

Your legal problem is about ...

Trees and hedges

Residential development

Other development

Mining

Biodiversity

Heritage

Water

Land valuation

Compensation for compulsory acquisition of land

Reviewing a government decision

Failing to obey the law or orders

Environmental crime

Aboriginal land claims

Heritage

Heritage issues arise in a wide variety of civil and criminal proceedings in the Land and Environment Court.



Heritage

Fast track ...

Need to know more about cases where heritage issues have arisen? Go to [Heritage overview](#).

Merits appeals

In the Court's [Class 1](#) jurisdiction, the Court is regularly required to consider heritage issues in merits appeals. These cases commonly relate to the grant or refusal of a development application to demolish, alter or develop land comprising, or in the vicinity of, a heritage item or conservation area listed under the [Heritage Act 1977](#) or an environmental planning instrument made under the [Environmental Planning and Assessment Act 1979](#). These cases raise questions of the heritage significance of a heritage item or conservation area and the impact the proposed development will have on this significance.

Civil and criminal enforcement cases

Heritage issues also arise in civil and criminal enforcement proceedings before the Court. People may breach legislation protecting heritage, including the [Heritage Act 1977](#), [Environmental Planning and Assessment Act 1979](#) and [National Parks and Wildlife Act 1974](#). These statutes make it a criminal offence to destroy, demolish, deface or move a heritage item, including an Aboriginal object or place, without obtaining a valid permit or consent as required by the relevant statutes. Civil proceedings in [Class 4](#) of the Court's jurisdiction may be brought to restrain and remedy breaches of the statutes and criminal proceedings in [Class 5](#) of the Court's jurisdiction may be brought to prosecute offences.

Judicial review cases

The Court may also be required to consider heritage issues in judicial review proceedings in [Class 4](#) challenging the validity of a consent or permit to destroy or demolish a heritage item, or an Aboriginal object or place, or to carry out an activity which has that effect.

More information

Information on heritage and the legislation and cases involving heritage issues is available in [Heritage overview](#).

Need legal advice or information?

In NSW, there are a number of places where you can get specialised legal advice on the sorts of legal problems heard by the Land and Environment Court. Find out [where to get legal advice and information](#).