

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

## Other development

Different people can bring appeals concerning development other than smaller, residential development.



### Appeals by applicants

A person wishing to carry out development may need to apply for development consent to local or State government.

If the consent authority refuses consent to a development, or grants consent but on conditions with which the person is dissatisfied, the person who made the development application may appeal to the Land and Environment Court.

The appeal is made under [s 97](#) of the *Environmental Planning and Assessment Act 1979*. The appeal is allocated to [Class 1](#) of the Court's jurisdiction.

A person may also wish to modify a development consent that has already been granted to carry out development. If the consent authority refuses the person's application to modify the development consent or modifies the consent in a way with which the person is dissatisfied, the person may appeal to the Court. The appeal is under [s 97AA](#) of the *Environmental Planning and Assessment Act 1979*. If the Court had originally granted the consent, the person may also apply to the Court under [s 96\(8\)](#) of the *Environmental Planning and Assessment Act 1979* to modify the consent granted by it. These modification appeals and applications are also allocated to [Class 1](#) of the Court's jurisdiction.

### Appeals by objectors

A person who made a submission objecting to a development application for large scale development known as designated development and who is dissatisfied with a determination to grant consent to that development application, may also appeal to the Court.

Appeals by people who object to a designated development are made under [s 98](#) of the *Environmental Planning and Assessment Act 1979*. The appeal is in [Class 1](#) of the Court's jurisdiction.

### Dispute resolution processes

Appeals concerning development applications and modification applications may be resolved by a variety of dispute resolution processes. Commonly, conciliation under [s 34](#) of the *Land and Environment Court Act 1979* is first used. If the parties cannot reach agreement at the conciliation, then a hearing is held before a different commissioner of the Court. Hearings may be held on-site for certain types of development or in court.

### More information

Find more information about [development appeals](#).

### 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](#).

## Other development

### Fast track ...

Need to know about how to start a development appeal? Go to [Class 1: environmental planning and protection appeals](#).

