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ARTICLES

Planning Law for a Housing Crisis – *Chris Arup*

This study assesses the strength of a new modality for planning law. In the first part of the study, its components are identified. The second part of the study traces the development of the modality through recent three Victorian Government initiatives, the creation of a special innovation precinct in North Melbourne, the redevelopment of fifty activity centres around the inner and middle Melbourne city, and the revision of codes for residential areas across Melbourne. The State Government says this modality must be pursued if the housing crisis is to be solved. But will this law promote cities for people and especially housing that is affordable, amenable and accessible for working families?

3

Jurisdictional Facts in NSW Development Assessment: Clarifying the Concept – *Mark Cottom and Willem van Wyk*

Jurisdictional fact is a term often used in development assessment, but its meaning is not always understood, both by lawyers and experts. The term is sometimes used synonymously with related jurisdictional terms in a way that is inconsistent with broader jurisprudence. This article seeks to define each of these terms in the context of NSW development assessment. While the terms are complex, contested and context-dependent, wading into these choppy waters is necessary in order to understand which aspects of development assessment are open to judicial review, and on what kinds of grounds, including by third parties. Understanding each of the terms is therefore of practical importance for local governments as well as all those engaging with the planning system. The article comes three years after the NSW Court of Appeal decision in *El Khouri v Gemaveld Pty Ltd* which brought into question assumptions on some of these matters. The article concludes by reflecting on the case law since, finding that a clear grasp of the distinct definitions of these terms is necessary to correctly interpret these judgments.

24

The Community Benefit System in Queensland: What recent changes to Queensland's planning framework mean for Local Governments – *Stephanie Dee*

Queensland has implemented planning reforms that require Social Impact Assessments (SIAs) and Community Benefit Agreements (CBAs) for large-scale renewable energy projects. The first phase of these reforms commenced on 18 July 2025 for wind and solar farms. The next phase of reforms commenced on 12 December 2025 for large-scale battery energy storage systems (BESS), accompanied by a new State assessment code. This article explains the statutory framework, procedural and evidentiary requirements, changes to the Development Assessment Rules (DAR), decision-making and appeal settings, and the role local governments will play in implementing these reforms.

50

Coercive Control and the Social Baseline: Behind the Social Impact Assessment Scenes – Alison Ziller

In the context of land use planning, social impact assessment (SIA) anticipates likely social consequences arising from a proposed project. This is seen as a before and after exercise or a comparison between now and the future. However, in the case of State significant and other large projects, it can be difficult to determine the starting point, or social baseline for the SIA, because these projects often require lengthy preparation periods. One consequence of this is that proponent behaviours can modify the social baseline in ways which suggest manipulation of local communities and potentially coercive control.

56

LOCAL GOVERNMENT PLANNING & LAW GUIDE CASES

News from New South Wales 62

News from Victoria 68

Western Australia 77

DIGEST OF CASES 83