



# *Government Gazette*

of the State of

New South Wales

Number 26

Friday, 22 March 2019

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

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## GOVERNMENT NOTICES

### Rural Fire Service Notices

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#### RURAL FIRES ACT 1997

##### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Kyogle Council  
Lismore City Council  
Richmond Valley Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-743)

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#### RURAL FIRES ACT 1997

##### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Ballina Shire Council  
Byron Shire Council  
Tweed Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-744)

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#### RURAL FIRES ACT 1997

##### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Gunnedah Shire Council  
Liverpool Plains Shire Council  
Upper Hunter Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-745)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Tamworth Regional Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-746)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Uralla Shire Council

Walcha Council

Armidale Regional Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-747)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Glen Innes Severn Council  
Inverell Shire Council  
Tenterfield Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-748)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Gwydir Shire Council  
Moree Plains Shire Council  
Narrabri Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-749)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Bellingen Shire Council  
Coffs Harbour City Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-750)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Kempsey Shire Council  
Nambucca Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-751)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Muswellbrook Shire Council  
Singleton Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-752)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Mid-Western Regional Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-753)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Snowy Monaro Regional Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-754)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Berrigan Shire Council

Federation Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-755)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Albury City Council

Greater Hume Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-756)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Goulburn Mulwaree Council  
Upper Lachlan Shire Council  
Yass Valley Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-757)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Queanbeyan-Palerang Regional Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-758)

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### **RURAL FIRES ACT 1997**

#### Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Snowy Valleys Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-759)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Clarence Valley Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-760)

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**RURAL FIRES ACT 1997**

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997* as amended, the Commissioner of the NSW Rural Fire Service, following consultation with local stakeholders, declares the following Local Bush Fire Danger Period Variation:

**Area of Variation:**

Gilgandra Shire Council

Warrumbungle Shire Council

The Local Bush Fire Danger Period has been extended for the period 1 April until 30 April 2019.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997* as amended will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 18/3/19

ROB ROGERS AFSM  
Deputy Commissioner  
Executive Director, Operations  
Delegate

(n2019-761)

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## Appointments

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### VETERINARY PRACTITIONERS BOARD APPOINTMENT 2019

under the

Veterinary Practice Act 2003

His Excellency General The Honourable DAVID HURLEY AC DSC (Ret'd), Governor

I, General The Honourable DAVID HURLEY AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council and in pursuance of section 77 of the *Veterinary Practice Act 2003*, appoint the person named in Column 1 of the Schedule as a member of the Veterinary Practitioners Board, having met the statutory criteria specified in Column 2 of the Schedule, and for a term commencing on the date of this instrument and expiring on the date specified in Column 3 of the Schedule.

#### SCHEDULE

Column 1	Column 2	Column 3
Name of Member	Statutory criteria met	Expiry of Term
Dr Magdoline Awad	Section 77(2)(a)(ii)	30 June 2021

Signed and sealed at Sydney, this 20th day of February 2019.

By His Excellency's Command,

NIALL MARK BLAIR M.L.C.,  
Minister for Primary Industries

(n2019-762)

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## Roads and Maritime Notices

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### MARINE SAFETY ACT 1998

#### MARINE NOTICE

##### Section 12(2)

#### REGULATION OF VESSELS – EXCLUSION ZONE

##### Location

Macquarie River, Dubbo – between Tamworth Street Footbridge and Erskine Street Bridge at the following locations:

- From the bottom of the Ollie Robins Boat Ramp to the western bank; and
- From Sandy Beach to the western bank of Sir Roden Cutler Park.

##### Duration

6.00am to 5.00pm – Saturday 23 March 2019.

##### Detail

A number of river crossings will be conducted by participants in an endurance event on the waters of the Macquarie River as specified above. Participants will use floating ropes to assist them crossing the river at the above locations during the event, presenting a potential hazard to other waterway users.

An **EXCLUSION ZONE** is specified during the event in each of the above locations. The exclusion zones will be indicated by the presence of control vessels stationed on the boundary and flotation ropes and devices at each crossing.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone, which will be monitored by control vessels.

All vessel operators and persons in the vicinity must keep a proper lookout, exercise caution and keep well clear of participants and support vessels.

Penalties may apply (Section 12(5) – *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website – [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice NH1935

Date: 18 March 2019

Marcus Cahill  
A/Manager Operations Hunter  
Delegate

(n2019-763)

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### MARINE SAFETY ACT 1998

#### MARINE NOTICE

##### Section 12(2)

#### REGULATION OF VESSELS – EXCLUSION ZONE AND SPECIAL RESTRICTIONS

##### Location

Macquarie River – under the LH Ford Bridge, Dubbo.

##### Duration

Saturday 23 March 2019 to Saturday 30 November 2019.

##### Detail

Essential maintenance work will be carried out on the LH Ford Bridge to improve and strengthen the bridge. These works will occur for a period of approximately 8 months, and will affect safe navigation on the Macquarie River.

The Macquarie River will be closed to navigation under the LH Ford Bridge. The closure is necessary to manage the safety of the community and workers while two new piers are being constructed in the river to strengthen the bridge.

The boat ramp near Lions Park will at times be closed to facilitate barge movements, equipment setup and transport. Every effort will be made to minimise the duration of the boat ramp closures throughout the works.

An **EXCLUSION ZONE** is specified during the construction works on the days specified above, and will be created on the Macquarie River extending for 50 metres on either side of the LH Ford Bridge.

The exclusion zone will be marked by yellow special marks (yellow buoys) and lights at night. Barges will be marked by lights at night to indicate their location. Channel blocked lights and shapes will be displayed accordingly.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone.

All vessel operators and persons using the waters near the zone should keep a proper lookout, keep well clear of the works and exercise extreme caution when navigating near the exclusion zone, paying particular attention to construction work vessels, barges, anchoring cables, lighting & day shapes and any advisory signage.

### **SPECIAL RESTRICTIONS**

The Macquarie River is closed to navigation under the LH Ford Bridge. Operators are to exercise extreme caution when navigating in the vicinity of the works, minimise wash and to travel at a speed of 4 knots or less when within 100 metres of the work barges and vessels.

Penalties may apply (section 12(5) – *Marine Safety Act 1998*).

For full details visit the Roads and Maritime Services website – [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: NH1937

Date: 18 March 2019

Marcus Cahill  
A/Manager Operations Hunter  
Delegate

(n2019-764)

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## **MARINE SAFETY ACT 1998**

### **MARINE NOTICE**

#### **Section 12(2)**

#### **REGULATION OF VESSELS – EXCLUSION ZONE**

#### **Location**

Manning River, Taree – between Martin Bridge and Dumaresq Island

#### **Duration**

9.00am to 4.00pm – Saturday 30 March 2019

9.00am to 1.00pm – Sunday 31 March 2019

#### **Detail**

A number of jet powered vessel trials will be conducted on the waters of the Manning River, involving the use of a high speed vessel powered by a jet engine operating at speed – presenting a significant potential hazard to other waterway users.

An **EXCLUSION ZONE** is specified during the event at the above location and will be indicated by the presence of control vessels stationed at each end of the Exclusion Zone.

Unauthorised vessels and persons are strictly prohibited from entering the Exclusion Zone, which will be monitored by control vessels.

All vessel operators and persons using the waters in the vicinity of the event should keep a proper lookout, keep well clear of competing and support vessels, and exercise extreme caution.

A **TRANSIT LANE** will be established, within which control vessels may, at various times during the event, authorise vessel traffic to pass through and within the confines of the transit lane. Vessels must transit the Exclusion Zone at a safe speed.

Penalties may apply (section 12(5) – *Marine Safety Act 1998*).

For full details visit the Roads and Maritime Services website – [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: NH1938

Date: 18 March 2019

Rod McDonagh  
Manager Operations North  
Delegate

(n2019-765)

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### **ROADS ACT 1993**

Notice of Dedication of Land as Public Road at Warwick Farm in the Liverpool City Council Area

Roads and Maritime Services, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the *Roads Act 1993*.

K DURIE  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Maritime Services

#### **Schedule**

All those pieces or parcels of land situated in the Liverpool City Council area, Parish of St Luke and County of Cumberland, shown as:

Lots 72 and 73 Deposited Plan 1204503;

Lot 11 Deposited Plan 1203769; and

Lots 15 and 16 Deposited Plan 1204506.

(RMS Papers: SF2019/058077; RO SF2015/202396)

(n2019-766)

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### **ROADS ACT 1993**

Notice of Dedication of Land as Public Road at Tuross Head in the Eurobodalla Shire Council Area

Roads and Maritime Services, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the *Roads Act 1993*.

K DURIE  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Maritime Services

#### **Schedule**

All that piece or parcel of land situated in the Eurobodalla Shire Council area, Parish of Congo and County of Dampier, shown as Lot 791 Deposited Plan 1040710.

(RMS Papers: SF2017/002191; RO SF2013/177037)

(n2019-767)

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## Mining and Petroleum Notices

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Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991*

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T19-1021)

No. 5779, SA EXPLORATION PTY LTD (ACN 152 429 377), area of 177 units, for Group 1, dated 12 March 2019.

(n2019-768)

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NOTICE is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATIONS

(T18-1077)

No. 5686, now Exploration Licence No. 8823, OXLEY RESOURCES LIMITED (ACN 129 777 260), County of Beresford, Map Sheet (8725, 8726), area of 7 units, for Group 1, dated 18 February 2019, for a term until 18 February 2022.

(T18-1087)

No. 5695, now Exploration Licence No. 8822, HANS-WERNER KUMMEROW, County of Drake, Map Sheet (9339, 9439), area of 28 units, for Group 1, dated 18 February 2019, for a term until 18 February 2023.

The Honourable Don Harwin MLC  
Minister for Resources

(n2019-769)

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NOTICE is given that the following applications for renewal have been received:

### EXPLORATION LICENCE

(EF19/12167)

Exploration Licence No. 1590, EVOLUTION MINING (COWAL) PTY LIMITED (ACN 007 857 598), area of 24 units. Application for renewal received 11 March 2019.

(EF19/12229)

Exploration Licence No. 7482, OXLEY EXPLORATION PTY LTD (ACN 137 511 141), area of 28 units. Application for renewal received 11 March 2019.

(EF19/5343)

Exploration Licence No. 8535, PTR RESOURCES PTY LTD (ACN 153 851 702), area of 100 units. Application for renewal received 8 March 2019.

(n2019-770)

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### RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authority has been renewed:

(V17/11633)

Private Lands Lease No. 1200 (Act 1924), OMYA AUSTRALIA PTY LIMITED (ACN 001 682 533), Parish of Ponsonby, County of Bathurst, Map Sheet (8830-4-N), area of 4.22 hectares, for a further term until 6 July 2039. Renewal effective on and from 25 February 2019.

The Honourable Don Harwin MLC  
Minister for Resources

(n2019-771)

**REQUESTED CANCELLATIONS**

Notice is given that the following authority has been cancelled:

(EF18/46148)

Exploration Licence No. 8496, SILVER CITY MINERALS LIMITED (ACN 130 933 309), County of Cowper, Map Sheet (8036, 8136), area of 17 units. Cancellation took effect on 22 February 2019.

The Honourable Don Harwin MLC  
Minister for Resources

(n2019-772)

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## Crown Land Notices

1300 886 235 [www.crownland.nsw.gov.au](http://www.crownland.nsw.gov.au)

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### NOTIFICATION OF DISPOSAL OF A CROWN ROAD

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish – Norway; County – Westmoreland*

*Land District – Lithgow; LGA – Oberon*

Road Disposed: Lot 2 DP 1241766

File No: 17/11673

(n2019-773)

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### NOTIFICATION OF DISPOSAL OF A CROWN ROAD

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish – Somers; County – Bathurst*

*Land District – Blayney; LGA – Blayney*

Road Disposed: Lot 1 DP 1240119

File No: CL/00374

(n2019-774)

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### NOTIFICATION OF DISPOSAL OF A CROWN ROAD

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish – Talawahl; County – Gloucester*

*Land District – Taree; LGA – Mid-Coast*

Road Disposed: Lot 1 DP 1241554

File No: 14/11429

(n2019-775)

**NOTIFICATION OF DISPOSAL OF A CROWN ROAD**

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish – Byng; County – Bathurst*  
*Land District – Bathurst; LGA – Cabonne*

Road Disposed: Lot 1 DP 1233245

File No: CL/00289

(n2019-776)

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**NOTIFICATION OF DISPOSAL OF A CROWN ROAD**

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish – Napier; County – Bathurst*  
*Land District – Blayney; LGA – Blayney*

Road Disposed: Lot 5 DP 1239116

File No: CL/00574

(n2019-777)

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**NOTIFICATION OF DISPOSAL OF A CROWN ROAD**

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish – Worcester; County – Bathurst*  
*Land District – Orange; LGA – Cabonne*

Road Disposed: Lots 1-2 DP 1249196

File No: 15/06231

(n2019-778)

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**NOTIFICATION OF DISPOSAL OF A CROWN ROAD**

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parishes – Biraganbil, Piambong; County – Wellington*

*Land District – Mudgee; LGA – Mid-Western Regional*

Road Disposed: Lots 1-2 DP 1245966

File No: 10/15739

(n2019-779)

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Road to a Council

In pursuance of the provisions of Section 152I of the *Roads Act 1993*, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

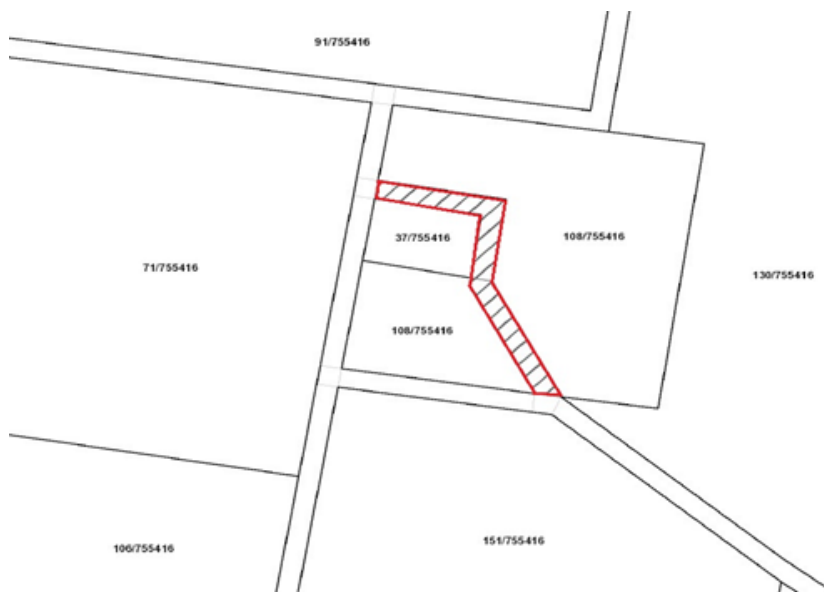
The Hon Paul Toole, MP  
Minister for Lands and Forestry

**SCHEDULE 1**

Parish: Botobolar  
County: Phillip  
Land District: Mudgee  
LGA: Mid-Western Regional  
DESCRIPTION: Crown Road within Lot 108 DP 755416, as shown on diagram below.

**SCHEDULE 2**

Roads Authority: MID-WESTERN REGIONAL COUNCIL  
Council Ref: DOC19/055045  
DoI Ref: 19/02560



(n2019-780)

**NOTIFICATION OF DISPOSAL OF A CROWN ROAD**

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION***Parish – Candelo; County – Auckland**Land District – Bega; LGA – Bega Valley*

Road Disposed: Lot 1 DP 1247742

File No: 17/10591

(n2019-781)

**ALTERATION OF CORPORATE NAME OF RESERVE TRUST**

Pursuant to section 92(3) of the *Crown Lands Act 1989* the corporate name of the reserve trust for the reserve specified in Column 1 is altered to the corporate name specified in Column 2.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
Reserve No.: 46378 Public Purpose: Night Soil Depot Notified: 8 March 1911 File Reference: 17/10320	Blackheath Night Soil Depot (R46378) Reserve Trust
Reserve No.: 46376 Public Purpose: Rubbish Depot Notified: 8 March 1911 File Reference: 17/10320	Blackheath Rubbish Depot (R46376) Reserve Trust
Reserve No.: 86976 Public Purpose: Rubbish Depot Notified: 28 February 1969 File Reference: 17/10320	Gwandalan Rubbish Depot (R86976) Reserve Trust
Reserve No.: 86975 Public Purpose: Plantation Notified: 28 February 1969 File Reference: 17/10320	Gwandalan Plantation (R86975) Reserve Trust

(n2019-782)

**ROADS ACT 1993****ORDER****Transfer of Crown Road to a Council**

In pursuance of the provisions of Section 152I of the *Roads Act 1993*, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

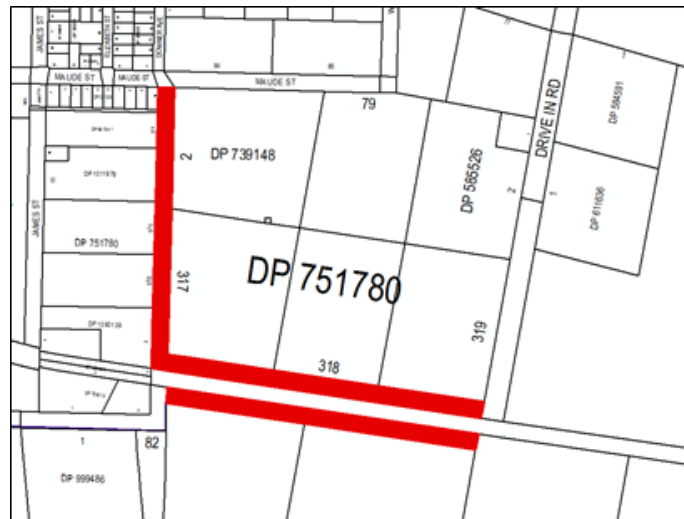
**SCHEDULE 1**

Parish: Moree  
County: Courallie  
Land District: Moree  
LGA: Moree Plains Shire Council

DESCRIPTION: Crown road west of Lot 2 DP 739148; west and south of Lot 317 DP 751780; south of Lot 318 and 319 DP 751780; north of Lot 144 DP 751780 and Lot 201 DP 1186601 as shown on diagram below.

**SCHEDULE 2**

Roads Authority: Moree Plains Shire Council  
Council's Ref: 13032019  
DoI-Lands & Water Ref: 19/02570



(n2019-783)

## **ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE**

It is hereby notified that in pursuance of the provisions of Schedule 3, Clause 17 (6) of the Crown Land Management Act 2016, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

The Hon PAUL TOOLE, MP  
Minister for Lands and Forestry

Administrative District – Hillston North  
Shire – Carrathool, County – Franklin

The purpose of Western Lands Lease 634, being the land contained within Folio Identifier 6729/822022 has been altered from “Grazing” to “Grazing & Cultivation (Irrigated)” effective from 18 March 2019.

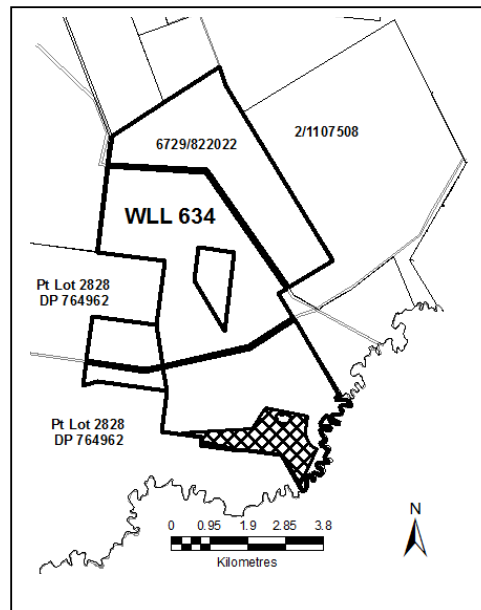
As a consequence of the alteration of purpose/conditions rent will be assessed annually in line with the Crown land Management Act 2016 and Regulations.

The conditions have been altered by the inclusion of the special conditions following.

### **SPECIAL CONDITIONS ANNEXED TO WESTERN LANDS LEASE 634**

1. The lease shall only be used for the purpose of Grazing & Cultivation (Irrigated)
2. Sandhill’s and other soils with a surface texture of loamy sand or coarser shall be left uncultivated unless specifically approved by the Department.
3. Texture contrast (or duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlying a clay subsoil and are prone to scalding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area shall not be cultivated except in accordance with a plan approved by the Department.
4. Areas with a slope greater than 2% shall not be cultivated until any soil conservation measures documented in a plan approved by the Department have been implemented at the lessee’s expense.
5. Incised drainage lines, other than man-made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Department specifies otherwise.
6. The lessee shall ensure a monitoring regime of piezometers is established, in consultation with a suitably qualified engineer, to detect water logging of soils, rising salt levels in soils and/or rising groundwater levels.
7. The lessee shall undertake any appropriate measures at his/her own expense, ordered by the Department to provide rehabilitate and degraded cultivated areas.
8. The lessee shall establish windbreaks at his/her own expense as may be ordered by the Department to provide adequate protection of the soil.
9. The lessee shall ensure cultivation and cropping do not alter the natural flood regime. Crops are not to be protected by levees.

10. The lessee shall ensure no tail water or drainage water run-off will escape onto adjoining lands.
11. The lessee is authorised to cultivate (Irrigate) an area of 221 hectares as shown cross-hatched on the diagram below.



File No: WLL634-1

(n2019-784)

## BC - DUBBO

## CROWN LAND MANAGEMENT ACT 2016

## NOTICE - CROWN LAND TO BE USED OR OCCUPIED FOR OTHER PURPOSE UNDER S 2.18(2)(b)

Pursuant to section 2.18(2)(b) of the Crown Land Management Act 2016, the Crown land specified in Column 2 of the following Schedule is proposed to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the following Schedule.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**Column 1**

communication facilities  
(relevant interest - Licence 605323)  
access  
(relevant interest - Licence 605323)

**Schedule****Column 2**

Reserve No. 23905  
Public Purpose: trigonometrical purposes  
Notified: 1 April 1896  
File Reference: 08/6163

**Column 1**

bridge construction  
(relevant interest - Licence 594194)  
power/transmission line  
(relevant interest - Licence 594194)

**Schedule****Column 2**

Reserve No. 53335  
Public Purpose: shipping, water supply  
Notified: 6 June 1919  
File Reference: 18/01199

**Column 1**

bridge construction  
(relevant interest - Licence 594194)  
power/transmission line  
(relevant interest - Licence 594194)

**Schedule****Column 2**

Reserve No. 56494  
Public Purpose: preservation of native flora, preservation of scenery  
Notified: 19 October 1923  
File Reference: 18/01199

**Column 1**

bridge construction  
(relevant interest - Licence 594194)  
power/transmission line  
(relevant interest - Licence 594194)

**Schedule****Column 2**

Reserve No. 79304  
Public Purpose: public recreation  
Notified: 25 January 1957  
File Reference: 18/01199

**Column 1**

bridge construction  
(relevant interest - Licence 594194)  
power/transmission line  
(relevant interest - Licence 594194)

**Schedule****Column 2**

Reserve No. 84531  
Public Purpose: public recreation, resting place  
Notified: 20 September 1963  
File Reference: 18/01199

**Column 1**

bridge construction  
(relevant interest - Licence 594194)  
power/transmission line  
(relevant interest - Licence 594194)

**Schedule****Column 2**

Reserve No. 85999  
Public Purpose: public recreation  
Notified: 14 October 1966  
File Reference: 18/01199

**Column 1**

boatshed  
(relevant interest - Licence 593232)  
hire area  
(relevant interest - Licence 593232)  
kiosk  
(relevant interest - Licence 593232)  
reclamation  
(relevant interest - Licence 593232)

**Schedule****Column 2**

Reserve No. 87860  
Public Purpose: public recreation  
Notified: 17 July 1970  
File Reference: 18/00547

**Column 1**

bridge construction  
 (relevant interest - Licence 594194)  
 power/transmission line  
 (relevant interest - Licence 594194)

**Schedule**

**Column 2**

Reserve No. 89579  
 Public Purpose: parking, public recreation  
 Notified: 5 September 1975  
 File Reference: 18/01199

**Column 1**

bridge construction  
 (relevant interest - Licence 594194)

**Schedule**

**Column 2**

Dedication No. 580022  
 Public Purpose: public recreation  
 Notified: 5 July 1918  
 File Reference: 18/01199

**Column 1**

bridge construction  
 (relevant interest - Licence 594194)  
 power/transmission line  
 (relevant interest - Licence 594194)  
 wharf  
 (relevant interest - Licence 594194)

**Schedule**

**Column 2**

Reserve No. 755902  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 18/01199

**Column 1**

bridge construction  
 (relevant interest - Licence 594194)  
 power/transmission line  
 (relevant interest - Licence 594194)

**Schedule**

**Column 2**

Reserve No. 755933  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 18/01199

**Column 1**

access  
 (relevant interest - Licence 598835)

**Schedule**

**Column 2**

Reserve No. 756676  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 08/6163

**Column 1**

bridge construction  
 (relevant interest - Licence 594194)  
 power/transmission line  
 (relevant interest - Licence 594194)

**Schedule**

**Column 2**

Reserve No. 1011848  
 Public Purpose: access and public requirements, rural services,  
 tourism purposes and environmental and heritage conservation  
 Notified: 18 August 2006  
 File Reference: 18/01199

**Column 1**

power/transmission line  
 (relevant interest - Licence 603443)

**Schedule**

**Column 2**

Reserve No. 17969  
 Public Purpose: travelling stock  
 Notified: 17 June 1893  
 File Reference: 19/01120

**Column 1**

power/transmission line  
 (relevant interest - Licence 603443)

**Schedule**

**Column 2**

Reserve No. 38825  
 Public Purpose: preservation and growth of timber  
 Notified: 28 January 1905  
 File Reference: 19/01120

**Column 1**

recreation  
 (relevant interest - Licence 598698)  
 pump site  
 (relevant interest - Licence 598698)  
 pipeline  
 (relevant interest - Licence 598698)

**Schedule**

**Column 2**

Reserve No. 2419  
 Public Purpose: water  
 Notified: 25 July 1881  
 File Reference: 18/06103

---

**Column 1**

recreation  
 (relevant interest - Licence 598698)  
 pump site  
 (relevant interest - Licence 598698)  
 pipeline  
 (relevant interest - Licence 598698)

**Schedule**

**Column 2**

Reserve No. 752329  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 18/06103

---

**Column 1**

pipeline  
 (relevant interest - Licence 598698)  
 pump site  
 (relevant interest - Licence 598698)  
 recreation  
 (relevant interest - Licence 598698)

**Schedule**

**Column 2**

Reserve No. 1032388  
 Public Purpose: environmental protection, public recreation  
 Notified: 21 April 2011  
 File Reference: 18/06103

---

**Column 1**

communication facilities  
 (relevant interest - Licence 605205)

**Schedule**

**Column 2**

Reserve No. 90536  
 Public Purpose: water supply  
 Notified: 1 November 1974  
 File Reference: 08/6163

---

**Column 1**

access  
 (relevant interest - Licence 563074)  
 jetty  
 (relevant interest - Licence 563074)

**Schedule**

**Column 2**

Reserve No. 753168  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 16/00530

---

**Column 1**

access  
 (relevant interest - Licence 563074)  
 jetty  
 (relevant interest - Licence 563074)

**Schedule**

**Column 2**

Reserve No. 1011970  
 Public Purpose: access and public requirements, tourism purposes and environmental and heritage conservation  
 Notified: 28 July 2006  
 File Reference: 16/00530

---

**Column 1**

seawall  
 (relevant interest - Licence 599917)  
 reclamation  
 (relevant interest - Licence 599917)  
 concrete ramp  
 (relevant interest - Licence 599917)

**Schedule**

**Column 2**

Reserve No. 1012468  
 Public Purpose: access and public requirements, rural services, tourism purposes and environmental and heritage conservation  
 Notified: 15 September 2006  
 File Reference: 18/07158

---

**Column 1**

**Schedule**

**Column 2**



water supply  
 (relevant interest - Licence 598301)  
 grazing  
 (relevant interest - Licence 598301)

Reserve No. 54980  
 Public Purpose: water supply  
 Notified: 11 November 1921  
 File Reference: 18/05774

---

**Column 1**  
 access  
 (relevant interest - Licence 605280)

**Schedule**  
**Column 2**  
 Reserve No. 98044  
 Public Purpose: environmental protection  
 Notified: 10 January 1986  
 File Reference: 08/6163

---

**Column 1**  
 communication facilities  
 (relevant interest - Licence 605280)  
 access  
 (relevant interest - Licence 605280)

**Schedule**  
**Column 2**  
 Reserve No. 3118  
 Public Purpose: quarry, trigonometrical purposes  
 Notified: 24 September 1883  
 File Reference: 08/6163

---

**Column 1**  
 storage area  
 (relevant interest - Licence 601500)  
 garden  
 (relevant interest - Licence 601500)  
 tourism  
 (relevant interest - Licence 601500)

**Schedule**  
**Column 2**  
 Reserve No. 1013830  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 13/10207

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**Column 1**  
 dugout  
 (relevant interest - Licence 600592)  
 dugout  
 (relevant interest - Licence 601903)  
 dugout  
 (relevant interest - Licence 600777)  
 dugout  
 (relevant interest - Licence 600695)  
 dugout  
 (relevant interest - Licence 600736)  
 dugout  
 (relevant interest - Licence 600642)  
 dugout  
 (relevant interest - Licence 600543)  
 dugout  
 (relevant interest - Licence 600768)  
 dugout  
 (relevant interest - Licence 568993)

**Schedule**  
**Column 2**  
 Reserve No. 1013834  
 Public Purpose: future public requirements  
 Notified: 29 June 2007  
 File Reference: 18/06304

---

**Column 1**  
 grazing  
 (relevant interest - Licence 583728)

**Schedule**  
**Column 2**  
 Reserve No. 1033068  
 Public Purpose: heritage purposes, public recreation  
 Notified: 29 July 2011  
 File Reference: WL95H0089

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**Column 1**

boatshed  
(relevant interest - Licence 593232)  
hire area  
(relevant interest - Licence 593232)  
kiosk  
(relevant interest - Licence 593232)  
reclamation  
(relevant interest - Licence 593232)

**Schedule**

**Column 2**

Reserve No. 1011848  
Public Purpose: access and public requirements, rural services,  
tourism purposes and environmental and heritage conservation  
Notified: 18 August 2006  
File Reference: 18/00547

**Column 1**

piles  
(relevant interest - Licence 593225)  
landing/platform  
(relevant interest - Licence 593225)  
jetty  
(relevant interest - Licence 593225)  
concrete ramp  
(relevant interest - Licence 593225)  
steps  
(relevant interest - Licence 572144)  
seawall  
(relevant interest - Licence 572144)  
reclamation  
(relevant interest - Licence 572144)  
piles  
(relevant interest - Licence 572144)  
landing/platform  
(relevant interest - Licence 572144)  
jetty  
(relevant interest - Licence 572144)  
wet area  
(relevant interest - Licence 578278)  
walkway  
(relevant interest - Licence 578278)  
pontoon  
(relevant interest - Licence 578278)  
landing/platform  
(relevant interest - Licence 498830)  
seawall  
(relevant interest - Licence 602966)  
reclamation  
(relevant interest - Licence 602966)  
retaining wall  
(relevant interest - Licence 559289)  
jetty  
(relevant interest - Licence 602966)  
slipway  
(relevant interest - Licence 559289)  
ramp  
(relevant interest - Licence 559289)  
steps  
(relevant interest - Licence 559289)  
pontoon  
(relevant interest - Licence 559289)  
piles  
(relevant interest - Licence 559289)  
piles  
(relevant interest - Licence 559289)  
jetty  
(relevant interest - Licence 559289)  
kiosk  
(relevant interest - Licence 593232)  
boatshed  
(relevant interest - Licence 593232)

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**Schedule**

**Column 2**

Reserve No. 56146  
Public Purpose: generally  
Notified: 11 May 1923  
File Reference: 12/06422

hire area  
 (relevant interest - Licence 593232)  
 reclamation  
 (relevant interest - Licence 593232)  
 bridge  
 (relevant interest - Licence 601130)  
 jetty  
 (relevant interest - Licence 563074)  
 seawall  
 (relevant interest - Licence 599917)  
 reclamation  
 (relevant interest - Licence 599917)  
 concrete ramp  
 (relevant interest - Licence 599917)  
 recreation  
 (relevant interest - Licence 598698)  
 pipeline  
 (relevant interest - Licence 598698)  
 pump site  
 (relevant interest - Licence 598698)  
 bridge construction  
 (relevant interest - Licence 594194)  
 power/transmission line  
 (relevant interest - Licence 594194)  
 wharf  
 (relevant interest - Licence 594194)

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**Schedule**

**Column 1**

piles  
 (relevant interest - Licence 593225)  
 landing/platform  
 (relevant interest - Licence 593225)  
 jetty  
 (relevant interest - Licence 593225)  
 concrete ramp  
 (relevant interest - Licence 593225)  
 steps  
 (relevant interest - Licence 572144)  
 seawall  
 (relevant interest - Licence 572144)  
 reclamation  
 (relevant interest - Licence 572144)  
 piles  
 (relevant interest - Licence 572144)  
 landing/platform  
 (relevant interest - Licence 572144)  
 jetty  
 (relevant interest - Licence 572144)  
 wet area  
 (relevant interest - Licence 578278)  
 walkway  
 (relevant interest - Licence 578278)  
 pontoon  
 (relevant interest - Licence 578278)  
 slipway  
 (relevant interest - Licence 559289)  
 retaining wall  
 (relevant interest - Licence 559289)  
 ramp  
 (relevant interest - Licence 559289)  
 steps  
 (relevant interest - Licence 559289)  
 pontoon  
 (relevant interest - Licence 559289)  
 piles  
 (relevant interest - Licence 559289)  
 piles  
 (relevant interest - Licence 559289)  
 jetty  
 (relevant interest - Licence 559289)

**Column 2**

Reserve No. 1011268  
 Public Purpose: future public requirements  
 Notified: 3 February 2006  
 File Reference: 18/01070

seawall  
(relevant interest - Licence 602966)  
reclamation  
(relevant interest - Licence 602966)  
jetty  
(relevant interest - Licence 602966)  
landing/platform  
(relevant interest - Licence 498830)  
kiosk  
(relevant interest - Licence 593232)  
boatshed  
(relevant interest - Licence 593232)  
hire area  
(relevant interest - Licence 593232)  
reclamation  
(relevant interest - Licence 593232)  
bridge  
(relevant interest - Licence 601130)  
jetty  
(relevant interest - Licence 563074)  
seawall  
(relevant interest - Licence 599917)  
reclamation  
(relevant interest - Licence 599917)  
concrete ramp  
(relevant interest - Licence 599917)  
recreation  
(relevant interest - Licence 598698)  
pipeline  
(relevant interest - Licence 598698)  
pump site  
(relevant interest - Licence 598698)  
bridge construction  
(relevant interest - Licence 594194)  
power/transmission line  
(relevant interest - Licence 594194)  
wharf  
(relevant interest - Licence 594194)

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(n2019-785)

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## Other Government Notices

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### ANTI-DISCRIMINATION ACT 1977

#### EXEMPTION ORDER

Under the provisions of section 126 of the *Anti-Discrimination Act 1977*, an exemption is given from sections 31A and 51 of the *Anti-Discrimination Act 1977* to

#### The University of Technology Sydney

to apply a positive adjustment factor of 10 points to the Australian Tertiary Admissions Rank of female applicants for admission to the following courses which have low female student participation:

- (1) Bachelor of Engineering (Honours), Diploma in Professional Engineering Practice;
- (2) Bachelor of Engineering (Honours) Bachelor of Arts in International Studies;
- (3) Bachelor of Engineering (Honours) Bachelor of Business;
- (4) Bachelor of Engineering (Honours), Bachelor of Architecture;
- (5) Bachelor of Engineering (Honours) Bachelor of Product Design;
- (6) Bachelor of Engineering (Honours) Bachelor of Creative Intelligence and Innovation;
- (7) Bachelor of Information Technology;
- (8) Bachelor of Science in Information Technology, Diploma in Professional IT Practice;
- (9) Bachelor of Computing Science (Honours);
- (10) Bachelor of Science in Games Development;
- (11) Bachelor of Science in Information Technology, Bachelor of Business;
- (12) Bachelor of Science in Information Technology, Bachelor of Arts in International Studies;
- (13) Bachelor of Science in Information Technology, Bachelor of Creative Intelligence and Innovation;
- (14) Bachelor of Construction Project Management.

This exemption will remain in force for 10 years.

Dated this 15th day of March 2019

Elizabeth Wing  
Senior Manager, Operations  
Delegate of the President  
Anti-Discrimination Board of NSW

(n2019-786)

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### ASSOCIATIONS INCORPORATION ACT 2009

#### Cancellation of incorporation pursuant to section 74

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 74 of the *Associations Incorporation Act 2009*.

CENTRAL NORTHERN DISTRICT BOWLING ASSOCIATION INCORPORATED	INC1600883
CENTRAL SOUTH COAST DISTRICT BOWLING ASSOCIATION INCORPORATED	Y2491221
NEW ENGLAND NOMADS AUSTRALIAN FOOTBALL CLUB INCORPORATED	INC9881388
SPORTS FACILITATORS FOR ALL INCORPORATED	INC1500840
TNC INCORPORATED	Y0933128

Cancellation is effective as at the date of gazettal.

Dated this ...20th day of March 2019.

Diane Duggan  
Delegate of the Commissioner  
NSW Fair Trading

(n2019-787)

**ASSOCIATIONS INCORPORATION ACT 2009**

## Cancellation of Registration pursuant to Section 76

TAKE NOTICE that the registration of the following associations is cancelled by this notice pursuant to section 76 of the *Associations Incorporation Act 2009*.

AL NOUR CHARITABLE ASSOCIATION INCORPORATED	INC9897827
ALL STARS BADMINTON ASSOCIATION INCORPORATED	INC9897824
ALPHA OMEGA INDONESIAN CHURCH INCORPORATED	INC9897795
ASSYRIA FOR ASSYRIANS INCORPORATED	INC9897769
AUSTRALIAN KURDISTAN VETERAN ASSOCIATION INCORPORATED	INC9897739
AUSTRALIAN NUTRITIONAL SUPPLEMENT MANUFACTURERS ASSOCIATION INCORPORATED	INC9897801
AUSTRALIAN POLICE RUGBY UNION ASSOCIATION INCORPORATED	Y3013604
AUSTRALIAN PROFESSIONAL TRIATHLON RACE DIRECTORS INCORPORATED	INC1401606
AWEIL NORTH ASSOCIATION NSW INCORPORATED	INC9897810
BARMEDMAN COMMUNITY TRUCK STOP INCORPORATED	INC9897726
BOOROWA WORKING DOG CLUB INCORPORATED	INC9897744
BURRAN "HOPE AND DREAM" INCORPORATED	INC9897821
CEBS THE ANGLICAN BOYS SOCIETY (AUSTRALIA) INC	Y1041610
CHINESE LOGISTICS AND EXPRESS ASSOCIATION INCORPORATED	INC9897775
CRONULLA SUTHERLAND STAND UP PADDLE CLUB INCORPORATED	INC9894559
CUDAL PROGRESS & COMMERCE ASSOCIATION INC	INC1500187
DENILQUIN COMMUNITY BALL INCORPORATED	INC9896680
DOCTORS ON THE FRONTLINE INCORPORATED	INC9897861
ELIZABETH IGBINOBA BREAST CANCER FOUNDATION INCORPORATED	INC9897601
FORBES URBAN LANDCARE GROUP INCORPORATED	INC3420586
FRIENDS OF LUCAS GARDENS SCHOOL INCORPORATED	INC9897804
GLOBAL AID ZONE INCORPORATED	INC9897872
GOODOOGA STORE MANAGEMENT GROUP INCORPORATED	INC9897753
GRUPO FOLCORICO VIVA CHILE INCORPORATED	INC9897806
H.E.L.P. AUSTRALIA INCORPORATED	INC9895121
HEAVENLY PARTAKERS INCORPORATED	INC9892675
INTERNATIONAL SOCIETY FRIENDS OF TV INCORPORATED	INC9897714
KYRGYZ AUSTRALIAN ASSOCIATION INCORPORATED	INC9896896
MAFUTAGA TOKELAU SYDNEY INCORPORATED	INC9897765
MARRICKVILLE YOUTH ASSOCIATION INCORPORATED	INC9897750
NEWCASTLE MAURITANIAN COMMUNITY INCORPORATED	INC9894959
NORTH PARRAMATTA CRICKET CLUB INCORPORATED	INC9879876
PETH ASSOCIATION IN NSW AUSTRALIA INCORPORATED	INC9892996
RAINBOW COHORT INCORPORATED	INC9896682
REAP PORT MACQUARIE HASTINGS INCORPORATED	INC9895513
SANCTUARY 108 INCORPORATED	INC1200201
SDS FRANCHISEES ASSOCIATION INCORPORATED	INC9895111

SIKH SCOUTS AUSTRALIA INCORPORATED	INC9885546
SOUTH PACIFIC TAE KWON DO FEDERATION INC	INC9897711
SOUTH SUDANESE AUSTRALIAN NATIONAL BASKETBALL ASSOCIATION INCORPORATED	INC1200034
TALIN'S ROSE INCORPORATED	INC9897746
TEACH4YOU INCORPORATED	INC1200442
THE ANIMAL EQUALITY CENTRE INC	INC1600200
THE MAGNOLIA FUND INCORPORATED	INC9897858
THE SMALL CATTLE BREEDS PROMOTIONAL GROUP OF AUSTRALIA INCORPORATED	INC9897833
TUGGERAH LAKES CARE INCORPORATED	INC9897772
ULLADULLA ARRC INCORPORATED	INC9894394
UNITED HMONG AUSTRALIAN COMMUNITY INCORPORATED	INC9892084
VIETNAMESE AUSTRALIAN ASSOCIATION (NEWCASTLE) INCORPORATED	INC9896455
WINDALE AND DISTRICTS LITTLE ATHLETICS INCORPORATED	INC9897852

Cancellation is effective as at the date of gazettal.

Dated this 20th day of March 2019.

Diane Duggan  
 Delegate of the Commissioner  
 NSW Fair Trading

(n2019-788)

### DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

Pursuant to section 173 of the *District Court Act 1973*, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Coonamble	10am	4 November 2019 (2 weeks)
		In lieu of 4 November 2019 (1 week)

Dated this 15th day of March 2019

Justice D Price AM  
 Chief Judge

(n2019-789)

### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7A (1) of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the recorded names listed hereunder as geographical names.

**Coghill Reserve** for a reserve bounded by Coghill Street, Elyard Street and Queen Street in the suburb of Narellan.

**Col Barratt Reserve** for a reserve adjacent to Spire Way and Steeple Way in the suburb of Narellan.

**Eastlewood Reserve** for a reserve located on Eastlewood Street in the suburb of Narellan.

**Elyard Reserve** for a reserve bounded by Elyard Street in the suburb of Narellan.

**Frost Reserve** for a reserve accessed via Frost Avenue and Aubert Street in the suburb of Narellan.

**Narellan Park** for a reserve located at the northern end of Millwood Avenue in the suburb of Narellan.

**Rosevale Reserve** for a reserve accessed via Hillview Street to the south and Clinton Drive to the north, located in the suburb of Narellan.

**Valley View Reserve** for a reserve located on Valley View Drive in the suburb of Narellan.

**Nott Oval** for a reserve located at the junction of Hume Street and Rudd Street in the suburb of Narellan.

The position and extent for these features is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

NARELLE UNDERWOOD  
Chair  
Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

(n2019-790)

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## HEALTH ADMINISTRATION ACT 1982

### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

#### NOTICE OF ACQUISITION OF LAND BY COMPULSORY PROCESS FOR THE PURPOSES OF THE HEALTH ADMINISTRATION ACT 1982

PURSUANT to section 10 of the *Health Administration Act 1982* and section 19(1) of the *Land Acquisition (Just Terms Compensation) Act 1991*, the Health Administration Corporation by its delegate declares, with the approval of the Governor, that the land described in the Schedule below is by this notice acquired by compulsory process for the purposes of the *Health Administration Act 1982*.

SIGNED at Sydney this [19\3\19]

Cathryn Cox PSM  
A/Chief Executive  
Health Infrastructure  
a duly authorised delegate of the  
Health Administration Corporation

#### SCHEDULE

##### *Land*

**ALL THAT** piece or parcel of land situated at Culcairn in the Local Government Area of Greater Hume Shire, Parish of Round Hill, County of Hume being the Land comprised in Lot 15 Section 4 in Deposited Plan 5523 and Lot 1 in Deposited Plan 862523.

(n2019-791)

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## PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION ACT 1976

### Section 13 (4)

#### NOTICE OF INCORPORATION OF PARENTS AND CITIZENS ASSOCIATIONS

The following associations are hereby incorporated under the *Parents and Citizens Associations Incorporation Act 1976*.

1. Windale Public School
2. North Kellyville Public School

Michael Waterhouse  
General Counsel  
Department of Education  
18th March 2019

(n2019-792)



**POISONS AND THERAPEUTIC GOODS REGULATION 2008**

**ORDER**

**Withdrawal of Drug Authority**

In accordance with the provisions of clause 175(1) of the *Poisons and Therapeutic Goods Regulation 2008* an Order has been made on **Dr Carol Judith Ashford (MED0000934627)**, of ANNANDALE NSW 2038, prohibiting her until further notice, as a medical practitioner, from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 77 of the Regulation.

This Order is to take effect on and from 22 March 2019.

Dated at Sydney, 19 March 2019.

ELIZABETH KOFF  
Secretary, NSW Health

(n2019-793)



**Land and Environment  
Court**  
of New South Wales

**PRACTICE NOTE**

**CLASS 3 COMPENSATION CLAIMS**

**Name and commencement**

1. This Practice Note commences on 15 March 2019. It replaces the Practice Note - Class 3 Compensation Claims dated 15 July 2011.

**Application of Practice Note**

2. This practice note applies to Class 3 claims for compensation by reason of the acquisition of land (“Class 3 Compensation Claims”), including claims under the *Land Acquisition (Just Terms Compensation) Act 1991* (“Just Terms Act”).

**Purpose of Practice Note**

3. The purpose of this practice note is to set out the case management procedures for the just, quick and cheap resolution of Class 3 Compensation Claims.

**Responsibility of parties, legal practitioners and agents**

4. It is the responsibility of each party, its legal representatives and agents (as applicable) to consider the directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the real issues in the proceedings.
5. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that alternative procedures will be more conducive to such a resolution. The party is to notify the other party of the proposed alternative procedures as soon as practicable and is to make available to the Court short minutes reflecting the alternative procedures.
6. Parties are to ensure that all directions which they seek will assist in enabling claims to be dealt with at the hearing with as little formality and technicality, and as quickly as the requirements of the *Land and Environment Court Act 1979* (“the Court Act”) and of every other relevant enactment and as the

proper consideration of the matters before the Court permits (see s 38 of the Court Act).

### **Legal practitioners and agents of parties to be prepared**

7. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
8. Legal practitioners and agents for the parties are to communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and preparation of agreed or competing short minutes recording the proposed directions.

### **Commencing a Class 3 Compensation Claim**

9. A Class 3 Compensation Claim is to be commenced by filing in the Registry of the Court, by mail, over the counter or through the NSW Online Registry, a completed Class 3 Application Form (Form B (Version 1)).
10. The originating application is to be accompanied by:
  - (a) a schedule of losses attributable to disturbance under s 59(1)(a) to (e) of the Just Terms Act; and
  - (b) a schedule of the other financial costs claimed under s 59(1)(f) of the Just Terms Act.

### **Service of originating application**

11. The originating application for a Class 3 Compensation Claim and the accompanying documents are to be served within 7 days of filing.

### **Identifying the issues in the Class 3 Compensation Claim**

12. The issues involved in the determination of the Class 3 Compensation Claim are to be identified by the applicant's points of claim and the respondent's points of defence and, if necessary, the applicant's points of reply.
13. Points of claim and points of defence are to include:
  - (a) the amount of compensation that each party contends should be payable;
  - (b) the components thereof by reference to each relevant matter in s 55(a) to (f) of the Just Terms Act;
  - (c) the basis of the valuation of the market value or special value of the land under s 55(a) and (b) and ss 56 and 57 of the Just Terms Act;

- (d) particulars of any comparable sales upon which the valuation is based;
- (e) a schedule of any hypothetical development calculations;
- (f) the schedule of losses attributable to disturbance under s 55(d) and s 59(1)(a) to (e) of the Just Terms Act;
- (g) the schedule of other financial costs claimed under s 59(1)(f) of the Just Terms Act;
- (h) in the points of defence, any matter in respect of which the respondent contends compensation is not payable under ss 61 or 62 of the Just Terms Act;
- (i) in the points of defence, any matter relied upon to offset the claim.

### **Filing and serving points of claim and points of defence**

14. The applicant is to file and serve its points of claim within one week of filing its originating application.

NOTE: if the proceedings are not settled at the first conciliation conference, an opportunity is provided for the applicant to seek to revise its points of claim in the ninth week after the first directions hearing.

15. The respondent is to file and serve its points of defence three weeks after the first directions hearing.

### **The return date of the originating application**

16. The originating application will usually be given a return date before the Court about four weeks after the application was filed. On the return, the first directions hearing will occur before the Compensation List Judge in the Class 3 Compensation List.

### **Class 3 Compensation List**

17. There is a Class 3 Compensation List which will be managed by the Compensation List Judge, usually each Friday.
18. The Class 3 Compensation List Judge will conduct:
- (a) the first directions hearing;
  - (b) the second directions hearing; and
  - (c) the return of any notice of motion and any other interlocutory applications.
19. Matters in a Friday list will be listed in blocks on a “*not before*” a specified time basis. Parties should check the daily court lists as published prior to

attendance at Court on a Friday in order to determine the “*not before*” time that their matter is listed.

### **Number of pre-hearing attendances**

20. Unless there are interlocutory applications, a Class 3 Compensation Claim usually should appear in Court before the final hearing on no more than five occasions as follows:
- (a) at the first directions hearing in the Class 3 Compensation List;
  - (b) at a conciliation conference pursuant to s 34 of the Court Act;
  - (c) at the second directions hearing in the Class 3 Compensation List;
  - (d) at a second conciliation conference, if appropriate; and
  - (e) at a pre-hearing mention during the second last week before the hearing commences, if possible before the hearing judge or commissioner.

### **Before the first directions hearing**

21. Before the first directions hearing, the parties are to discuss and endeavour to agree upon:
- (a) whether the proceedings are suitable for a conciliation conference;  
  
[NOTE: there is a presumption that all Class 3 Compensation Claims will be referred for at least one conciliation conference – the parties will need to persuade the Class 3 Compensation List Judge why this should not be the case]
  - (b) the directions that the Court should make at the first directions hearing;
  - (c) the proposed dates for hearing and conciliation conference, being usually the dates in the range of available dates published at the top of the court list; and
  - (d) if any party intends to adduce expert evidence at the hearing of the proceedings, a statement of the disciplines in respect of which they propose to call expert evidence, the names of the experts, the issues to which the proposed expert evidence relates, and the reasons why the proposed expert evidence is reasonably required to resolve the proceedings having regard to the requirement for the just, quick and cheap resolution of the issues in dispute.
22. If the parties do not agree, each party should prepare their own written version of the directions they propose.

### **Parties to seek directions before adducing expert evidence**

23. A party intending to adduce expert evidence at the hearing of any Class 3 Compensation Claim must apply for directions from the Court under Pt 31 r 31.19 of the Uniform Civil Procedure Rules 2005 permitting the adducing of expert evidence.
24. The application for directions is to be made at a directions hearing at which the Class 3 Compensation Claim is already listed. The application is to be supported by a completed Hearing Information Sheet in the form of **Schedule D**, outlining the issues in the proceedings, the experts whose opinion is sought to be adduced as evidence in the proceedings, and the area of expertise of each expert. The application is also to be accompanied by the proposed directions under r 31.20 of the Uniform Civil Procedure Rules 2005 ("the UCPR").
25. If practicable, the Court will determine the application for directions to adduce expert evidence at the directions hearing or otherwise it will fix a date for hearing such an application. At the hearing of the application for directions to adduce expert evidence, the party seeking directions is to explain the expert evidence sought to be adduced and why the use of that expert evidence should be permitted, including why that expert evidence relates to a real issue in the proceedings and is reasonably required to resolve that issue.
26. A party may not adduce expert evidence at the hearing of any Class 3 Compensation Claim unless the Court has given directions permitting the adducing of that expert evidence and the adducing of that expert evidence is in accordance with those directions (see r 31.19(3) of the UCPR).
27. Any directions for the filing of experts' reports and joint expert reports made by the Court will identify each expert for whom leave to adduce expert evidence is given.
28. If either party seeks to adduce evidence of any expert not named in the directions made, that party is required to seek additional directions for the adducing of evidence by that expert, either through Online Court or by exercising liberty to restore. Any application for additional directions is to be supported by an updated Hearing Information Sheet in the form of **Schedule D** and provide an explanation of the necessity for the additional evidence (see paragraph 25 of this practice note).

#### **At the first directions hearing**

29. The first directions hearing will be on the return date of the originating application and will usually be about four weeks after the application is filed.
30. Unless good reason is demonstrated, each party is to be sufficiently prepared at the first directions hearing to assist the Court in making and to accept a timetable up to and including the dates of the conciliation conference and the second directions hearing. Legal practitioners and other representatives of the parties are to ensure that they advise the parties of their obligation to be ready to agree to a timetable up to and including those dates and are to

obtain full and timely instructions to ensure the parties comply with this obligation.

31. To assist the Court in making the appropriate directions, each party is to complete and hand to the Court at the first directions hearing a completed Hearing Information Sheet in the form of **Schedule D**.
32. At the first directions hearing, the parties should expect that the Court will ordinarily make the “Usual Directions at First Directions Hearing” in **Schedule A**.
33. The usual directions will be that the following documents be served or exchanged and the following events occur within the following times after the first directions hearing (see **Schedule A**):
  - (a) The applicant is to serve: 1 week
    - its position paper for the conciliation conference (including identifying the amount of compensation claimed and how that amount has been calculated); and
    - the applicant’s lay evidence.
  - (b) The respondent is to serve: 3 weeks
    - its position paper for the conciliation conference (including identifying the amount of compensation to which the respondent contends the applicant is entitled and how that amount has been calculated);
    - a reply to the applicant’s schedules of losses attributable to disturbance under s 59(1)(a) to (f) and other financial costs claimed under s 59(1)(f);
    - its points of defence; and
    - its lay evidence in reply.
  - (c) The parties will attend a conciliation conference. 4 weeks
  - (d)
    - The applicant is to serve evidence of losses attributable to disturbance under s 55 (d) and s 59(1)(a)-(f). 5 weeks
    - Each party is to serve its expert evidence other than valuation evidence.
  - (e) If the conciliation conference is unsuccessful, the parties will attend a second directions hearing. The parties are expected to give an estimate of hearing length and take hearing dates at this 6 weeks

- directions hearing.
- (f) The joint experts' reports, other than any joint valuation experts' report and any joint experts' report on other financial costs claimed under s 59(1)(f), are to be provided by the experts to the parties. 6 weeks
- (g) The respondent is to serve its evidence on the applicant's losses attributable to disturbance under s 55(d) and 59(1)(a)-(f). 7 weeks
- (h) The parties are to serve their expert valuation evidence on each other. 8 weeks
- (i)
  - The applicant is to make any application to amend its points of claim and, if successful, file and serve the amended points of claim. 9 weeks
  - At the time of dealing with any application to amend the points of claim, the utility of a possible second conciliation conference will be discussed with the parties.
  - If there is no application to amend the points of claim, the parties are to confer as to the prospects of success of a second conciliation conference. If the parties agree that a second conciliation conference has prospects of success, the parties are to approach the Registrar by Online Court to seek an early date for a second conciliation conference.
  - Any joint experts' report on other financial costs claimed under s 59(1)(f) is to be provided by the experts to the parties.
- (j)
  - The respondent is to file and serve any amended points of defence. 10 weeks
  - Any joint valuation experts' report is to be provided by the experts to the parties.
- (k)
  - The parties will attend a second conciliation conference (if appropriate). 11 weeks
34. In preparing the short minutes, parties may delete, amend or abridge any part of the usual directions to facilitate the just, quick and cheap resolution of the proceedings.
35. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the proceedings. If alternative directions are



proposed, the party seeking those directions is to notify the other party before the directions hearing and ensure that proposed short minutes are available to be handed to the Court.

36. In some complex matters, it may be necessary for these usual directions to be modified to allow for expert non-valuation evidence to be obtained and served sequentially rather than simultaneously (such as ecological evidence which may impact on hydrological evidence and consequently planning evidence).
37. At the first directions hearing, the Class 3 Compensation Claim usually will be referred to the Registry to fix a date for the conciliation conference under s 34 of the Court Act, in accordance with the timetable above.
38. At the first directions hearing, the Class 3 Compensation List Judge will enquire whether the parties are able to provide an estimate of the hearing length and available dates if the conciliation conference is not successful and, if so, refer the parties to the Registry to obtain dates for such a hearing.

**At the second directions hearing**

39. The Compensation List Judge will discuss with the parties the appropriateness of conducting the hearing on a paperless basis.
40. The parties should expect that the Court will usually fix the hearing dates (if this has not happened at the first directions hearing and a pre-hearing mention date in the second-last week before the hearing and make the “Usual Directions at the Second Directions Hearing” in **Schedule B** (for paper-based hearings) or **Schedule C** (for hearings conducted on a paperless basis).
41. The parties, having conferred beforehand, are to hand to the Court realistic agreed or competing estimates of the hearing time on half a page broken down by the following elements:
  - (a) opening addresses;
  - (b) tender of documents and written evidence and any objections;
  - (c) any inspection of properties by the Court;
  - (d) oral evidence and cross-examination (grouping witnesses by categories of lay evidence and categories of expert evidence); and
  - (e) closing submissions.
42. The usual directions will include that the parties file at the pre-hearing mention or file and serve by no later than the following business days before the commencement of the hearing:
  - (a) bundles of documents:
    - (i) a paginated Court Book containing aAt the pre-hearing

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li style="margin-left: 40px;">table of contents, a copy of the application and pleadings, and any objections to evidence or documents in the bundle of documents);</li> <li style="margin-left: 20px;">(ii) a paginated Evidence Book containing a table of contents and the lay and expert evidence (with expert reports grouped by discipline); and</li> <li style="margin-left: 20px;">(iii) a bundle of documents.</li> </ul>   | <p>mention</p>                             |
| <ul style="list-style-type: none"> <li>(b) an agreed schedule:           <ul style="list-style-type: none"> <li>(i) containing a brief description of the resumed property and each comparable sale property that it is proposed the Court should inspect;</li> <li>(ii) noting which party relies on each comparable sale;</li> <li>(iii) including a map showing the location of each property;</li> <li>(iv) proposing a time when the hearing judge or commissioner should inspect the properties and the arrangements for the inspection.</li> </ul> </li> </ul> | <p>At the pre-hearing mention</p>          |
| <ul style="list-style-type: none"> <li>(c) brief opening submissions, agreed or competing chronology and (where warranted by the number of persons involved) a list of characters.</li> </ul>   | <p>4 working days prior to the hearing</p> |
| <ul style="list-style-type: none"> <li>(d) brief reply submissions.</li> </ul>  | <p>1 working day prior to the hearing</p>  |
43. Directions will also be made based on the usual directions at second directions hearing in **Schedule B** (for paper-based hearings) or **Schedule C** (for hearings conducted on a paperless basis).

**At the pre-hearing mention**

44. The pre-hearing mention will be in the second last week before the hearing. If possible, it will be before the judge or commissioner allocated to hear the proceedings. Counsel or solicitors briefed to appear on the hearing should attend.
45. The purpose of the pre-hearing mention is to ensure readiness for hearing and to give directions as to the conduct of the hearing and of any inspection of the resumed property and comparable sale properties.

46. At the pre-hearing mention, the parties, having conferred beforehand, are to file:
- (a) one copy of the Court Book (either in a folder [if the hearing is to be paper-based] or on a USB stick);
  - (b) one copy of the Evidence Book (either in folders [if the hearing is to be paper-based] or on a USB stick);
  - (c) one copy of the bundle of documents (either in folders [if the hearing is to be paper-based] or on a USB stick);
- NOTE:** If all the material required by (a) to (c) for a paperless hearing can be loaded on a single USB stick, this is to be done.
- (d) a statement by the respondent as to those matters which might have been expected to be contested but which are no longer contested by the respondent;
  - (e) an agreed table setting out the matters in s 55(a) to (f) and s 59(1) of the Just Terms Act in respect of which the applicant claims compensation. This table should set out the amount claimed for each matter; the statutory provision pursuant to which the claim is made; a short summary (maximum one, 10 line paragraph) of the basis for the claim; and, if a claimed matter is disputed by the respondent, the amount (if any) conceded by the respondent and a short summary (maximum one, 10 line paragraph) by the respondent as to the nature of the dispute concerning this claimed matter; and
  - (f) an agreed schedule:
    - (i) containing a brief description of the resumed property and each comparable sale property that it is proposed the Court should inspect;
    - (ii) noting which party relies on each comparable sale;
    - (iii) including a map showing the location of each property;
    - (iv) proposing a time when the hearing judge or commissioner should inspect the properties and the arrangements for inspection.
47. If any witness is required for cross-examination at the hearing, notice is to be given before the pre-hearing mention.

**Notices of motion returnable in the Class 3 Compensation List**

48. Any notice of motion is to be returnable in the Class 3 Compensation List unless the circumstances are so urgent as to justify an earlier listing. Parties and legal practitioners should endeavour to arrange evidence so that, if practicable, the motion may be heard on the return date.

### **Amendment of pleadings**

49. Parties require leave of the Court to amend their points of claim and points of defence.
50. Other than amendments sought during the hearing or where the other party consents, leave to amend is to be sought by notice of motion accompanied by a short affidavit in support explaining the reasons for leave being sought.

### **Breach of the Court's directions**

51. If any party fails to comply with a direction of the Court that some action be taken by a specified time, and the defaulting party is not able to take that action within two days of the specified time, the defaulting party is to:
  - (a) have the matter relisted before the Compensation List Judge on the next available Class 3 Compensation List day; and
  - (b) file and serve, when relisting, an affidavit explaining the non-compliance, the reason for the non-compliance and what action the party proposes to take and when the party proposes to take action to comply with the direction.
52. If any party fails to comply with a direction of the Court or this practice note, the Court will usually order that the defaulting party pay the costs of the other party of and occasioned by the non-compliance and any relisting required unless it appears to the Court that some other order should be made as to the whole or any part of the costs.

### **Variation of timetables**

53. If either party becomes aware of circumstances that will necessitate a variation to the timetable, an application to vary the timetable can be made by Online Court request. Any party seeking to make an application to vary the timetable using Online Court must first contact the other parties in an attempt to provide the Court with a consent position.
54. If a party makes a request for orders through the Online Court without the consent of the other side, the Online Court system gives the other party an opportunity to respond by either consenting to the request or offering a 'counter' request. If no response is received within two days of the request or such other time as the Registrar determines, the proceedings may be listed for further directions.
55. If, by reason of a party's failure to respond to an Online Court request, another party is unnecessarily put to the cost of attending a directions hearing, an order for the payment of costs of the appearance may be made unless there is some reasonable excuse for the failure to respond.

56. If proposed directions vary an existing timetable, they must include the vacation of previous directions that can no longer be maintained including any dates for directions hearings or mention of for the hearing of motions.

### **Liberty to restore**

57. Parties have general liberty to restore to the Class 3 Compensation List on three working days' notice, or less if urgency requires it. A party seeking to do so should make prior arrangement with, or give appropriate notice to, any other party, and should send an Online Court communication, e-mail or fax to the Registrar.

### **Applications to vacate hearings and for adjournments**

58. Proceedings will not be adjourned generally.
59. Proceedings usually will not be adjourned because of failure to comply with this practice note or directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
60. Applications to vacate hearing dates are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing date should be vacated.

### **Settlement of proceedings**

61. If proceedings settle, it is necessary to have the Court make orders finalising the litigation, rather than merely filing terms with the registry.
62. If proceedings settle, the parties are to arrange for the proceedings to be listed in the Class 3 Compensation List or before the Duty Judge by written request to the Registrar accompanied by a copy of the proposed final consent orders signed by all parties.
63. Representatives of the parties attending for the purpose of making final consent orders must be familiar with the subject matter of the proceedings and have instructions sufficient to inform the Court about the terms of the proposed orders.

### **Filing and service of evidence**

64. Evidence to be relied upon at the final hearing should not be filed as case preparation occurs, with the exception of evidence in support of interlocutory applications.
65. The evidence to be relied upon at the final hearing is to be included in the Evidence Book and bundle of documents to be filed at the pre-hearing mention.

66. Evidence to be relied upon in support of interlocutory applications is to be filed and served. Timetables for preparation of such applications should include provision for that process.

### **Cooperation**

67. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

### **Mediation, conciliation, neutral evaluation or reference**

68. Consideration should be given prior to and throughout the course of the proceedings to whether the proceedings or any questions are appropriate for mediation, conciliation, neutral evaluation or reference to a referee for inquiry and report.
69. It is expected that legal practitioners, or parties not legally represented, will be in a position to advise the Court at any directions hearing or mention:
- (i) whether the parties have attempted mediation, conciliation or neutral evaluation; and
  - (ii) whether the parties are willing to proceed to mediation, conciliation, neutral evaluation or reference to a referee for inquiry and report at an appropriate time.
70. At a mediation, conciliation or neutral evaluation, the parties are to ensure that a person who is able to make a decision as to whether the proceedings and particular issues settle or are resolved is present personally or represented by an authorised nominee. If this is not possible, a person with authority must be contactable and have authority to confirm acceptance of any proposed settlement.
71. Where the proceedings or questions are appropriate to be referred to a mediator, conciliator or neutral evaluator or to a referee for inquiry and report, the parties should prepare proposed short minutes to be handed to the Court which:
- (a) where questions are to be referred, formulate the questions with precision; and
  - (b) state:
    - (i) that the matter is to be mediated by an in-court mediator or conciliator, or the name of an agreed external mediator, neutral evaluator or referee or, if no agreement can be reached, the person each party suggests;
    - (ii) the date on which the mediator, neutral evaluator or referee can commence the mediation, neutral evaluation or reference;
    - (iii) expected duration of the mediation, neutral evaluation or reference; and

- (iv) the anticipated date for finalisation of the mediation or neutral evaluation, or for delivery to the Court of the referee's report.

72. Proposed consent orders for amendment to the questions referred to a mediator, neutral evaluator or referee may be filed with the Compensation List Judge's Associate and the Compensation List Judge may make such orders in chambers. Any contested amendments, or amendments in respect of which the Compensation List Judge wishes to hear the parties, will be heard in the Class 3 Compensation List by the Compensation List Judge.

### **Costs**

73. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.

74. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be tendered. Excessive documents may attract adverse costs orders.

75. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

### **Early inspection of the site**

76. If a party considers that an early site inspection might be appropriate, the party should raise this proposal at the first directions hearing.

77. If the Compensation List Judge is satisfied that an early site inspection is potentially warranted (thus requiring an early allocation of the hearing judge or commissioner), the Compensation List Judge will raise this proposal with the Chief Judge and, if determined by him to be appropriate, arrangements will be made for early allocation of the hearing judge or commissioner. Following allocation, an early site inspection, at a time convenient to the parties and the hearing judge or commissioner, will be arranged through the hearing judge's chambers or the Registry.

### **The hearing**

78. Evidence and submissions at the hearing are to address all issues the subject of the proceedings. No issue will be separately determined unless the Court so orders.

NOTE: Application for separate determination of questions, under s 62(2) of the *Civil Procedure Act 2005* or Pt 28 r 28.2 of the Uniform Civil Procedure Rules, should be made by notice of motion with supporting affidavit.

79. At the hearing, the Evidence Book may be tendered as an exhibit containing all the written evidence in the Evidence Book, subject to any objections.

80. At the hearing, the bundle of documents may be tendered as an exhibit containing all the documentary evidence in the bundle, subject to any objections.
81. Unless the hearing judge or commissioner otherwise directs, expert evidence is to be taken concurrently where there are two or more experts giving evidence in the same area of expertise.
82. At the commencement of oral evidence of any witness, counsel or the solicitor appearing for a party, having conferred beforehand, are to hand to the hearing judge or commissioner agreed or competing lists of the topics on which it is proposed to cross-examine.
83. The brief opening submissions should not generally be a substitute for a written outline of closing submissions. The Court will usually be assisted by a written outline of closing submissions that includes references to evidence in the Evidence Book, the bundle of documents and oral evidence. The written outline of closing submissions should be filed and served for the early attention of the hearing judge or commissioner.

***The Honourable Justice Brian J Preston  
Chief Judge***

***15 March 2019***



## Schedule A

### Usual Directions at First Directions Hearing

- (1) Pursuant to r 31.19 of the Uniform Civil Procedure Rules 2005:
- the applicant is granted leave to adduce expert evidence from [name of each expert] in [respective area of expertise] on [specified issues];
  - the respondent is granted leave to adduce expert evidence from [name of each expert] in [respective area of expertise] on [specified issues].
- (2) The applicant is to serve: By [insert date:1 week]
- its position paper for the conciliation conference (including identifying the amount of compensation claimed and how that amount has been calculated); and
  - the applicant's lay evidence.
- (3) The respondent is to serve: By [insert date:3 weeks]
- its position paper for the conciliation conference (including identifying the amount of compensation to which the respondent contends the applicant is entitled and how that amount has been calculated);
  - a reply to the applicant's schedules of losses attributable to disturbance under s 59(1)(a) to (e) and other financial costs claimed under s 59(1)(f);
  - its points of defence; and
  - its lay evidence in reply.
- (4) The parties will attend a conciliation conference. By [insert date:4 weeks]
- (5) • The applicant is to serve evidence of losses attributable to disturbance under s 55 (d) and s 59(1)(a)-(f). By [insert date:5 weeks]
- Each party is to serve its expert evidence other than valuation evidence.
- (6) If the conciliation conference is unsuccessful, the parties will attend a second directions hearing. By [insert date:6 weeks]
- (7) The joint experts' reports, other than any joint valuation experts' report and any joint experts' report on other financial costs claimed under s 59(1)(f), are to be provided by the experts to the parties. By [insert date:6 weeks]
- (8) The respondent is to serve its evidence on the applicant's losses attributable to disturbance under s 55(d) and 59(1)(a)-(f). By [insert date:7 weeks]

- (9) The parties are to serve on each other their expert valuation evidence. By [insert date:8 weeks]
- (10) • The applicant is to make any application to amend its points of claim and, if successful, file and serve the amended points of claim. By [insert date:9 weeks]  
 • At the time of dealing with any application to amend the points of claim, the utility of a possible second conciliation conference will be discussed with the parties.  
 • If there is no application to amend the points of claim, the parties are to confer as to the prospects of success of a second conciliation conference. If the parties agree that a second conciliation conference has prospects of success, the parties are to approach the Registrar by Online Court to seek an early date for a second conciliation conference.  
 • Any joint experts' report on other financial costs claimed under s 59(1)(f) is to be provided by the experts to the parties.
- (11) • The respondent is to file and serve any amended points of defence. By [insert date:10 weeks]  
 • Any joint valuation experts' report is to be provided by the experts to the parties.
- (12) The parties are to attend a second conciliation conference (if appropriate). On [insert date 11 weeks]  
 NOTE: If this conciliation conference is also unsuccessful, the matter will proceed to hearing on the dates set at the second directions hearing with a pre-hearing mention during the second last week before the hearing commences, if possible before the hearing judge or commissioner.
- (13) The parties are to serve a copy of these directions, Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on their experts when retaining the experts. Experts are to comply with those provisions.
- (14) The parties are to serve on their respective expert valuers a copy of all non-valuation expert reports, including joint reports, and lay witness statements as relevant to valuation issues promptly after they become available.
- (15) A joint report of experts is to include any evidence in reply.
- (16) In preparing their joint report, expert valuers should consider the matters in Annexure 1 to the Usual Directions at First Directions Hearing insofar as relevant to matters agreed and not agreed.
- (17) Experts are to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give

written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.

- (18) Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
- (19) A joint report of experts is to identify the experts involved in its preparation, the dates of their joint conferences, the matters on which they agree, the matters on which they disagree and the reasons for any disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
- (20) Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
- (21) A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.
- (22) Each party has liberty to restore on three working days' notice.

### **Annexure 1 to Usual Directions at First Directions Hearing**

In conferring and preparing their joint report, expert valuers should consider the issues set out below insofar as relevant to the matters agreed and not agreed.

- 1 Identify the method of valuation adopted including the primary method and any check method.
- 2 Disclose full workings and calculations.
- 3 Identify comparable sales including:
  - (a) property address and title details of each comparable sale;
  - (b) sale date;
  - (c) sale price absent any adjustments expressed as a total and as a \$ rate per sq m if relevant;
  - (d) sale price adjusted for any condition of sale expressed as a total and as a \$ rate per sq m where relevant;
  - (e) area of land of each comparable sale;
  - (f) zoning of each comparable sale at the relevant date;
  - (g) any other relevant planning controls applicable to the comparable sale as at the relevant date; and
  - (h) floor space area of any buildings on the comparable sales sites which may be relevant.
- 4 State agreed matters.
- 5 State matters not agreed and give reasons for disagreement.
- 6 Consider:
  - (a) highest and best use adopted for assessment of market value of land at the date of acquisition and the reasons;
  - (b) alternative facts and assumptions which the Court may accept, including alternative facts and assumptions based on non-valuation expert reports;
  - (c) factors which should be taken into consideration in applying a comparable sale to the resumed land including but not limited to time, location, site area, site configuration, and conditions of sale; and
  - (d) comparable sales which should be inspected by the Court.

## Schedule B

### Usual Directions at Second Directions Hearing for Paper-Based Hearings

- 1 The hearing is fixed for [insert number] days commencing on [insert date to be obtained from the Registry].
- 2 The parties are to confer and prepare a paginated and consecutively numbered Court Book with a table of contents, a copy of the originating application and pleadings and any objections to evidence or documents in the bundle of documents.
- 3 The parties are to confer and prepare a paginated and consecutively numbered Evidence Book with a table of contents and the lay and expert evidence (with expert reports grouped by discipline). The table of contents for the Evidence Book is to conform with the template in **Schedule E** to this practice note.
- 4 The parties are to confer and prepare a bundle of documents (the bundle) on which the parties seek to rely. The bundle is to include a table of contents and be paginated and consecutively numbered. The bundle is not to include documents annexed or exhibited to an affidavit unless there are good reasons to do so.
- 5 Correspondence and other documents in the bundle of documents are to be arranged in chronological order.
- 6 Unnecessary copying or duplication of documents is to be avoided.
- 7 Any party objecting to the tender of any evidence in the Evidence Book or a document within the bundle of documents is to notify the other party of the objection and the grounds in support at least three working days before the Court Book, Evidence Book and bundle of documents are to be filed. The documents subject to objection are to be included in the Evidence Book or bundle of documents, but the objection, as well as the party tendering the document and the party objecting to the tender, is to be noted in the table of contents to the Evidence Book or bundle of documents. Short reasons for each objection are to be provided in the Court Book.
- 8 The parties are to file and serve their opening submissions of not more than ten pages; an agreed statement of facts; an agreed (or, if not agreed, their competing) chronology; and (where warranted by the number of persons involved) a list of relevant persons by four working days prior to the hearing.
- 9 The parties are to file and serve any submissions in reply of no more than five pages by one working day prior to the hearing.
- 10 At the pre-hearing mention, the parties are to file:

- (a) the Court Book;
  - (b) the Evidence Book; and
  - (c) the bundle of documents.
- 11 At the pre-hearing mention, the hearing judge or commissioner will indicate whether or not an additional paper copy of any of the material in the preceding direction is to be provided as working documents.
- 12 At the pre-hearing mention, the parties are to hand up:
- (a) an agreed table setting out the matters in s 55(a) to (f) and s 59(1) of the Just Terms Act in respect of which the applicant claims compensation, containing the information required by paragraph 46(e) of this practice note; and
  - (b) an agreed Schedule:
    - (i) containing a brief description of the subject property and each comparable sales property that it is proposed the Court should inspect;
    - (ii) noting which party relies on each comparable sale;
    - (iii) including a map showing the location of each property;
    - (iv) proposing a time when the judge should inspect the properties and the arrangements for inspection.
- 13 If any witness is required for cross-examination, notice is to be given before the pre-hearing mention.
- 14 At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge or commissioner directs otherwise.
- 15 At the commencement of oral evidence of any witness, counsel or the solicitor appearing for a party, having conferred beforehand, are to hand to the Court an agreed list or competing lists of the topics on which it is proposed to cross-examine.

## Schedule C

### Usual Directions at Second Directions Hearing for Paperless Hearings

- 1 The hearing is fixed for [insert number] days commencing on [insert date to be obtained from the Registry].
- 2 The parties are to confer and prepare an electronic paginated and consecutively numbered Court Book with a table of contents, a copy of the originating application and pleadings and any objections to evidence or documents in the bundle of documents.
- 3 The parties are to confer and prepare an electronic paginated and consecutively numbered Evidence Book with a table of contents and the lay and expert evidence (with expert reports grouped by discipline). The table of contents for the Evidence Book is to conform with the template in **Schedule E** to this practice note.
- 4 The parties are to confer and prepare an electronic bundle of documents on which the parties seek to rely. The bundle of documents is to include a table of contents and be paginated and consecutively numbered. The bundle of documents is not to include documents annexed or exhibited to an affidavit unless there are good reasons to do so.
- 5 The Court Book and the Evidence Book must be created as PDF Portfolio files separated into electronic tabs. The grouping of the material in the Evidence Book is to be in the format of the table of contents in **Schedule E** to this practice note.
- 6 Files contained in the Court Book, Evidence Book and bundle of documents must be created in able-to-be-read formats, across all potentially relevant software platforms (in .pdf; Word; Excel or .rtf format).
- 7 In the primary tendered electronic Court Book, Evidence Book and bundle of documents, all documents are to be locked.
- 8 All documents are to be saved in searchable form.
- 9 All documents are to be saved in copyable form.
- 10 Any document created by optical character recognition (OCR) is to be revised and corrected before being saved for incorporation in documents to be tendered.
- 11 Expert evidence is to be grouped by area of expertise and saved in a separate electronic folder for each discipline.
- 12 Correspondence and other documents in the bundle of documents are to be arranged in chronological order.

- 13 Unnecessary duplication of documents is to be avoided.
- 14 Any party objecting to the tender of any evidence in the Evidence Book or a document within the bundle of documents is to notify the other party of the objection and the grounds in support at least three working days before the Court Book, Evidence Book and bundle of documents are to be filed. The evidence or documents subject to objection are to be included in the Evidence Book or bundle of documents, but the objection, as well as the party tendering the document and the party objecting to the tender, are to be noted in the table of contents to the Evidence Book or bundle of documents. Short reasons for each objection are to be provided in the Court Book.
- 15 The Court Book, Evidence Book and bundle of documents are to be provided on a USB stick for the Court file. Each party to the proceedings is also to have a USB stick copy. The USB stick will be retained on the Court file at the conclusion of the proceedings.
- 16
  - (a) New documents not in the Evidence Book or bundle of documents may be tendered during the hearing. Such documents are to be handed up on a USB stick and will be given the relevant alphabetic or numerical identifier;
  - (b) Similarly, any documents proposed to be Marked For Identification are to be handed up on a USB stick;
  - (c) A copy of any new document tendered or Marked for Identification is to be provided electronically to the other party at the time of tender or handing up to the Court;
  - (d) The hearing judge or commissioner will also indicate whether or not a paper working copy of any new document is required to be provided; and
  - (e) Nothing in this direction acts to prevent a witness, whilst in the witness box, being shown a paper copy of a document.
- 17 The parties are to file and serve electronically their opening submissions of not more than ten pages; an agreed statement of facts; an agreed (or, if not agreed, their competing) chronology; and (where warranted by the number of persons involved) a list of relevant persons, by four working days prior to the hearing.
- 18 The parties are to file and serve any submissions in reply of no more than five pages by one working day prior to the hearing.
- 19 At the pre-hearing mention, the parties are to file in conformity with direction 15 above:
  - (a) the Court Book;



- (b) the Evidence Book; and
  - (c) the bundle of documents.
- 20 At the pre-hearing mention, the hearing judge or commissioner will indicate whether or not paper copies of any of the material in the preceding direction are to be provided as working documents.
- 21 At the pre-hearing mention, the parties are to hand up, as a paper document:
  - (a) an agreed table setting out the matters in s 55(1) to (f) and s 59(1) of the Just Terms Act in respect of which the applicant claims compensation containing the information required by paragraph 46(e) of this practice note; and
  - (b) an agreed schedule:
    - (i) containing a brief description of the resumed property and each comparable sales property that it is proposed the Court should inspect;
    - (ii) noting which party relies on each comparable sale;
    - (iii) including a map showing the location of each property;
    - (iv) proposing a time when the hearing judge or commissioner should inspect the properties and the arrangements for inspection.
- 22 If any witness is required for cross-examination, notice is to be given before the pre-hearing mention.
- 23 At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge or commissioner directs otherwise.
- 24 At the commencement of oral evidence of any witness, counsel or the solicitor appearing for a party, having conferred beforehand, are to hand to the Court an agreed list or competing lists of the topics on which it is proposed to cross-examine.
- 25 At the pre-hearing mention, the parties are to provide details of any DropBox or other form of shared electronic access to documents, including links and any relevant passwords.

NOTE: The Court will not be able to establish or administer any DropBox or other form of shared electronic access to documents for any Class 3 Compensation Claims but will utilise any such facility established by the parties (in addition to but not in substitution for any electronic provision of documents provided for in these directions).

**Schedule D**

<b>Class 3 Compensation Claims - Hearing Information Sheet</b>			
Applicant:			
Respondent:			
Proceedings no:			
1	Is any expert evidence required? If so, nominate general issues on which expert evidence is required, the areas of expertise and the names of the experts on whose evidence the party seeks to rely (with a new line for each area of expertise)		
Issues	Area of Expertise	Applicant Expert	Respondent Expert
2	Could any of the above issues be better dealt with by a parties' single expert? If so, what is the proposal for engaging the expert?		
3	Are there any experts who should prepare an individual report before proceeding to a joint conference and joint report and, if so, identify the expert, the area of expertise and provide reasons supporting the report being necessary or appropriate [point form only]?		

4	Is there any reason why a conciliation conference pursuant to s 34 of the <i>Land and Environment Court Act 1979</i> should not be arranged? If not, what arrangements for the conciliation conference should be made?
5	Identify the dates sought for a conciliation conference.
Applicant:	
Respondent:	
6	If the Class 3 Compensation Claim concerns land outside of the Sydney metropolitan region, should the proceeding be heard, in whole or in part, in the local area? If so, what part?
7	Is there any reason why the hearing should not commence at 9.30am on site to undertake an inspection of the resumed property followed by an inspection of any comparable sale properties?
8	If it is proposed to hear openings prior to the site inspection, on what hearing day should the site inspection take place?
9	Estimate of the length of hearing.
Applicant:	
Respondent:	
10	Identify hearing dates sought.
Applicant:	
Respondent:	
11	Should the hearing be conducted on a paperless basis? If not, why not?
Applicant:	
Respondent:	

**Schedule E**

[Name of applicant - A below] v [Name of acquiring authority - R below]

[PROCEEDINGS NUMBER]

**Index to Evidence Book**

[DATE]

<b>Tab</b>	<b>Document</b>	<b>Date</b>	<b>Adducing Party</b>	<b>Page</b>	<b>Objections</b>
<b>PART A: Lay evidence</b>					
A	1. Affidavit of [name of witness]				Yes/no
A	2. Affidavit of [name of witness]				Yes/no
A	3. Affidavit of [name of witness]				Yes/no
A	4. Affidavit of [name of witness]				Yes/no
<b>PART B: ..... (expert discipline)</b>					
B	1. SoE of [name of witness]				Yes/no
B	2. SoE of [name of witness]				Yes/no
B	3. Joint Expert Report				Yes/no
<b>PART C: ..... (expert discipline)</b>					
C	1. SoE of [name of witness]				Yes/no
C	2. Supplementary SoE of [name of witness]				Yes/no
C	3. SoE of [name of witness]				Yes/no
C	4. Joint Expert Report				Yes/no

**Add new parts for other expert disciplines as required**

(n2019-794)



**Land and Environment  
Court**  
of New South Wales

**PRACTICE NOTE**  
**CLASS 2 TREE APPLICATIONS**

**Commencement**

1. This practice note commences on 1 December 2018. It replaces the Practice Note Class 2 Tree Applications dated 13 May 2014.

**Application of Practice Note**

2. This practice note applies to all applications under the *Trees (Disputes Between Neighbours) Act 2006* (the Trees Act) in Class 2 of the Court's jurisdiction.
3. Applications subject to this practice note are referred to as "tree applications". This practice note is to be known as *Practice Note – Class 2 Tree Applications*.

Note: Additional explanatory material about applications under the Trees Act; links to cases which may provide guidance about the Court's processes under the Trees Act; and a range of additional material about the Trees Act can be found in the Tree Dispute Practice Collection on the Court's web site ([www.lawlink.nsw.gov.au/lec](http://www.lawlink.nsw.gov.au/lec) accessed through the link to "Tree Disputes").

**Purpose of Practice Note**

4. The purpose of this practice note is to set out the process leading up to a final hearing of a tree application to ensure the just, quick and cheap resolution of tree applications.

**Responsibility of parties, legal practitioners and agents to facilitate just, quick and cheap resolution**

5. It is the responsibility of each party and their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the tree application.

Note: The parties will be the applicant and the owner of the land where the tree is situated. In addition, the local council and the Heritage Council are entitled to be a party and, if the land where the tree is located is tenanted, the tenant is also entitled to be a party if they wish. The Court may also direct that other people can be made parties if special circumstances exist making this appropriate.

6. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the tree application, the party should apply to be relieved from compliance on the basis that an alternative process will be more conducive to such resolution.
7. If an application is made pursuant to paragraph 6, that party is to notify all other parties of the proposed alternative process as soon as practicable and is to make available to the Court a short document reflecting that alternative process.
8. Parties are to ensure that all directions which they seek with respect to tree applications will assist in enabling such applications to be dealt with at the final hearing with as little formality and technicality, and as quickly as the requirements of the Trees Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of *the Land and Environment Court Act 1979*).

#### **Legal practitioners and agents of parties to be prepared at any hearing**

9. Each party not appearing in person shall be represented at any hearing before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.

#### **Making a tree application concerning damage to property or injury to a person**

10. Application under s 7 of the Trees Act concerning damage to property or likelihood of injury to a person is to be made on the Tree Dispute Application form [Form C (version 2)] and accompanied by a completed Tree Dispute Claim Details (damage to property or injury to a person) form [Form H (version 1)].

#### **Making a tree application concerning high hedges**

11. Application under s 14B of the Trees Act concerning severe obstruction of sunlight and/or views by hedges is to be made on the Tree Dispute Application form [Form C (version 2)] and accompanied by a completed Tree Dispute Claim Details (high hedges) form [Form G (version 1)].

Note: The application form and claim details forms for applications under the Trees Act can be found in the Court Forms section on the Court's web site accessed through the link "Forms and Fees".

### **Before the preliminary hearing**

12. Tree applications will be given a date, time and place for a preliminary hearing which corresponds with the next available preliminary hearing after the expiry of the statutory period of 21 days for service of the tree application. This will usually be 4 to 6 weeks after filing of the tree application. The preliminary hearing will usually be before a Registrar of the Court.
13. Tree applications are to be served on the owner of the land on which the tree is situated (and any other person or organisation specified by the Court at the time of lodgment) at least 21 days before the date of the preliminary hearing.

Notes:

- (a) Parties may apply to the Court for an early preliminary or final hearing of the proceedings if appropriate – see paragraph 25 below.
- (b) An applicant may also apply for a later date for the preliminary hearing if the applicant demonstrates that service cannot be achieved within the time required. The Court may also extend the period if circumstances, such as public holidays, make it appropriate that a longer period be allowed for parties to take the action required by this practice note before or by the return of the proceedings.

### **At the preliminary hearing of tree applications**

14. At the preliminary hearing of all tree applications, the parties should expect that the usual directions set out in Schedule A will be made to prepare for the final hearing of the tree application including setting a timetable for exchange of relevant information prior to the final hearing date.
15. When a tree application is made seeking an order to prevent injury to any person and the “injury” is an illness, allergy or similar medical condition, the supplementary directions set out in Schedule B will be made concerning evidence in such cases.
16. A final hearing date will also be set for the tree application and this final hearing date will usually be not more than 6 weeks after the preliminary hearing.
17. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the tree application. If alternative directions are proposed, the party seeking those directions is to notify all other parties before the preliminary hearing and ensure that a document setting out the proposed alternative directions has been provided to the other parties and is available to be handed to the Court at the preliminary hearing.
18. The parties are to inform the Court whether there is any reason for not holding the final hearing for tree applications concerning damage to property or likelihood of injury to persons at the site where the tree is located.
19. If any party seeks to raise an issue of fact or law that it contends precludes or demands the determination of the tree application in a particular way or otherwise seeks to have any issue dealt with separately before the final hearing, then the party raising that issue is to identify it and provide a document

setting out the issue and the reasons why it should be dealt with separately to the other parties and to the Court not less than 2 days prior to the preliminary hearing.

20. A Judge will deal with any application for separate determination of such an issue on the day of the preliminary hearing or at a separate hearing shortly after the preliminary hearing. However, the presiding Registrar at the preliminary hearing may still fix a date for the final hearing of the tree application.
21. The parties are to be sufficiently prepared at the preliminary hearing to assist the Court in making, and to be able to accept, a timetable up to and including the final hearing.
22. Legal practitioners and other representatives of the parties are to advise the parties of their obligation to be ready to agree to a timetable up to and including the final hearing and are to obtain full and timely instructions to ensure the parties comply with this obligation.

#### **Final hearings of tree applications concerning damage to property or injury to a person**

23. The Court will usually allocate a maximum of three hours for the final hearing of tree applications for damage to property or likelihood of injury to any person on the day set for that hearing. These hearings will commence (and usually be finalised) on site on that day.

#### **Final hearings of tree applications concerning high hedges**

24. The final hearing of tree applications concerning severe obstruction of sunlight and/or views by hedges will usually be finalised on the day set for that hearing. These hearings will commence on site and will continue as a court hearing at the Land and Environment Court at 225 Macquarie Street, Sydney or at an available, nearby Local Court courthouse.

#### **Applications for an early preliminary hearing or final hearing**

25. Any party may make an application for an early hearing of a tree application. Early hearings can be sought for either the preliminary hearing or the final hearing or both. Any such application must be in writing and supported with a short statement setting out the reasons in support of having an early hearing. Any such application must be given to the other parties as well as to the Court. Applications for an early hearing may be dealt with by the Court “on the papers” after telephone consultation with all parties or by a quick hearing on the application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court].



### **Notification if breach of the Court's directions**

26. If there is any significant breach of the Court's directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-mail communication or fax to the Registrar, notify the Registrar of the breach. The Registrar may require the parties to attend before the Court if it is considered that the reasons for the breach are not adequately explained in that e-mail communication or facsimile or if the breach might materially affect the timetable. Parties are reminded that where the conduct of either party unnecessarily or unreasonably increases the number of appearances in Court, that party may be at risk of the making of a costs order against them.

### **Applications to vary the Court's directions**

27. Any party to a tree application may apply to the Court to vary the Court's directions, including the timetable leading to the final hearing or the date fixed for the final hearing. Any application to vary the Court's directions must be in writing setting out the changes proposed and the reasons for them. The person making such an application must provide a copy of the application to the other party, the relevant local council and to the Court.
28. Applications to vary an existing timetable may be dealt with by the Court "on the papers" after telephone consultation with all parties or by a quick hearing on the application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court].

### **Liberty to approach the Court**

29. Parties have liberty to approach the Court without a notice of motion on two working days' notice or earlier if urgency requires. A party seeking to make urgent application should, if possible, make prior arrangement with, or give appropriate notice to, any other party, and should send an e-mail communication or fax to the Registrar.

### **Amendments to tree applications**

30. An applicant requires permission from the Court to amend a tree application.
31. Any application to amend is to be in writing and accompanied by a short statement in support explaining the reasons for seeking permission to amend. Applications to amend may be dealt with by the Court "on the papers" after telephone consultation with all parties or by a quick hearing on the application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court] or during either the preliminary hearing or the final hearing of the tree application.

### **Applications to change hearing dates and for adjournments**

32. Tree applications will not be adjourned generally. If a tree application is to be adjourned, it will be adjourned to a specific date, time and place that will be notified to the parties by the Court.
33. Tree applications usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
34. Applications to change hearing dates fixed by the Court are to be in writing, with a statement in support explaining the circumstances of the application and the reasons the hearing date should be changed. Applications to change a hearing may be dealt with by the Court “on the papers” after telephone consultation with all parties or by a quick hearing on the application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court].

### **Applications for final orders by consent of parties**

35. If the parties settle the dispute and its resolution does not require the Court to make any orders under the Trees Act, the applicant is to file a notice of discontinuance of the tree application signed by all parties.
36. If the parties settle the dispute and its resolution does require the Court to make orders under the Trees Act, it will be necessary for the Court to determine the tree application rather than filing terms of agreement with the Court registry. The parties are to exercise the liberty to approach the Court (under paragraph 29 above) and request that the application for final orders by consent be listed for determination by the Court. The parties are to file the proposed consent orders signed by all parties before the date fixed by the Court for hearing and determining the application for final orders by consent.
37. At the hearing of the application for final orders by consent the parties will be required to present such evidence as is necessary to allow the Court to determine whether it is lawful and appropriate to make the consent final orders.
38. For a tree application concerning damage to property or likelihood of injury to a person, the Court will need to be satisfied that at least one of the jurisdictional tests in section 10(2) of the Trees Act is met. In addition, the Court will have regard to the matters in sections 9, 10 and 12 of the Trees Act.
39. For a tree application concerning severe obstruction of sunlight and/or to a view, the Court will need to be satisfied that sections 14A(1) and 14E(1) and at least one of the jurisdictional tests in section 14E(2) of the Trees Act are met. In addition, the Court will have regard to the matters in sections 14D and 14F of the Trees Act.

40. It is also likely that no final order by consent for interference with or removal of a tree will be made without an inspection of the tree.

### **Expert evidence**

41. Parties are encouraged to consider whether expert evidence is genuinely necessary to resolve the issues in dispute in tree applications. Unnecessary expert evidence substantially increases the time and cost of hearings.
42. In this context, parties are to pay regard to the Court's usual practice that tree applications are fixed, whenever possible, for final hearing before at least one Commissioner who is an arborist. If the Court is not able to list a Commissioner who is an arborist for the final hearing of such applications, if time and circumstances permit, the Court will notify the parties of this fact. A Commissioner who is an arborist may not be required to be listed for tree applications seeking compensation for damage only.
43. Where expert evidence is proposed to be considered at a final hearing, the Court usually accepts that evidence in written form and does not require attendance of the expert, unless attendance is required by another party (see paragraph 51 below).
44. It is not the role of any expert to express an opinion whether a tree application should be granted or dismissed. Expert opinions in reports and joint reports are to deal with the relevant issues raised by the parties. Any other matter relevant to the expert's expertise, which the expert feels obliged to draw to the attention of the parties and the Court, may also be noted.
45. An expert and the expert's report are to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules 2005 and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
46. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the application.
47. If experts are directed by the Court to confer, experts are to ensure that their joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
48. Legal representatives and parties to the application are not to attend joint conferences of experts or be involved in the preparation of joint reports without permission being given by the Court.
49. Where expert evidence from more than one expert in the same discipline is to be given at the final hearing, the experts will give such evidence concurrently (subject to any order to the contrary by the presiding Court member hearing the tree application).

50. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

#### **Witnesses required for cross-examination**

51. If a party requires any expert or other witness for cross-examination, notice is to be given at least 5 working days before the final hearing.

#### **Non compliance and costs**

52. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party, legal practitioner or agent responsible for the breach may be ordered to pay those costs.
53. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners and agents for the parties are to consider carefully the documents necessary to be provided to the Court during any hearing of a tree application. Unnecessary documents may attract adverse costs orders.
54. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

#### **Applications for a cost order**

55. Where a Commissioner has heard and determined a tree application, any party seeking an order for costs of the proceedings must apply for costs by notice of motion filed within 28 days of the final orders in the proceedings.

Note: Pt 3 r 3.7 of the Land and Environment Court Rules 2007 provides that for proceedings in Class 2 of the Court's jurisdiction, including tree applications, the Court "is not to make an order for the payment of costs unless the Court considers that the making of an order as to the whole or any part of the costs is fair and reasonable in the circumstances": Pt 3 r 3.7(2). Some of the circumstances in which the Court might consider the making of a costs order to be fair and reasonable are listed in Pt 3 r 3.7(3).

56. The notice of motion for costs will be heard and determined by either the Registrar or a Judge of the Court.

***The Honourable Justice Brian J Preston  
Chief Judge  
22 November 2018***

## Schedule A

**Usual directions on the preliminary hearing for tree applications** [blanks will be completed at the preliminary hearing, relevant directions ticked and directions not needed will be crossed out].

- 1 Time and place of final hearing**  
 (a) The matter is fixed for an on-site hearing/a court hearing commencing on site on [date].....at ..... am/pm.  
 (b) The hearing will continue in Court at [location] ..... at ..... am/pm;
- 2 Notice of appearance**  
 The applicant's legal representative/respondent's legal representative/respondent is to lodge a Notice of Appearance with the Court and give a copy to the respondent/applicant, by 4.30pm on .....
- 3 Service of directions**  
 (a) The applicant is to serve a copy of these directions on the respondent and on the local council by 4.30 pm on .....;  
 (b) The applicant is to serve a copy of these directions on the Heritage Council of NSW by 4.30 pm on .....
- 4 Proof of service**  
 The applicant is to file with the Court a statutory declaration or an affidavit of service demonstrating service of the tree application and/or compliance with direction 3 for service of directions by 4.30 pm on .....
- 5 Issue of subpoenas to produce documents**  
 Leave is granted to all parties to issue subpoenas to produce documents by not later than .....with such subpoenas to be returnable before the Court not later than .....
- 6 Applicant's evidence**  
 The applicant is to file with the Court and serve a copy on the respondent, the local council and the Heritage Council of NSW, by 4.30pm on ....., any further statements, reports, affidavits, photographs or any other documents upon which the applicant intends to rely at the hearing;
- Note: When an application is made for an order to prevent injury to any person and the "injury" is an illness, allergy or similar medical condition, specific supplementary directions [see Schedule B] will be made concerning evidence in such cases.
- 7** For all Part 2 claims seeking orders for compensation for damage to property or orders to rectify damage to property, the applicant's documents provided pursuant to direction 6 are to provide details of:
- when and how the damage was brought to the attention of the respondent including copies of any correspondence (if this information has not been provided as part of the application); and
  - the basis of any amount claimed for past damage (including all relevant receipts and/or invoices) and any quotations for proposed works which the applicant requests the Court to require to be undertaken (whether such proposed works are to the applicant's property or to the property where the tree is located);
- 8** In addition to the deadline in direction 6 for the applicant to provide further material, the applicant may file with the Court and serve a copy on the respondent, the local council and the Heritage Council of NSW, by 4.30pm on ....., any documents produced in response to a subpoena, on which the applicant intends to rely at the hearing;

- **9 Respondent's evidence and alternative orders**

The respondent is to file with the Court and serve a copy on the applicant, the local council and the Heritage Council of NSW, by 4.30pm on ....., any statements, reports, affidavits, photographs or any other documents (including subpoenaed documents) upon which the respondent intends to rely at the hearing;
- **10**

The respondent is to file with the Court and serve a copy on the applicant, the local council and the Heritage Council of NSW, by 4.30pm on ....., any order pursuant to s 9 and/or s 14D of the *Trees (Disputes Between Neighbours) Act 2006* or pursuant to s 13A of the *Dividing Fences Act 1991* which the respondent proposes as an alternative to or in addition to the orders sought by the applicant. If the respondent wishes to retain the tree, the respondent's proposed order should include any solution to prevent the tree causing damage to the applicant's property, including any engineering or construction solution, which would enable the tree to be retained;
- **11 Local council's evidence**

The local council is to file with the Court and to serve on the applicant, the respondent and the Heritage Council of NSW, by 4.30 pm on ....., any statements, reports, affidavits, photographs or any other documents upon which the local council intends to rely at the hearing;
- **12 Heritage Council's evidence**

The Heritage Council of NSW is to file with the Court and serve on the applicant, the respondent and the local council, by 4.30 pm on ....., any statements, reports, affidavits, photographs or any other documents upon which the Heritage Council intends to rely at the hearing;
- **13 Access for inspections**

The parties are to permit access to their property by the other party and the legal representatives and expert advisors of the other party, the local council or the Heritage Council of NSW, provided that access is on reasonable notice (given to the party's legal representative or, if the party does not have a legal representative, direct to the party) and at a reasonable time. The parties are permitted to supervise any such access;
- **14 Expert evidence**
  - (a) Any expert giving written or oral evidence on behalf of a party, the local council or the Heritage Council of NSW is to be advised that:
    1. Any expert engaged to give opinion evidence in these proceedings has an overriding duty to assist the Court impartially on matters relevant to the expert's area of expertise;
    2. Such expert witness's paramount duty is to the Court and not to the person retaining the expert; and
    3. Such expert witness is not an advocate for the party who has engaged that expert;
  - (b) Any written expert evidence is to include acknowledgement that the expert has read and agrees to be bound by the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules 2005.
- **15 Witnesses required for cross-examination**

If a party, the local council or the Heritage Council of NSW requires any expert or any other witness for cross-examination, notice is to be given at least 5 working days before the final hearing.
- **16 Liberty to re-list**

Each party has liberty to re-list the matter before the Court on two days notice to the other party, the Court, the local council and the Heritage Council of NSW.

## Schedule B

### **Supplementary directions for an order to prevent injury to any person and the “injury” is an illness, allergy or similar medical condition.**

- 1. Further to direction 6 of the principal directions in this matter, the applicant is to provide, by the close of business on ....., any statement of medical or arboricultural evidence and any supporting medical or arboricultural peer reviewed literature relied upon in support of a claim that a tree which is the subject of the application is a “likely cause of injury to any person”;
- 2. Any expert evidence concerning matters contained in 1 above is to include acknowledgement that the expert has read and agrees to be bound by the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules 2005.

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## COUNCIL NOTICES

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### BLACKTOWN CITY COUNCIL

LOCAL GOVERNMENT ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

NOTICE OF COMPULSORY ACQUISITION OF LAND

Blacktown City Council declares with the approval of His Excellency the Governor that the land described in the schedule below is acquired by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for RE1 Public Recreation and SP2 – Classified Road for future public road.

Dated at Blacktown this 8th day of March 2019.

Kerry Robinson  
General Manager

#### SCHEDULE

30/39341

(n2019-796)

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### FAIRFIELD CITY COUNCIL

Roads Act 1993, Section 16

Notice of Dedication of Land as Public Road

Pursuant to Section 16 of the *Roads Act 1993*, notice is hereby given that Fairfield City Council dedicates as public road, the land held by Council as described in the Schedule below.

Alan Young, General Manager, Fairfield City Council, PO Box 21, Fairfield NSW 1860.

#### SCHEDULE

The land bound by Prospect Road, Senior Street and Premier Street, Canley Vale in the Parish of St Luke, County of Cumberland, shown as lane on DP 885.

(n2019-797)

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### FORBES SHIRE COUNCIL

Road Act 1993

Notice of Dedication of Land as Public Road

NOTICE is hereby given by Forbes Shire Council, pursuant to Section 10 of the *Roads Act 1993*, that the land described in the Schedule below is here by dedicated as a public road.

Dated at FORBES, this 21 February 2019

Stephen Loane, General Manager, Forbes Shire Council, Town Hall, 2 Court Street, Forbes NSW 2871.

#### SCHEDULE

Lot 26 DP 1060198 and Lot 27 DP 1060198 Watson Close, Forbes, Parish of Forbes, County of Ashburnham.

(n2019-798)

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### FORBES SHIRE COUNCIL

Road Act 1993, Section 16

Notice of Dedication of Land as Public Road

NOTICE is hereby given that in accordance with the provisions of Section 16 of the *Roads Act 1993*, the land held by Forbes Shire Council as described in the Schedule below is here by dedicated as a public road.

Dated at FORBES, this 21 February 2019

Stephen Loane, General Manager, Forbes Shire Council, Town Hall, 2 Court Street, Forbes NSW 2871.



**SCHEDULE**

The land comprising of Bob Acheson Avenue and Nancye Place, Forbes, in the Parish of Mumbidgele, County of Ashburnham, and Alcheringa Drive, Forbes, in the Parish of Forbes, County of Ashburnham, shown highlighted in the attached plan.



(n2019-799)

**GOULBURN MULWAREE COUNCIL**

**ROADS ACT 1993**

**Naming of Roads**

Notice is hereby given that Goulburn Mulwaree Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
GOORAWIN PLACE	Goulburn
<b>Description</b>	
New Road in Subdivision Lot 5 DP 1082315 Slocombe Street, Goulburn	

WARWICK BENNETT, General Manager, Goulburn Mulwaree Council, Locked Bag 22, GOULBURN NSW 2580

GNB Ref: 0044

(n2019-800)

**HILLTOPS COUNCIL**

**Local Government ACT 1993, Section 553, Extension of Watermains**

Notice is hereby given that pursuant to Section 553 of the *Local Government Act 1993*, certain watermains have been extended in a scheme operated by Hilltops Council. Properties capable of being served by these watermain extensions are described in the Schedule and will be subject to water rates twenty-one (21) days after publication of this notice or upon connection of the property to the watermain whichever date is earlier.

Edwina Marks General Manager, Hilltops Council, Locked Bag 5, YOUNG NSW 2594

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**Schedule**

Lot	Deposited Plan	Property Address
1173	754611	15 Glenrowan Road Young
649	754611	17 Glenrowan Road Young
1287	754611	17 Glenrowan Road Young
293	754611	17 Glenrowan Road Young

(n2019-801)

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**OBERON COUNCIL**

Roads Act 1993

Notification of Road Closure

Notice is hereby given, under the provisions of the *Roads Act 1993*, that the road as set out in the Schedule below is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, will vest in Oberon Council and is classified as operational land for the purposes of the *Local Government Act 1993*.

GARY WALLACE  
General Manager  
Oberon Council

**Schedule**

Lot 22 DP1244194

(n2019-802)

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**ORANGE CITY COUNCIL**

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Orange in the Orange City Council area

Orange City Council, by its General Manager, dedicates the land described in the Schedule below as public road under section 10 of the *Roads Act 1993*.

Garry Styles  
General Manager  
Orange City Council

**SCHEDULE**

ALL that piece or parcel of land situated in the Orange City Council area, Parish of Orange and County of Wellington, described as:

Description of Land	Title Particulars
Lot 66 DP 881808, Molong Road Orange	Folio Identifier 66/881808

(n2019-803)

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**QUEANBEYAN-PALERANG REGIONAL COUNCIL**

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Queanbeyan-Palerang Regional Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
MILLWOOD LANE	BUNGENDORE
<b>Description</b>	
This name has been selected for use in a new subdivision in the town of Bungendore. The new road will be accessed off Gibraltar Street, and will proceed in a northerly direction for approximately 200m.	

PETER TEGART, General Manager, Queanbeyan-Palerang Regional Council, 10 Majara Street, BUNGENDORE NSW 2621

GNB Ref. 0007

(n2019-804)

## COUNCIL OF THE CITY OF SYDNEY

### HERITAGE ACT 1977

#### INTERIM HERITAGE ORDER NO. 2

Under Section 25 of the *Heritage Act 1977* City of Sydney Council does by this order:

- I. make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule 'A'; and
- II. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- 1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- 2) in the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Monica Barone, Chief Executive Officer  
City of Sydney Council

Sydney, 20/03/2019

#### Schedule 'A'

The property known as "Kwong War Chong store" situated at 82-84 Dixon Street, Haymarket, on the land described in Schedule 'B'.

#### Schedule 'B'

All those pieces or parcels known as Lot 1 of Deposited Plan 66034.

(n2019-805)

## TWEED SHIRE COUNCIL

### Roads Act 1993

NOTICE is hereby given under the provisions of the *Roads Act 1993*, that the land described in the Schedule below is closed road and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title of the land, comprising the former public road, vests in Tweed Shire Council as operational land pursuant to section 43 of the *Roads Act 1993*.

Troy Green, General Manager, Tweed Shire Council, Tumbulgum Road, Murwillumbah NSW 2484.

#### Schedule

Lot 2 DP 1250863 formerly part of Tumbulgum Road, Tygalgah

(n2019-806)

**WARRUMBUNGL SHIRE COUNCIL**

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Warrumbungle Shire Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

<b>Name</b>	<b>Locality</b>
PURLEWAUGH ROAD	Coonabarabran, Purlewaugh, Tambar Springs, Ulamambri
<b>Description</b>	
Extends West from Black Stump Way(MR55)Junction to Edwards Street Coonabarabran. Originally Named Coonabarabran Road	

PHILIP SOUTHWELL, Emergency Services Coordinator, Warrumbungle Shire Council, 22 John St, COONABARABRAN NSW 2357

GNB Ref: 0045

(n2019-807)

**WILLOUGHBY CITY COUNCIL**

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Willoughby City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

<b>Name</b>	<b>Locality</b>
BERKELEY COURT	Chatswood
<b>Description</b>	
That portion of roadway formerly known as Nelson Street Chatswood starting an the intersection with the North Shore Railway corridor and running generally in a NNE direction for approximately 40 meters to the intersection with Orchard Road Chatswood.	

DEBRA JUST, General Manager, Willoughby City Council, 31 Victor Street, CHATSWOOD NSW 2067

GNB Ref: 0042

(n2019-808)

**WINGECARRIBEE SHIRE COUNCIL**

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that in accordance with section 10 of the *Roads Act 1993*, the land described in the Schedule below is dedicated as public road. Ann Prendergast, General Manager, Wingecarribee Shire Council, 68 Elizabeth St, Moss Vale NSW 2577.

General Manager

**SCHEDULE**

Lots1 & 2 DP 808842 Station Street, Bowral

(n2019-809)

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## PRIVATE NOTICES

### Estate Notices

#### NOTICE OF INTENDED DISTRIBUTION OF ESTATE

Any person having any claim upon the estate of FRAN SAUVARIN late of Peninsula Village, 91 Pozieres Avenue, Umina Beach NSW, who died on 28 September 2017 must send particulars of the claim to the executor, Graham Stanley Horsnell, care of Cleary Solicitors, 9 Broken Bay Road, Ettalong Beach NSW 2257 [DX 8809 Woy Woy] within 31 days from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims, including an application or notice of intended application for a family provision order, of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 14 December 2017.

(n2019-810)

### Other Private Notices

#### PUBLIC NOTICE

Proposed termination of Neighbourhood Scheme DP No 285191 being lots 1 to 20 inclusive and Lots 25 to 50 inclusive in Deposited Plan No 285191 situated at Salamander Bay in the Parish of Tomaree County of Gloucester.

#### NOTICE TO SEND IN CLAIMS

Notice is given of an intention to apply to the Registrar-General for an order terminating the above Scheme and the consequent winding up of the Neighbourhood Association under section 72 of the *Community Land Development Act 1989*.

Any person having any claim against the Neighbourhood Association of the above Scheme or any estate or interest in or claim against any of the lots comprised in the Scheme is required on or before 8 April 2019 to send particulars of the estate, interest or claim to McDonald Johnson Lawyers, PO Box 673, Newcastle NSW 2300 (our ref: LAD:67705).

(n2019-811)