



New South Wales

Land and Environment Court Amendment (Fees) Regulation 1999

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*.

J. W. SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to increase certain court 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, and
- (b) to fix the fees to be taken for the issue of subpoenas by that Court and for the retrieval of documents from archival storage.

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)).

1999 No 578

Clause 1 Land and Environment Court Amendment (Fees) Regulation 1999

**Land and Environment Court Amendment (Fees)
Regulation 1999**

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 1999*.

2 Commencement

This Regulation commences on 1 November 1999.

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 Notes

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)

		\$
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)	531
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	157
	(b) is \$50,000 or more but less than \$500,000	531
	(c) is \$500,000 or more but less than \$1,000,000	2,420
	(d) is \$1,000,000 or more	3,023
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 Assessment Act 1979</i>	157
4	Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in item 5)	531

1999 No 578

Land and Environment Court Amendment (Fees) Regulation 1999

Schedule 1 Amendment

		\$
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	157
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)	531
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>	75
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	137
	(b) is \$100,000 or more but less than \$500,000	186
	(c) is \$500,000 or more but less than \$1,000,000	294
	(d) is \$1,000,000 or more	415
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 Environment Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority:	
	(a) is less than \$50,000	157
	(b) is \$50,000 or more but less than \$500,000	531
	(c) is \$500,000 or more but less than \$1,000,000	2,420

Land and Environment Court Amendment (Fees) Regulation 1999

Amendment

Schedule 1

		\$
	(d) is \$1,000,000 or more	3,023
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	75
11	Filing a process to commence proceedings in Class 4 of the Court's jurisdiction	531
12	Filing a process to commence proceedings in Class 5 of the Court's jurisdiction	531
13	Filing a process to commence proceedings in Class 6 or 7 of the Court's jurisdiction	157
14	Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	645
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 registrar	44
16	Making a copy of a document, for each page (minimum fee	2 10)
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)
	(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)
	(c) for each diskette also supplied (in addition to fee under paragraph (a) or (b))	5
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 a commissioner or other officer of the Court in relation to the proceedings, for each copy	42

1999 No 578

Land and Environment Court Amendment (Fees) Regulation 1999

Schedule 1 Amendment

		\$
19	Furnishing a person (other than a party to proceedings) with a first or subsequent copy of the written opinion or reasons for opinion of a Judge or of a commissioner or other officer of the Court in relation to any proceedings, for each copy	42
20	Opening, or keeping open, the office of the registrar:	
	(a) on a Saturday, Sunday or public holiday (except the day after Easter Monday)	420
	(b) on any other day:	
	(i) before 8.30 am or after 4.30 pm	420
	(ii) between 8.30 and 9 am or 4 and 4.30 pm	44
21	Supplying a duplicate tape recording of sound-recorded evidence, for each cassette	35
22	(a) To issue a subpoena for production	48
	(b) To issue a subpoena for production and to give evidence	48
	(c) To issue a subpoena to give evidence	23
23	Retrieving a document from archival storage, for each document	20

NOTE: Fees for applications to modify development consents or local government approvals granted by the Court are prescribed under clauses 4 and 5 of this Regulation.

BY AUTHORITY