

Government Gazette

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

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GOVERNMENT NOTICES

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Interests in Land for the Purposes of the Transport Administration Act 1988

Transport for NSW by its delegate declares, with the approval of Her Honour the Administrator, that the easements for rock anchors over the land described in the schedule below are acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

IVAN GLAVINIC

Deputy Program Director – Sydney Metro

TRANSPORT FOR NSW

SCHEDULE 1

An easement for rock anchors on the terms set out in Schedule 2 over that part of Pitt Street, Sydney, Park Street, Sydney and Castlereagh Street, Sydney shown marked "(E1)" on Plan of Acquisition Surveyors Reference DP15-002-EMTS, a copy of which is set out in Schedule 3.

An easement for rock anchors on the terms set out in Schedule 2 over that part of Bathurst Street, Sydney shown marked "(E2)" on Plan of Acquisition Surveyors Reference DP15-002-EMTS, a copy of which set out in Schedule 3.

An easement for rock anchors on the terms set out in Schedule 2 over that part of Pitt Street, Sydney shown marked "(E3)" on Plan of Acquisition Surveyors Reference DP15-002-EMTS, a copy of which is set out in Schedule 3.

An easement for rock anchors on the terms set out in Schedule 2 over that part of Raglan Street, Waterloo, Cope Street, Waterloo and Wellington Street, Waterloo, shown marked "(E)" on Plan of Acquisition Surveyors Reference PR124856-DP19-ESMT a copy of which is set out in Schedule 4.

An easement for rock anchors on the terms set out in Schedule 2 over that part of Hunter Street, Sydney, Elizabeth Street, Sydney and Castlereagh Street, Sydney shown marked "(E)" on Plan of Acquisition Surveyors Reference PR124856-DP13-ESMT, a copy of which is set out in Schedule 5, **but excluding from the acquisition:**

- Easement for railway transit (DP 577984) marked "(F)" on Plan of Acquisition Surveyors Reference PR124856-DP13-ESMT, a copy of which is set out in Schedule 5.

SCHEDULE 2

1. EASEMENT FOR ROCK ANCHORS

1.1 Easement summary

This Easement provides the Authority Benefited with:

- (a) access to the Easement Site for the purpose of installing Rock Anchors; and
- (b) the right to have the Rock Anchors remain on the Easement Site at all times until expiry of the Easement under clause 1.3.

1.2 Terms of the easement

- (a) The Owner of the Lot Burdened grants to the Authority Benefited full, free and unimpeded right for the Authority Benefited to:
 - (i) enter on, pass and repass over the Easement Site at all times with or without Equipment for the Permitted Purpose and do anything reasonably necessary for that purpose including:
 - (A) entering the Easement Site; and
 - (B) taking anything on to the Easement Site; and
 - (ii) have the Rock Anchors remain on the Easement Site until expiry of the Easement under clause 1.3.
- (b) In exercising its rights under this Easement, the Authority Benefited must:
 - (i) make good any damage to the Easement Site, Lot Burdened and Building to the extent caused by the Authority Benefited;
 - (ii) carry out all activities so as to cause as little inconvenience as is reasonably practicable to the Owner of the Lot Burdened or any Occupier;
 - (iii) take all necessary steps to minimise any adverse interference caused by the Authority Benefited to the Owner of the Lot Burdened or any Occupier; and
 - (iv) comply with all relevant laws relating to the exercise of those rights.

1.3 Expiry of the easement

- (a) As soon as practicable after the date on which the Authority Benefited no longer requires the rights under this Easement, the Authority Benefited must:
 - (i) de-stress any stressed Rock Anchors but is not required to remove any Rock Anchors installed on the Easement Site pursuant to this Easement; and
 - (ii) notify the Owner of the Lot Burdened in writing.

- (b) This Easement will expire on the earlier to occur of:
 - (i) 1 December 2024; and
 - (ii) the date on which the Authority Benefited gives the Owner of the Lot Burdened notice under paragraph (a)(ii).
- (c) If this Easement has expired under paragraph (b):
 - (i) the Owner of the Lot Burdened and the Authority Benefited must take all reasonable steps to remove this Easement from the title of the Lot Burdened as soon as practicable, including preparing and executing all necessary documents and producing the relevant certificates of title at Land and Property Information NSW; and
 - (ii) the Owner of the Lot Burdened may, at its risk and cost, cut the Rock Anchors at any location within the Easement Site and otherwise deal with any part of the Rock Anchors within the Easement Site as the Owner of the Lot Burdened sees fit.

1.4 **Incorporation of definitions and interpretation clauses**

The provisions of clause 2 apply to this Easement to the extent relevant.

The name of the persons empowered to release, vary or modify this easement:

The Authority Benefited.

2. **GENERAL**

2.1 **Exercise of the benefit of the Easement**

The Authority Benefited may, in its discretion, permit any of its Authorised Users to exercise its rights and perform its obligations under the Easement from time to time.

2.2 **Conditions**

Each of the Conditions constitute and are covenants and agreements by and between the Authority Benefited and the Owner of the Lot Burdened for themselves and their respective successors, assigns and transferees with the intention and agreement that the benefit and burden of such covenants and agreements must pass with the benefit and burden of the Easement.

2.3 **Definitions**

Acquisition Notice means the acquisition notice effecting the acquisition of this Easement published in the Government Gazette.

Authorised Users means the agents, employees, contractors (and each of their subcontractors at any level) and consultants of the Authority Benefited and any other person authorised by the Authority Benefited to exercise the rights and perform the obligations of an Authorised User under this Easement.

Authority Benefited means Transport for NSW (ABN 18 804 239 602), a New South Wales Government agency constituted by section 3C of the *Transport Administration Act 1988 (NSW)*.

Building means the building and other structures (or any part of the building or other structures) on the Lot Burdened from time to time.

Conditions means the conditions contained in the Easement, excluding the section entitled "Easement summary" and including the general provisions set out in this clause 2.

Easement means the easement in this instrument and includes the Conditions in relation to the easement.

Easement Site means the easement site described in Schedule 1 of the Acquisition Notice.

Equipment means all necessary tools, implements, materials, machinery and vehicles.

Existing Building Structures means any improvements located within the Easement Site at the commencement of the Easement.

Government Gazette means the official journal published by the NSW Government containing proclamations and notifications, including land acquisition notices.

Lot Burdened means the Lot set out in Schedule 1 of the Acquisition Notice.

Occupier means any person who is legally entitled and authorised to occupy any part of Lot Burdened from time to time.

Owner of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including without limitation any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened.

Permitted Purpose means installing Rock Anchors within the Easement Site and all works and activities associated with such installation, including replacement or removal of the Rock Anchors.

Project means the design, construction (including any demolition required to enable construction to proceed or as a necessary part of any construction), operation and maintenance of the Sydney Metro City & Southwest project on land adjoining or in the vicinity of the Lot Burdened.

Rock Anchors means ground anchors, rock anchors, rock bolts, rock pinning, soil nails, rock dowels and other structures or equipment for the purpose of temporarily supporting or temporarily protecting the works on land owned by the Authority Benefited or temporarily underpinning and supporting improvements erected on the Lot Burdened.

SCHEDULE 3

3. PLAN FORM 1.2 (2017)

WARNING: CHECKING OR FOLLOWING WILL LEAD TO REJECTION

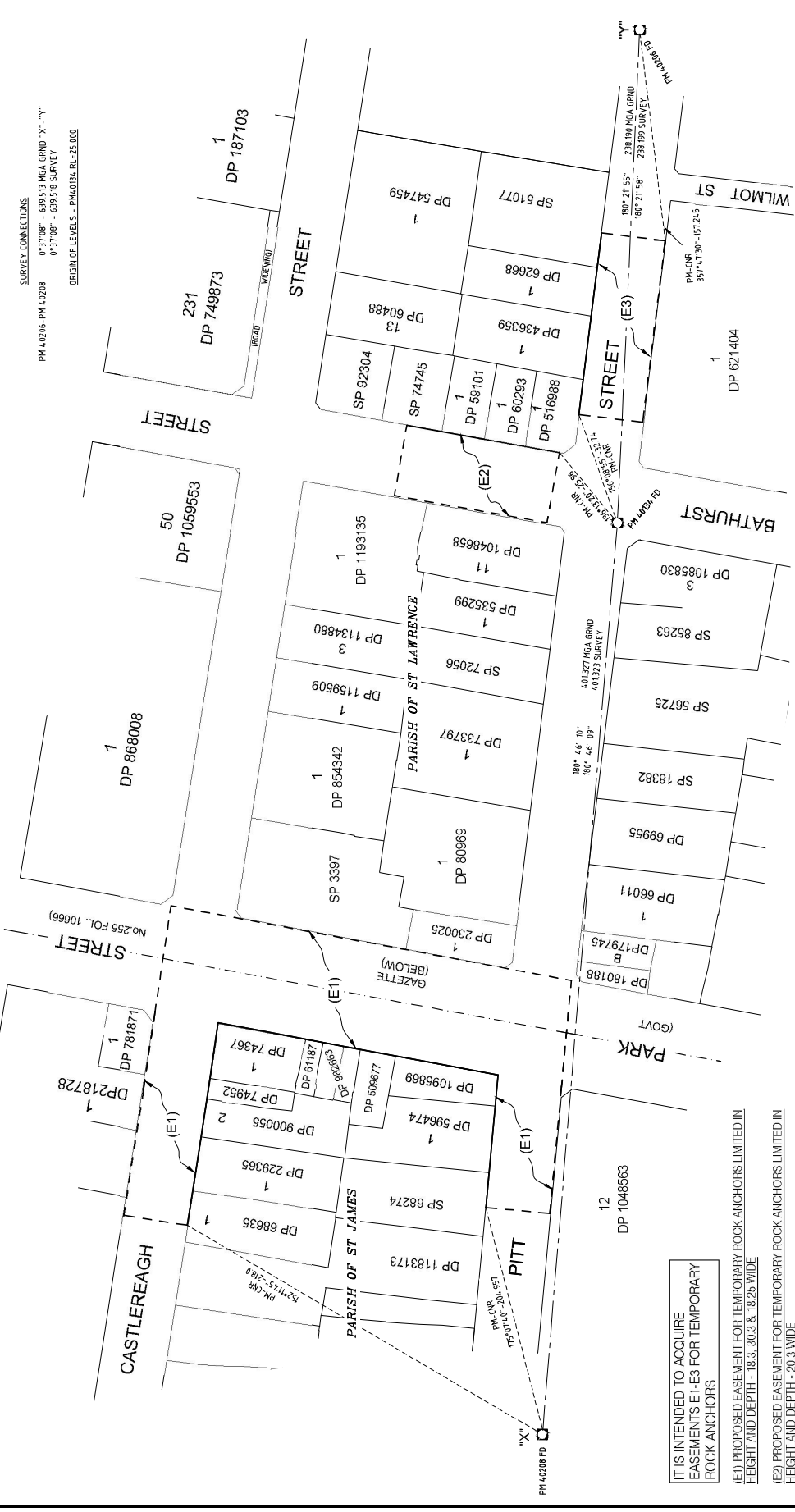
SHEET 1 OF 4 SHEETS

MARK	MGA EASTING	MGA NORTHING	CLASS	ORDER	METHOD	ORIGIN	AHD	CLASS	ORDER	ORIGIN
PM 40132	334 264 652	6 250 301 677	B	2	SCMS	SCMS	17	U	U	SCMS
PM 40134	334 255 574	6 250 327 717	B	2	SCMS	SCMS	25 000	LB	L2	SCMS
PM 40206	334 255 056	6 250 086 548	B	2	SCMS	SCMS	17 701	LB	L2	SCMS
PM 147502	334 255 772	6 250 306 466	C	4	SCMS	SCMS	25 888	B	2	SCMS
PM 147504	334 265 553	6 250 318 959	C	4	SCMS	SCMS	25 416	B	2	SCMS
PM 40208	334 265 954	6 250 723 391	B	2	SCMS	SCMS	20	U	U	SCMS

PM 15032	334 149 713	6 250 480 719	C	4	SCMS	SCMS	25 244	LC	L3	SCMS
PM 147004	334 384 141	6 250 724 641	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>23 775</th> <th>B</th> <th>2</th> <th>SCMS</th>	4	SCMS	SCMS	23 775	B	2	SCMS
PM 147006	334 384 359	6 250 494 577	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>24 071</th> <th>LC</th> <th>L3</th> <th>SCMS</th>	4	SCMS	SCMS	24 071	LC	L3	SCMS
PM 147007	334 382 726	6 250 472 576	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>18 529</th> <th>B</th> <th>2</th> <th>SCMS</th>	4	SCMS	SCMS	18 529	B	2	SCMS
PM 147009	334 378 889	6 250 466 021	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>22 222</th> <th>LC</th> <th>L3</th> <th>SCMS</th>	4	SCMS	SCMS	22 222	LC	L3	SCMS
PM 147010	334 377 300	6 250 777 300	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>25 357</th> <th>B</th> <th>2</th> <th>SCMS</th>	4	SCMS	SCMS	25 357	B	2	SCMS
PM 150298	334 262 797	6 250 428 163	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>25 357</th> <th>B</th> <th>2</th> <th>SCMS</th>	4	SCMS	SCMS	25 357	B	2	SCMS
PM 150299	334 262 797	6 250 428 163	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>25 357</th> <th>B</th> <th>2</th> <th>SCMS</th>	4	SCMS	SCMS	25 357	B	2	SCMS
PM 150300	334 262 797	6 250 428 163	C <th>4</th> <th>SCMS</th> <th>SCMS</th> <th>25 357</th> <th>B</th> <th>2</th> <th>SCMS</th>	4	SCMS	SCMS	25 357	B	2	SCMS

COMBINED SCALE FACTOR = 0.9869832
 SOURCE: MGA COORDINATES AND SCALE FACTOR ADOPTED FROM SCMS ON THE 8th MARCH 2017

SURVEY CONNECTIONS
 PM 40206-PM 40208 0°37'08" - 639 513 MGA GRND "X"- "Y"
 0°37'08" - 639 518 SURVEY
 ORIGIN OF LEVELS - PM 40314 RL 25 300



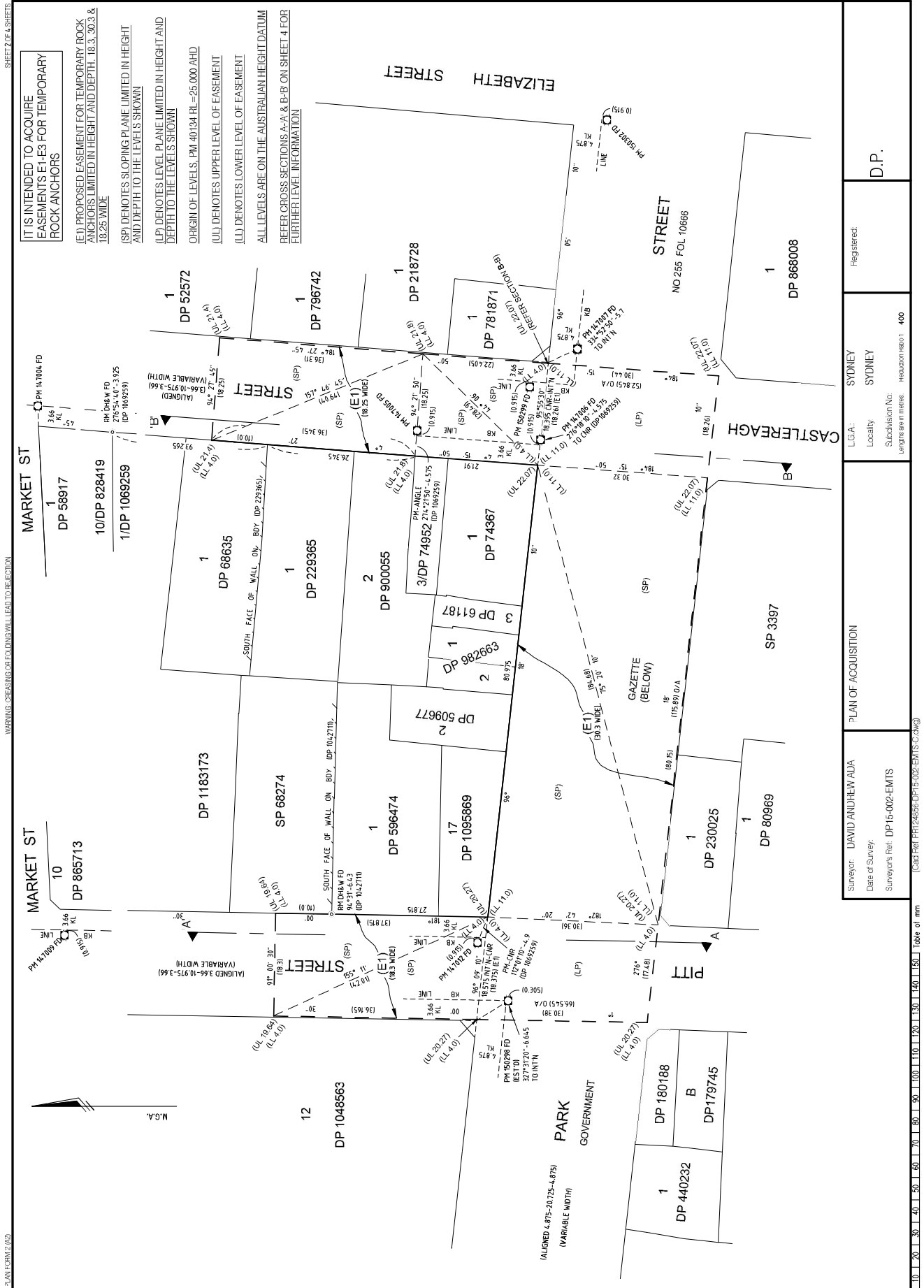
IT IS INTENDED TO ACQUIRE EASEMENTS E1+E3 FOR TEMPORARY ROCK ANCHORS

- (E1) PROPOSED EASEMENT FOR TEMPORARY ROCK ANCHORS LIMITED IN HEIGHT AND DEPTH - 18.3, 30.3 & 18.28 WIDE
- (E2) PROPOSED EASEMENT FOR TEMPORARY ROCK ANCHORS LIMITED IN HEIGHT AND DEPTH - 20.3 WIDE
- (E3) PROPOSED EASEMENT FOR TEMPORARY ROCK ANCHORS LIMITED IN HEIGHT AND DEPTH - 18.3 WIDE

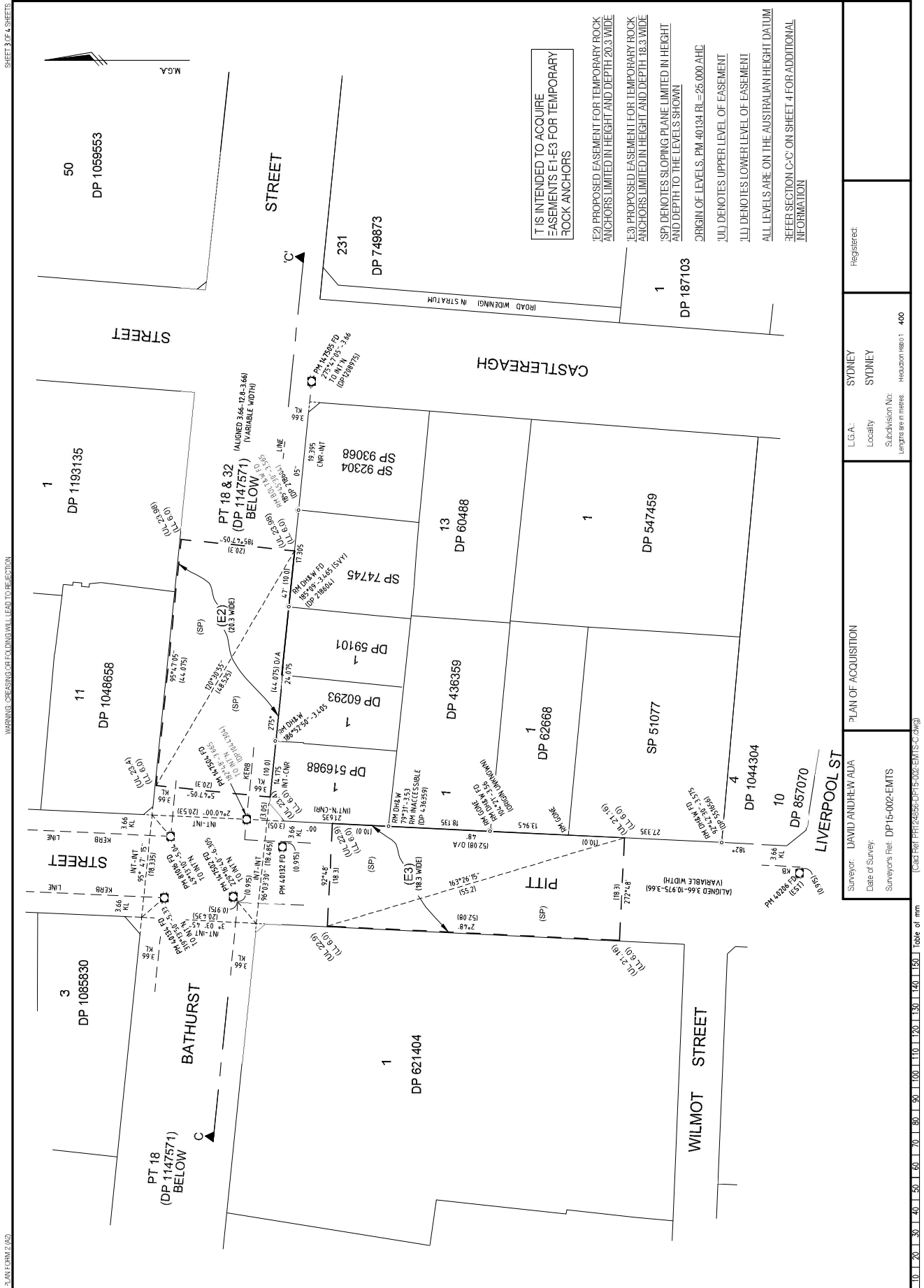
REFER SHEETS 2-4 FOR ADDITIONAL INFORMATION

Surveyor: DAVID ANDREW AUA	Registered:
Date of Survey:	Locality: SYDNEY
Surveyor's Ref: DP15-002-EMTS	Subdivision No: SYDNEY
	Headsheet No: 750
PLAN OF ACQUISITION	

Scale of mm 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150



Surveyor: DAVID ANDREW AJVA	PLAN OF ACQUISITION	Registered:	D.P.
Date of Survey:		Locality: SYDNEY	
Surveyor's Ref: DP15-002-EMTS		Subdivision No: SYDNEY	
		Headcount Ratio: 400	



IT IS INTENDED TO ACQUIRE EASEMENTS E1-E3 FOR TEMPORARY ROCK ANCHORS

- E2) PROPOSED EASEMENT FOR TEMPORARY ROCK ANCHORS LIMITED IN HEIGHT AND DEPTH 20.3 WIDE
- E3) PROPOSED EASEMENT FOR TEMPORARY ROCK ANCHORS LIMITED IN HEIGHT AND DEPTH 18.3 WIDE
- SP) DENOTES SLOPING PLANE LIMITED IN HEIGHT AND DEPTH TO THE LEVELS SHOWN
- ORIGIN OF LEVELS: PM 40134 RL = 25.000 AHD
- UJ) DENOTES UPPER LEVEL OF EASEMENT
- LD) DENOTES LOWER LEVEL OF EASEMENT
- ALL LEVELS ARE ON THE AUSTRALIAN HEIGHT DATUM
- REFER SECTION C-C ON SHEET 4 FOR ADDITIONAL INFORMATION

Surveyor: DAVID ANDREW AUA	PLAN OF ACQUISITION	Registered:
Date of Survey:		Locality: SYDNEY
Surveyor's Ref.: DP15-002-EMTS		Subdivision No.: 400
		Headcount Ratio: 1 : 400

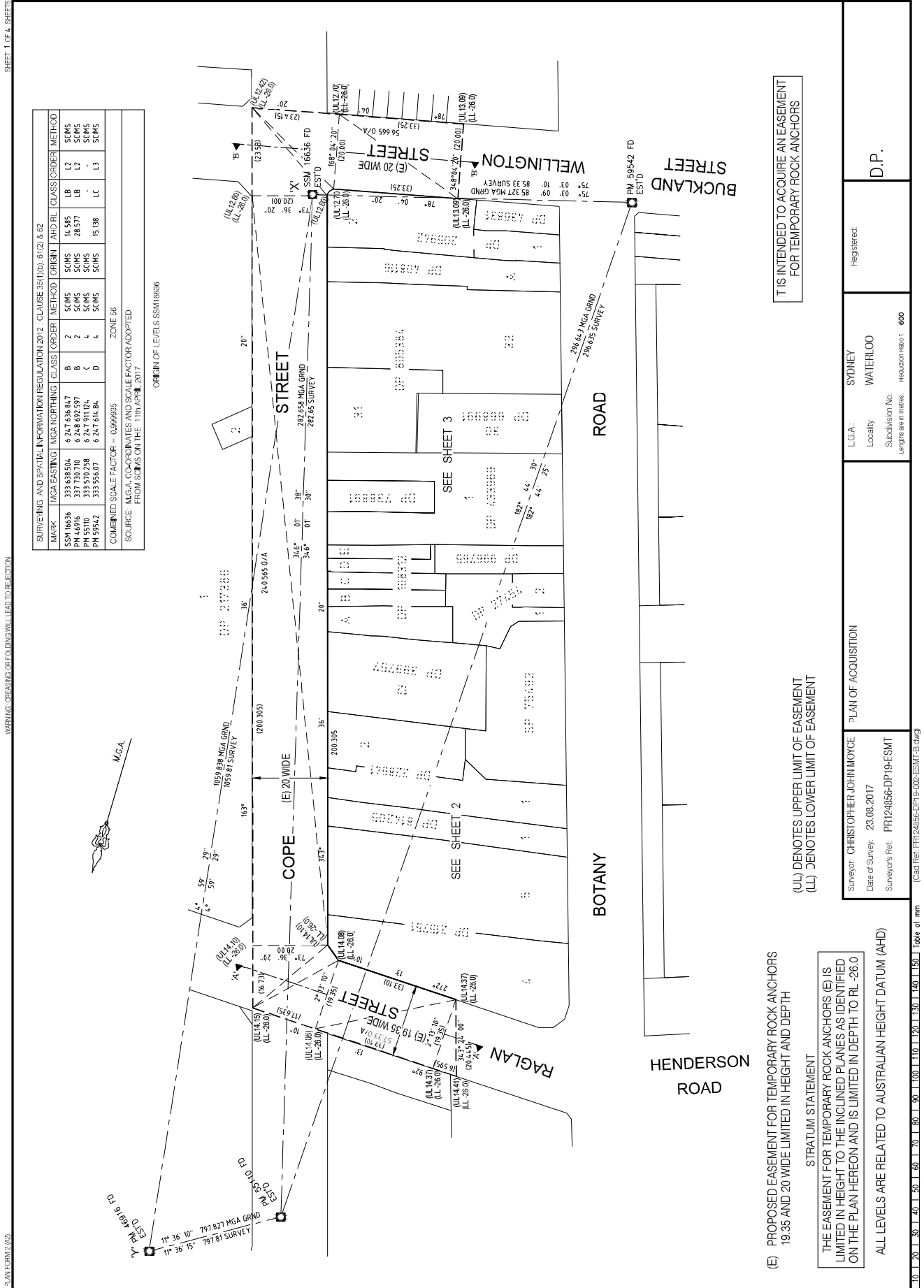
SHEET 3 OF 4 SHEETS

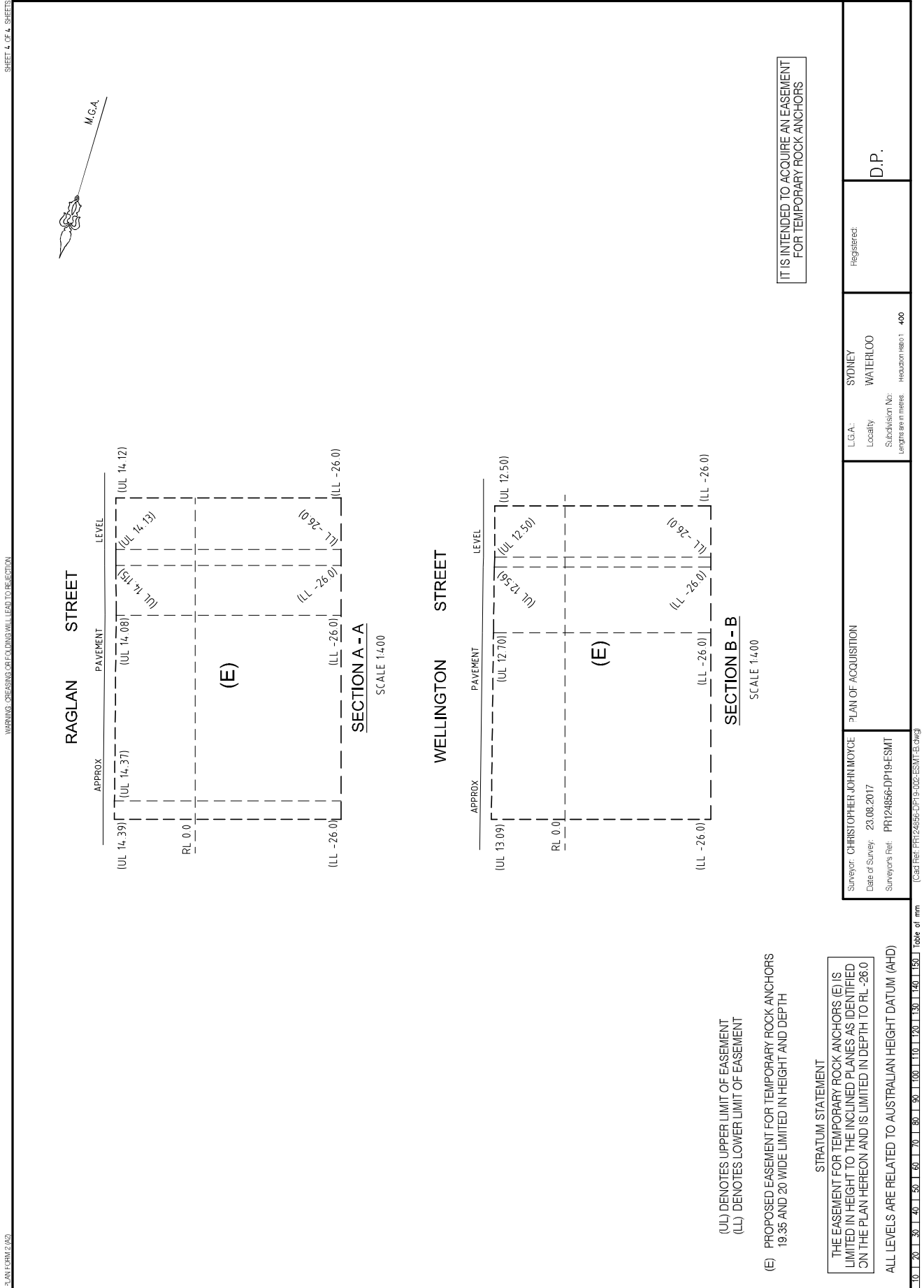
WARNING: CHECKING OF FIGURES WILL LEAD TO DISCREPANCY

3. PLAN FORM 17 (2015)

Scale of mm

SCHEDULE 4





PLAN EASEM17.020

WARNING: CREEPING OR FOLDING WILL LEAD TO DEFECTION

SHEET 4 OF 4 SHEETS

(UL) DENOTES UPPER LIMIT OF EASEMENT
(LL) DENOTES LOWER LIMIT OF EASEMENT

(E) PROPOSED EASEMENT FOR TEMPORARY ROCK ANCHORS
19.35 AND 20 WIDE LIMITED IN HEIGHT AND DEPTH

STRATUM STATEMENT

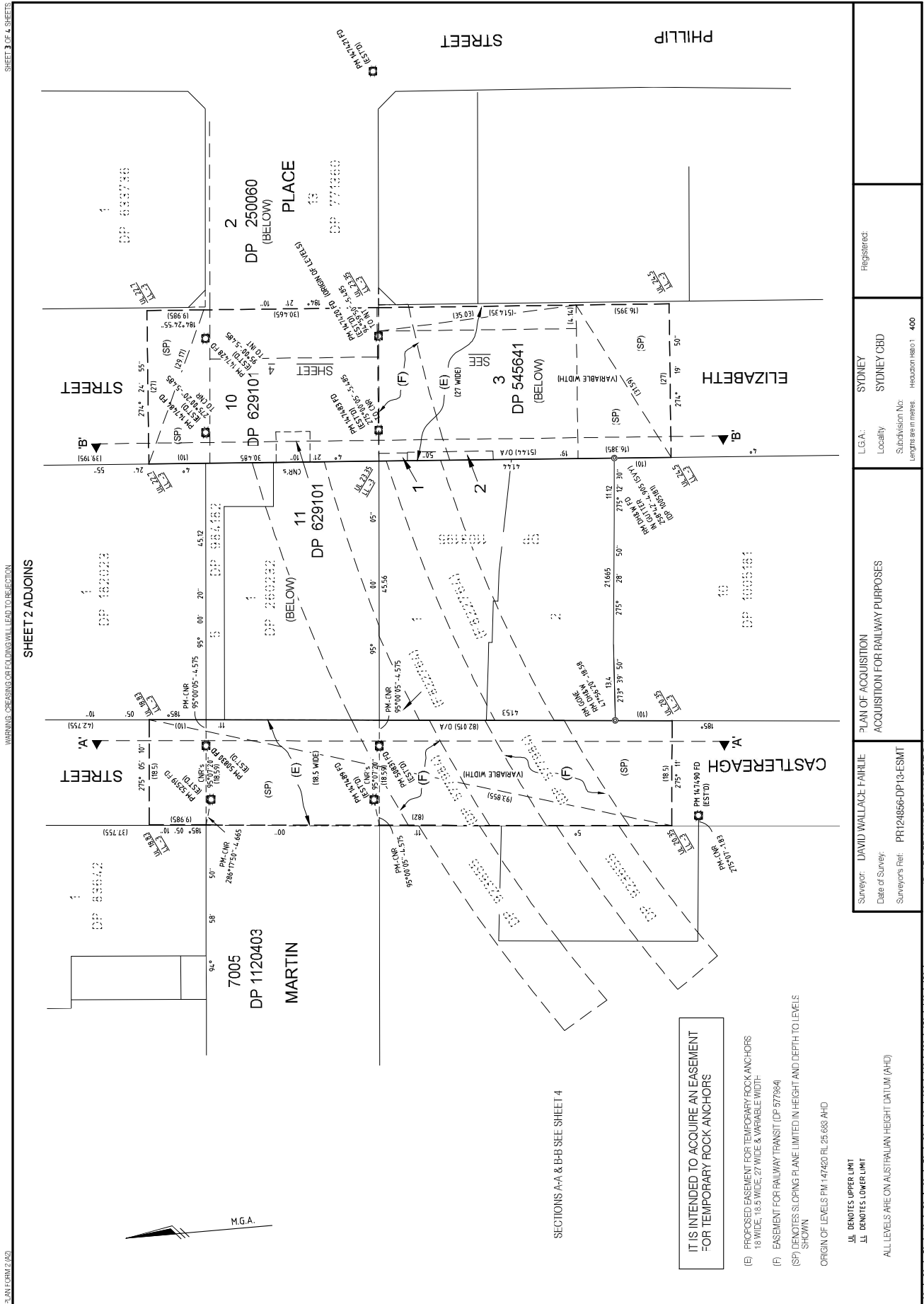
THE EASEMENT FOR TEMPORARY ROCK ANCHORS (E) IS LIMITED IN HEIGHT TO THE INCLINED PLANES AS IDENTIFIED ON THE PLAN HEREON AND IS LIMITED IN DEPTH TO RL -26.0

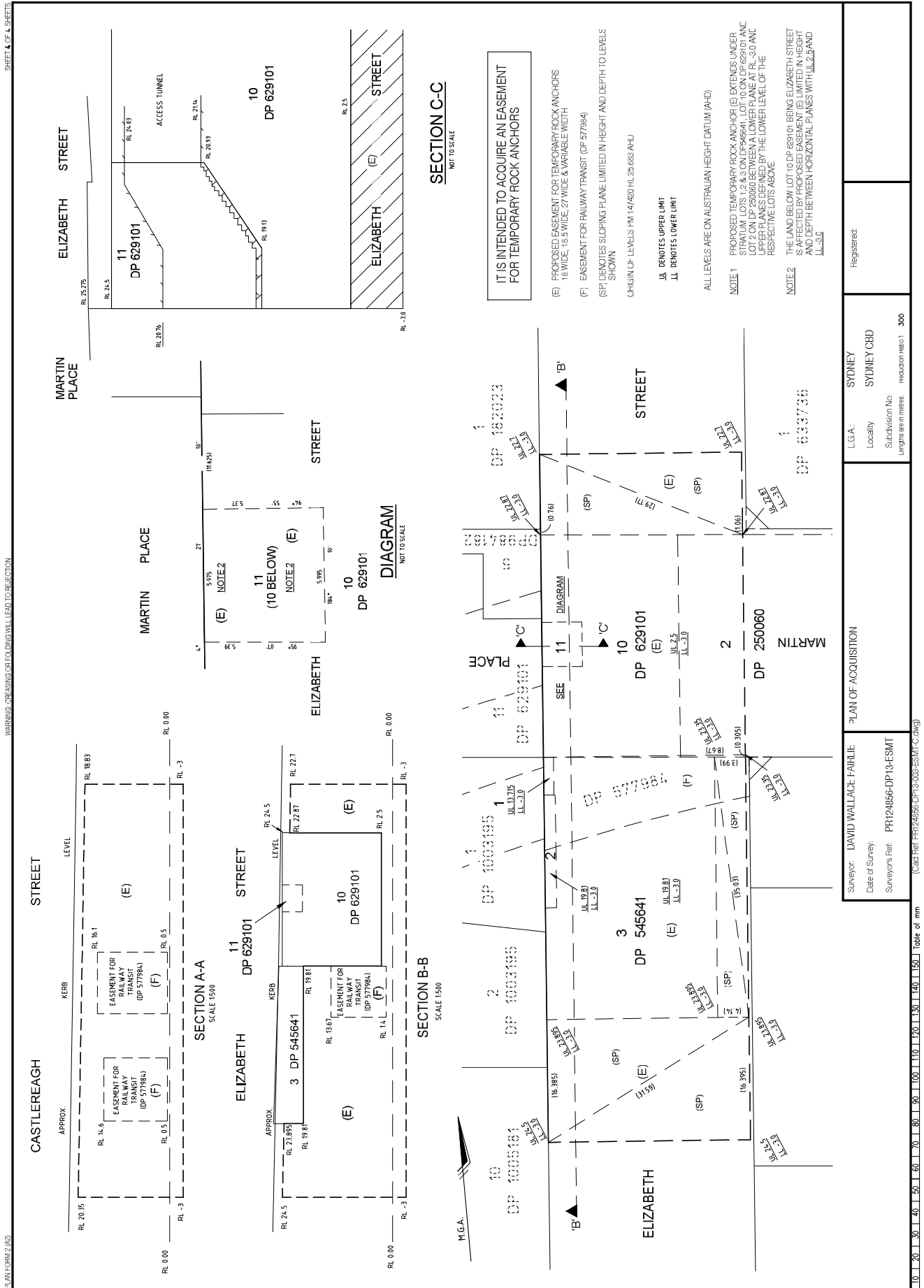
ALL LEVELS ARE RELATED TO AUSTRALIAN HEIGHT DATUM (AHD)

IT IS INTENDED TO ACQUIRE AN EASEMENT FOR TEMPORARY ROCK ANCHORS

Surveyor: CHRISTOPHER JOHN MOYCE Date of Survey: 23.08.2017 Surveyor's Ref: PR124856-DP19-ESMIT (Scale Ref: PR124856-DP19-002-ESMIT-EB-0409)	PLAN OF ACQUISITION	L.G.A.: SYDNEY Locality: WATERLOO Subdivision No: 400 Height in metres: 400	Registered: D.P.
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SCHEDULE 5





(Transport for NSW Document Number: SM17/0005244 – SM-17-00051500)