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# Update Summary

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**UPDATE 137**

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## **LAND AND ENVIRONMENT COURT LAW & PRACTICE NEW SOUTH WALES**

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Commissioner**

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## UPDATE COMMENTARY

Jeff Kildea has provided the following updated commentary.

### Land and Environment Court Act 1979

**Section 20:** Wednesbury unreasonableness and declarations as to validity of development consents, construction certificates, and planning instruments are discussed in regard to *Cameron v Woollahra Municipal Council* [2024] NSWCA 216. See [LECA.20.240] and [LECA.20.310].

**Section 25B:** Orders for conditional validity of development consents are considered with reference to *Nicholas Tang Holdings Pty Ltd v Berbic and Wingecarribee Shire Council* [2024] NSWLEC 95. See [LECA.25B.10].

### Civil Procedure Act 2005

**Section 149B:** Transfer of proceedings between the L&E Court and the Supreme Court is discussed in regard to *Mittagong Central Developments Pty Ltd v Secretary of the Department of Customer Service* [2024] NSWLEC 104. See [CPA.149B.10].

### Uniform Civil Procedure Rules 2005

**Rule 36.16:** Further power to set aside or vary a judgment or order is looked at in regard to *Natural Resources Access Regulator v Jindalee Road Wines Pty Ltd (No 2)* [2024] NSWLEC 105. See [UCPR.36.16.10].

**Rule 42.1:** Exceptions to the general rule that costs follow the event – proceedings are settled or unresolved – are considered with reference to *Slattery v Dunn (No 3)* [2024] NSWLEC 110. See [UCPR.42.1.40].

**Rule 42.7:** Costs of an interlocutory application are considered in regard to *Mid-Coast Council v Gazecki (No 2)* [2024] NSWLEC 103. See [UCPR.42.7.20].

**Rule 42.14:** Where an offer is not accepted and judgment is no less favourable to the plaintiff is discussed with reference to *Slattery v Dunn (No 3)* [2024] NSWLEC 110. See [UCPR.42.14.10].

**Rule 59.10:** Time for commencing judicial review proceedings is looked at in regard to *Cameron v Woollahra Municipal Council* [2024] NSWCA 216. See [UCPR.59.10.10].