

PLANNING SYSTEM

Act and regulation changes

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Related	

New appeals scheme for small scale residential development in the Land and Environment Court

The purpose of this circular is to advise councils and the community of a new conciliation-arbitration scheme in the Land and Environment Court for merit appeals relating to applications for single dwellings and dual occupancies.

Introduction

A new conciliation-arbitration scheme in the Land and Environment Court of New South Wales (the LEC) for appeals related to small scale residential development will commence on 7 February 2011.

The scheme was introduced by the *Planning Appeals Legislation Amendment Act 2010* which amends the *Land and Environment Court Act 1979*.

The scheme will apply to merit appeals in Class 1 of the LEC's jurisdiction arising from applications and modification applications for single dwellings and dual occupancies (including subdivisions) lodged on or after 7 February 2011.

Under the scheme, a Commissioner of the LEC will conduct a conciliation conference between the parties, and, if no agreement can be reached, that Commissioner will be able to immediately arbitrate the matter.

The Land and Environment Court of NSW website

A webpage with comprehensive information on the scheme relevant to councils, applicants and court users is now available at:

http://www.lawlink.nsw.gov.au/lawlink/lec/ll_ Lec.nsf/page/s/LEC_residential_development_appeal_process.

The webpage provides further information on the new appeals scheme including a practice note titled, *Practice Note Class 1 Residential Development Appeals*.

Information material available on this website include: fact sheet, appeal forms, a site inspection policy, standard conditions of consent and a worked example of a statement of facts and contentions.

Further Information

If you have any enquiries, please contact:

The Land and Environment Court of NSW
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The Department will issue a further circular on the changes to the *Environmental Planning and Assessment Act 1979* made by the *Planning Appeals Legislation Amendment Act 2010* closer to the commencement of those provisions.

Note: This and other Department of Planning circulars are published on the web at:

<http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/>

Authorised by:

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Director-General

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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