



New South Wales

Land and Environment Court (Amendment No 1) Rule 2020

under the

Land and Environment Court Act 1979

The following rule of court has been made under the *Land and Environment Court Act 1979*.

The Honourable Justice B J Preston
Chief Judge

Explanatory note

The object of this Rule is to amend the *Land and Environment Court Rules 2007* to—

- (a) extend the application of rule 3.10 relating to Court functions not exercisable by Commissioners to Commissioners exercising the jurisdiction of the Land and Environment Court or any other function under the *Land and Environment Court Act 1979*, and
- (b) update references to provisions of the *Environmental Planning and Assessment Act 1979*.

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1 Name of Rule

This Rule is the *Land and Environment Court (Amendment No 1) Rule 2020*.

2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

3 Amendment of Land and Environment Court Rules 2007

(1) Rule 3.3

Omit the rule. Insert instead—

3.3 Where reference to other body required

- (1) This rule applies if—
 - (a) a consent authority has been served with an application commencing appeal proceedings under Division 8.3 of the *Environmental Planning and Assessment Act 1979*, and
 - (b) under section 8.12(1)(c) and (d) of the *Environmental Planning and Assessment Act 1979*, a Minister, public authority or approval body is entitled to be given notice of the appeal.
- (2) As soon as practicable after being served with an application commencing appeal proceedings, the consent authority must cause a copy of the application to be served on the appropriate Minister, public authority or approval body.

(2) Rule 3.4 Parties to appeal under the Environmental Planning and Assessment Act 1979

Omit “section 97A (4)” from rule 3.4(1). Insert instead “section 8.12(3)”.

(3) Rule 3.4(3)

Omit “section 98 (1)”. Insert instead “section 8.8”.

(4) Rule 3.10 Court functions not exercisable by Commissioners

Omit “dealing with proceedings pursuant to a direction under section 36 of the Act” from rule 3.10(1).

(5) Rule 3.10(2)

Omit “section 97B (2)”. Insert instead “section 8.15(3)”.