountain Bush Users Group Inc v Minister for the Environment [2024] NSWSC 711

Harrison CJ – 14 June 2024

**Keywords: judicial review - interlocutory injunction - serious question to be tried established – common law standing - special interest established – no undertaking as to damages by Plaintiff – balance of convenience - Plaintiff's Notice of Motion dismissed**

Snowy Mountain Bush Users Group Inc (**Plaintiff**) commenced judicial review proceedings in relation to the Minister's adoption of the Amended Kosciuszko National Park Wild Horse Heritage Management Plan (**Amended Plan**) pursuant to s 9 of the ***Kosciuszko Wild Horse Heritage Act 2018*** (*Horses Act*). By way of a Notice of Motion (**Plaintiff's Motion**), the Plaintiff sought urgent interlocutory relief to prohibit the Minister and the Secretary of the Department of Climate Change, Energy, the Environment and Water (together, the **Defendants**) from carrying out aerial shooting of wild horses as part of culling operations in the Kosciuszko National Park – a controlled operation or method that was permitted by the adoption of the Amended Plan.

The catalyst for the Plaintiff's Motion was its evidence that continued aerial shooting of wild horses would cause, or pose a risk of causing, wild horse numbers in the Park to drop below 3000 (in contravention of a requirement of the Plan that the total population of wild horses across certain areas be reduced to 3000, and then maintained at that level, by 30 June 2027).

The Defendant opposed the Plaintiff's Motion on the basis that:

1. the Plaintiff had not established the existence of a serious question to be tried. Rather, it was seeking merits review of the Amended Plan.

2. The Plaintiff had not established that it had standing to bring the proceedings at common law (given that there was no statutory standing contained in either the Horses Act nor the ***Prevention of Cruelty to Animals Act 1979*** (**PCA Act**)).

3. The Plaintiff had not lead evidence that supported its assertion that the number of wild horses in the Park was at risk of imminently falling below 3000, nor did the evidence that it did adduce establish that the horses were being killed in a way that caused unnecessary or unjustifiable pain or suffering.

4. The balance of convenience weighed strongly against the grant of an injunction, because a sudden cessation of aerial shooting would both cause harm to the environment, and waste public resources.

5. In any event, the Defendants had proffered an undertaking to the Court to limit the number of horses culled under the Amended Plan pending the ultimate determination of the proceedings, such that the injunction had no utility.

**HELD:**

1. The Plaintiff had established that there was a serious issue to be tried. Issues central to the Plaintiff's grounds of appeal, such as whether s 10 of the Horses Act created an obligation on the Defendants that was enforceable via common law standing, and whether the Defendant had contravened that obligation, were issues that were at least "arguable". It could not be said that the Plaintiff's case was hopeless or that it was doomed to fail.

2. The Plaintiff's evidence was sufficient to establish it had common law standing for the purposes of its Motion, i.e. on an interlocutory basis. Its affidavit evidence demonstrated that it had, for some time, been actively advocating for the sustainable use of the Park and the heritage value of wild horses. Whether the Plaintiff had a special interest that could satisfy the Court that it had common law standing on a final basis would need to be considered by the trial judge.

3. The Court did not need to consider the adequacy of damages given that success by the Plaintiff in the proceedings on a final basis could never sound in damages.

4. The Court declined to express a view about whether the Plaintiff should be granted an extension of time to bring the proceedings given the Plaintiff had commenced the proceedings more than three months after the Amended Plan was adopted.

5. In dismissing the Plaintiff's Motion:

    a) the Plaintiff's inability to proffer an undertaking as to damages weighed heavily in favour of a refusal of interlocutory relief. The Defendants had adduced evidence of substantial economic losses that they would incur if their current operations were suspended, as well as the need to resume operations after the expiry of any injunction due to the negative environmental impacts caused by wild horses.

    b) In relation to the "balance of convenience":

        iii) the Plaintiff had not adduced evidence which established that the horses were being culled in a way that caused unnecessary and unjustifiable pain, nor had it established that the number of horses that might be killed between the date of its Motion and the final hearing would fall beneath the threshold that 3000 horses be retained by 30 June 2027;

        iv) aerial culling operations had been in place for a considerable period of time, and had already been determined by the RSPCA to be consistent with the Defendants' obligations under the PCA Act;

        v) suspension of the aerial shooting would threaten the environment, given the very purpose of that method was to mitigate harm caused by wild horses;

        vi) public access to areas of the Park where aerial shooting took place was already limited, and any injunction could further extend the time for which public access was restricted.

Notice of Motion dismissed.

**Reporter: Lily Whiting**

## (24-104) Snowy Mountain Bush Users Group Inc v Minister for the Environment [2024] NSWSC 1040

Davies J – 21 August 2024

**Keywords: judicial review – certiorari - whether mandatory consideration considered - whether jurisdictional error – whether Defendants' decision was reasonable – whether Plaintiff had a special interest to satisfy common law standing – whether Plaintiff could be granted an extension of time to bring proceedings under r 59.10 of the UCPR – grounds of review not made out – Amended Summons dismissed – Plaintiff to pay Defendants' costs**

Snowy Mountain Bush Users Group Inc (the **Plaintiff**), a not-for-profit voluntary organisation, sought judicial review of the adoption of the Amended Kosciuszko National Park Wild Horse Heritage Management Plan (**Amended Plan**) by the Minister, which permitted the

practice of aerial shooting wild horses within Kosciuszko National Park to reduce their population. That practice was not permitted under the preceding version of the Plan, and was introduced to reduce the population of wild horses in the Park to 3000 by 30 June 2027.

The Plaintiff's Amended Summons sought the following relief:

1. a declaration that the Amended Plan was invalid;

2. a declaration that the decision to adopt the Amended Plan be set aside;

3. a declaration that the Defendants were acting in contravention of s 10 of the ***Kosciuszko Wild Horse Heritage Act 2018*** (**Horses Act**), which requires the Minister to carry out and give effect to any plan adopted under s 9 of the Act;

4. an injunction to prohibit the Defendants from continuing aerial shooting wild horses in the Park; and

5. an extension of time to bring the proceedings (the proceedings having been brought outside the three-month period required when seeking that a decision be set aside by r 59.10(1) of the UCPR).

The Plaintiff's first ground of review (**Ground 1**) asserted that the Defendants were acting contrary to law in carrying out and giving effect to the Amended Plan in accordance with s 10 of the Act. The essence of Ground 1 was that aerial shooting was inconsistent with the requirements of the Amended Plan that required the shooting to accord with animal welfare legislation, assessments and national standard operating procedures, which cast doubt over the effectiveness of aerial shooting in highly vegetated terrain.

The Plaintiff's third ground of review (**Ground 3**) asserted that the representations made by the Secretary to the Minister were misleading and contained a material error, leading the Minister into jurisdictional error in adopting the Amended Plan. In other words, the Plaintiff asserted that the Minister's decision to adopt the Amended Plan was infected by error, as that decision was predicated on incomplete and misleading advice from the Secretary on animal welfare issues that were consequential to aerial shooting.

The fourth ground (**Ground 4**) was that the Defendant had made an error of law, and thereby committed jurisdictional error, by concluding that aerial shooting was the preferred method of culling wild horses without having regard to other control methods consistent with the *Prevention of Cruelty to Animals Act* (**PCA Act**). The related fifth ground (**Ground 5**) asserted that the Defendants acted unreasonably, and thereby committed jurisdictional error, by concluding that aerial shooting should be permitted when it was aware of the risks that the practice would cause unreasonable, unnecessary or unjustifiable harm to wild horses.

The Defendants argued that, in circumstances where the Plaintiff did not enjoy any statutory standing under the Act, it had failed to establish that it had a special interest to bring the proceedings under common law.

**HELD:**

1. The Plaintiff had a special interest sufficient to give it standing under common law because:

   a) it had been in existence for more than 20 years, and its purpose was consistently targeted towards the welfare and heritage of the Park;

   b) the former Minister for Regional NSW had explicitly identified several present and former members of the Plaintiff in a second reading speech of the Bill prior to the making of the Horses Act. This represented an acknowledgement by the then Minister of the Plaintiff's involvement in matters relevant to the Act;

   c) the Plaintiff had been identified as a "major stakeholder" in an email that sought submissions to the draft Amended Plan, and was also identified in a list of stakeholders in a briefing document prepared by the Secretary for the Minister. In the Defendant's mind, the Plaintiff had a significant interest in the Amended Plan.

2. The Court granted the Plaintiff an extension of time to bring the proceedings, on the basis that:

   a) the matter was one of significant public interest;

b) the Plaintiff's grounds of review were sufficiently arguable; and

c) there had been little to no prejudice to the Defendants, who had practically benefited from the delay in the proceedings being brought insofar as they could continue their practice of carrying out aerial shooting.

3. In rejecting Ground 1:

a) The 2011 standard operating procedure (**2011 SOP**), which the Amended Plan was argued to have breached, was a guide only, and in any event did not prohibit aerial shooting in areas of dense vegetation.

b) The 2011 SOP was implemented when aerial shooting was not permitted at all in NSW, and there had been developments in the practice in NSW in the years that followed.

c) The Amended Plan provided for the development of standard operating procedures tailored for use in the Park in an effort to reduce the wild horse population to 3000 by 30 June 2027, having regard to the unique topographical features and vegetation in the Park.

d) The implementation of the Amended Plan was not rendered invalid by some inconsistency between it and documents relevant to animal welfare outcomes.

e) The Defendants' evidence established that an animal welfare assessment had been carried out for a preliminary aerial shooting program that comprised the Amended Plan, including a letter of advice provided by the RSPCA.

f) There was no evidence that the Amended Plan was being carried out contrary to law.

4. In rejecting Ground 3:

a) While the Court determined that animal welfare was a mandatory consideration, it was not satisfied that it was the *only* consideration, nor was it a consideration that could be placed above other mandatory considerations (including the need to minimise the wild horse population to protect the natural and indigenous values of the Park).

b) Animal welfare considerations were nonetheless considered by the Minister in approving the Amended Plan.

c) The Minister's decision to adopt the Amended Plan was not made on the basis of incomplete, inadequate, misleading or unfair information (when having regard to the principles espoused in ***Minister for Immigration, Citizenship and Multicultural Affairs v McQueen* [2024] HCA 11**). The Secretary had not omitted any material information in providing recommendations to the Minister.

d) The Minister's obligation was to *consider* issues of animal welfare, rather than *determine the methods* by which animal welfare was to be protected. The Plaintiff's submission on this aspect of Ground 3 tended towards a merits review of the Defendants' decision to authorise aerial shooting, rather than whether it had committed jurisdictional error in adopting the Amended Plan.

5. In rejecting Grounds 4 and 5:

a) Clause 6.2 of the Amended Plan made plain that all control methods (including aerial shooting) would be implemented consistent with relevant animal welfare legislation, and that standard operating procedures would be developed and tailored to use in the Park following engagement with the RSPCA.

b) Accordingly, the Minister's decision was not infected by an error of law, nor was it unreasonable when having regard to the principles espoused in ***Minister for Immigration and Citizenship v Li* (2013) 249 CLR 332** or ***Attorney-General for the State of South Australia v Adelaide City Corporation* (2013) 249 CLR 1**.

c) Determining operational or logistical matters about how the aerial shooting would take place were matters of merit beyond the

Minister's obligation in deciding to adopt the Amended Plan.

Amended Summons dismissed with costs.

**Reporter: Lily Whiting**

**FOR SUBSCRIPTION ENQUIRIES OR BACK ISSUES:**

Contact Michele Kearns,

Martin Place Chambers, 32nd Floor,
52 Martin Place, Sydney NSW 2000.

Tel. (02) 8227 9600.
E-mail: kearns@mpchambers.net.au

**SUBSCRIPTION RENEWAL 2023/2024**

Supply of Environmental Law Reporter for year ending 30 June 2024

**SUBSCRIPTION COST:**

| | |
|---|---|
| Print Copy only | $550 inc GST |
| Webpage access only | $440 inc GST |
| Multiple Users | $770 inc GST |
| Library and Distribution Agencies | $440 inc GST |

**BACK ISSUES AND ADVERTISING:**

$440 inc GST

**ADVERTISING:**

ELR will only insert handbills, brochures etc, supplied. The fee is $363 per insert.

**MANAGING EDITOR:**

**Janet McKelvey** is a Barrister at Martin Place Chambers in Sydney.

(02) 8227 9600

**EDITORS:**

**Angus Hannam** is a Barrister at Martin Place Chambers in Sydney.

**David Gunter** is an Associate at Sparke Helmore.

**COMMENTS/SUGGESTIONS:**

mckelvey@mpchambers.net.au

Printed by Environmental and Planning Law Association, NSW Inc.

The Environmental Law Reporter has been published since 1981 and presents decisions of importance in environmental law from the High Court, Supreme Courts of the States, the L&E Court of NSW and the Federal Court. 