



**Land and Environment
Court**
of New South Wales

Approval of forms under s 77A(1) of the Land and Environment Court Act 1979

I amend my approval dated 16 February 2016 of the forms in Schedule 1 to be used in connection with proceedings in the Land and Environment Court by omitting Schedule 2 to the approval and inserting instead the new Schedule 2 attached.

Dated: 23 January 2019.

A handwritten signature in cursive script, appearing to read 'B. Preston'.

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The Honourable Justice Brian J Preston SC
Chief Judge



SCHEDULE 1

LAND AND ENVIRONMENT COURT APPROVED FORMS

1. Approved General Form for Proceedings in All Classes

General form for proceedings in all Classes, except where a form is otherwise specified: *FORM A (version 2)*

2. Approved Forms for Commencing Proceedings in Classes 1, 2 and 3

Application Classes 1, 2 and 3 (except for proceedings under the Trees (Disputes Between Neighbours) Act 2006): *FORM B (version 2)*. The type of claim is to be selected from the list in Schedule 2 where applicable.

Appeals against decisions of Commissioners – summons commencing an appeal: *UCPR Form 84*

3. Approved Forms for Commencing Proceedings in Class 4 and 8

Summons: *UCPR Forms 4A or 4B*;

Statement of Claim: *UCPR Forms 3A or 3B*; or

Proceedings for or in the nature of judicial review – Summons (Judicial Review): *UCPR Form 85*

subject to the adaptations specified in 5 below.

4. Approved Forms for Commencing Proceedings under the Trees (Disputes between Neighbours) Act 2006

Tree Dispute Application (for all claims): *FORM C (version 3)*

Tree Dispute Claim Details (High Hedges) *FORM G (version 1)*

Tree Dispute Claim Details (Damage to Property or Injury to a Person) *Form H (version 1)*

5. Approved Forms for Classes 1 to 4 and 8

The forms approved from time to time by the Uniform Rules Committee under s 17 of the Civil Procedure Act 2005 other than a form in relation to the same matter listed above, on the basis that:



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- a. References to “Division” are to be completed as if they referred to the Class of the proceedings.
- b. References to “List” may be struck out.
- c. References to "plaintiff" are to be replaced by "applicant" and references to "defendant" are to be replaced by "respondent".
- d. The type of claim is to be selected from the list in Schedule 2 where applicable.

Form A shows the general layout in accordance with these requirements.

6. Approved Forms for appeals, cross-appeals and leave to appeal in Classes 6 and 7

Summons commencing an appeal: *UCPR Form 84*

Summons seeking leave to appeal: *UCPR Form 84*

Summons seeking leave to file an appeal or an application for leave to appeal out of time: *UCPR Form 84*

Cross-summons (for cross appeal): *UCPR Form 10*

subject to the adaptations specified in 7 below.

7. Approved Forms for Classes 5, 6 and 7

UCPR Forms are to be used, adapted as appropriate to including the following:

- a. References to “Division” are to be completed as if they referred to the Class of the proceedings.
- b. References to “List” may be struck out.
- c. References to “plaintiff” are to be replaced by “prosecutor/appellant” and references to “defendant” are to be replaced by “defendant/respondent” as required.
- d. References to “cross-claimant” are to be replaced by “cross-applicant”.

SCHEDULE 2

MAIN TYPES OF CLAIM APPLICABLE TO LAND AND ENVIRONMENT COURT PROCEEDINGS

Aboriginal and Aboriginal land rights law

Aboriginal and Aboriginal land rights law – appeal concerning Aboriginal land claim (s 36(7) Aboriginal Land Rights Act 1983)

Aboriginal and Aboriginal land rights law – disputed election or return (s 125 Aboriginal Land Rights Act 1983)

Aboriginal and Aboriginal land rights law – reference concerning Register of Aboriginal Owners (s 127 Aboriginal Land Rights Act 1983)

Aboriginal and Aboriginal land rights law – other (specify)

Appeals

Appeals – appeal from decision of Commissioner on question of law (s 56A Land and Environment Court Act 1979)

Appeals – other statutory appeal (specify)

Compensation and valuation law

Compensation and valuation law – objection against amount of compensation (s 66 Land Acquisition (Just Terms Compensation) Act 1991)

Compensation and valuation law – determination of compensation for acquisition of land for road on private application (Div 2 of Pt 12 Roads Act 1993)

Compensation and valuation law – appeal against Valuer-General's determination (Div 1 of Pt 4 Valuation of Land Act 1916)

Compensation and valuation law – other (specify)

Easements

Easements – application for easement (s 40 Land and Environment Court Act 1979)

Environmental law

Environmental law – protection of the environment appeals (Pt 9.2 Protection of the Environment Operations Act 1997)

Environmental law – civil enforcement (Pt 8.4 Protection of the Environment Operations Act 1997)

Environmental law – judicial review (Pt 8.4 Protection of the Environment Operations Act 1997)

Environmental law – other civil enforcement

Environmental law – other judicial review

Local government law

Local government law – appeal concerning an approval (s 176 Local Government Act 1993)

Local government law – appeal by an applicant as to whether a “deferred commencement” approval operates (s 177 Local Government Act 1993)

Local government law – appeal against the revocation or modification of an approval (s 178 Local Government Act 1993)

Local government law – appeal concerning an order (s 180 Local Government Act 1993)

Local government law – Appeal concerning particulars of work submitted to council (s 182 Local Government Act 1993)

Local government law – appeal concerning rates or charges (Ch 15 Local Government Act 1993)

Local government law – civil enforcement (Ch 17 Local Government Act 1993)

Local government law – judicial review (Ch 17 Local Government Act 1993)

Local government law – other (specify)

National parks and biodiversity law

National parks and biodiversity law – appeal or proceedings concerning national parks

National parks and biodiversity law – appeal or proceedings concerning threatened species

National parks and biodiversity law – civil enforcement

National parks and biodiversity law – judicial review

National parks and biodiversity law – other

Planning law

Planning law - appeal against deemed or actual refusal of development application (s 8.7 Environmental Planning and Assessment Act 1979)

Planning law - appeal against deemed or actual refusal of application to modify development consent (s 8.9 Environmental Planning and Assessment Act 1979)

Planning law – application to modify a development consent granted by the Court (s 8.9 Environmental Planning and Assessment Act 1979)

Planning law – appeal against deemed or actual refusal of application to modify development consent granted by the Court (s 8.9 Environmental Planning and Assessment Act 1979)

Planning law – application for leave to appeal by person who made submission in respect of application to modify development consent granted by the Court (s 8.9 Environmental Planning and Assessment Act 1979)

Planning law – appeal by objector dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (s 8.8 of the Environmental Planning and Assessment Act 1979)

Planning law – appeal against deemed or actual state of satisfaction about deferred commencement conditions of development consent (s 8.7 Environmental Planning and Assessment Act 1979)

Planning law – appeal against deemed or actual state of satisfaction about ancillary aspects of development (s 8.7 Environmental Planning and Assessment Act 1979)

Planning law – appeal against revocation or modification of development consent (s 8.23 Environmental Planning and Assessment Act 1979)

Planning law – appeal against deemed or actual refusal by consent authority to extend lapsing period of development consent (s 8.22 Environmental Planning and Assessment Act 1979)

Planning law – appeal concerning condition about or release of security (s 8.21 Environmental Planning and Assessment Act 1979)

Planning law – appeal against failure of refusal to issue a construction certificate, occupation certificate, subdivision works certificate or subdivision certificate (s 8.16 Environmental Planning and Assessment Act 1979)

Planning law – appeal concerning development control order (s 8.18 Environmental Planning and Assessment Act 1979)

Planning law – appeal with respect to a building information certificate (s 8.25 Environmental Planning and Assessment Act 1979)

Planning law – civil enforcement (s 9.45 Environmental Planning and Assessment Act 1979)

Planning law – judicial review (s 9.45 Environmental Planning and Assessment Act 1979)

Planning law – other

Trees

Trees – application concerning a tree (s 7 Trees (Disputes Between Neighbours) Act 2006)