



# *Government Gazette*

of the State of

New South Wales

**Number 163–Electricity and Water**

**Friday, 14 April 2023**

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## **WATER NSW ACT 2014**

### **Land Acquisition (Just Terms Compensation) Act 1991**

#### **Notice of Compulsory Acquisition of Land in an Unincorporated Local Government Area, Parish of Soudan and County of Yancowinna**

WaterNSW by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedules below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Water NSW Act 2014*.

Joe Pizzinga  
Executive Manager Finance, Legal & Risk  
WaterNSW

#### **SCHEDULE 1**

All that piece or parcel of land situated in an Unincorporated Local Government Area, Parish of Soudan and County of Yancowinna, comprising Lot 7001 in DP 1258396, being part of the land in Certificate of Title 6475/769304 said to be in the possession of Dallas Bright and Helen Bright, but excluding from the acquisition:

- (a) Dealing 2008721 Easement For Transmission Line; and
- (b) the residual fee simple estate vested in the Crown pursuant to the Crown Land Management Act 2016.

#### **SCHEDULE 2**

A pipeline easement on the terms set out in Schedule 3, and over part of that piece or parcel of land situated in an Unincorporated Local Government Area, Parish of Soudan and County of Yancowinna, being that part of Lot 6475 in Deposited Plan 769304 shown marked "(F)" on Deposited Plan 1258396, a copy of which is set out in Schedule 4.

## SCHEDULE 3

### 1. Defined terms

- (a) **Drainage System** means any line of pipe or drainage work or system, laid or constructed on or in the Land, for purposes of draining water and any associated substance;
- (b) **Easement** means the pipeline easement on these terms to be created by the Transfer Granting Easement Form to accommodate the construction, operation and maintenance of the Pipeline;
- (c) **Land** means the land contained in folio identifier 6475/769304;
- (d) **Pipeline** means the underground water pipeline from the River Murray to the Essential Energy Water Treatment Plant south of the City of Broken Hill; and
- (e) **Works** means any act or thing to place, construct, examine, operate, use, maintain, alter, renew, replace and remove any part of the Pipeline in or on the Land.

### 2. What the Transferee may do at below or above the Land

2.1 The Transferee may at all reasonable times (and at any time in the event of an emergency) remain there for any reasonable duration of time in order to:

- (a) enter, pass and repass over and return from the Land with or without vehicles and enter onto and remain on or in the Land for so long as may be necessary or convenient to do any Works;
- (b) bring, place and use on the Land and remove from the Land such plant, machinery, tools, implements, materials or things as may be necessary or convenient to do any Works;
- (c) excavate and make shafts and cuttings in and through the Land, and other wise disturb the surface of the Land, as may be necessary or convenient to do any Works;
- (d) trim or remove any vegetation in the Easement that:
  - (i) could destroy, damage or interfere with the Pipeline;
  - (ii) could make the Pipeline become a potential cause of risk to public safety; or
  - (iii) could prevent reasonable access to the Easement;
- (e) convey water and any associated substance in any quantity and through the Pipeline; and
- (f) discharge or drain into, onto or over the Land or within any Drainage System water and any associated substance in any quantity from any Works arising out of:
  - (i) any damage to the Pipeline however caused; or
  - (ii) any leak from, break in or other escape from the Pipeline or any Works however caused.

2.2 In exercising its rights under this Easement, the Transferee will take all reasonable steps to minimise disturbance to the Land.

2.3 The Transferee will restore any part of the Land damaged by the Transferee when performing Works as nearly as practicable to the condition in which it was before the Works.

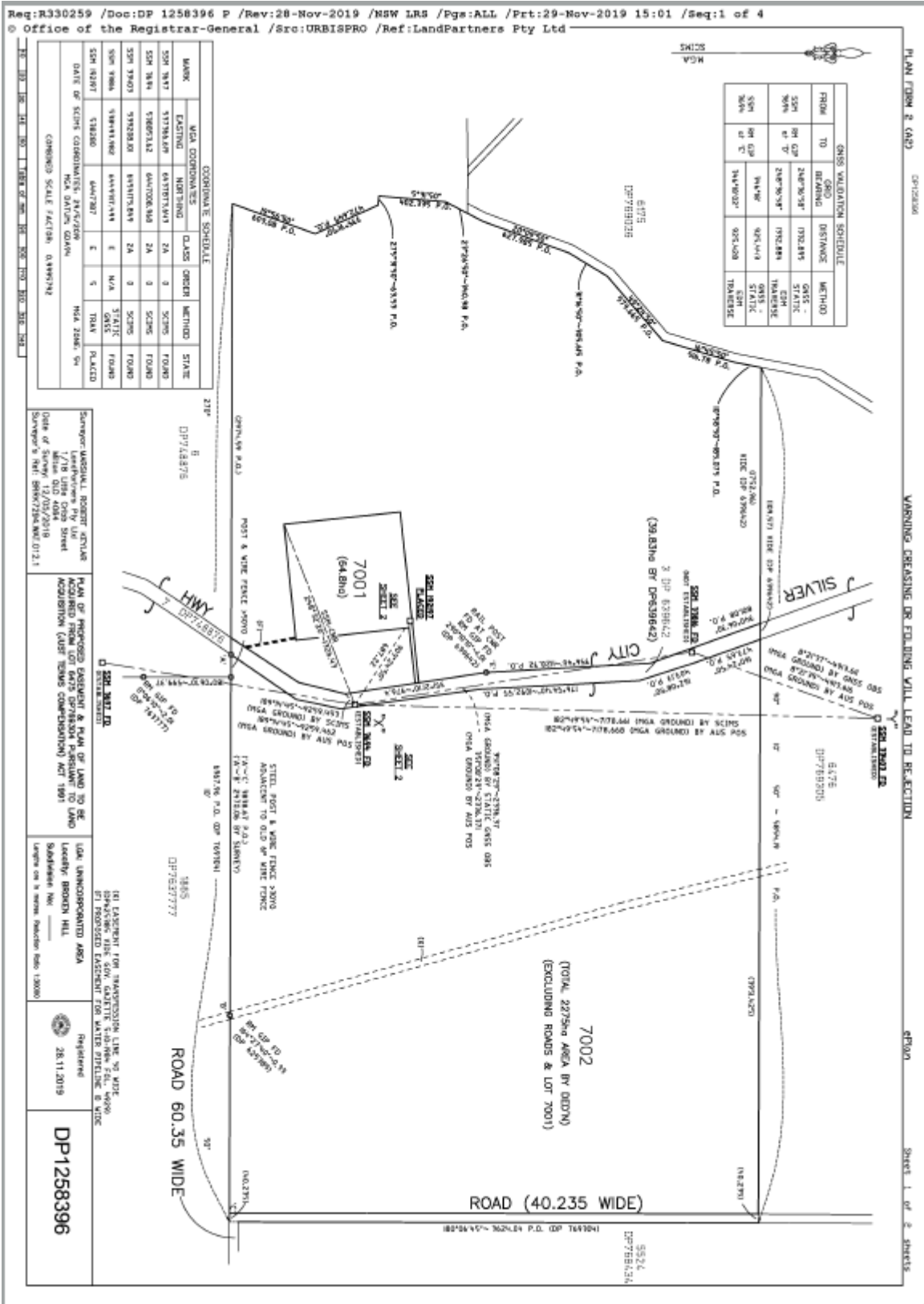
### 3. What the Transferor must not do at below or above the Land

3.1 The Transferor must not:

- (a) erect any building structure, roadway, pavement, pipeline cable or other improvements having any form of bituminous surface with or without a base course of ballast or rock fill or like material upon, through or under the Easement without the prior written consent of the Transferee (which shall not be unreasonably withheld);

- (b) use or allow to be used the Land for any purpose which may obstruct or prevent the Transferee from having full and free access to the Easement and/or the Pipeline;
  - (c) do or allow to be done anything which may adversely affect the support of the Land or the Pipeline;
  - (d) make or allow to be made by any means any alteration to the existing surface levels of the Land which may affect the Easement or the Pipeline;
  - (e) park or place or allow to be parked on the Easement above or near the Pipeline, any vehicle;
  - (f) plant or allow to be planted in, or on, the Easement any tree or shrub other than shrubs that may be removed and reinstated if necessary or convenient for purposes of the performance of any Works; or
  - (g) place or allow to be placed in, upon or over the Easement, on or near the Pipeline, any services including without limitation electrical, telecommunication, gas, water, wastewater and stormwater services with or without pipes, conduits, cables or ducts.
- 3.2 The Transferor may apply in writing for the written approval of the Transferee to do any one or more than one of the things specified in subclauses 3.1(e) to 3.1(g) inclusive.
- 3.3 The Transferee must consider and respond in writing to any application made under subclause 3.2 and may request further information, give an approval or refuse to give an approval or give an approval in its absolute discretion, and (without limitation) may give an approval subject to conditions.
- 3.4 If the Transferee gives an approval under subclause 3.3, the Transferor must not do anything the subject of the application made under subclause 3.2 other than strictly in accordance with the written approval and any conditions under which the approval was given.

# SCHEDULE 4



OF PROPOSED EASEMENT FOR WATER PROTECTIVE IN VINE  
 CLIMATE, BENTON'S SALVAGED DRINK POST AND METING FENCE  
 CLIMATE, BENTON'S SALVAGED POST AND METING MARKPOST FENCE  
 METING, BENTON'S SALVAGED POST AND METING FENCE

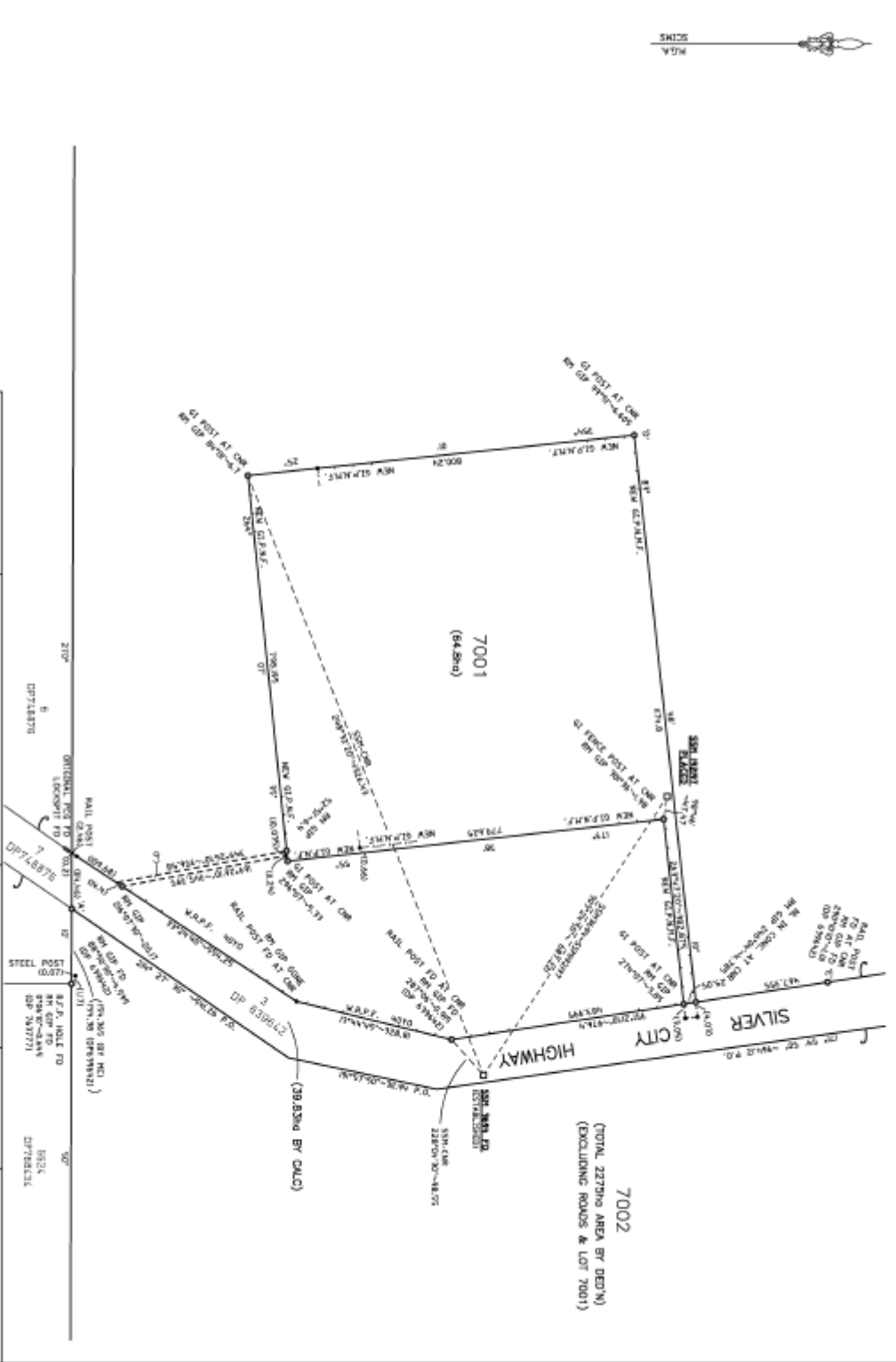
Surveyor: JAMES HALL, ROBERT JEFFERY  
 LandPartners Pty Ltd  
 1/115 Old 100th Street  
 Date of Survey: 12/03/2018  
 Surveyor's No: 88967294/NO/0121

PLAN OF PROPOSED EASEMENT & PLAN OF LAND TO BE  
 ACQUIRED FROM LOT 6475 (DEFINITION PURSUANT TO LAND  
 ACQUISITION (JUST TERMS COMPENSATION) ACT 1991)



LOCAL UNINCORPORATED AREA  
 LINDSEY BROWN HILL  
 Subdivision No: 15008  
 Lays on in name of subdivision 15008

Register  
 28.11.2019

DP1256396



<b>PLAN FORM 6_E (2019) DEPOSITED PLAN ADMINISTRATION SHEET</b>		Sheet 2 of 2 sheet(s)
<p style="text-align: right; margin-bottom: 0;">Office Use Only</p> <p><b>Registered:</b> <b>28.11.2019</b></p> <hr/> <p><b>PLAN OF</b>          PROPOSED EASEMENT &amp; PLAN OF LAND TO BE ACQUIRED FROM LOT          6475 DP769304 PUSUANT TO LAND ACQUISITION (JUST TERMS          COMPENSATION) ACT 1991</p> <hr/> <p>Subdivision Certificate number: _____</p> <p>Date of Endorsement: _____</p>	<p style="text-align: right; margin-bottom: 0;">Office Use Only</p> <h1 style="text-align: center; margin: 10px 0;">DP1258396</h1> <p style="font-size: small;">This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> <li>A schedule of lots and addresses - See 6D(c) SS/ Regulation 2017</li> <li>Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919</li> <li>Signatures and seals- see 195D Conveyancing Act 1919</li> <li>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>	
<p style="text-align: center; font-weight: bold; margin-top: 50px;"><del>STREET ADDRESS FOR ALL LOTS ARE NOT AVAILABLE</del></p> <p style="text-align: center; font-size: x-small; margin-top: 100px;">If space is insufficient use additional annexure sheet</p>		
Surveyor's Reference: BRRK7294.WAT.012.1		

PLAN FORM 6_E (2019) DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
Registered:  28.11.2019	Office Use Only	Office Use Only
Title System: TORRENS	<b>DP1258396</b>	
<b>PLAN OF</b> PROPOSED EASEMENT & PLAN OF LAND TO BE ACQUIRED FROM LOT 6475 DP769304 PUSUANT TO LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991	LGA: <del>Select LGA or use sheet 2 for multiple LGAs.</del> <b>nrk</b> <b>UNINCORPORATED AREA</b>	Locality: BROKEN HILL
	Parish: SOUDAN	County: <del>YANGOWINA</del> <b>YANKOWINNA nrk</b>
<p style="text-align: center;">Survey Certificate</p> <p>I, <b>MARSHALL ROBERT KEYLAR</b> of <b>LANDPARTNERS PTY. LTD.</b> 1/18 Little Cribb Street, Milton, QLD 4084 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p><del>(a) Survey.</del></p> <p>(b) The part of the land shown in the plan being (lot 7001, easement &amp; connections ) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on 12-May-2019 the part not surveyed was compiled in accordance with that Regulation.</p> <p><del>(c) Completion.</del></p> <p>Datum Line: X - Y</p> <p>Type: Urban <input type="checkbox"/> Rural <input checked="" type="checkbox"/></p> <p>The terrain is Level-Undulating <input checked="" type="checkbox"/> Steep-Mountainous <input type="checkbox"/></p> <p>Signature: <i>MR Keylar</i> Dated: <i>18-10-2019</i> Surveyor Identification No: 9248 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, <b>SMART BRACKEN</b> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: </p> <p>Date: <b>4-10-2019</b></p> <p>File Number: <b>18/09612</b></p> <p>Office: <b>NEWCASTLE</b></p>	
Plans used in the preparation of survey.  DP625385, DP639642, DP639643, DP748876, DP748877, DP763775, DP763776, DP763777, DP769026, DP769304, DP769305, M21075, DP768434	<p style="text-align: center;">Subdivision Certificate</p> <p>I, _____ certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: _____</p> <p>Accreditation number: _____</p> <p>Consent Authority: _____</p> <p>Date of endorsement: _____</p> <p>Subdivision Certificate number: _____</p> <p>File number: _____</p>	
Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.  IT IS INTENDED TO ACQUIRE LOT 7001 PURSUANT TO LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991		
Surveyor's Reference: BRRK7294,WAT,012,1	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	