



Government Gazette

of the State of

New South Wales

Number 116 - Compulsory Acquisitions

Friday, 28 March 2025

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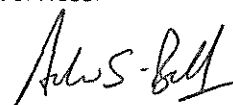
**LAND ACQUISITION (JUST TERMS COMPENSATION ACT) 1991
FIRE AND RESCUE NSW ACT 1989
PUBLIC WORKS AND PROCUREMENT ACT 1912**

NOTICE OF COMPULSORY ACQUISITION OF LAND

The Minister for Emergency Services, with the approval of Her Excellency the Governor, declares that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) for the purposes of the *Fire and Rescue NSW Act 1989* and the *Public Works and Procurement Act 1912*.

The land is, on publication of this notice, vested in the Minister for Emergency Services.

Signed at Sydney, this 27 day of Nov 2024

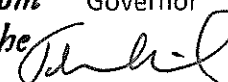


MARGARET BEAZLEY,

By Deputation from Governor

By Her Excellency's Command

Her Excellency the



JIHAD DIB MP,

Minister for Emergency Services

Schedule

All that piece or parcel of land situated in the local government area of the City of Liverpool, Parish of Bringelly County of Cumberland, in New South Wales shown as Lot 41 DP1311162, being part of Lot 30 in Deposited Plan 1251450 (also known as part of 180 Adams Road, Luddenham) said to be in the ownership of Dong & Young Pty Ltd.

ELECTRICITY SUPPLY ACT 1995

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

***NOTICE OF COMPULSORY ACQUISITION OF EASEMENTS FOR THE PURPOSES OF THE
ELECTRICITY SUPPLY ACT 1995 AS MODIFIED BY THE ELECTRICITY NETWORK ASSETS
(AUTHORISED TRANSACTIONS) ACT 2015***

NSW Electricity Networks Assets Pty Limited on behalf of the Electricity Transmission Ministerial Holding Corporation declares, with the approval of Her Excellency the Governor, that the easements described in column 2 of the Table in Schedule 1 below are acquired over the land described in the corresponding row of column 1 of the Table in Schedule 1 below by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995, as modified by the Electricity Network Assets (Authorised Transactions) Act 2015, subject to the exclusion of the interests described in the corresponding row of column 3 of the Table in Schedule 1 below.

Gordon Taylor

Executive General Manager of Major Projects

NSW Electricity Networks Assets Pty Limited

ACN 609 169 922 on behalf of **Electricity Transmission**

Ministerial Holding Corporation pursuant to s.36 of the
Electricity Network Assets (Authorised Transactions) Act 2015.

C/o Transgrid, PO Box A1000, Sydney South 1235

SCHEDULE 1

TABLE

Column 1 Description of Land	Column 2 Description of Easement	Column 3 Description of Excluded Interest(s)
<p>1. All those pieces or parcels of land situated in the Local Government Area of Upper Lachlan Shire, Parish of Bunton, County of King, comprised in Lot 1 DP 134028 being the land contained in Folio of the Register 1/134028.</p>	<p>An EASEMENT FOR TRANSMISSION LINE 70 WIDE burdening that part of Lot 1 DP 134028 being the land contained in Folio of the Register 1/134028 comprised within the site of the PROPOSED EASEMENT FOR TRANSMISSION LINE 70 WIDE marked (D), as shown in Deposited Plan 1297833, on the terms contained in Memorandum AJ633767C registered at NSW Land Registry Services.</p>	<p>N598902 easement for transmission line affecting the part of the land shown so burdened in Vol 2889 Fol 120 is excluded from the acquisition.</p>
<p>2. All those pieces or parcels of land situated in the Local Government Area of Upper Lachlan Shire, Parish of Bunton, County of King, comprised in Lot 2 DP 134028 being the land contained in Folio of the Register 2/134028.</p>	<p>An EASEMENT FOR TRANSMISSION LINE 70 WIDE burdening that part of Lot 2 DP 134028 being the land contained in Folio of the Register 2/134028 comprised within the site of the PROPOSED EASEMENT FOR TRANSMISSION LINE 70 WIDE marked (D), as shown in Deposited Plan 1297833, on the terms contained in Memorandum AJ633767C registered at NSW Land Registry Services.</p>	<p>N598902 easement for transmission line affecting the part of the land shown so burdened in Vol 2458 Fol 39 is excluded from the acquisition.</p>

<p>3. All those pieces or parcels of land situated in the Local Government Area of Upper Lachlan Shire, Parish of Bunton, County of King, comprised in Lot 1 DP 1150352 being the land contained in Folio of the Register 1/1150352.</p>	<p>An EASEMENT FOR TRANSMISSION LINE 70 WIDE burdening that part of Lot 1 DP 1150352 being the land contained in Folio of the Register 1/1150352 comprised within the site of the PROPOSED EASEMENT FOR TRANSMISSION LINE 70 WIDE marked (D), as shown in Deposited Plan 1297833, on the terms contained in Memorandum AJ633767C registered at NSW Land Registry Services.</p>	<p>Each of:</p> <p>1 DP1150352 easement for transmission line 60.96 metre(s) wide over existing line of poles affecting the part(s) of the land shown so burdened in DP1150352; and</p> <p>2 DP1150352 easement for access 20.115 metre(s) wide affecting the part(s) of the land shown so burdened in DP1150352,</p> <p>is excluded from the acquisition.</p>
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Management of Criminal Proceedings listed in the Downing Centre

1. This Practice Note replaces District Court Criminal Practice Note 18, District Court Criminal Practice Note 20 and District Court Criminal Practice Note 21.

Commencement

2. This Practice Note commences at Sydney District Court on 31 March 2025.

Application

3. This Practice Note applies to the case management of proceedings in the Downing Centre, excluding proceedings in the Walama List and proceedings listed where the District Court sits on a circuit basis.

Arraignment

4. The Local Court Magistrate will commit an accused person for trial to appear for arraignment at the Downing Centre on a date no more than 4 weeks after committal (unless ordered otherwise).
5. Parties should expect that arraignments for trials prosecuted by the Commonwealth DPP (whether conducted in-person or via AVL) will be listed in Court 3.1 at the Downing Centre each **Friday at 9:00am**.
6. Parties should expect that arraignments for trials prosecuted by the State DPP (whether conducted in-person or via AVL) will be listed in Court 3.1 at the Downing Centre each **Friday at 10:00am**.
7. The accused person is to file and serve a Notice of Appearance by the Friday (7 days) before arraignment.
8. The Prosecution is to file and serve the Indictment, the Crown Case Statement and the Brief Index by the Monday (5 days) before arraignment.

9. At arraignment, the Prosecution shall present the Indictment. The accused person must be present either in-person or via AVL to be arraigned and ready to enter their plea.
10. If the accused person is not legally represented at arraignment, the Court will make orders for case management to ensure that representation is obtained at the earliest opportunity.
11. At the arraignment the parties are to provide the Court with a completed **Arraignment Form - Sydney District Court (Annexure 1)** and have sufficient knowledge of the matter to provide the following information:

Party	Information
Prosecution & Accused Person	<p><u>Issues in dispute and outstanding items</u></p> <ul style="list-style-type: none"> - an outline of issues in dispute, including any anticipated pre-trial issues or legal argument - any agreed facts - any outstanding items yet to be served and an estimate as to when they will be available to be served
	<p><u>Trial estimate and available dates</u></p> <ul style="list-style-type: none"> - an estimate of the length of the trial (which is to include time for any pre-trial issues, including legal argument, counsels' addresses, the summing up and a reasonable period for jury deliberations) - available dates for witnesses and counsel (and solicitors) briefed to appear
	<p><u>Witness requirements</u></p> <ul style="list-style-type: none"> - any requirement for remote witness facilities - any requirement for AVL facilities - any requirement for interpreters, including the language and precise dialect, the number of and identification of which witness/es require interpreters

Accused Person	<u>Sexual Assault Communication Privilege</u> <ul style="list-style-type: none"> - whether a question may arise under Chapter 6, Part 5, Division 2 of the <i>Criminal Procedure Act 1986</i> (NSW) for determination by the Court and whether leave may be required for the issue of subpoena or for evidence to be adduced regarding protected confidences
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Readiness Hearings

12. If the accused person pleads, or intends to plead, not guilty to any count, the Court will fix a date for trial and for a Readiness Hearing.
13. The Readiness Hearing is to be listed at least 8 weeks before the date fixed for trial (unless ordered otherwise).
14. Parties should expect that Readiness Hearings will be listed in Court 3.1 at the Downing Centre each **Friday** at **2:00pm**.
15. Readiness Hearings may be conducted in-person or via AVL. The accused person is excused from appearing if legally represented.
16. The Court will impose case management measures available under Division 3 of the *Criminal Procedure Act 1986* (NSW) as appropriate for the efficient management and conduct of the trial. The Court will exercise its discretion in determining which of those measures, including any orders, determinations, findings, further directions or rulings, are necessary.
17. The Court may fix as many Readiness Hearings as the Court considers necessary and may set a timetable for the filing of Notice of Motions and submissions as required.
18. At the Readiness Hearing, the Crown Prosecutor or Solicitor Advocate, and the Barrister or Solicitor Advocate briefed to appear for the accused person at the trial, are to appear and are to provide the Court with the following information:
 - a) confirmation of any pre-trial issues, including legal argument
 - b) confirmation of the trial estimate
 - c) any agreed facts
 - d) confirmation that all witnesses required for trial have been served with a subpoena

- e) whether any updated disclosure affidavits have been filed and served
- f) whether a timetable is required for the service of any further material
- g) whether an order is sought pursuant to s 19 of the *Jury Act 1977* (NSW) for alternate jurors
- h) whether a grant of legal aid is sought and/or has been refused and is under appeal

Trial Callover

- 19. Parties in trials prosecuted by the State DPP should expect the trial will be called over in Court 3.1 at the Downing Centre on the **Thursday** before the date fixed for trial at **9:00am**.
- 20. Parties in trials prosecuted by the Commonwealth DPP (or any other agency) should expect that the trial will be called over in Court 3.1 at the Downing Centre on the **Friday** before the date fixed for trial at **9:00am**.
- 21. Trial callovers may be conducted in-person or via AVL. The accused person is excused from appearing if legally represented.
- 22. At the trial callover, the Crown Prosecutor or Solicitor Advocate, and the Barrister or Solicitor Advocate briefed to appear for the accused person at the trial, are to appear.
- 23. At the trial callover, the Court expects to be advised of the anticipated day of jury empanelment and whether any alternate jurors are required.
- 24. At the trial callover, the Court expects confirmation to be provided of the day/s any interpreter will be required, the language and precise dialect and for which witness/es.

Trial

- 25. The Court expects that trials will be ready to commence on the date listed for trial. The first day of trial is not to be considered as a preparation day.
- 26. Any application to vacate a trial date is to be made by way of filing and serving a Notice of Motion with a supporting affidavit setting out the grounds for the application and it will be listed in Court 3.1 for hearing (unless ordered otherwise).

Committals for Sentence

27. The Local Court Magistrate will commit an offender for sentence to the Downing Centre on a **Friday** no more than 4 weeks after committal (unless ordered otherwise).
28. Parties in sentence proceedings prosecuted by the Commonwealth DPP (or any other agency) should expect that the sentence will be listed for callover in Court 3.1 at the Downing Centre on a **Friday** at **9:00am**. The offender is excused from appearing if legally represented.
29. Parties in sentence proceedings prosecuted by the State DPP should expect that the sentence will be listed for callover in Court 3.1 at the Downing Centre on a **Friday** at **9:30am**. The offender is excused from appearing if legally represented.
30. The offender is to file a Notice of Appearance with the District Court Registry no later than 7 days prior to the sentence hearing.

Sentence proceedings where the facts are agreed:

31. At the sentence callover, the parties are to provide the Court with a completed **Sentence Hearing Order Form - Sydney District Court (Annexure 2)** and be in a position to provide the following information:

Party	Information
Prosecution & Offender	<u>Sentence estimate and available dates</u> <ul style="list-style-type: none">- an estimate of the length of the sentencing hearing- available dates for counsel (and solicitors) briefed to appear and for any witnesses required to give evidence, including witnesses required by the Prosecution (inclusive of expert witnesses)
	<u>Witness requirements</u> <ul style="list-style-type: none">- any requirement for remote witness facilities- any requirement for AVL facilities- any requirement for interpreters, including the language and precise dialect, the number of and identification of which witness/es require interpreters
	<u>Sentencing Assessment report (SAR)</u> <ul style="list-style-type: none">- any requirement for a SAR and the address of the nearest community corrections office to the offender

Sentence proceedings where the facts are not agreed:

32. If the facts upon which the offender is to be sentenced are not agreed, the offender is to advise the Court at the sentence callover as to the areas of dispute and the names of any witnesses required for cross-examination.

Sentence Hearings

33. Unless otherwise directed, the parties are to file material in accordance with the following timetable:

Party	Requirement
Prosecution	<u>14 days</u> prior to the sentence hearing, file and serve the Crown Sentence Bundle
Offender	<u>7 days</u> prior to the sentence hearing, file and serve any documentary material, including expert reports, to be relied upon at sentence
Prosecution & Offender	<u>3 days</u> prior to the sentence hearing, file and serve an outline of submissions

34. By the date fixed for the sentence hearing, the matter must be ready to proceed.

Conviction Appeals

35. Parties in conviction appeals should expect that the appeal will be listed for callover before the Registrar on a **Thursday at 9:00am**.

36. Callovers may be conducted in-person or via AVL. The appellant is excused from appearing if legally represented.

37. At the Registrar's callover, the parties are to indicate what transcript will be required for the hearing of the appeal and the Registrar will order such transcript.

38. At the Registrar's callover, the parties are to provide the Court with an estimate of the length of the hearing.

39. At the Registrar's callover, the parties are to inform the Registrar whether an application for leave to adduce fresh evidence will be made pursuant to s 18 of the *Crimes (Appeal and Review) Act 2001* (NSW). Any such application is to be made by way of Notice of Motion with a supporting affidavit.

40. Once the transcript has been provided, the parties should expect to receive a hearing date from the Registrar.

41. Unless otherwise directed, the parties are to file material for the hearing in accordance with the following timetable:

Party	Requirement
Respondent	<u>21 days</u> prior to the conviction appeal, file and serve the Appeal Bundle
Appellant	<u>14 days</u> prior to the conviction appeal, file and serve an outline of written submissions in support of the appeal with references to citations of authorities and the transcript pages to be relied upon. The outline of written submissions must clearly identify the issues in the appeal (and should not normally exceed 10 pages)
Respondent	<u>7 days</u> prior to the conviction appeal, file and serve an outline of written submissions (which should not normally exceed 10 pages)

42. Other directions may be made at the discretion of the Court when the appellant is not legally represented or where otherwise required.

43. Parties in conviction appeals should expect that the appeal will be called over in Court 3.1 at the Downing Centre on the **Thursday** before the date fixed for the hearing of the appeal at **9:30am**. The appellant is excused from appearing if legally represented.

44. Appeal hearing callovers may be conducted in-person or via AVL.

45. At the appeal hearing callover, the Court expects to be advised of any anticipated issues that might affect the hearing of the appeal.

46. At the appeal hearing callover, the parties briefed to appear at the appeal are to appear.

47. By the date fixed for the hearing of the appeal, the matter must be ready to proceed.

Non-Compliance

48. If it appears to the Court that a party has not complied with any part of this Practice Note or with any other Court direction, the Court may contact that party directly or list the matter for Mention, either on the Court's own initiative or at the request of another party.
49. Without limiting the Court's power otherwise to deal with an inexcusable failure to comply with a direction, the Court may order the non-compliant party to attend all future callovers unless excused by the Court.



The Hon. Justice S Huggett
Chief Judge of the District Court of New South Wales
25 March 2025

ANNEXURE 1

ARRAIGNMENT FORM – SYDNEY DISTRICT COURT

Matter name:

Matter number:

Date:

DPP representative:

Defence representative:

Orders:

1. Trial date:
2. Trial estimate:
3. Readiness Hearing date:
4. Callover date:
5. The accused person is excused from attending both the Readiness Hearing and the callover if legally represented.
6. The Defence is to advise the DPP in writing of any edits required to the ERISP/JIRT (7 days before first callover).
7. The Crown is to serve the s 142 notice (6 weeks before Readiness Hearing).
8. The Defence is to serve the s 143 response (3 weeks before Readiness Hearing).
9. The parties are to attend a s 140 conference by (2 weeks before Readiness Hearing).
10. The Crown is to serve the s 144 notice by (1 week before Readiness Hearing).
11. The parties are to file the Key Issues Statement (1 week before Readiness Hearing).
12. DPP to serve Notices and/or any reports (date set by Court).
13. Defence to serve any reports (date set by Court).
14. Interpreter required?
15. Remote room required?
16. In custody – s 77 order for accused person to appear at trial or BTC – accused person to appear at trial.

ANNEXURE 2

SENTENCE HEARING ORDER FORM – SYDNEY DISTRICT COURT:

Matter name:

Matter number:

Hearing date:

DPP representative:

Defence representative:

Orders

1. Estimate for hearing:
2. A SAR is ordered/not ordered. If ordered, the offender must attend the Community Corrections Office at (X) within 5 days from this date.
3. The SAR is to be prepared and forwarded to the Sydney Criminal Registry by (3 weeks before hearing date).
4. The DPP is to serve on the Defence and file the Crown Sentence Bundle in the Sydney Criminal Registry no later than (2 weeks before hearing date).
5. The Defence is to serve on the DPP and file in the Sydney Criminal Registry all reports, references, any other subjective material, and written submissions no later than (1 week before hearing date).
6. The DPP is to file and serve written submissions in response to Defence submissions no later than (3 days before hearing date).
7. The offender's bail is continued – to appear or a s 77 order is made for their appearance:
 - a. In-person or
 - b. Via AVL.
8. Interpreters required:
9. Other orders:

Management of Criminal Proceedings listed at Circuit Courts (being Courts without a Resident Judge)

1. This Practice Note replaces District Court Criminal Practice Note 13 and District Court Criminal Practice Note 19.

Commencement

2. This Practice Note commences on 31 March 2025.

Application

3. This Practice Note applies to all proceedings on Indictment committed to the District Court for trial on or after the commencement date at all venues where there is no resident Judge but where a Judge on circuit presides.
4. These venues are as follows: Albury, Armidale, Bega, Bourke, Broken Hill, Coonamble, Goulburn, Grafton, Griffith, Moree, Nowra, Port Macquarie, Queanbeyan, Tamworth and Taree.

Circuit Court Callover

5. Parties should expect that when committing an accused person for trial, the Local Court Magistrate will list the matter in a Circuit Court Callover in Court 3.1 at the Downing Centre each **Wednesday** at **9:00am** no less than 4 weeks from the date of committal.
6. The Circuit Court Callover will be conducted via AVL. Parties must be connected via AVL by **8:50am** and must mute their microphone until their matter is called. Parties connecting through the telephone must not place the AVL on hold. If a party must disconnect for any reason, they are to notify the Court.
7. Parties are to contact the District Court Country Callover email address DCCountryCallover@courts.nsw.gov.au to request the connection details for Court 3.1.

8. The Crown Prosecutor or Solicitor Advocate briefed to appear at the trial and the Barrister or Solicitor Advocate briefed to appear for the accused person, or the accused person if not legally represented, are to appear. The accused is excused from appearing if legally represented.
9. The Prosecution is to file and serve on each accused person the following material no later than 10 days prior to the date fixed for the Circuit Court Callover:
 - a) the Crown Case Statement
 - b) an Index to the Brief
 - c) a copy of the Indictment intended to be presented at trial
10. These documents must also be provided to the District Court Country Callover email address DCCountryCallover@courts.nsw.gov.au at least 3 days prior to the date fixed for the Circuit Court Callover.
11. The Barrister or Solicitor Advocate briefed to appear for the accused person at the trial is to file and serve a Notice of Appearance on the Crown Prosecutor or Solicitor Advocate no later than 5 days prior to the date fixed for the Circuit Court Callover. This document must also be emailed to the District Court Country Callover email address DCCountryCallover@courts.nsw.gov.au.

Trial Management

12. At the Circuit Court Callover, the Crown Prosecutor or Solicitor Advocate briefed to appear at the trial and the Barrister or Solicitor Advocate briefed to appear for the accused person at the trial are to provide the following information:

Party	Information
Prosecution & Accused Person	<p><u>Issues in dispute and outstanding items</u></p> <ul style="list-style-type: none"> - an outline of issues in dispute, including any anticipated pre-trial issues or legal argument - any agreed facts - any outstanding items yet to be served and an estimate as to when they will be available to be served

	<p><u>Trial estimate and available dates</u></p> <ul style="list-style-type: none"> - an estimate of the length of the trial (which is to include time for any pre-trial issues, including legal argument, counsels' addresses, the summing up and a reasonable period for jury deliberations) - available dates for witnesses and counsel (and solicitors) briefed to appear <p><u>Witness requirements</u></p> <ul style="list-style-type: none"> - any requirement for remote witness facilities - any requirement for AVL facilities - any requirement for interpreters, including the language and precise dialect, the number of and identification of which witness/es require interpreters
Accused Person	<p><u>Sexual Assault Communication Privilege</u></p> <ul style="list-style-type: none"> - whether a question may arise under Chapter 6, Part 5, Division 2 of the <i>Criminal Procedure Act 1986</i> (NSW) for determination by the Court and whether leave may be required for the issue of subpoena or for evidence to be adduced regarding protected confidences

Circuit Court Readiness Hearings

13. If the accused person pleads or intends to plead not guilty to any count, the Court will fix a date for trial and for a Circuit Court Readiness Hearing.
14. Circuit Court Readiness Hearings will be listed in Court 3.1 at the Downing Centre each **Wednesday** at **9:00am** at least 8 weeks before the date fixed for trial (unless ordered otherwise).
15. Circuit Court Readiness Hearings will be conducted via AVL. Parties must be connected via AVL by **8:50am** and must mute their microphone until their matter is called. Parties connecting through the telephone must not place the AVL on hold. If a party must disconnect for any reason, they are to notify the Court.
16. The Court will impose case management measures available under Division 3 of the *Criminal Procedure Act 1986* (NSW) as appropriate for the efficient management and conduct of the trial.

17. The Court may fix as many Circuit Court Readiness Hearings and may set a timetable for the filing of Notice of Motions and submissions as are required.
18. The following persons must attend the Circuit Court Readiness Hearing and are expected to have full knowledge as to the state of the proceedings:
 - a) the Crown Prosecutor or Solicitor Advocate briefed to appear at the trial.
 - b) the Barrister or Solicitor Advocate briefed to appear at the trial for the accused person, or the accused person if not legally represented.

Circuit Court Trials

19. The Court expects that trials listed in Circuit Court sittings will be ready to commence on the date listed for trial. The first day of trial is not to be considered as a preparation day.
20. Any application to vacate a trial date is to be made by way of filing and serving a Notice of Motion with a supporting affidavit setting out the grounds for the application and it will be listed in Court 3.1 for hearing (unless ordered otherwise).

Circuit Court Trial Callover

21. At least 3 weeks prior to the commencement of the sittings of the Circuit Court, the Judge presiding at the sittings will conduct a telephone callover of each matter listed for trial during the sittings.
22. The following persons must attend the Circuit Court Trial Callover and are expected to have full knowledge as to the state of the proceedings:
 - a) the Crown Prosecutor or Solicitor Advocate briefed to appear at the trial;
 - b) the Barrister or Solicitor Advocate briefed to appear at the trial for the accused person, or the accused person if not legally represented.
23. Parties will be notified of the date, time and AVL/telephone details for the Circuit Court Trial Callover by the Presiding Judge's chambers no later than 4 weeks **prior** to the commencement of the sittings (unless ordered otherwise).
24. During the Circuit Court Trial Callover, the Court may make any such orders, determinations or findings, or give such directions or rulings, as it considers appropriate to identify the issues in dispute to ensure the efficient management and conduct of the trial.

Circuit Court CSOEP Matters

25. All proceedings that are committed for trial involving one or more prescribed sexual offences pursuant to s 3 of the *Criminal Procedure Act 1986* (NSW) where the complainant is under the age of 18 at the time of committal will be listed in a CSOEP Callover list on a **Monday** no later than 14 days after committal at Central District Court (unless ordered otherwise). At that time the Court will set a ground rules hearing date and a pre-recorded evidence date.
26. A date for the hearing of the balance of the trial will be fixed in the Circuit Court Trial Callover in Court 3.1 at the Downing Centre at **9:00am** on the **Wednesday** immediately following the Monday.
27. Note that this Practice Note is to be read in conjunction with District Court Criminal Practice Note 31, which provides further guidance in relation to CSOEP matters.

Non-Compliance

28. If it appears to the Court that a party has not complied with any part of this Practice Note or with any other Court direction, the Court may contact that party directly or list the matter for Mention, either on the Court's own initiative or at the request of another party.
29. Without limiting the Court's power otherwise to deal with an inexcusable failure to comply with a direction, the Court may order the non-compliant party to attend all future callovers unless excused by the Court.



The Hon. Justice S Huggett
Chief Judge of the District Court of New South Wales
25 March 2025

Management of Proceedings under the Child Sexual Offence Evidence Program

1. This Practice Note replaces District Court Criminal Practice Note 28.

Commencement

2. This Practice note commences on 31 March 2025.

Application

3. This Practice Note applies to the case management of all proceedings falling within Division 1A of Part 5 of the *Criminal Procedure Act 1986* (NSW) (**CP Act**).
4. The Court expects the parties to familiarise themselves with the provisions contained within Division 1A of the CP Act but stated simply, they establish a process for the pre-recording of evidence given by witnesses under the age of 18. That process includes the use of a witness intermediary (**WI**), a ground rules hearing (**GRH**) and a pre-recorded evidence hearing (**PRH**).

Appointment of Witness Intermediary

5. The Court will appoint a WI for all child witnesses under the age of 16.
6. The Court may, on the application of a party or on its own motion, appoint a WI to assess the communication needs for a witness who is aged 16 or 17 if the witness has difficulty communicating.
7. A WI is an officer of the Court and has a duty to impartially facilitate the communication of, and with, the witness so they can give their best evidence.
8. The WI prepares a report in relation to the witness which is provided to the Court at least one week before the commencement of the PRH. The report is provided to the parties as soon as it becomes available.

Ground Rules Hearing

9. A GRH is to be conducted not less than one week prior to the PRH.
10. It may be conducted in-person or via AVL. The accused person is excused from appearing if legally represented.
11. The GRH is not adversarial in nature. It is conducted to assist the Court and the parties to understand the communication needs of the witness. It also provides the parties the opportunity to seek the assistance of the WI in preparing questions to be asked of the witness during the PRH.
12. At the conclusion of the GRH, the Court will make orders in relation to the questioning of a witness and the manner in which the witness is to give evidence that facilitates the witness giving their best evidence.
13. It is anticipated that at the conclusion of the GRH, orders in accordance with those set out in the attached GRH orders will be made (see **Annexure A**).

Pre-Recorded Evidence Hearing

14. The CP Act requires that a PRH must be held as soon as practicable after the date listed for the accused person's first appearance in the District Court.
15. The PRH is the commencement of the trial and the accused is arraigned at the commencement of the PRH.
16. The evidence of any witness under the age of 18 must be given by way of PRH.
17. The parties are to follow the orders made at the GRH during the PRH.
18. A PRH is conducted where additional oral evidence in chief, cross-examination and re-examination is required in addition to the child interview(s) which were conducted by the police and which are to be played as the witness' evidence in chief. All evidence given during a PRH is recorded and is played in Court during the balance of the trial.
19. The child interview(s) which were conducted by the police are not played during the PRH. The parties and the Judge will watch such interview(s) before the PRH. The child will watch (and/or read) such interview transcript(s) before the PRH.

20. Any item to be shown to the witness during the PRH by either party is to be provided to the Court in marked envelopes the day before the PRH.
21. After the completion of a PRH, a witness may *only* be recalled to give further evidence during the balance of the trial *with leave* if:
- a party has become aware of a matter they could not reasonably have been aware at the time of the pre-recorded hearing; *or*
 - it is in the interest of justice.
22. Any further evidence must be by way of a PRH (unless ordered otherwise).
23. It is anticipated that at the conclusion of the PRH, orders in accordance with those set out in the attached PRH orders will be made (see **Annexure B**).
24. The Court expects that representatives for the Prosecution and Defence who appear at a PRH will continue to appear in the balance of the trial.

Legal Argument

25. The parties are to advise the Court if there are any anticipated pre-trial issues or legal argument that needs to be resolved before the start of the trial, that being before the start of the PRH.
26. Parties should expect that the Judge presiding over the PRH will endeavour to resolve all outstanding pre-trial issues and/or legal argument during or around the time of the PRH. This will minimise the need for court time being required during the balance of the trial.

Applications and Pleas of Guilty

27. In cases involving charges of child sexual assault, children who are required to give evidence are often anxious about giving evidence and being cross-examined.
28. Practitioners should notify the Court as soon as possible of an intention to apply to vacate the PRH or to enter a plea of guilty. This can be done by email to the CSOEP email address, District-Court-CSOEP@justice.nsw.gov.au (**CSOEP email address**). The Prosecution should be notified before this intention is conveyed to the Court. An application to vacate a PRH must then be made by Notice of Motion and supporting affidavit.

Listing Procedures for CSOEP matters committed to the District Court at Sydney, Parramatta, Campbelltown and Penrith

29. Matters committed for trial to the District Court at Sydney, Parramatta, Campbelltown and Penrith will be listed for case management callover at the District Court at Central (98 Liverpool St, Sydney) no later than 14 days after committal for trial. The list will be known as the **CSOEP list** and the case management callover will be known as the **CSOEP callover**.
30. The CSOEP list will be managed separately from the general arraignments list.
31. Practitioners are to ensure that applications for Legal Aid have been lodged and finalised immediately after committal for trial and that the representatives briefed for the Crown and for the Defence are available for a PRH which will usually be conducted within 2 to 3 months of committal and that thereafter, they are available to appear at the balance of the trial.
32. The CSOEP callover may be conducted in-person or via AVL. The accused person is excused from appearing if legally represented.
33. The parties are to provide a Notice of Appearance with contact details including for the Crown Prosecutor and Barrister, or Solicitor Advocate/s briefed to appear to the CSOEP email address District-Court-CSOEP@justice.nsw.gov.au (CSOEP email address) no later than 5 days before the CSOEP callover.
34. The Prosecution are to provide a copy of the proposed Indictment, the Crown Case Statement (or draft) and an Index to the full Brief to the CSOEP email address no later than 3 days before the CSOEP callover.
35. The Court expect the Prosecution to present an Indictment at the CSOEP callover with an expectation that the proposed Indictment will be filed in Court as soon as possible after committal.
36. Available dates for the GRH and PRH will be sent to the parties the week before the CSOEP callover.
37. It is anticipated that at the conclusion of the CSOEP callover, orders in accordance with those set out in **Annexure C** will be made.
38. Should the parties seek different orders to those contained in **Annexure C**, (including an application for a date for the PRH outside those provided to the parties), they must be in a position to provide reasons at the CSOEP callover. Otherwise, the parties are to provide draft proposed orders in accordance with

Annexure C to the CSOEP email address by 5pm Friday before the CSOEP callover.

39. The Court's CSOEP coordinator will book remote rooms once notified by the DPP (pursuant to the first orders) of the proposed witness location.
40. The Court will set dates for the GRH, PRH and for any legal argument at the CSOEP callover. The matter will also be listed before the list Judge at the applicable District Court to enable the list Judge to allocate a date for the balance of trial (and any other orders considered necessary).

Listing Procedures for CSOEP matters committed to District Courts that sit on a circuit basis (i.e. without a resident Judge)

41. At the CSOEP callover the list Judge will list the matter for PRH in an allocated CSOEP week (called a **Hub week**) at the nearest regional court with a resident Judge (called a **Hub Court**).
42. Matters committed for trial to the District Court at Albury, Armidale, Bega, Bourke, Broken Hill, Coonamble, Goulburn, Grafton, Griffith, Moree, Nowra, Parkes*, Port Macquarie, Queanbeyan, Tamworth and Taree will be listed in the CSOEP callover at the District Court at Central.

*Although Parkes District Court sits on a circuit basis, matters committed for trial to the District Court at Parkes will not be listed in the CSOEP callover list at the District Court at Central, but out of the Orange Hub Court (i.e. in accordance with paragraphs [47] and [48] of this Practice Note).

43. One week after the CSOEP callover, the matter will be listed in the Circuit Court Callover in Court 3.1 at the Downing Centre on the next Wednesday at 9am to allocate a date for the hearing of the balance of trial (and any other orders considered necessary).
44. A Readiness Hearing will be conducted via AVL at the District Court at Central at 9 am on the Monday 2 weeks before the commencement of the Hub week. The accused person is excused from appearing if legally represented.
45. The Judge allocated to the Hub week will hear the GRH in the week before the commencement of the Hub week. If the Judge is not available, a Judge sitting at the District Court at Central will hear the GRH.

46. Otherwise, paragraphs [31] to [39] of this Practice Note apply to these proceedings.

Listing Procedures for CSOEP matters committed to the District Court at regional courts with resident Judges

47. The resident Judges at Coffs Harbour, Dubbo, Gosford, Lismore, Orange/Bathurst*, Wollongong, Wagga Wagga and Newcastle will manage their own CSOEP list and list the GRH and PRH in respect to all matters committed to those Courts in a Hub week. The resident Judge will also allocate a date for the hearing of the balance of trial (and any other orders considered necessary).

*Although Bathurst District Court has a resident Judge, because that Judge is also the resident Judge at Orange District Court, all matters committed for trial to the District Court at Bathurst will be managed through Orange District Court.

48. The parties should expect the resident Judge will make orders in accordance with those set out in **Annexure C** when the matter is first listed before the Regional Court.

Non-Compliance

49. If it appears to the Court that a party has not complied with any part of this Practice Note or with any other Court direction, the Court may contact that party directly or list the matter for Mention, either on the Court's own initiative or at the request of another party.

50. Without limiting the Court's power otherwise to deal with an inexcusable failure to comply with a direction, the Court may order the non-compliant party to attend all future callovers unless excused by the Court.



The Hon. Justice S Huggett
Chief Judge of the District Court of New South Wales
25 March 2025

ANNEXURE A

IN THE DISTRICT COURT OF NEW SOUTH WALES AT CENTRAL CRIMINAL JURISDICTION

R v _____ *No:* _____.

Date: _____

Coram: _____

Crown: _____

Defence: _____

Notes:

- Complainant(s) (Name(s) and Age(s)):

- Witness(es) (Name(s) and Age(s)):

Orders:

1. The recommendations made by the Witness Intermediary be adhered to throughout the PRH.
2. A transcript of the GRH be provided to the parties.
3. The parties provide agreed topic headings to the Witness Intermediary for preparation of topic heading cards by 5pm on _____.
4. The parties provide an agreed timeline to the Witness Intermediary for preparation of a timeline document by 5pm on _____.
5. If the Defence intend to use separate topic heading cards, they are to provide topic headings to the Witness Intermediary on a confidential basis for preparation of topic heading cards by 5pm on _____.
6. The parties are to conference, individually or together, with the Witness Intermediary by 5pm on _____.

ANNEXURE B

IN THE DISTRICT COURT OF NEW SOUTH WALES AT THE SYDNEY DOWNING CENTRE CRIMINAL JURISDICTION

MATTER:

FILE NO:

Date:

Appearances:

Crown:

Defence:

WI:

Orders:

1. Two copies of the recording of the pre-recorded evidence are to be made. One copy is to be provided to the ODPP, and one copy is to be placed on the Court file.
2. The transcript of the pre-recorded evidence be provided to the parties, and a copy placed onto the Court file.
3. The parties are to provide a word document of the transcript with suggested agreed edits to the PRH by _____ as follows:
 - Proposed deletions highlighted in yellow
 - Errata set out as tracked changes
4. If there are contested edits to the PRH the parties are to provide a word document of the transcript with the contested aspects highlighted together with brief written submissions by _____. The parties are also to provide a list of suitable dates for hearing of any argument by that same day.
5. The parties are to confirm whether there are any legal arguments and what those arguments are that need to be dealt with before the jury is empaneled by _____.

ANNEXURE C

**IN THE DISTRICT COURT OF NEW SOUTH WALES
AT CENTRAL
CRIMINAL JURISDICTION**

R v _____ **No:** _____

Date: _____

Coram: _____

DPP Solicitor: _____ **Crown:** _____

Def Solicitor: _____ **Counsel:** _____

Notes:

- Complainant(s) (Name(s) and Age(s)):

- Witness(es) (Name(s) and Age(s)):

Orders

Witness Intermediary, Ground Rules and Pre-Recorded Hearing

1. *If the child is under 16 years:* I order that a witness intermediary is appointed for the Complainant(s)/Witness(es).
2. *If child is over 16 years:* I order a witness intermediary be appointed to prepare a report on the communication needs of the Complainant/Witness.
3. I direct that the witness intermediary reports be filed and served by 5pm on _____.
4. The matter is listed for GRH at 9:30am on _____.
5. I order that the evidence of the Complainant(s) and Witness(es) are/is to be given at a pre-recorded hearing.

6. The matter is listed for PRH on _____. The PRH has an estimate of _____.
7. The Crown are to notify the CSOEP Registry of the proposed arrangements, including from where they are to give their evidence, for all child witnesses by 5pm on _____.

Case Management

Brief service orders

1. The Crown is directed to serve any further evidence by 5pm on _____.
2. The Crown Prosecutor appearing is to have a conference with the Officer in Charge to ensure compliance with duty of disclosure by 5pm on _____.
3. The Crown are to file an affidavit from the Officer in Charge confirming compliance with duty of disclosure (s 15A) by 5pm on _____.
4. The Defence is directed to serve any expert report or notices on which they rely by 5pm on _____.

Case management forms

5. Would the parties be assisted by a 140 conference? If so, the parties are to conduct a 140 conference by 5pm on _____.
6. The Crown is to file and serve the section 142 Notice by 5pm on _____.
7. The Defence is to file and serve the section 143 Notice by 5pm on _____.
8. The Crown is to file and serve the section 144 Notice, if any, by 5pm on _____.
9. The parties are to agree on facts not in issue by way of a statement of agreed facts (s 191 *Evidence Act*) 5pm on _____.

Pre-Recorded Evidence Brief

10. The parties are to provide agreed edits to the child interviews by _____ . The PRH bundle must contain the edited transcript.
11. If there are contested edits to the child interviews the parties are to provide a word document of the transcript with the contested aspects highlighted together with brief written submissions by _____. The parties are also to provide a list of suitable dates for hearing of any argument by that same day.
12. The Crown is to deliver one hard copy of the Pre-Recorded Hearing bundle to the Registry at Central District Court Liverpool Street by 5pm on_.
13. The PRH Bundle should contain the Indictment, Crown Case Statement, child interviews (discs and transcripts), ERISP (disc and transcript), complaint witness statements and any other material relevant to the PRH such as but not limited to tendency notices and material to be referred to in the PRH.
14. The Crown is to file an electronic copy of this material (save for multimedia files) by the same date. The electronic PRH Bundle is to be a searchable, paginated and bookmarked PDF.
15. Counsel for the Crown and Defence are to make a short opening address at the start of the PRH to indicate to the presiding Judge the issues in the trial.

Legal Argument

16. The Crown are to serve any Notice on which they intend to rely, including but not limited to, Tendency/Coincidence Notices, applications under section 294CB of the CP Act, applications in relation to sexual assault communications privilege, section 38 of the *Evidence Act* applications, and applications to amend the Indictment by 5pm on _____ .
17. The Defence are to notify the Crown of any objection to any evidence or application that needs to be resolved before the empanelment of the jury, including but not limited to, Separate Trial applications, applications to exclude evidence, edits or proposed exclusions to the child interview, applications under 294CB of the CP Act, applications in relation to Sexual Assault Communication Privilege and objections to any application to be made by the Crown, by 5pm on _____ .
18. Any subpoena and/or application to file subpoena is to be filed by 5pm on _____ .

19. The Crown are to notify the Defence of their position in relation to any objection or application by 5pm on _____.
20. The parties are to notify the CSOEP Registry whether there are any legal matters unresolved or confirm that there no legal matters that need to be determined before empanelment of the jury by 5pm on _____.
21. If matters remained unresolved
- a. The Crown and Defence are to file a joint Voir Dire tender bundle (electronically by bookmarked, paginated and searchable PDF) with my associate 5pm on _____.
 - b. The Crown are to file and serve (electronically) written submissions by 5pm on _____.
 - c. The Defence are to file and serve (electronically) written submissions electronically by 5pm on _____.
 - d. Any legal argument arising out of the above is listed for hearing on _____.

Readiness Hearing (Circuit Courts)

22. A Readiness Hearing is listed at 9am on Monday _____. The Readiness Hearing will be conducted via AVL. The parties must be connected by 8.50 AM and must mute their microphone until their matter is called. If the party is disconnected for any reason the party must notify the Court.

Balance of Trial

23. The matter is listed at _____ on _____ to obtain a balance of trial date.

Interpreter

24. Do any complainants/accused/witnesses require an interpreter for the GRH/PRH/Trial? If so:

25. A _____ interpreter is ordered for the _____ at the _____.

Filing

26. Any electronic filing or notification is to be by way of email to District-Court-

CSOEP@justice.nsw.gov.au

Acknowledgment of Receipt

27. Counsel appearing are to acknowledge receipt of these orders by way of email to District-Court-CSOEP@justice.nsw.gov.au

Resources

28. Advocates for the Crown and Defence are directed to watch the following training videos:

- CSOEP role play video
https://jirs.judcom.nsw.gov.au/menus/videos.php?video=csoep_roleplay
- “A Question of Practice”: Short training film released by the Advocate’s Gateway:
<https://www.theadvocatesgateway.org/resources>
- Advocates for the Crown and Defence are directed to read the following resource:
- “The Advocate's Gateway Toolkits”: Toolkit resources released by the Advocate’s Gateway:
<https://www.theadvocatesgateway.org/toolkits-1-1-1>

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Regentville in the Penrith City Council Area

Transport for NSW by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

M Knibb
Statutory Land Transactions Manager
Transport for NSW

Schedule

A lease for a specified period of three years, as described in Memorandum AQ120616 recorded at NSW Land Registry Services, of all that piece or parcel of land situated in the Penrith City Council area, Parish of Mulgoa, and County of Cumberland, shown as Lot A in TfNSW Sketch SR13516-CA, being part of the land in Certificate of Title 4/227348.

The land is said to be in the possession of Agraja Kumar and Arvind Kumar (registered proprietors), Teachers Mutual Bank Limited (mortgagee), Taylah Woolley (lessee of the rear dwelling known as 52A Mulgoa Road) and Nikola Ma (lessee of the front dwelling known as 52 Mulgoa Road).

(TfNSW Papers: SF2023/116770)

**Notice of listing Berrys Bay Precinct (Carradah Park)
SHR 02104 on the State Heritage Register under the *Heritage Act 1977***

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council gives notice that the item of environmental heritage specified in Schedule “A” has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage made on 24 March 2025 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule B.

The listing takes effect on the date this notice is published in the NSW Government Gazette.

Heritage Council of New South Wales

SCHEDULE A

The item known as Berrys Bay Precinct (Carradah Park), situated on the land described in Schedule “B”.

SCHEDULE B

All those pieces or parcels of land known as Lots 20, 21 and 22 DP1048933, Lots 1, 2 and 3 DP181235, an unidentified parcel of land with no Lot or DP number adjoining Lot 21 DP1048933 facing Sydney Harbour, an unidentified parcel of land with no Lot or DP number adjoining Lot 22 DP1048933 facing Sydney Harbour and Sydney Harbour Waters in the Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3330 in the office of the Heritage Council of New South Wales.

Exemption Order for Berrys Bay Precinct (Carradah Park) listing on the SHR 02104 under the *Heritage Act 1977*

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of NSW dated 3 December 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

This Order takes effect on the date it is published in the NSW Government Gazette.

Dated this 24th day of March 2025.

The Hon Penny Sharpe MLC

Minister for Heritage

SCHEDULE A

The item known as Berrys Bay Precinct (Carradah Park) SHR No. 02104, situated on the land described in Schedule B.

SCHEDULE B

The item known as Berrys Bay Precinct (Carradah Park) SHR No. 02104, located as identified on the plan catalogued HC Plan 3330 in the office of the Heritage Council of NSW.

SCHEDULE C

The following specified activities/ works to an item do not require approval under section 57(1) of the Act.

GENERAL CONDITIONS

These general conditions apply to all the site specific exemptions:

- a) In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and the *Heritage Act 1977*, the Act will prevail.
- b) Any conservation management plan (CMP) must meet the following conditions:
 - i. It must be prepared by a suitably qualified and experienced heritage professional.
 - ii. It must be prepared in accordance with the requirements for a detailed and best practice CMP as outlined in the Heritage Council of NSW document *Statement of best practice for conservation management plans* (2021) or any subsequent document prepared to replace or supplement this document.
 - iii. It must be consistent with Heritage Council of NSW document *Guidance on developing a conservation management plan* (2021) or any subsequent document prepared to replace or supplement this document
- c) Anything done under the site specific exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some site specific exemptions require suitably qualified and experienced professional advice/ work).
- d) The site specific exemptions do not permit the removal of relics or Aboriginal objects. If relics are discovered, work must cease in the affected area and the Heritage Council of NSW must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW must be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. 'Aboriginal object' has the same meaning as in the *National Parks and Wildlife Act 1974*.
- e) Activities/ works that do not fit within the exemptions described in this document or the 'standard exemptions' for items listed on the SHR made under section 57(2) of the *Heritage Act 1977*, and published in the NSW Government Gazette would require an application under section 60 and approval under section 63 of the *Heritage Act 1977*.
- f) The site specific exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/ works fall within the site specific exemptions.

- g) The proponent is responsible for ensuring that any activities/ works undertaken by them, or with their permission, meet all the required conditions and have all necessary approvals.
- h) Proponents must keep records of any activities/ works for auditing and compliance purposes by the Heritage Council of NSW. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept. Records must be kept in a current readable electronic file or hard copy for a reasonable time.
- i) Authorised persons under the *Heritage Act 1977* may carry out inspections for compliance.
- j) The site specific exemptions under the *Heritage Act 1977* are not authorisations, approvals, or exemptions for the activities/ works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*).
- k) The site specific exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works.
- l) Activities or work undertaken pursuant to a site specific exemption must not, if it relates to an existing building, cause the building to contravene the National Construction Code.
- m) Where relevant, activities/ works on an item must comply with guidelines in *The Heritage Manual* (1996, Heritage Office and Department of Urban Affairs & Planning) and *The Maintenance Series* (1996, republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) or any subsequent documents prepared to replace or supplement these documents.

EXEMPTION 1: EXISTING CONSENTS

Specified activities/ works:

- a) All works and activities which are in accordance with a current development approval or consent in force at the date of gazettal of the listing. This includes all works and activities in accordance with the Western Harbour Tunnel and Warringah Freeway Upgrade (SSI-8863 and approved modifications to SSI-8863).

EXEMPTION 2: SUBSTRATUM SUBDIVISION

Specified activities/ works:

- a) Any substratum subdivision related to the Western Harbour Tunnel and Warringah Freeway Upgrade.

EXEMPTION 3: ROADS AND ROAD INFRASTRUCTURE

Specified activities/ works:

The following activities/ works are exempt in connection with the operation of the Western Harbour Tunnel and associated tunnel infrastructure:

- a) All activities/ works in connection with the ongoing and day-to-day operation and maintenance of the Western Harbour Tunnel and associated tunnel infrastructure which do not impact on the heritage significance of the Berrys Bay Precinct. Where these activities/ works require the establishment of surface infrastructure within the curtilage of

the listing, the surface infrastructure must be temporary only (limited to a maximum of 24 months).

EXEMPTION 4: MARITIME ACTIVITIES AND OPERATIONS

Specified activities/ works:

- a) Activities associated with the environmental management of the harbour including pest management, biosecurity management, waste and pollution management, non-significant fabric or debris management and cleanup activities, and marine vegetation management which will not impact maritime heritage.
- b) Dredging – maintenance dredging to allow safe access for vessels where required, and where there will be no impacts on maritime heritage.
- c) Navigation and safety activities – activities/ works, including emergency works, undertaken by the navigational authority including installation of new navigational aids, signage and equipment; replacement, upgrade, maintenance or removal of existing navigational aids, retrieval and removal of non-significant fabric and debris that poses a navigational or safety risk, signage and equipment which will not impact maritime heritage.
- d) Mooring apparatus and berths – works associated with the use, operation and maintenance of moorings apparatus and berths, including equipment and fixture upgrades or relocation and additional moorings, which will not impact maritime heritage or significant heritage fabric.
- e) Seawalls, wharves and jetties – works associated with the use, operation and routine maintenance or repairs of maritime structures including seawalls, wharves, jetties, piers or dolphins (pilings), including emergency works, which do not impact maritime heritage or significant heritage fabric.
- f) Surveyed charter vessels – activities associated with the use of jetties and berthing areas in the harbour for surveyed charter vessels under pre-existing license agreements.

EXEMPTION 5: BUSH REGENERATION, VEGETATION AND LANDSCAPE MANAGEMENT

Specified activities/ works:

- a) Minor works/ activities associated with management of native vegetation and management of its identified ecological communities in accordance with the National standards for the practice of ecological restoration in Australia (prepared by Standards Reference Group, Society for Ecological Restoration Australasia), including bush regeneration and rehabilitation; removal of woody weeds and mesic species; selective management of natural seed banks.
- b) Minor works/ activities associated with the mitigation, minimisation, and suppression of fire risk across the site including management and reduction of vegetation density where prescribed as a requirement by an appropriately qualified fire specialist and including prescribed or cultural burning of bushland vegetation where there will be no impact on heritage significance.
- c) Introduction of new indigenous and non-indigenous plantings, consistent with existing vegetation and heritage significance including bushland, buffer areas and parkland.

- d) Removal of dead or dying trees which are to be replaced by trees of native species in the same location within a period of 12 months.
- e) Removal and replacement of existing small plantings, and removal, construction and alteration of garden beds, hard landscaping and plantings where the activity will not adversely impact heritage fabric or the heritage significance of the park/ reserve as a whole.
- f) Routine horticultural maintenance including minor trimming, pruning, mowing, weed control, bush regeneration, replanting, cultivation and plant care where there are no adverse impacts to heritage significance. Vegetation trimming and pruning to protect and restore significant views and sight lines where these activities are undertaken under the guidance of an appropriately qualified specialist.
- g) Minor routine activities associated with tree management including erection of temporary structures and protections around trees for safety reasons and installation of any temporary facilities or equipment associated with arboriculture activities and assessments. Temporary facilities or equipment for this purpose must not be in place for any longer than 12 months.
- h) All activities/ works recommended in section 2.1.2 (Balls Head Reserve (including Carradah Park foreshore, Waverton Park and the Coal Loader Parklands foreshore) Bushland Rehabilitation Plan) of *North Sydney Council Bushland Rehabilitation Plans 2019 – 2029*, and consistent with *Bushland Plan of Management*, North Sydney Council, 2022.

EXEMPTION 6: FAUNA HABITAT MANAGEMENT

Specified activities/ works:

- a) Activities/ works associated with the maintenance of wildlife corridors between the interlinked reserves of the Waverton Peninsula: Berrys Bay Precinct (Carradah Park), Waverton Park, and Balls Head Reserve.
- b) Installation of nesting boxes, wildlife management aids and landscaping to support native fauna.
- c) Pest management of foxes, rabbits and feral animals including use of baiting, shooting and trapping methods.

EXEMPTION 7: PARK MANAGEMENT AND OPERATIONS

Specified activities/ works:

- a) Installation of fully reversible temporary infrastructure for community and cultural events that can be installed and removed with no impacts to heritage significance. These are to be erected, used and removed (along with necessary remediation) within a maximum period of 40 days per installation.
- b) Minor activities/ works as listed below provided that they do not result in adverse impacts to heritage significance:
 - i. the installation and upkeep of waste management facilities and waste disposal including bins, recycling stations and related servicing;
 - ii. signage and wayfinding installation, upkeep and alteration including updating non-illuminated signs, maps, wayfinding markers and temporary safety notices where important to visitor navigation and safety and removal of signage;

- iii. installation of temporary or semi-permanent fencing or barriers to restrict access to environmentally or culturally sensitive areas and support temporary event crowd management measures;
- iv. path, track, garden bed and kerb maintenance;
- v. managing park hydrology, erosion or compaction control and shoreline maintenance;
- vi. minor maintenance and minor repair of any building, structure, furniture, fixture, monument, retaining wall, pool, fountain, or work within the park;
- vii. installation, relocation, removal and maintenance of contemporary park furniture and fixtures;
- viii. maintenance, repair and upgrade of services and public utilities including communications, gas, electricity, lighting, water supply, waste disposal, sewerage, irrigation and drainage.

EXEMPTION 8: WORKS BY OR ON BEHALF OF SYDNEY WATER CORPORATION ON SYDNEY WATER CORPORATION ASSETS

Specified activities/ works:

- a) Activities enabling the operation, maintenance and repair of Sydney Water infrastructure – inclusive of property interests under the *Sydney Water Act 1994*, provided that there is no adverse impact to heritage significance.
- b) The erection and dismantling of temporary works and structures (including containment areas, enclosures, signs, barriers and other temporary equipment) necessary for maintenance and enhancement works for a period of no longer than 12 months.
- c) Repair or replacement of missing, damaged or deteriorated fabric that is beyond further maintenance provided that there is no impact to heritage significance.

Tamworth Regional Council

ROADS ACT 1993

Naming of Roads

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

Name	Locality
Victory Place	NEMINGHA
Description	
One (1) Proposed New Road - Rupari Heights Staged Subdivision - Lot 85 DP 1260794	

Paul Bennett
General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340