



New South Wales

# Land and Environment Court (Amendment No 1) Rule 2016

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 objects of this Rule are:

- (a) to apply particular provisions of Part 51B of the *Supreme Court Rules 1970*, so far as applicable, to appeals from the Local Court to the Land and Environment Court in Class 6 or 7 of the Land and Environment Court's jurisdiction, and
- (b) to make an amendment of a law revision nature to update a cross-reference.

## **Land and Environment Court (Amendment No 1) Rule 2016**

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Land and Environment Court Act 1979

### **1 Name of Rule**

This Rule is the *Land and Environment Court (Amendment No 1) Rule 2016*.

### **2 Commencement**

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

## **Schedule 1      Amendment of Land and Environment Court Rules 2007**

**[1]    Rule 3.4 Parties to appeals under the Environmental Planning and Assessment Act 1979**

Omit “section 97 (4), 97 (5) or 98 (3)” from rule 3.4 (1).

Insert instead “section 97A (4)”.

**[2]    Rule 5.2 Application of other rules of court**

Insert after rule 5.2 (5):

(5A)    In addition, rules 3, 5 (1), (2) and (6)–(9), 7–12, 14–16, 17 (1) and (3) and 18 of Part 51B of the *Supreme Court Rules 1970* apply, so far as applicable, to proceedings in Class 6 or 7 of the Court’s jurisdiction.

(5B)    If there is any inconsistency between subrule (5A) and Part 4 of the *Crimes (Appeal and Review) Act 2001*, Part 4 of that Act prevails.

**[3]    Rule 5.2 (6)**

Omit “subrules (1), (2) and (3)”. Insert instead “subrules (1), (2), (3) and (5A)”.