

FILED

Form 3A (version 5)

27 OCT 2014



UCPR 6.2

STATEMENT OF CLAIM**COURT DETAILS**

Court Supreme Court of New South Wales
 Division Common Law
 List General
 Registry Sydney
 Case number 2014/ 00313883

TITLE OF PROCEEDINGS

First plaintiff **Peter St Barbe More**
 Second plaintiff **Yvonne Grace More**
 Defendant **Endeavour Energy**
(ABN 59 253 130 878)

FILING DETAILS

Filed for First and Second plaintiffs
 Legal representative Bill Petrovski, William Roberts Lawyers
 Contact name and telephone **Bill Petrovski, +61 2 9552 2111**
 Contact email Bill.Petrovski@williamroberts.com.au

TYPE OF CLAIM

Torts - Negligence - Personal Injury - Nuisance - Property Damage

RELIEF CLAIMED

- 1 Damages.
- 2 Costs.
- 3 Interest on damages and costs pursuant to sections 100 and 101 of the *Civil Procedure Act 2005* (NSW).
- 4 Such further order as the Court deems fit.

PLEADINGS AND PARTICULARS

A. The plaintiffs

1. The plaintiffs:
 - a. had or had acquired an interest in or owned personal and/or real property **(Property)** in New South Wales;

Particulars

Particulars of the plaintiffs' Property are identified in Schedule 2 to this Statement of Claim.

- b. suffered loss and damage by reason of the breaches of duty and nuisance of the defendant **(Endeavour)** pleaded in this Statement of Claim; and
 - c. pursuant to section 157 of the *Civil Procedure Act 2005* (NSW) represent persons **(Group Members)** being natural and artificial persons who are listed in Schedule 1 to this Statement of Claim.
2. The plaintiffs and Group Members have the same interest in this proceeding, by reason of the fact that the plaintiffs and each Group Member claim the same type of relief against Endeavour for the same breaches of duty and nuisance, and require a resolution of at least the following common issues of law or fact:
 - a. whether Endeavour owed a duty of care to the plaintiffs and Group Members;
 - b. the nature, scope and content of the duty (or duties) owed to the plaintiffs and Group Members;
 - c. whether and to what extent Endeavour breached the duty (or duties) owed to the plaintiffs and Group Members;
 - d. whether and to what extent Endeavour failed to take reasonable steps to prevent a nuisance which affected the Property of the plaintiffs and Group Members;
 - e. the cause or causes of the bushfire defined below as the Springwood Bushfire;

- f. whether, as a matter of fact, an employee or agent of Endeavour acted or omitted to act in the way alleged in Section G of this Statement of Claim;
- g. whether the Springwood Bushfire was caused by the action of the Tree (as defined below) coming into contact with the Electricity Works (as defined below); and
- h. whether the type of loss suffered by the plaintiffs and Group Members was caused by:
 - i. Endeavour breaching the Duty of Care (as defined below); or
 - ii. the Nuisance (as defined below).

B. Endeavour

3. Endeavour:

- a. is a state-owned corporation and is capable of being sued in its own right;
- b. is an energy distributor within the meaning of the *Energy Services Corporations Act 1995* (NSW) (**ESCA**);
- c. is a network operator within the meaning of the *Electricity Supply Act 1995* (NSW) (**ESA**);
- d. holds a distribution network service provider licence under the ESA;
- e. at the material times was responsible for the distribution of electricity in the Blue Mountains local government area; and
- f. at the material times:
 - i. was the owner; and
 - ii. had under its care, control and management,

the electricity power lines and associated equipment or electricity structures that formed the distribution system used to convey and control the conveyance of electricity to the premises of customers within the Blue Mountains local government area (**Electricity Works**).

Particulars

Section 51 and definitions of "distribution network service provider", "distribution system", "electricity works" and "network operator" in the Dictionary of the ESA.

C. Relevant statutory powers and obligations of Endeavour

4. The principal objectives of Endeavour include the objective of operating efficient, safe and reliable facilities for the distribution of electricity.

Particulars

Section 8 of the ESCA.

5. The principal functions of Endeavour are:
- a. to establish, maintain and operate facilities for the distribution of electricity;
and
 - b. to supply electricity to other persons and bodies.

Particulars

Section 9 of the ESCA.

6. The objects of the ESA are:
- a. to promote the efficient and environmentally responsible production and use of electricity and to deliver a safe and reliable supply of electricity;
 - b. to confer on network operators such powers as are necessary to enable them to construct, operate, repair and maintain their Electricity Works; and
 - c. to promote and encourage the safety of person and property in relation to the generation, transmissions, distribution and use of electricity.

Particulars

Section 3 of the ESA.

7. At the material times Endeavour was:
- a. empowered under the ESA to carry out work connected with the erection, installation, extension, alteration, maintenance and removal of Electricity Works;
 - b. empowered to trim or remove trees situated on any premises that it had reasonable cause to believe:
 - i. could destroy, damage or interfere with its Electricity Works; or
 - ii. could make its Electricity Works become a potential cause of bushfire or a potential risk to public safety; and
 - c. empowered to enter any premises through an authorised officer for the purpose of exercising powers conferred upon it;
- (collectively, **Statutory Powers**).

Particulars

Sections 45, 48, 54 and 55 of the ESA.

8. The Statutory Powers were to be exercised having regard to the functions and objects conferred on Endeavour by the ESCA and ESA.

D. Endeavour's network management plan

9. At the material times Endeavour was obliged to and did lodge a network management plan.

Particulars

Clause 8 of the Electricity Supply (Safety and Network Management) Regulation 2008 (NSW) (Regulation).

10. The network management plan was required to provide for bushfire risk management with the objects of:
- a. ensuring public safety;
 - b. establishing standards that must be observed when electricity lines operate near vegetation;

- c. reducing interruptions to electricity supply that are related to vegetation; and
- d. minimising the possibility of fire ignition by electricity lines.

Particulars

Clauses 8 and 12 of the Regulation.

- 11. At the material times Endeavour was obliged to implement the network management plan, including by exercising the Statutory Powers.

Particulars

Clause 8(4) of the Regulation.

- 12. Endeavour implemented its network management plan at an operational level through instruction and standards documents created by Endeavour.

Particulars

The plaintiff relies upon the full terms of the 2011-2013 Network Management Plan and associated primary documents, including:

- a. *Mains Maintenance Instruction MM I 0001 - Routine Above and Below Ground Pole and Line Inspection & Treatment Procedures;*
- b. *Mains Maintenance Instruction MM I 0013 -Clearances to be Maintained Between Power Lines and Trees;*
- c. *Work Place Instruction WNV 1012 -Pre Summer Bushfire Map Patrols, Inspections and Defect Reporting; and*
- d. *Environmental Management Standard EMS 0004 - Vegetation Management.*

E. The Springwood Bushfire

- 13. On 10 October 2013, the New South Wales Rural Fire Service issued an Extreme Fire Danger Warning for the Greater Sydney (including the Blue Mountains), Greater Hunter, Shoalhaven and Illawarra regions because of the prevailing weather conditions.
- 14. On or about the evening of 17 October 2013, a tree (**Tree**) fell onto the Electricity Works on Linksvie Road, Springwood, New South Wales.

Particulars

The Tree and/or its limbs or branches fell onto and rested upon the street lines suspended between the poles designated JU267 and JU268 adjacent to the properties at 108 and 110 Linksview Road.

15. A fire ignited shortly afterwards in bushland adjacent to Linksview Road **(Springwood Bushfire)**.
16. The Springwood Bushfire spread from Springwood to surrounding areas and caused extensive damage before being brought under control.

Particulars

The particulars of the spread of the Springwood Bushfire are identified in Schedule 3 to this Statement of Claim.

17. The Springwood Bushfire was caused by the action of the Tree coming into contact with the Electricity Works.

Particulars

The interaction between the Tree and the Electricity Works:

- a. *created a circuit; or*
- b. *configured the Electricity Works in such as way as to cause arcing.*

The circuit or arcing ignited material or foliage on the Tree. The burning material drifted with the prevailing wind into the bushland opposite the properties at 108 and 110 Linksview Road where it ignited the Springwood Bushfire.

F. The duty of Endeavour

18. At the material times Endeavour caused or allowed electricity to be transmitted via the Electricity Works.
19. At the material times Endeavour knew or ought to have known that:
 - a. the transmission of electricity through the Electricity Works involved a risk that the electricity would be conducted along a circuit created unintentionally by the interaction between the Electricity Works and other things;

- b. if electricity was conducted through an inanimate object, depending on the properties of the object and the amount of electricity involved, the object might be heated to some degree and there might be a risk of ignition;
 - c. if an inanimate object came into contact with the Electricity Works it might configure the Electricity Works in such a way to create an electrical arc and create a risk of ignition;
 - d. if ignition occurred by the mechanism in paragraphs 19.b) or 19.c) in a bushfire prone area the risk of a bushfire was not insignificant; and
 - e. if a bushfire occurred there was a not insignificant risk that the plaintiffs and Group Members would suffer loss and damage to their Property.
20. At the material times Endeavour had a significant and special measure of control over the Electricity Works.

Particulars

The significant and special measure of control derived from the facts that Endeavour:

- a. *owned the Electricity Works;*
 - b. *was authorised by the ESCA and ESA to transmit electricity via the Electricity Works and did so;*
 - c. *knew or ought to have known the special risks connected with the use of the Electricity Works for the transmission of electricity; and*
 - d. *knew or ought to have known what special precautions against those risks were necessary, including the proper exercise of the Statutory Powers.*
21. At the material times Endeavour had the requisite powers (consisting of the Statutory Powers) to take action that it considered necessary to avert or prevent the danger to the Property of the plaintiffs and Group Members arising from the risk of bushfire created by the Electricity Works.
22. At the material times Endeavour conducted an activity via the Electricity Works creating a risk of bushfire such that the plaintiffs and Group Members were reliant upon Endeavour and vulnerable to any damage ensuing from the improper, inadequate or negligent exercise of the Statutory Powers.

Particulars

The reliance and vulnerability of the plaintiffs and Group Members arose from:

- a. *the nature of the control exercised by Endeavour as set out in the particulars to paragraph 20 of this Statement of Claim;*
 - b. *the inherent risk of harm arising from the transmission of electricity via the Electricity Works;*
 - c. *the exposure of the Property of the plaintiffs and Group Members to a risk of that harm arising from the operation by Endeavour of Electricity Works outside of their:*
 - i. *control;*
 - ii. *knowledge; or*
 - iii. *vicinity;*
 - d. *the lack of special knowledge about what special precautions against those risks were necessary; and*
 - e. *the reliance by the plaintiffs and Group Members on Endeavour exercising the Statutory Powers with reasonable care.*
23. As a result of the matters pleaded in paragraphs 18, 19, 20, 21 and 22, Endeavour, at the material times, owed a duty of care to the plaintiffs and Group Members to exercise the Statutory Powers with reasonable care with respect to the Electricity Works **(Duty of Care)**.

Particulars

Endeavour owed a duty of care to identify and make safe or remove or cause to be removed:

- a. *dead, dying, dangerous and visually damaged vegetation:*
 - i. *within the minimum safety clearances;*
 - ii. *above the Electricity Works; and*

- b. trees that could come into contact with the Electricity Works having regard to foreseeable local conditions;

(collectively, **Hazardous Trees**).

G. The relevant actions and omissions of Endeavour

- 24. Endeavour conducted regular pre-bushfire season patrols to:
 - a. inspect the Electricity Works and immediately surrounding vegetation, including the Tree; and
 - b. identify for rectification or removal any vegetation defects, including Hazardous Trees.

Particulars

Mains Maintenance Instruction MM I 0001 - Routine Above and Below Ground Pole and Line Inspection & Treatment Procedures and Work Place Instruction WNV 1012 - Pre Summer Bushfire Map Patrols, Inspections and Defect Reporting.

- 25. In or around July 2013, an employee or agent of Endeavour:
 - a. inspected the Electricity Works and immediately surrounding vegetation on Linksview Road;
 - b. required the occupiers of the properties at 108 and 110 Linksview Street to trim foliage of vegetation on their premises with respect to the service lines between their premises and the street lines;
 - c. did not identify the Tree as a Hazardous Tree; and
 - d. took no other action with respect to the Tree.

Particulars

Customer vegetation reports 48177 and 48178 were issued to the occupiers of the properties at 108 and 110 Linksview Road respectively on 9 July 2013 requiring trimming of vegetation on their premises to achieve a minimum clearance of 500 millimetres from the service lines.

H. Breaches by Endeavour

26. At the material times Linksvie Road and its surrounds were a bushfire prone area and in particular:
- a. the bushland opposite the properties at 108 and 110 Linksvie Road was designated Vegetation Category 1 with respect to bushfire risk; and
 - b. the properties at 108 and 110 Linksvie Road and the Tree were located within a Vegetation Buffer 100m.

Particulars

At the material times:

- a. *Endeavour's Tree Management Plan defined "bushfire prone areas" as areas of land defined as bushfire prone by local councils in accordance with the Rural Fires Act 1997 (NSW);*
 - b. *the Blue Mountains City Council designated Linksvie Road and its surrounds as bushfire prone in its Bush Fire Prone Land Map applying to the Blue Mountains and certified by the Rural Fire Service in accordance with Section 146 of the Environmental Planning and Assessment Act 1979 (NSW); and*
 - c. *the Blue Mountains City Council made the specific designations pleaded in paragraphs 26. a. and 26. b. in its Bush Fire Prone Land Map referred to in paragraph b. of these particulars.*
27. At the material times the foreseeable local conditions for Linksvie Road and its surrounds included:
- a. dry environmental conditions;
 - b. low atmospheric humidity;
 - c. high ambient temperature; and
 - d. strong winds.
28. At the material times the Tree was a Hazardous Tree.

Particulars

The Tree was a Hazardous Tree because of any one or any combination of the following:

- a. *its physical configuration in relation to the Electricity Works:*
 - i. *exhibited poor stem taper in relation to its height;*
 - ii. *had an uneven and asymmetrical canopy;*
- b. *it was in an exposed location with respect to topography and elevation;*
- c. *it was infected with a brown rot fungus that caused internal decay beyond a safe threshold; and*
- d. *having regard to particulars (a), (b) and (c) above:*
 - i. *the trunk and canopy of the Tree extended over and above the street lines comprising the relevant parts of the Electricity Works; and*
 - ii. *there was a risk the tree would come into contact with the Electricity Works having regard to foreseeable local conditions.*

29. Endeavour breached the Duty of Care by:

- a. failing to identify the Tree as a Hazardous Tree; and
- b. failing to exercise its Statutory Powers to make safe or remove or cause to be removed the Tree.

I. Nuisance

30. The plaintiffs rely on the facts pleaded in paragraphs 26, 27 and 28 in relation to its claim in nuisance.

31. At the material times Endeavour conducted a dangerous activity upon its premises.

Particulars

The dangerous activity was the authorised transmission of electricity which was dangerous by reason of the facts pleaded at paragraph 19 of this Statement of Claim. The relevant premises of Endeavour were the Electricity Works.

32. At the material times a risk of ignition arose by the fact that the Tree was a Hazardous Tree.

Particulars

The risk was the particular risk of ignition arising from:

- a. *foreseeable local conditions;*
- b. *the relative positions of the Electricity Works and Tree; and*
- c. *the fact that the Tree was a Hazardous Tree.*

33. Endeavour was obliged to take reasonable steps to remedy the risk within a reasonable time after it became or should have become aware of it.

34. Endeavour:

- a. failed to take reasonable steps to identify the Tree as a Hazardous Tree; and
- b. failed to take reasonable steps to make safe or remove or cause to be removed the Tree.

35. By reason of Endeavour failing to take the reasonable steps pleaded in paragraphs 33 and 34 of this Statement of Claim:

- a. the Tree fell onto the Electricity Works on Linksvie Road (as pleaded and particularised in paragraph 14);
- b. the action of the Tree coming into contact with the Electricity Works caused an ignition (as pleaded and particularised in paragraph 17);
- c. the Springwood Bushfire ignited shortly afterwards in the adjacent bushland (as pleaded and particularised in paragraph 15); and
- d. the Springwood Bushfire spread from Springwood to surrounding areas and caused extensive damage before being brought under control (as pleaded and particularised in paragraph 16).

36. The Springwood Bushfire unreasonably and substantially interfered with the plaintiffs' enjoyment and use of their Property (**Nuisance**).

J. Loss and damage of plaintiffs

37. As a result of:

- a. Endeavour's breaches of the Duty of Care; and/or
- b. the Nuisance;

the plaintiffs suffered loss and damage.

Particulars

The loss suffered by the plaintiffs is:

- a. *the cost of repair of Property; and/or*
- b. *any diminution in the value of Property; and/or*
- c. *any consequential losses being the necessity to pay interest and other expenses resulting from the damage to Property.*

Further particulars of further loss and damage will be provided in due course and prior to the hearing.

K. Loss and damage suffered by Group Members

38. Group Members have suffered loss and damage resulting from:

- a. Endeavour's breaches of the Duty of Care; and/or
- b. the Nuisance.

Particulars

The loss suffered by Group Members will be particularised following the initial trial of the plaintiffs' claim and prior to the determination of Group Members' claims but with the plaintiffs' current state of knowledge will likely consist of:

- a. *the cost of repair of Property plus any diminution in the value of Property post any repairs; and/or*
- b. *the cost of replacement of Property less any salvage value of the damaged Property; and/or*

- c. *any consequential losses being the loss to income and profits resulting from the damage to Property; and/or*
- d. *any consequential losses being the necessity to pay interest and other expenses resulting from the damage to Property; and/or*
- e. *personal injury (if relevant to a particular Group Member).*

SIGNATURE OF LEGAL REPRESENTATIVE

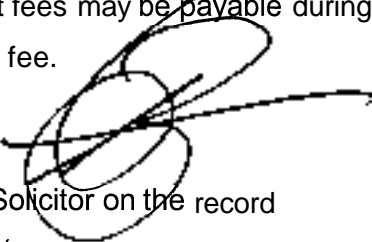
I certify under section 347 of the Legal Profession Act 2004 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the plaintiffs that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity

Date of signature



Solicitor on the record

24 October 2014

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 **If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
- 2 **If money is claimed, and you believe you owe the money claimed**, by:
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.

- Filing an acknowledgement of the claim.
- Applying to the court for further time to pay the claim.

3 If money is claimed, and you believe you owe part of the money claimed, by:

- Paying the plaintiff that part of the money that is claimed.
- Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at www.lawlink.nsw.gov.au/ucpr or at any NSW court registry.

REGISTRY ADDRESS

Street address	Law Courts Building, Queens Square 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2000 DX 829 Sydney
Telephone	+61 2 9230 8111

CASE CONFERENCE

In accordance with the requirements of Supreme Court Practice Note SC Gen 17, these proceedings are to be listed for an initial case conference at 9:00am on Wednesday 10 December 2014.

AFFIDAVIT VERIFYING

Name Peter St Barbe More
 Address 182 Rusden Road, Mt Riverview NSW 2774
 Occupation Teacher
 Date 24 October 2014

I [#say on oath #affirm]:

- 1 I am the first plaintiff.
- 2 I believe that the allegations of fact in the statement of claim are true.

#SWORN #AFFIRMED at Glenbrook
 Signature of deponent Peter More
 Name of witness Blagoj Petrovski
 Address of witness 22/66 Gosburn st Sydney
 Capacity of witness ~~[#Justice-of-the-peace #Solicitor #BarriGtor #Commisционер for affidavits #Notary-public]~~

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 ~~#I saw the face of the deponent. {OR, delete whichever option is inapplicable} -~~
~~#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.*~~
- 2 ~~#I have known the deponent for at least 12 months {OR, delete whichever option is inapplicable}~~
 #I have confirmed the deponent's identity using the following identification document:

Licence and Medicare card
 Identification document relied on (may be original or certified copy)¹

Signature of witness [Signature]

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[† "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]

AFFIDAVIT VERIFYING

Name Yvonne Grace More
 Address 182 Rusden Road, Mt Riverview NSW 2774
 Occupation Teacher's Assistant
 Date 24 October 2014

I [#say on oath] tffirmj:

- 3 I am the second plaintiff.
- 4 I believe that the allegations of fact in the statement of claim are true.

#SWORN ~~#AFFIRMED~~ at Glenbrook
 Signature of deponent *Yvonne More*
 Name of witness Blazej Potowski
 Address of witness 22/66 Coulburn st Sydney
 Capacity of witness ~~[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]~~

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1 ~~#I saw the face of the deponent. [OR, r]r]r which is option in inapplicable]~~
~~#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.~~
- 2 ~~#I have known the deponent for at least 12 months. [OR, delete which is option in inapplicable]~~
 #I have confirmed the deponent's identity using the following identification document:

Licence and Medicare card
 Identification document relied on (may be original or certified copy)¹

Signature of witness *[Signature]*
 Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]
 [-("Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.)]

FURTHER DETAILS ABOUT PLAINTIFFS**First plaintiff**

Name Peter St Barbe More
Address 182 Rusden Road
Mt Riverview NSW 2774

Second plaintiff

Name Yvonne Grace More
Address 182 Rusden Road
Mt Riverview NSW 2774

Legal representative for plaintiffs

Name Bill Petrovski
Practising certificate number 41964
Firm William Roberts Lawyers
Address Level 22
66 Goulburn Street
Sydney NSW 2000
DX address DX 11591 Sydney Downtown
Telephone + 61 2 9552 2111
Fax + 61 2 9552 1911
Email Bill.Petrovski@williamroberts.com.au
Electronic service address Not applicable.

DETAILS ABOUT DEFENDANT**Defendant**

Name Endeavour Energy
Address 51 Huntingwood Drive
Huntingwood NSW 2148

SCHEDULE 1

NO	NAME AND ADDRESS
1.	BELINDA J HOWELL
2.	CHRIS WILSON
3.	CON LEKKAS
4.	JOHN D DONOHOE
5.	ROSS B WADDINGTON
6.	WILLIAM H MUNRO
7.	ABINAH WILKINSON
8.	ADARA HARTMANN
9.	AGNIESZKA ROGOZ
10.	ALAN D PERKINS
11.	ALAN A SCOTT-MAJHET
12.	ALANNA M ROBERTS
13.	ALEXANDER V GILLESPIE
14.	ALLAN R PHILLIPS
15.	ALLISON M EDWARDS
16.	AMANDA PAPP
17.	AMANDA WHITE
18.	ANDREA CHALICE
19.	ANDREW GOODMAN
20.	ANDREW MAZENAUER
21.	ANDREW SECKOLD
22.	ANDREW G SMITH
23.	ANDREW J HAMMOND
24.	ANDREW J RYAN
25.	ANETTE FOX
26.	ANGELA J CHICHARRO
27.	ANGELLO ARCAMONE
28.	ANN JEWISS
29.	ANN E WHARTON
30.	ANNA M SMITH
31.	ANNE FRANCIS
32.	ANTHONY PAPP
33.	ANTHONY J JUDD
34.	ANTHONY J GERSBACH
35.	ANTHONY LEET
36.	ANTHONY RITCHIE
37.	ANTHONY J LEET
38.	ASHLEY BROWN
39.	AUSSIE PAINT PROTECTION PTY LTD
40.	BARBARA J AUTON
41.	BARBARA KOZLOWSKI
42.	BARBARA WALBANK
43.	BARBARA A MCILWRAITH
44.	BARRY COOK
45.	BELINDA HOWELL
46.	BELINDA POSFORD
47.	BELINDA J THOMPSON
48.	BEN W LOUDON
49.	BETH TICEHURST

NO	NAME AND ADDRESS
50.	BETH WADE-FERRELL
51.	BEVERLEY J BOOTH
52.	BMN & ASSOCIATES PTY LTD ABN 56 119 516 764
53.	BRADLEY F FOX
54.	BRENDA AINSWORTH
55.	BRENTON L CHALICE
56.	BRETT ANDERSON
57.	BRIAN A KERR
58.	BRIAN A SENIOR
59.	BRIAN BOOTS
60.	BRIAN FRIEL
61.	BRIAN D WILLIS
62.	BRIAN J KELLY
63.	BRIGITTA R OSKERKO
64.	BRONWYN BERRIMAN
65.	BRUCE FOX
66.	BRUCE I RICHARDSON
67.	CAITLIN G HUGHES
68.	CARLA J ASHTON
69.	CARMEL A STANDEN
70.	CAROL A BLAKELOCK
71.	CAROL D BATTMAN
72.	CAROLEA ARCAMONE
73.	CAROLINE A MILNE
74.	CAROLINE KIRKWOOD
75.	CAROLYN E ESSEX
76.	CAROLYN M HOWE
77.	CARYLL J TAYLOR
78.	CASEY L LOUDON
79.	CATHERINE J GILLESPIE
80.	CATHERINE J GARROD
81.	CATHERINE M DE SANTI
82.	CHARMAINE E VINCENT
83.	CHERIE HAYES
84.	CHERYL Y KIRBY
85.	CHRISTIE-LEE LE BRETON
86.	CHRISTEN D SENIOR
87.	CHRISTIE DASCHKE
88.	CHRISTINE LEONARD
89.	CHRISTINE B REY
90.	CHRISTINE E PUCKERIDGE
91.	CHRISTINE-LEE LE BRETON
92.	CHRISTOPHER J LONG
93.	CHRISTOPHER D BENDELL
94.	CHRISTOPHER J CARN
95.	COLIN J RUTTLEY
96.	COLIN J AUTON
97.	COLIN L PRYOR
98.	COLLETTE R TACCORI
99.	CON LEKKAS

NO	NAME AND ADDRESS
100.	CRAIG A SMITH
101.	CRAIG BECKER
102.	CRAIG TALBOT
103.	DAGMAR G LEKKAS
104.	DAMIAN P ASKAR
105.	DAMON I DREVES
106.	DANA M BYRNES
107.	DANIEL BORG
108.	DANIEL J WESTAWAY
109.	DAN I EL M HAN RAHAN
110.	DARREN M WOODS
111.	DAVID ABBEY
112.	DAVID BROWN
113.	DAVID HUTCHINGS
114.	DAVID JENKINS
115.	DAVID A ABBEY
116.	DAVID A FROST
117.	DAVID A SMITH
118.	DAVID C BUTLER-FLEMING
119.	DAVID J BROWN
120.	DAVID M ESSEX
121.	DAVID R SMITH
122.	DAVID W GARROD
123.	DAVID W MOSS
124.	DAVID W VINCENT
125.	DEANNE KUIPERS
126.	DEANNE J GREEN
127.	DEANNE L KUIPERS
128.	DEBBIE MANN
129.	DEBORAH F MERRICK
130.	DEBORAH L GILL
131.	DEBRA L YELL
132.	DENNIS ELSTON
133.	DIANE F CLARK
134.	DIANNE A THORPE
135.	DIANNE F BYRNE
136.	DIANNE F VASARHELYI
137.	DIANNE K NEIL
138.	DIVERSE CRANE AND INDUSTRIAL PTY LTD
139.	DJ'S PLANT HIRE PTY LTD
140.	DON A WOODCROFT
141.	DOREEN P ALLEN
142.	DOREEN P ALLEN
143.	DORIS KERR
144.	DOROTHY A LOWE
145.	DOROTHY J BULLOC
146.	EDNA M SAMPSON
147.	EILEEN WHITE
148.	ELAINE J NATTER
149.	ELIZABETH A DREVES

NO	NAME AND ADDRESS
150.	ELIZABETH A CONWAY
151.	ELIZABETH C AGARS
152.	ELIZABETH U MOORE
153.	EMANUEL REY
154.	ERIC BURNS
155.	ERNEST SMITH
156.	EVAN R MEAD
157.	EVANGELINE LOVE
158.	FANCES ELSTON
159.	FIONA M HILLAN
160.	FRANCESCA MAZONE
161.	GABRIELLE M CARLIN
162.	GARRY O HOWARD
163.	GARRY R BURNS
164.	GARRY R MANNING
165.	GARRY T HAMILTON
166.	GARY T VERMEER
167.	GARY D COBBIN
168.	GAYL MALLET
169.	GEMMA FRIELL
170.	GEOFFREY W CUSACK
171.	GEORGE A MCILWRAITH
172.	GEORGE J MARIE
173.	GLEN WADE-FERRELL
174.	GLEN M ANTHONY
175.	GLENN R DRIVER
176.	GLENN S BLATTMAN
177.	GLENYS SIMON
178.	GORDON SCANLON
179.	GORDON R SCANLON
180.	GORDON R WALBANK
181.	GRAEME J JOHNSON
182.	GRAHAM FORBES
183.	GRAHAM J HOWE
184.	GREAME HAMILTON
185.	GREG P LOWE
186.	GREGORY FOWLER
187.	GREGORY MOORE
188.	GREGORY SORREL
189.	GREGORY TAYLOR
190.	GREGORY H TAYLOR
191.	HAYLEY EDWARDS
192.	HAYLEY E O'BRIEN
193.	HEATHER CONWAY
194.	HEATHER HOLLIER
195.	HEATHER ABBEY
196.	HEATHER BORG
197.	HEATHER C ABBEY
198.	HELEN GILL
199.	HENRY P PANCZYK

NO	NAME AND ADDRESS
200.	HENRYK KOZLOWSKI
201.	IAN DENNIS
202.	IRENA WILSON
203.	JACEK ROGOZ
204.	JACQUELINE BENNETT
205.	JAKE DASCHKE
206.	JAMES KIRKWOOD
207.	JAMES A MENZIES
208.	JANELLE M MCCULLOCH
209.	JANET MARIE
210.	JANET HAYES
211.	JANETTE P PRYOR
212.	JANICE M DOWLING
213.	JANIE ELYSEE
214.	JASMINE COOK
215.	JAYNE OLIVER
216.	JAYSON S HARTMANN
217.	JEAN COOLING
218.	JEAN C PROCTOR
219.	JEFF GRAHAM
220.	JEFFREY V THOMPSON
221.	JEFFREY T CAFFREY
222.	JENNI H COLE
223.	JENNIFER A LAURENT
224.	JENNIFER L ABBOTT
225.	JENNIFER A GARDINER
226.	JENNIFER A NETHERCOTE
227.	JENNIFER A WIGGERS DE VRIES
228.	JENNIFER M DOYLE
229.	JENNIFER M PHILLIPS
230.	JENNY MOLLER
231.	JENNY TIERNEY
232.	JENNY D MOLLER
233.	JESSICA G DOWN
234.	JILL EWADDINGTON
235.	JIRI P KOZUMPLIK
236.	JOAN E ENTICKNAP
237.	JOANNE MAZENAUER
238.	JOANNE N PARKINSON
239.	JOANNE PACHINGER
240.	JOE MERCIECA CONSTRUCTIONS PTY LTD
241.	JOEDY A COOPER
242.	JOEL LEKKAS
243.	JOHANNA F DENNIS
244.	JOHN JEWISS
245.	JOHN S WHARTON
246.	JOHN TACCORI
247.	JOHN A BOSS
248.	JOHN C CINI
249.	JOHN C POTTER

NO	NAME AND ADDRESS
250.	JOHN J DOWLING
251.	JOHN M AUTON
252.	JOHN N SIMON
253.	JOHN W LARKIN
254.	JOLENE E FOX
255.	JOSE N ANDRADE
256.	JOSEPH J MERECIECA
257.	JUDITH L MATHESON
258.	JUDITH M HOGAN
259.	JULIA J BOSS
260.	JULIE A COLLIER
261.	JULIE MCORT
262.	JULIE M MAGENNIS
263.	JULIE M WILSON
264.	JUSTIN GOODWIN
265.	KAHLI C BOWMAN
266.	KAREN A GEORGE
267.	KAREN T BOUSFIELD
268.	KARLEEN HUTCHINGS
269.	KATE DOWSE
270.	KATE E BARTUSH
271.	KATHLEEN A KIRK
272.	KATRINA S VERMEER
273.	KAYE CURLEY
274.	KAYLEE FLINT
275.	KAYLENE SPITHILL
276.	KENNETH F GILMORE
277.	KERRIE L MARTIN
278.	KERRY MOORE
279.	KERRY SMITH
280.	KEVIN BURNE
281.	KEVIN B ALLEN
282.	KEVIN H BLAKELOCK
283.	KEVIN J BOOTH
284.	KIEREN MOORE
285.	KRISTIAN ISKOV
286.	KURT NATTER
287.	LACHLAN W ASHTON
288.	LARRAINE E WOODCROFT
289.	LEANNE TUCKERMAN
290.	LEANNE M BROWN
291.	LEANNE M DALE
292.	LEONIE J LUHRS
293.	LESLEY M COSTELLO
294.	LILLIAN T ANDRADE
295.	LINDA ANDERSON
296.	LINDA WALLIS
297.	LINDA G FLETCHER
298.	LINDSAY B RHODES
299.	LINDY G MCKELVIE

NO	NAME AND ADDRESS
300.	LINDY S JOHNSON
301.	LISA MALONE
302.	LISA MCGRATH
303.	LISA F JUDD
304.	LISA M FROST
305.	LLEWELLA S COBBIN
306.	LOIS E SORRELL
307.	LORETTE SECKOLD
308.	LOUISE HUGHES
309.	LUCINDA GOODWIN
310.	LYNDA SCANLON
311.	LYNETTE GODDEN
312.	LYNETTE M CARPENTER
313.	LYNETTE M SMITH
314.	LYNN E LEAVEY
315.	LYNNE P RYMER
316.	MALCOLM MOORE
317.	MALCOLM P WILLIAMS
318.	MARGARET GAWLER
319.	MARGARET HAGAN
320.	MARGARET O'BRIEN
321.	MARGARET THOMSON
322.	MARGARET A BELL
323.	MARGARET A HAGAN
324.	MARIE PEAKE
325.	MARILYN J BLACK
326.	MARIO LOPES
327.	MARK J BENNETT
328.	MARK M MULLEN
329.	MARTIN KONWERSKI
330.	MARTIN JAMES GARDINER
331.	MARTIN R IRVINE
332.	MARY S SMITH
333.	MARY M WILLIAMS
334.	MARY S SMITH
335.	MARY S GOLDER
336.	MARZIANO DE SANTI
337.	MATTHEW TUCKERMAN
338.	MEGAN THORPE
339.	MELANIE J BROWNE
340.	MELINDA GRAHAM
341.	MELINDA J BURNS
342.	MELINDA M BEVES
343.	MELISSA M LOWE
344.	MERYLESE G MERDIECA
345.	MICHAEL CONWAY
346.	MICHAEL CORNTHWAITE
347.	MICHAEL CURTOTTI
348.	MICHAEL J ROSS
349.	MICHAEL A MAGENNIS

NO	NAME AND ADDRESS
350.	MICHAEL A PILAWA
351.	MICHAEL C EDWARDS
352.	MICHAEL J WIGGERS DE VRIES
353.	MICHAEL M ASKAR
354.	MICHAEL P CONWAY
355.	MICHAEL R IRVINE
356.	MICHAEL R WILDE
357.	MICHELINE PIGRAM
358.	MICHELLE L GRAHAM
359.	MICHELLE A HURREN
360.	MICHAEL M MAGILL
361.	MICHELLE J MAGILL
362.	MICHELLE L BRITTON
363.	MURRAY E HILLAN
364.	MURRAY P MANN
365.	NADA BELMER
366.	NAHDI R HANRAHAN
367.	NARELLE A DRIVER
368.	NEIL ENTICKNAP
369.	NEIL KIRBY
370.	NEIL A PUCKERIDGE
371.	NEIL J SCARBOROUGH
372.	NELLIE TAYLOR
373.	NERELLE R KENNY
374.	NERIDA MENZIES
375.	NICHOLAS H LAURENT
376.	NICK SAVVIDAS
377.	NICOLA J CLARK
378.	NIGEL ELYSEE
379.	NOEL S SCOTTON
380.	NOELENE M WILDE
381.	NORMAN E JANSON
382.	PAMELA EVANS
383.	PAMELA M PANCZYK
384.	PATRICIA DONOHOE
385.	PATRICIA A CONNELLY
386.	PATRICIA A STARNOVSKY
387.	PATRICIA R CAFREY
388.	PAUL J HOLLIER
389.	PAUL T BOUSFIELD
390.	PAUL A DOWSE
391.	PAUL C STANDEN
392.	PAUL G HUGHES
393.	PAUL R KUIPERS
394.	PAUL R MERRICK
395.	PAULA L HEIL
396.	PAULINE K MAXWELL
397.	PETA J BENDELL
398.	PETER E BROWNE
399.	PETER HUGHES

NO	NAME AND ADDRESS
400.	PETER C BYRNES
401.	PETER D HOGAN
402.	PETER D WILSON
403.	PETER G VASARHELYI
404.	PETER J HAYES
405.	PETER S MORE
406.	PETER W ROBERTS
407.	PHILIP A LE BRETON
408.	PHILIP R PARKER
409.	PHILLIP A COOPER
410.	RACHE A PILAWA
411.	RACHEL A MERTON
412.	RAN J ANA CURTOTTI
413.	RAYMOND N COLLIER
414.	REBECCA MULLEN
415.	REBECCA A RITCHIE
416.	REBECCA E WILSON
417.	REGINALD R WHITE
418.	RENEE M JENKINS
419.	RHIAN LAWLESS
420.	RHYS B EDWARDS
421.	RICHARD JACKSON-HOPE
422.	RICHARD J BELL
423.	RICHARD J HURST
424.	RICHARD PALMER
425.	RICHARD G GOLDER
426.	ROBERT AGARS
427.	ROBERT J GILL
428.	ROBERT PEARSON
429.	ROBERT B PIGRAM
430.	ROBERT C AGARS
431.	ROBERT C PEARSON
432.	ROBERT E MARSHALL
433.	ROBERTA I RHODES
434.	ROBIN A INGRAM
435.	RODERICK COLE
436.	RODERICK GAWLER
437.	RODERICK E COLE
438.	ROGER J BULLOC
439.	ROSARIO S D'URSO
440.	ROSEMARY FORBES
441.	ROSS BOWMAN
442.	ROSS B WADDINGTON
443.	ROSS W INGRAM
444.	ROWENA COOK
445.	ROWENA RICHARDSON
446.	SANDI J CORNTHWAITE
447.	SARA L SMITH
448.	SARAH J POTTER
449.	SCOTT A MELVILLE

NO	NAME AND ADDRESS
450.	SEAN M LEAVEY
451.	SHANE P CLARK
452.	SHARON A D'URSO
453.	SHARON A IRVINE
454.	SHARON C VASSAR
455.	SHIRLEY A KELLY
456.	SIEGFRIED PACHINGER
457.	SIMON J HOLLAND
458.	SIMONE J MELVILLE
459.	STELLA IMHANN
460.	STELLA SAWIDAS
461.	STEPHEN E BRITTON
462.	STEPHEN GIBSON
463.	STEPHEN J GAUCI
464.	STEPHEN L HEIL
465.	STEPHEN MCGRATH
466.	STEPHEN R BOYS
467.	STEVEN FRIELL
468.	STEVEN J LAWRENCE
469.	STEVEN M DOWN
470.	STEWART WALKER
471.	SUE M BUTLER-FLEMING
472.	SUSAN HUNT
473.	SUSAN COOGAN
474.	SUSAN L FRY
475.	SUSAN PEARSON
476.	SUSAN SCOTTON
477.	SUSAN THOMING-PATRICK
478.	SUSAN E HUNT
479.	SYLVIA RINKS
480.	TANYA STABLER
481.	TEMPLEMAN CONSULTING PTY LTD ATF NIRVANA
482.	TERENCE E BEVES
483.	THERESE KONWERSKI
484.	THERESE E HURST
485.	TRACEY AUTON
486.	TRACEY A WOODS
487.	TREVOR W DALE
488.	TRUDY BECKER
489.	VALERIE FISCHER
490.	VANESSA A GERSBACH
491.	VICKI CARN
492.	VICKIE M BARNES
493.	VIKKI M MOSS
494.	VIRGINIA A HOLLAND
495.	VIVIEN C PARKER
496.	WALTRAUD HEANEY
497.	WARWICK R BARNES
498.	WARWICK W PROCTOR
499.	WAYNE PARKER

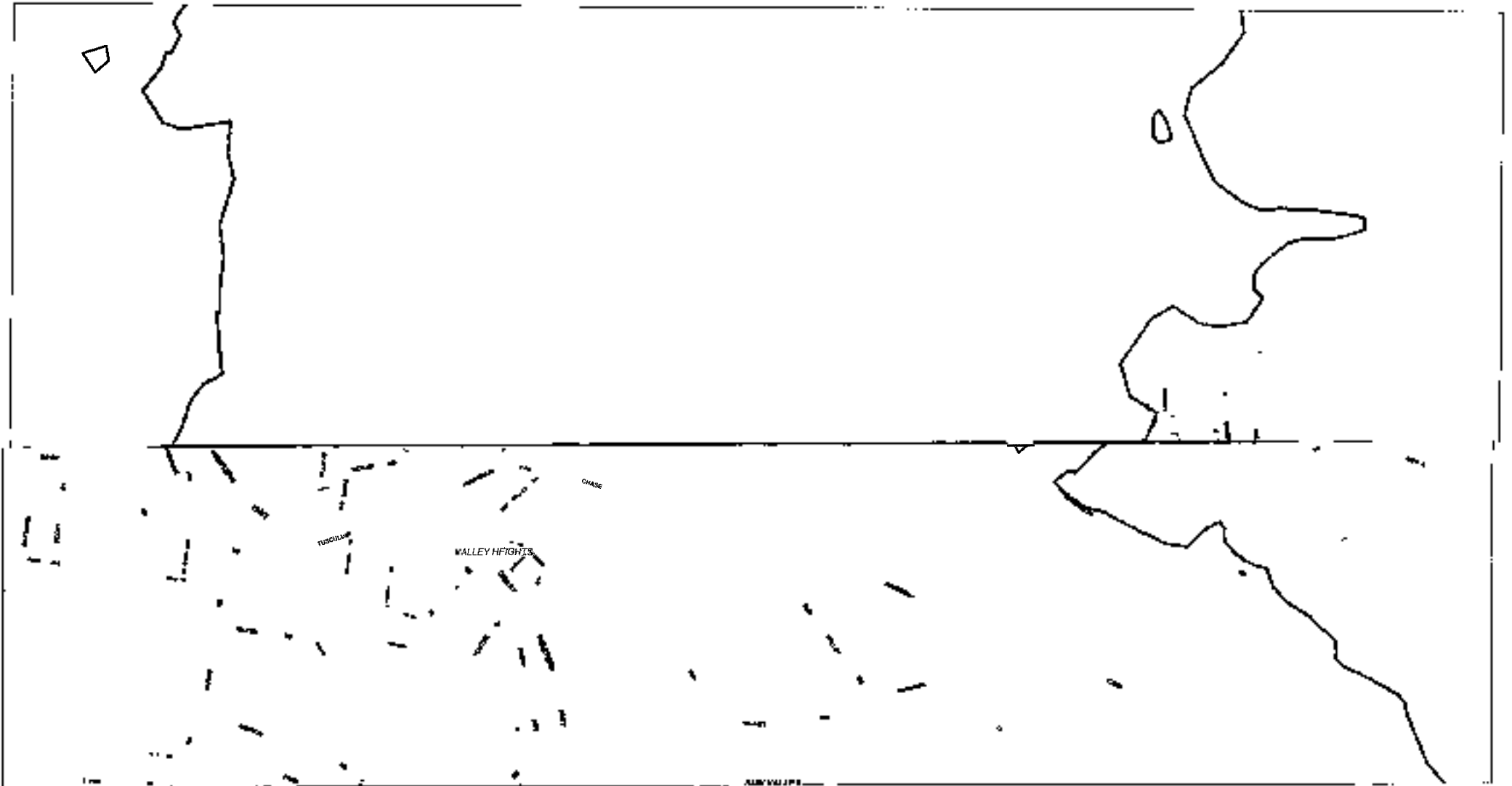
NO	NAME AND ADDRESS
500.	WENDY MACTAGGART
501.	WENDY M MILLAR
502.	WILLIAM CURLEY
503.	WILLIAM LUHRS
504.	WILLIAM MOON
505.	WLODEK
506.	YVONNE G MORE
507.	DIMITRIOS VAVDINOS
508.	L VAVDINOS
509.	STEVEN VAVDINOS
510.	TAXIARHIS VAVDINOS
511.	AFEDIA VAVDINOS
512.	JEAN WALSH
513.	ALASDAIR HAMILTON
514.	TRACY HAMILTON
515.	ROBERT A KIRK
516.	MATTHEW WHITFIELD
517.	PAUL G FEROS
518.	COLIN J AUTON
519.	TRACEY AUTON
520.	ROBERT A WHITE
521.	DAVID A FROST
522.	GRACE DARRAGH
523.	CATHY N HILL
524.	KATRINA S VERMEER
525.	GARY T VERMEER
526.	DIVERSE CRANE & INDUSTRIAL P/L
527.	SALLY F DUPONT
528.	STEPHEN CLOSE
529.	JULIE CLOSE
530.	TERRENCE HOPKINS
531.	KENNETH GILMORE
532.	JOHN MOIR
533.	WILL M ST JOHN
534.	SARAH ST JOHN
535.	E CONTE & H.E CONTE T/AS CONTE CONCRETING ABN 62 815 431 866
536.	COLIN & TRACEY AUTON T/AS AUTON'S HOME & GARDEN CARE ABN 93 048 519 502
537.	SIMON DANE
538.	TERENCE SCANLON
539.	DENNIS ATTARD
540.	VIVIAN RINKS
541.	SEVERNDROOG PTY LTD AS TRUSTEE FOR HAZELBROOK TRUST & N & M MERRICK FOR RR
542.	SAM BISHOP
543.	VANESSA SAUNDERS 2774
544.	GRAEME HAMILTON
545.	TRACEY HAMILTON of TERRATEST PTY LTD ACN 082 867 945
546.	SPRINGWOOD HOME SERVICES PTY LIMITED ACN 158 519 325
547.	KENNETH MCANALLY
548.	LARAIN MCANALLY

NO	NAME AND ADDRESS
549.	OSTADAY PTY LIMITED ACN 003 607 770
550.	ROBERT LINIGEN
551.	ANGELA LANGDON
552.	PETER RUIGENDYK
553.	AMANDA RUIGENDYK
554.	CAROL ANN BURGESS
555.	MARYANN HODSON
556.	MARK HODSON
557.	WARREN DE BRITT
558.	KAREN ERICKSON
559.	ROSIK COMPUTER CONSULTING PTY LTD ABN 76 003 197 144 TRADING AS HORTILABS
560.	LIESA FILLMORE
561.	VENESSA SAUNDERS
562.	ADVANCED INSTALLATION SERVICES (AIS) PTY LTD ACN 129 892 011
563.	SONTERS FERN NURSERIES PTY LTD ACN 001 029 796
564.	MARC HAMMOND
565.	CHRIS MALONE

SCHEDULE 2

Lot 12 in Deposited Plan 262693 at Winmalee, New South Wales (being 33 Emma Parade, Winmalee, New South Wales 2777) and all property, fixtures and chattels therein.

SCHEDULE 3



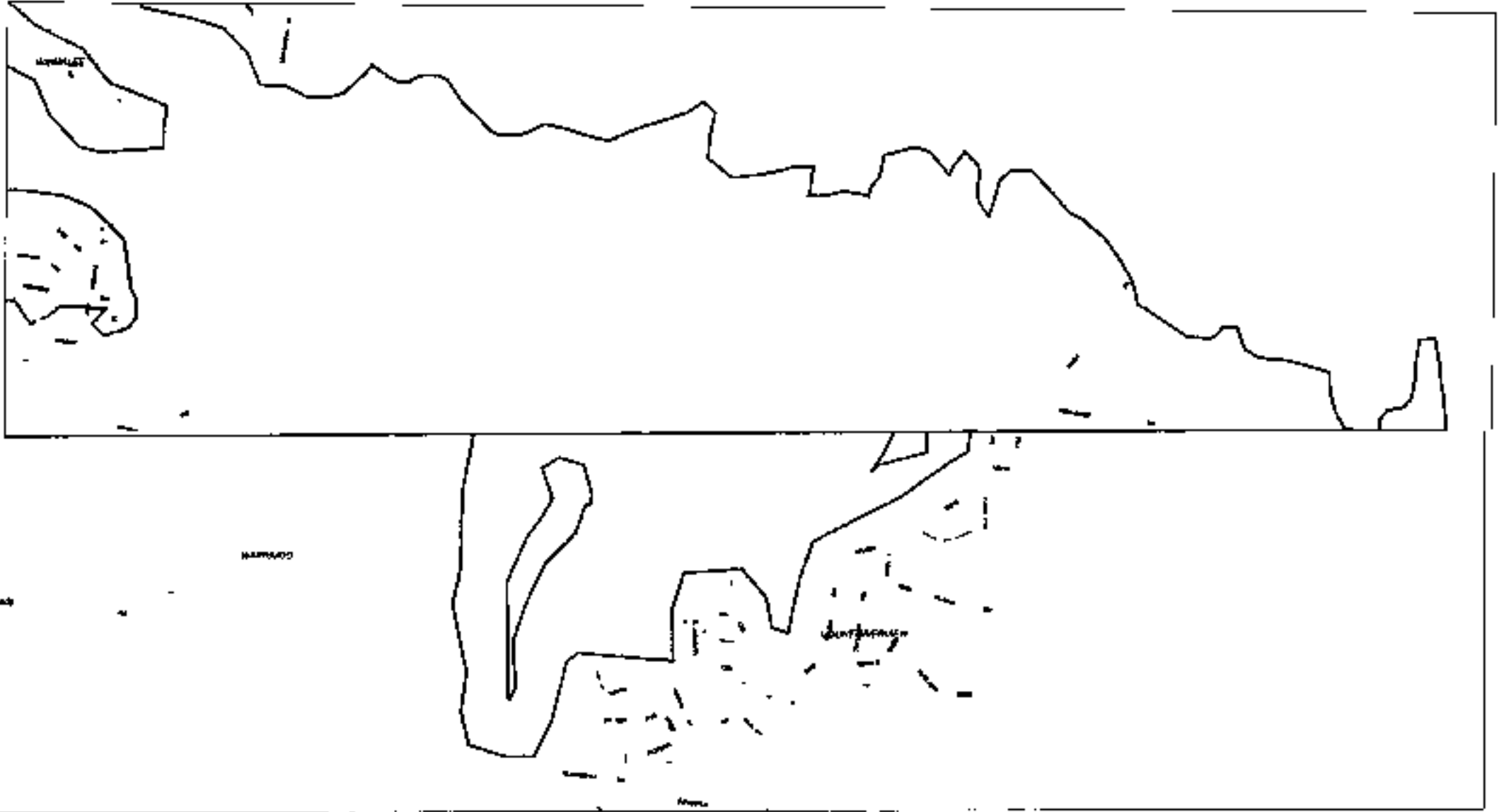
MAP 1A L NKSVEW RD FIRE POST FIRE PROPERTY ASSESSMENT

Legend

- Ksv PW Rd F ns A ea
- Property Boundary
- Town Boundary




MAP 1A

MAP 1B



MAP 1B. L. NKSVEW RD FIRE POST FIRE PROPERTY ASSESSMENT

Legend

-  L. NKSVEW RD FIRE AREA
-  Property Boundary
-  Town Boundary

