



New South Wales

Land and Environment Court Amendment (Fees) Regulation 1998

under the

Land and Environment Court Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Land and Environment Court Act 1979*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General.

Explanatory note

The object of this Regulation is to increase certain fees set out in the *Land and Environment Court Regulation 1994* to be taken in respect of the business of the Land and Environment Court.

This Regulation is made under the *Land and Environment Court Act 1979*, including section 78 (the general regulation-making power, in particular, section 78 (a)).

1998 No 617

Clause 1 Land and Environment Court Amendment (Fees) Regulation 1998

Land and Environment Court Amendment (Fees) Regulation 1998

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 1998*.

2 Commencement

This Regulation commences on 1 November 1998.

3 Amendment of Land and Environment Court Regulation 1994

The *Land and Environment Court Regulation 1994* is amended as set out in Schedule 1.

4 Note

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court Fees

(Clause 3)

| | \$ |
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| 1. Filing a process to commence proceedings in Class 1 of the Court's jurisdiction (other than proceedings referred to in Item 2 or 3) | 509.00 |
| 2. Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building: | |
| (a) is less than \$50,000 | 151.00 |
| (b) is \$50,000 or more but less than \$500,000 | 509.00 |
| (c) is \$500,000 or more but less than \$1,000,000 | 2,320.00 |
| (d) is \$1,000,000 or more | 2,898.00 |
| 3. Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to an appeal under section 98 of the <i>Environmental Planning and Assessments Act 1979</i> | 151.00 |
| 4. Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in Item 5) | 509.00 |
| 5. Filing a process to commence proceedings in Class 2 of the Court's jurisdiction where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building is less than \$50,000 | 151.00 |
| 6. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction (other than proceedings referred to in Item 7, 8 or 9) | 509.00 |

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Schedule 1 Amendment

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| 7. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to an appeal, reference or other matter under the <i>Crown Lands Act 1989</i> , the <i>Crown Lands (Continued Tenures) Act 1989</i> , the <i>Roads Act 1993</i> , the <i>Water Act 1912</i> or the <i>Western Lands Act 1901</i> | 72.00 |
| 8. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to an appeal or objection against a valuation of land, and where the value of the land, as determined by the respondent valuing authority: | |
| (a) is less than \$100,000 | 131.00 |
| (b) is \$100,000 or more but less than \$500,000 | 178.00 |
| (c) is \$500,000 or more but less than \$1,000,000 | 282.00 |
| (d) is \$1,000,000 or more | 398.00 |
| 9. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation for the compulsory acquisition of land, as referred to in section 24 of the <i>Land and Environmental Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority: | |
| (a) is less than \$50,000 | 151.00 |
| (b) is \$50,000 or more but less than \$500,000 | 509.00 |
| (c) is \$500,000 or more but less than \$1,000,000 | 2,320.00 |
| (d) is \$1,000,000 or more | 2,898.00 |
| 10. In respect of Item 6, 8 or 9, if the registrar determines that, because of the substance of the matter and its lack of complexity, the fee referred to in the Item is not appropriate | 72.00 |
| 11. Filing a process to commence proceedings in Class 4 of the Court's jurisdiction | 509.00 |
| 12. Filing a process to commence proceedings in Class 5 of the Court's jurisdiction | 509.00 |
| 13. Filing a process to commence proceedings in Class 6 of the Court's jurisdiction | 151.00 |

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Amendment

Schedule 1

| | \$ |
|---|-----------------|
| 14. Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i> | 618.00 |
| 15. Production of a document, by an officer of the Court, elsewhere than at the place at which the Court sits and elsewhere than at the office of the register | 42.00 |
| 16. Making a copy of a document, for each page (minimum fee | 2.00 (10.00) |
| 17. Supplying a copy of the transcript/diskette of proceedings: | |
| (a) for each page (or equivalent) where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages or equivalent | 6.50 56.00) |
| (b) for each page (or equivalent) where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages or equivalent | 7.50 66.00) |
| 18. Furnishing a party to proceedings with a second or subsequent copy of the written opinion or reasons for opinion of a Judge or of an assessor or other officer of the Court in relation to the proceedings, for each copy | 42.00 |
| 19. Opening, or keeping open, the office of the register: | |
| (a) on a Saturday, Sunday or public holiday (except the day after Easter Monday) | 403.00 |
| (b) on any other day: | |
| (i) before 8.30 a.m. or after 4.30 p.m. | 403.00 |
| (ii) between 8.30 and 9 a.m. or 4 and 4.30 p.m. | 42.00 |
| 20. Supplying a duplicate tape recording of sound-recorded evidence, for each cassette | 34.00 |