

GARLING J MAKES THE FOLLOWING ORDERS BY CONSENT:

1. The plaintiff will provide discovery in accordance with the categories attached to these orders and marked “A” before 15.10.2019.
2. The defendant will provide discovery in accordance with the categories attached to these orders and marked “B” in tranches as documents are available to be produced and by no later than 15.10.2019.
3. Liberty for the parties to apply for further or additional discovery of specific documents or categories of documents following a review of the documents to be produced pursuant to Orders 1 and 2 above.

“A”

AGREED DISCOVERY CATEGORIES - MS COLAGROSSI

1. All business and accounting records of the Kensington Pharmacy and Newsagency for the financial years ending June 2012 to date, including, but not limited to all:
 - (a) management and externally audited financial reports and all related supporting documents;
 - (b) accounting ledgers; and
 - (c) Business Activity Statements.
2. All personal income tax returns, and notices of assessment of Ms Rosa Colagrossi, and all documents evidencing the amounts set-out in all personal income tax returns for the financial years ending June 2012 to date.
3. Any photographs and videos taken of the Kensington Pharmacy and Newsagency during the period 1 January 2012 until the commencement of these Proceedings.
4. Records of all communications between Ms Rosa Colagrossi, or her authorised representatives, on the one hand and TfNSW, ALTRAC, OpCo, Acciona and/or any other contractor on the other hand (or any of them) regarding the Sydney Light Rail construction works.
5. Documents recording the terms of the lease held over the Kensington Premise held by Ms Rosa Colagrossi.

“B”

**AGREED DISCOVERY CATEGORIES - TFNSW
10 July 2019**

No.	Discovery category	Search parameters
1.	A copy of the NSW Long Term Transport Master Plan published by the Defendant on or about 1 December 2012.	December 2012
2.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. the initial Delivery Program¹ for the Project provided by OpCo to the Defendant and all updated Delivery Programs² provided by OpCo to the Defendant; 2. all correspondence exchanged between the Defendant and OpCo accepting or rejecting the Delivery Programs. 	17 December 2014 to date
3.	<p>Copies of all:</p> <ol style="list-style-type: none"> 1. minutes of meetings attended by the Director-General or the Deputy Director-General in the period from 1 January 2013 to 17 December 2014 regarding timing or implementation of the Project; and 2. documents regarding timing or implementation of the Project signed prior to 17 December 2014 by the following delegates; <ol style="list-style-type: none"> a. Director-General, Department of Transport (Leslie Wielinga) b. Deputy Director-General, Transport Projects (Chris Lock) c. SLR Project Director (Jeff Goodling / Peter Gemmell) d. Secretary, TfNSW (Tim Reardon). 	<p>Director-General, Department of Transport (Leslie Wielinga)</p> <p>Deputy Director-General, Transport Projects (Chris Lock)</p> <p>SLR Project Director (Jeff Goodling / Peter Gemmell)</p> <p>Secretary, TfNSW (Tim Reardon).</p>
4.	All documents zone occupation schedules for the Project	17 December 2014 to date
5.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. the State Significant Infrastructure (SSI) Application for the Project submitted to the NSW Department of Planning and Infrastructure in June 2013; 2. the Environmental Impact Statement submitted to the NSW Department of Planning and Infrastructure in (EIS); 3. all documents signed by the Director-General, Department of Transport, the Deputy Director- 	<p>June 2013 - June 2014</p> <p>Director-General, Department of Transport (Leslie Wielinga)</p> <p>Deputy Director-General, Transport Projects (Chris Lock)</p> <p>SLR Project Director (Jeff Goodling)</p>

¹ As defined in the Project Deed

² As required under the Project Deed

	<p>General, Transport Projects and/or the SLR Project Director regarding the submission of the SSI, the EIS or any other document to support the assessment of the Project to the Department of Planning and Infrastructure; and</p> <p>4. the Infrastructure Approval issued by the NSW Minister for Planning and Infrastructure.</p>	
6.	<p>To the extent not covered by Category 5, a copy of all documents recording the consultation strategy referred to in section 7.1 of the SSI Application Supporting Document:</p> <ol style="list-style-type: none"> 1. which were created on or before the date of the SSI Application submission (25 June 2013); and 2. signed by the Director-General, Department of Transport, the Deputy Director-General, Transport Projects and/or the SLR Project Director. 	<p>1 January to 25 June 2013</p> <p>Director-General, Department of Transport (Leslie Wielinga)</p> <p>Deputy Director-General, Transport Projects (Chris Lock)</p> <p>SLR Project Director (Jeff Goodling)</p>
7.	<p>A copy of all correspondence exchanged between TfNSW and Ausgrid and Sydney Water:</p> <ol style="list-style-type: none"> 1. created on or before 31 December 2014; and 2. relating to the impact of the Project on the relevant stakeholder. 	<p>2013-2014/ 31 December 2014</p>
8.	<p>To the extent not covered by Category 7, a copy of all agreements between TfNSW and any of Ausgrid, Sydney Water and Randwick City Council and all correspondence exchanged between TfNSW and any of Ausgrid and Sydney Water and Randwick City Council in relation to the negotiation of those agreements:</p> <ol style="list-style-type: none"> 1. created on or before the date the agreement was entered between TfNSW and the relevant stakeholder; and 2. relating to the impact of the Project on the relevant stakeholder. <p>A copy of each of the following:</p> <ol style="list-style-type: none"> 1. the City of Sydney Development Agreement; 2. the CPMPT Development Agreement; 3. the RCC Development Agreement; 4. the SHFA Development Agreement; and 5. the Sydney Light Rail - Eastern Distributor Master 	<p>2013-2014</p>

	Interface and Access Deed.	
9.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all documents dated between 1 January 2013 and 17 December 2014 (pre contract) disclosing or recording the Defendant's knowledge of Ausgrid's requirements for the treatment of its utility services; 2. all versions of "Schedule F8" that passed between the Defendant, Ausgrid and/or Acciona in the period between 23 October 2014 (preferred proponent) and 17 December 2014 (contract close); and 3. all documents disclosing the date upon which Ausgrid first provided the Ausgrid Guidelines to TfNSW. 	2013-2014
10.	A copy of all being internal and external reviews regarding the Project conducted prior to 17 December 2014, which referred to the need to finalise agreements with stakeholders such as utility providers and local councils to complete the Project's design and scope of works and which were provided to the NSW Auditor-General's Office (as referenced at page 13 of the NSW Auditor-General's Report to Parliament titled "Performance Audit - CBD and South East Light Rail Project" dated 30 November 2016).	2013-2014
11.	A copy of a contract entitled: "Formal Instrument of Agreement" between the defendant and Laing O'Rourke Australia Construction Pty Ltd dated 30 June 2014.	June 2014
12.	A copy of a deed entitled: "Sydney Light Rail Project Deed" between the defendant and ALTRAC dated 17 December 2014.	December 2014
13.	A copy of a contract entitled "Sydney Light Rail D&C Contract" between ALTRAC, Acciona and Alstom dated 17 December 2014.	December 2014
14.	Copies of all CBD and South East Light Rail Project Updates.	December 2014 to date
15.	All monthly contractor delivery progress reports for the Project provided to the Defendant by Acciona and/or the Consortium and/or ALTRAC.	December 2014 to date
16.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all Modification Orders issued by TfNSW to OpCo 	December 2014 to date

	<p>under the Project Deed, which amended the scope of works in Zone K;</p> <p>2. all correspondence exchanged between TfNSW and OpCo regarding any notice of delay or extension of time claim submitted by OpCo to TfNSW under the Project Deed, which relates to the scope of works in Zone K; and</p> <p>3. all briefing notes signed by either the Director-General, Department of Transport; the Secretary, TfNSW; the Deputy Secretary, Infrastructure and Services; the Deputy Secretary, Infrastructure and Place; and/or the SLR Project Director regarding any analysis of delay to the Date for Completion of the Project relating to a Modification Order referred to in sub-paragraph 1 or a notice of delay or extension of time claim referred to in sub-paragraph 2.</p>	<p>Director-General, Department of Transport (Leslie Wielinga / Dave Stewart)</p> <p>Secretary, TfNSW (Tim Reardon / Rodd Staples)</p> <p>Deputy Secretary, Infrastructure and Services (Stephen Troughton)</p> <p>Deputy Secretary, Infrastructure & Place (Peter Regan)</p> <p>SLR Project Director (Jeff Goodling / Peter Gemmell / Andrew Summers / Stephen Pascall)</p>
17.	All documents recording, evidencing or constituting gateway review reports and gateway health check reports regarding the progress of the Project prepared by Infrastructure NSW.	17 December 2014 to date (post contract)
18.	<p>A copy of:</p> <p>1. all documents exchanged between the Defendant, OpCo and/or the D&C Contractor referring or relating to the impact on roadways and/or footpaths through road closures and/or the erection of hoardings as part of the civil construction works on the Project within Fee Zone 29; and</p> <p>2. all documents recording complaints made by or on behalf of the Plaintiff about such impact.</p>	17 December 2014 to date
19.	<p>A copy of:</p> <p>1. all documents exchanged between the Defendant, OpCo and/or the D&C Contractor referring or relating to obstruction of roadways and/or footpaths through road closures and/or the erection of hoardings as part of the civil construction works on the Project within Fee Zone 29; and</p> <p>2. all documents recording complaints made by or on behalf of the Plaintiff about such obstruction.</p>	17 December 2014 to date
20.	A copy of all documents exchanged between the Defendant, OpCo and/or the D&C Contractor referring	17 December 2014 to date

	or relating to the removal of hoardings as part of the civil construction works on the Project within Fee Zone 29.	
21.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all documents exchanged between the Defendant, OpCo and/or the D&C Contractor referring or relating to noise caused by the civil construction works on the Project within Fee Zone 29; and 2. all documents recording complaints made by or on behalf of the Plaintiff about such noise. 	17 December 2014 to date
22.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all documents exchanged between the Defendant, OpCo and/or the D&C Contractor referring or relating to vibration caused by the civil construction works on the Project within Fee Zone 29; and 2. all documents recording complaints made by or on behalf of the Plaintiff about such vibration. 	17 December 2014 to date
23.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all documents exchanged between the Defendant, OpCo and the D&C Contractor referring or relating to dust and/or poor air quality caused by the civil construction works on the Project within Fee Zone 29; and 2. all documents recording complaints made by or on behalf of the Plaintiff about such dust and/or poor air quality. 	17 December 2014 to date
24.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all documents exchanged between the Defendant, OpCo and the D&C Contractor referring or relating to light spillage caused by the civil construction works on the Project within Fee Zone 29; and 2. all documents recording complaints made by or on behalf of the Plaintiff about such light spillage. 	17 December 2014 to date
25.	<p>A copy of:</p> <ol style="list-style-type: none"> 1. all documents exchanged between the Defendant, OpCo and the D&C Contractor referring or relating to physical damage caused to homes and other buildings by the civil construction works on the Project within Fee Zone 29; and 	17 December 2014 to date

	2. all documents recording complaints made by or on behalf of the Plaintiff about such physical damage.	
26.	A copy of all certificates recording or evidencing the completion of civil construction works on the Project issued by the Independent Certifier to the Defendant.	17 December 2014 to date
27.	All documents referring or relating to the fact and terms of any payments made to the Plaintiff by the Defendant including, but not limited to, copies of correspondence, deed polls and agreements.	

TIME RECORD

	ON THE PAPERS
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