

# *Government Gazette*

of the State of

New South Wales

**Number 8**

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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 Interest in Land for the Purposes of the Transport Administration Act 1988

Transport for NSW by its delegate declares, with the approval of His Excellency the Governor, that the easement described in Schedule 1 below is 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

#### SCHEDULE 1

An easement for scaffolding on the terms set out in Schedule 2, and over that part of that piece or parcel of land situated at Sydney, in the Local Government Area of Sydney, Parish of St Lawrence and County of Cumberland being Lot 13 in Deposited Plan 60488, which forms part of the area shown marked "Y" on Sheet 2 of Drawing No. NWRLSRT-RPS-SPS-SR-DWG-000029 and Drawing No. NWRLSRT-RPS-SPS-SR-DWG-000048, a copy of which is set out in Schedule 3.

#### SCHEDULE 2

##### Terms of easement for scaffolding

##### 1. EASEMENT FOR SCAFFOLDING

##### 1.1 Easement summary

This Easement provides the Authority Benefited with a right to install and use scaffolding in the Easement Site at all times until the expiry of the Easement pursuant to 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 and to encroach on the Easement Site at all times with or without Equipment for the Permitted Purpose until expiry of this Easement under clause 1.3; and
  - (ii) do anything reasonably necessary for that purpose including:
    - (A) entering the Easement Site;

- (B) taking anything on to the Easement Site; and
  - (C) relocating any services.
- (b) In exercising its rights under this Easement, the Authority Benefited must:
  - (i) prior to installing Scaffolding in the Easement Site, provide the Owner of the Lot Burdened with details of the extent of the Scaffolding, including access paths through and around the Scaffolding where there may be an impact on access to the Lot Burdened;
  - (ii) ensure that the Scaffolding installed in the Easement Site is maintained in good repair and in a safe condition;
  - (iii) maintain adequate safety arrangements in respect of the Easement Site to:
    - (A) mitigate risk of harm to members of the public caused by the activities of the Authority Benefited; and
    - (B) maintain adequate safety arrangements in respect of the Scaffolding to secure any relevant building from being accessed from any part of the Scaffolding;
  - (iv) make good any damage to the Easement Site, Lot Burdened and Building to the extent caused by the Authority Benefited;
  - (v) 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;
  - (vi) 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
  - (vii) comply with all relevant laws relating to the exercise of those rights.
- (c) Any services on or in the Easement Site must not be damaged by the Authority Benefited or its Authorised Users and must be protected by the Authority Benefited and its Authorised Users from damage caused by the exercise of any rights pursuant to the Easement.

### 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) remove the Scaffolding from the Easement Site; and
  - (ii) notify the Owner of the Lot Burdened in writing.
- (b) This Easement will expire on the earlier to occur of:
  - (i) 30 July 2019; 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), 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.

**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 this 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 this 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 that 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 and any Owners Corporation in relation to the Lot Burdened.

**Owners Corporation** means an owners corporation constituted under the *Strata Schemes Management Act 2015 (NSW)* or community association constituted under the *Community Land Development Act 1989 (NSW)* and any similar body corporate serving the same functions and purposes as an owners corporation or a community association.

**Permitted Purpose** means installing, maintaining, replacing, dismantling and removing Scaffolding.

**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.

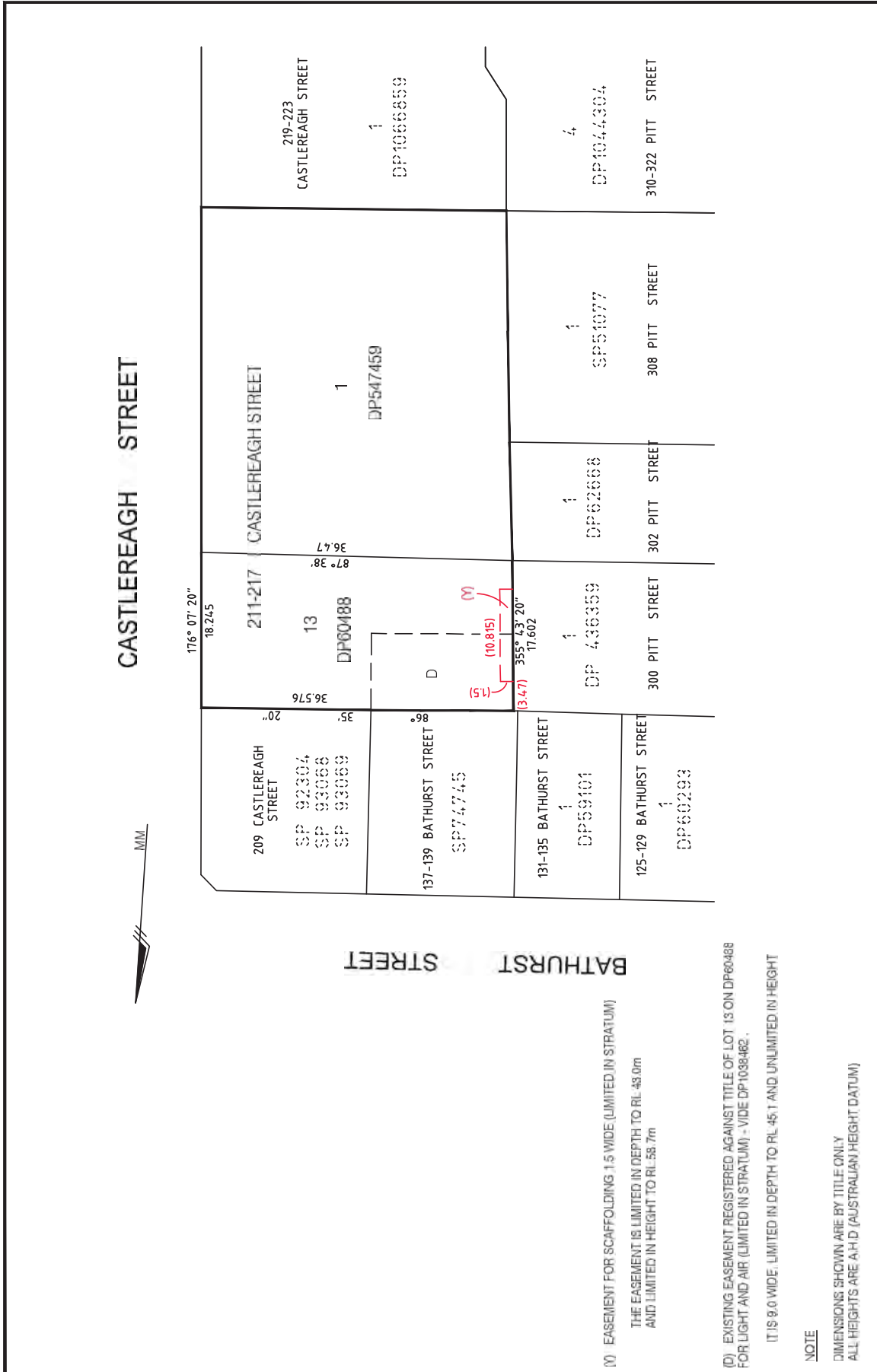
**Scaffolding** means a temporary structure (including access platforms, working platforms, catch platforms, landing platforms, chainmesh, shadecloth mesh and plywood or similar materials) incorporating elements of scaffolding systems as detailed using the principles of engineering design supported on:

- (a) the ground;
- (b) a class B hoarding structure;
- (c) a cantilevered support structure;

- (d) adjacent property roof structure(s); or
- (e) any combination of the above,

as may be applicable, and braced as required using scaffold ties, anchorages and components as determined by relevant principles of engineering design.

**SCHEDULE 3**



(N) EASEMENT FOR SCAFFOLDING 1.5 WIDE (LIMITED IN STRATUM)  
 THE EASEMENT IS LIMITED IN DEPTH TO RL -43.0m  
 AND LIMITED IN HEIGHT TO RL -58.7m

(D) EXISTING EASEMENT REGISTERED AGAINST TITLE OF LOT 13 ON DP60488  
 FOR LIGHT AND AIR (LIMITED IN STRATUM) - VIDE DP1038482.

IT IS 9.0 WIDE, LIMITED IN DEPTH TO RL -45.1 AND UNLIMITED IN HEIGHT

**NOTE**

DIMENSIONS SHOWN ARE BY TITLE ONLY  
 ALL HEIGHTS ARE A.H.D. (AUSTRALIAN HEIGHT DATUM)

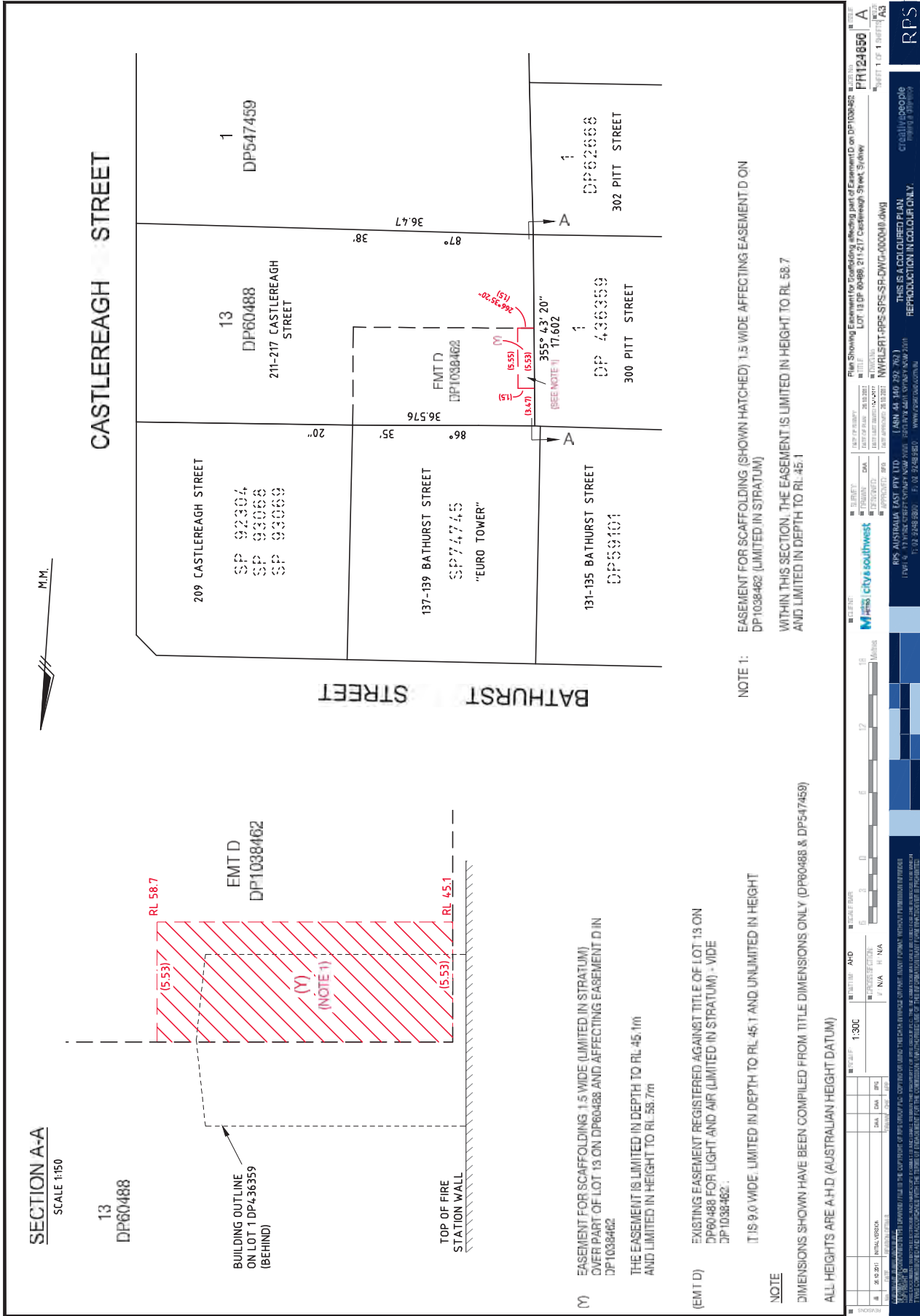
DATE OF PLAN	23.02.2017	DATE OF ISSUE	23.02.2017
DATE OF LAST MODIFICATION	23.02.2017	DATE OF APPROVAL	23.02.2017
PROJECT NAME	Minto City's southwest		
PROJECT NO.	10000000000000000000	PROJECT CODE	10000000000000000000
PROJECT TITLE	Plan Showing Easement for Scaffolding affecting part of LOT 13 DP 60488, 211-217 Castlereagh Street, Sydney		
PROJECT NO.	PR1124866	PROJECT CODE	10000000000000000000
PROJECT TITLE	Plan Showing Easement for Scaffolding affecting part of LOT 13 DP 60488, 211-217 Castlereagh Street, Sydney		

THIS IS A COLOURED PLAN  
 REPRODUCTION IN COLOUR ONLY.

RPS AUSTRALIA EAST PTY LTD. (ANZ 41 140 792 767)

Project No: PR1124866  
 Project Code: 10000000000000000000  
 Project Title: Plan Showing Easement for Scaffolding affecting part of LOT 13 DP 60488, 211-217 Castlereagh Street, Sydney





(Transport for NSW Document Number: SM17/0005411)