



# Victoria Government Gazette

No. S 75 Monday 20 March 2017  
By Authority of Victorian Government Printer

## Land Acquisition and Compensation Act 1986

### FORM 7

S. 21(a)  
Reg. 16

#### Notice of Acquisition

#### Compulsory Acquisition of Interest in Land

The Secretary to the Department of Economic Development, Jobs, Transport and Resources (Authority), being the project authority appointed in accordance with the **Major Transport Projects Facilitation Act 2009** for an approved project, being the Melbourne Metro Rail Project declares that, by this notice, it acquires the following interests in land:

#### Interest acquired:

1. All interests held by Melbourne City Council in Lot 1 on Plan of Subdivision 428405M, being the land contained in Certificate of Title Volume 10559 Folio 708 (including the whole of Melbourne City Council's interest in any easement in respect of which Lot 1 on Plan of Subdivision 428405M is the dominant tenement), excluding:
  - a. Melbourne City Council's interest in fee simple only in the land identified as Lot 1 on the proposed Plan of Subdivision 809025A (attached); and
  - b. all other interests held by any other person or persons, such as easement interests, in Lot 1 on Plan of Subdivision 428405M.

For the avoidance of doubt, by the above acquisition, the Authority declares that it acquires Melbourne City Council's interest in fee simple in Lot 2 on proposed Plan of Subdivision 809025A (attached);

2. All interests held by Melbourne City Council in Lot 2 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 709, excluding all other interests held by any other person or persons, such as easement interests, in Lot 2 on Plan of Subdivision 428405M. For the avoidance of doubt, the Authority declares that it acquires Melbourne City Council's interest in fee simple in Lot 2 on Plan of Subdivision 428405M; and
3. All interests held by Melbourne City Council in Lot 8 on Plan of Subdivision 428405M, being all of that land contained in Certificate of Title Volume 10559 Folio 713, excluding all other interests held by any other person or persons, such as easement interests, in Lot 8 on Plan of Subdivision 428405M. For the avoidance of doubt, the Authority declares that it acquires Melbourne City Council's interest in fee simple in Lot 8 on Plan of Subdivision 428405M.

**Interest holder:** Melbourne City Council and no other person or persons.

**SPECIAL**

<b>PROPOSED PLAN OF SUBDIVISION</b> PLAN UNDER SECTION 35		EDITION		PS 809025A					
<b>LOCATION OF LAND</b> PARISH : MELBOURNE NORTH CITY: MELBOURNE SECTION: 6 CROWN ALLOTMENT: 17, 18 AND 19 (PARTS) LTO BASE RECORD: VICMAP DIGITAL PROPERTY TITLE REFERENCE : VOL.10559 FOL.708 LAST PLAN REFERENCE : PS 428405M (LOT 1) POSTAL ADDRESS : 68 SWANSTON STREET (At time of application) MELBOURNE, VIC. 3000  <b>MGA94 Co-ordinates</b> (of approx centre of land in plan) E 321110 ZONE: 55 N 5812680 GDA 94			<b>COUNCIL CERTIFICATION</b> COUNCIL NAME : MELBOURNE CITY COUNCIL REF:						
<b>VESTING OF ROADS AND/OR RESERVES</b> <table border="1"> <thead> <tr> <th>IDENTIFIER</th> <th>COUNCIL/BODY/PERSON</th> </tr> </thead> <tbody> <tr> <td>NIL</td> <td>NIL</td> </tr> </tbody> </table>			IDENTIFIER	COUNCIL/BODY/PERSON	NIL	NIL	<b>NOTATIONS</b> BOUNDARIES SHOWN BY THICK AND CONTINUOUS LINES ARE DEFINED BY BUILDINGS. LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:- M: MEDIAN NF: NORTH FACE WF: WEST FACE SF: SOUTH FACE  Survey: This plan is not based on survey; To be completed where applicable. This survey has been connected to permanent marks no(s)  In Proclaimed Survey Area No. .... STAGING This is not a staged subdivision. Planning Permit No.		
IDENTIFIER	COUNCIL/BODY/PERSON								
NIL	NIL								
<b>NOTATIONS</b> DEPTH LIMITATION - DOES NOT APPLY									
<b>EASEMENT INFORMATION</b>									
<b>LEGEND:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)									
<b>SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN</b>									
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of					
<b>FOR EASEMENT DETAILS SEE SHEETS 2 AND 3</b>									
		SURVEYORS FILE REF: 7854 PS3 V02.DGN DATE: 16/03/2017		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 20				
		LICENSED SURVEYOR: TIMOTHY J BAIRD  REF : 7854 PS3                      VERSION 02		<b>PROPOSED</b>					

PS 809025A

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	LIGHT & AIR (LIMITED IN DEPTH AS SHOWN IN SECTION)	SEE PLAN	PS 428405M	LOTS 3, 4, 801 TO 805, 807 TO 810, 901 TO 910, 1001 TO 1008, 1010, 1101 TO 1104 & 1201 TO 1204 ON PS 428405M
E-5	EASEMENT FOR LIGHT & AIR (LIMITED TO HEIGHT & DEPTH AS SHOWN IN SECTION - SEE SHEET 3 FOR DESCRIPTION)	SEE PLAN	PS 428405M	LOTS 3, 4, 801 TO 805, 807 TO 810, 901 TO 910, 1001 TO 1008, 1010, 1101 TO 1104 & 1201 TO 1204 ON PS 428405M
E-6	LIGHT & AIR & FIRE ESCAPE (SEE LIMITATION 3 FOR DESCRIPTION)	SEE PLAN	PS 428405M	LOTS 3, 4, 801 TO 805, 807 TO 810, 901 TO 910, 1001 TO 1008, 1010, 1101 TO 1104 & 1201 TO 1204 ON PS 428405M
E-6	FOOTWAY (SEE LIMITATION 3 FOR DESCRIPTION)	SEE PLAN	PS 428405M	LOT 2 & 4 ON PS 428405M

SCALE

0



LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE: A3

SHEET 2

LICENSED SURVEYOR: TIMOTHY J BAIRD

REF : 7854 PS3

VERSION 02

**PROPOSED**

PS 809025A

LIMITATIONS

LIMITATION 3 (LIMITED TO A HEIGHT OF 2.10 METRES ABOVE THE HOTEL BASEMENT LEVEL 1 SLAB LEVEL & A DEPTH DEFINED BY THE HOTEL BASEMENT LEVEL 1 SLAB LEVEL AS SHOWN IN SECTION)

EASEMENT E-5 DESCRIPTION

EASEMENT E-5 IS AN EASEMENT FOR LIGHT AND AIR PROVIDED THAT:

A. THE EASEMENT SHALL NOT PREVENT USE OF THE LAND MARKED E-5 FOR:

- (1) THE PLACING OR REPLACING, CONSTRUCTION OR RECONSTRUCTION, MAINTENANCE AND USE ON THE LAND MARKED E-5 OF BUILDINGS, IMPROVEMENTS, TREES, LANDSCAPING, PAVING, SCULPTURE AND OTHER FEATURES APPROVED BY THE MELBOURNE CITY COUNCIL FROM TIME TO TIME AS CONSISTENT WITH THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE; OR
- (2) THE ERECTING, MAINTENANCE AND USE OF TEMPORARY STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED FROM TIME TO TIME BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE INCLUDING WITHOUT LIMITATION, STRUCTURES, BUILDINGS OR ENCLOSURES FOR HOUSING LICENSEES, CONCESSIONAIRES OR OTHER OCCUPANTS OF TEMPORARY AMUSEMENT, CULTURAL OR OTHER FACILITIES OR EXHIBITIONS OF ANY KIND; AND
- (3) ERECTING, PLACING, MAINTAINING AND USING STRUCTURES, BUILDINGS OR ENCLOSURES APPROVED BY THE MELBOURNE CITY COUNCIL AS CONSISTENT WITH USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE, INCLUDING, WITHOUT LIMITATION, STRUCTURES AND ENCLOSURES FOR THE PURPOSES OF PROVIDING INFORMATION TO THE PUBLIC OR SHELTER TO THE PUBLIC FROM ADVERSE WEATHER CONDITIONS; AND

B. THE EASEMENT SHALL NOT PREVENT THE CLOSING OFF ONCE A YEAR OF THE WHOLE OR ANY PART OF THE LAND MARKED E-5 WHICH IS OPEN TO THE PUBLIC SO AS TO PREVENT THE WHOLE OR PART OF THE LAND MARKED E-5 BEING DEDICATED TO PUBLIC USE; AND

C. BEFORE ERECTING OR PLACING ANY STRUCTURES ON THE LAND MARKED E-5, THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST CONSULT WITH THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THE PROPOSAL WITH THE VIEW TO ENSURING THAT ANY PROPOSED STRUCTURES DO NOT:

- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; AND
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN; AND

D. SUBJECT TO PARAGRAPH (E) BELOW, IF THE REGISTERED PROPRIETORS OF LOTS ON THIS PLAN AFFECTED BY THIS PROPOSAL CAN DEMONSTRATE THAT A STRUCTURE PROPOSED ON THE LAND MARKED E-5 WILL:

- (1) MATERIALLY AND ADVERSELY AFFECT THE COMMERCIAL OPERATION OF THE RETAIL AREAS AND RESTAURANTS LOCATED ON THOSE LOTS; OR
- (2) IN A PERMANENT, MATERIAL AND ADVERSE WAY OBSTRUCT OR INTERFERE WITH THE ACCESS TO LIGHT AND AIR OF THOSE LOTS; OR
- (3) PERMANENTLY, MATERIALLY AND ADVERSELY AFFECT VIEWS FROM THOSE LOTS TO THE WESTERN SIDE OF SWANSTON STREET ABOVE THE FLOOR LEVEL OF THE FOYER OF LOT 3 WHICH SHALL BE TAKEN TO BE AT LEAST 6.08 METRES ABOVE THE SITE LEVEL OF LOT 1 REGARDLESS OF WHETHER THE HEIGHT OR LOCATION OF THE FOYER LEVEL IS CHANGED AFTER REGISTRATION OF THIS PLAN,

THEN THE REGISTERED PROPRIETOR OF THE LAND MARKED E-5 MUST NOT PROCEED WITH THE PROPOSED STRUCTURE, AND

E. THE REGISTERED PROPRIETORS OF THE BENEFITED LAND MUST NOT ACT UNREASONABLY IN SEEKING TO PREVENT PROPER USE OF THE LAND MARKED E-5, THE INTENTION BEING TO BALANCE THE REASONABLE CIVIC OBJECTIVES OF MELBOURNE CITY COUNCIL AND THE REASONABLE COMMERCIAL OBJECTIVES OF THE REGISTERED PROPRIETORS OF THE BENEFITED LAND IN RELATION TO THE USE OF THE LAND MARKED E-5 AS A CIVIC SQUARE

	SCALE	0 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 3
	LICENSED SURVEYOR:	TIMOTHY J BAIRD	<b>PROPOSED</b>	
	REF : 7854 PS3	VERSION 02		

DIAGRAM No.1  
GROUND LEVEL & GROUND STOREY

Proposed PS 809025A

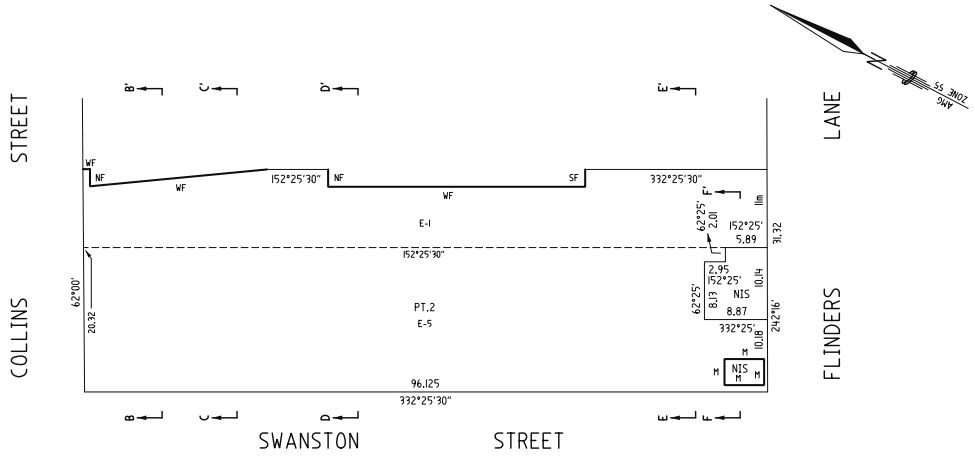


DIAGRAM No.2  
HOTEL BASEMENT LEVEL I

Proposed PS 809025A

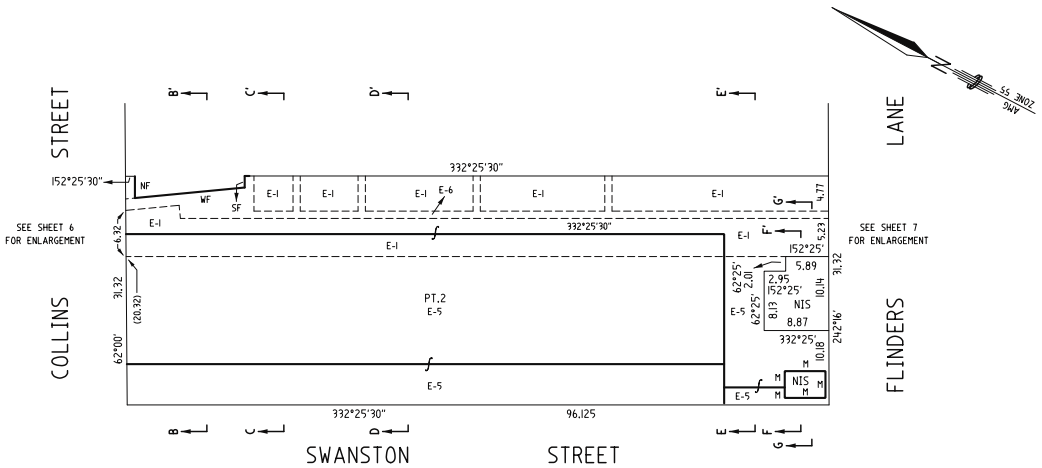


DIAGRAM No.3  
HOTEL BASEMENT LEVEL I

Proposed PS 809025A

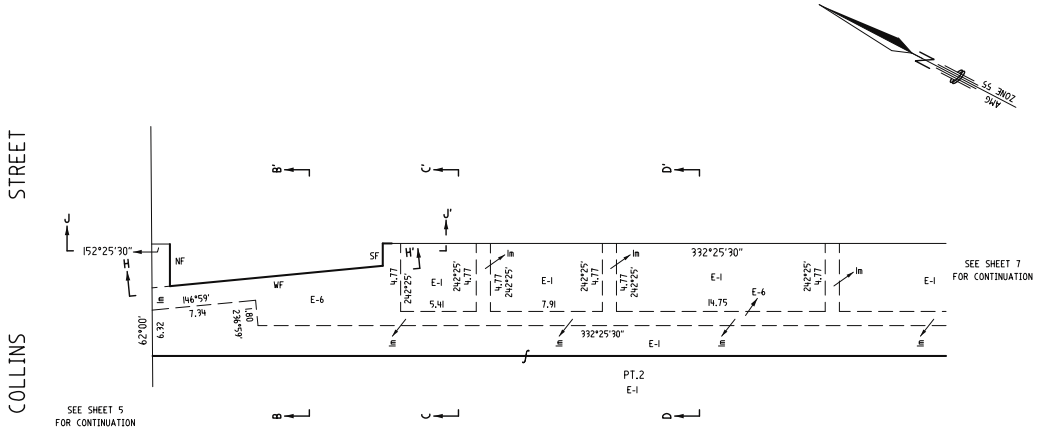


DIAGRAM No.4  
HOTEL BASEMENT LEVEL I

Proposed PS 809025A

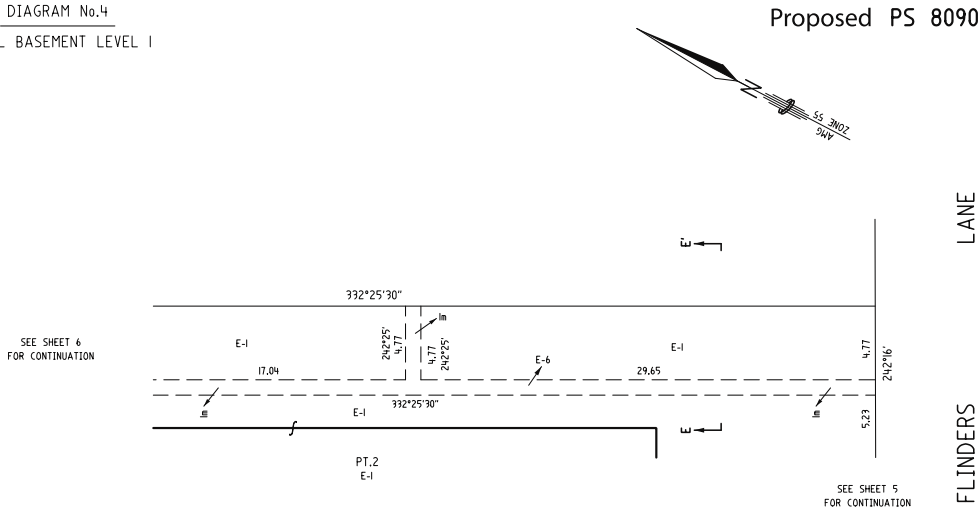


DIAGRAM No.5  
CARPARK LEVEL I

Proposed PS 809025A

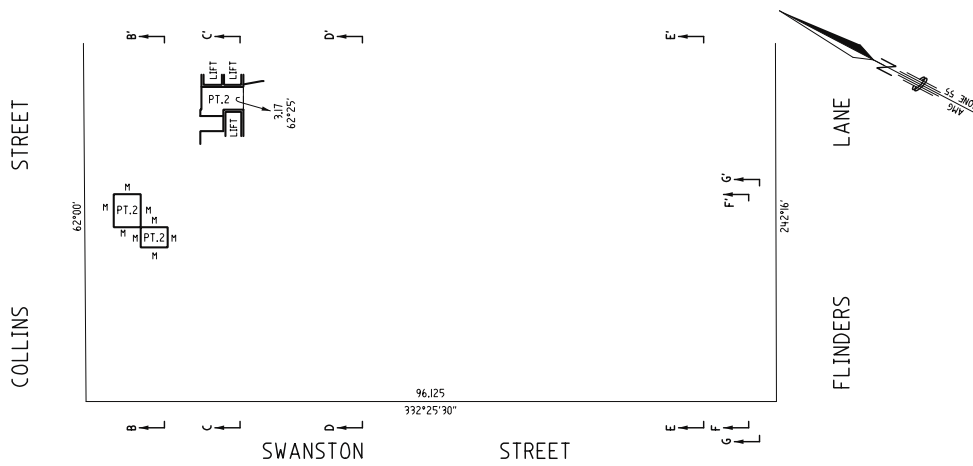


DIAGRAM No.6  
FIRST STOREY AND MEZZANINE LEVEL

Proposed PS 809025A

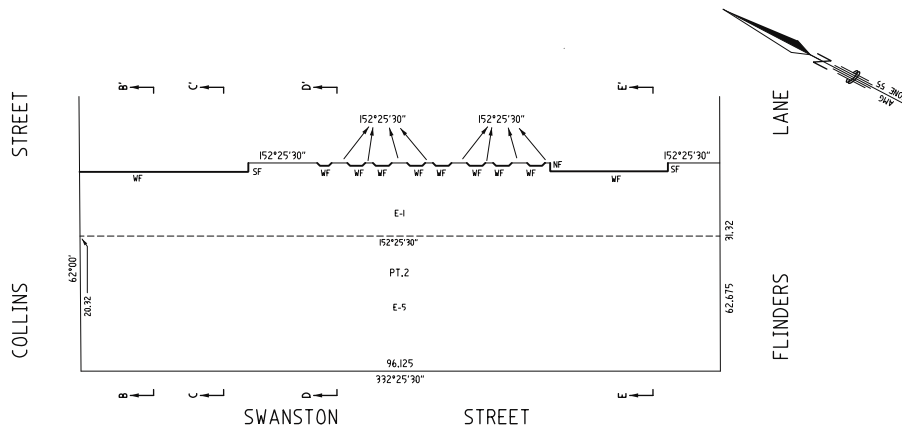


DIAGRAM No.7  
SECOND TO FOURTH STOREY

Proposed PS 809025A

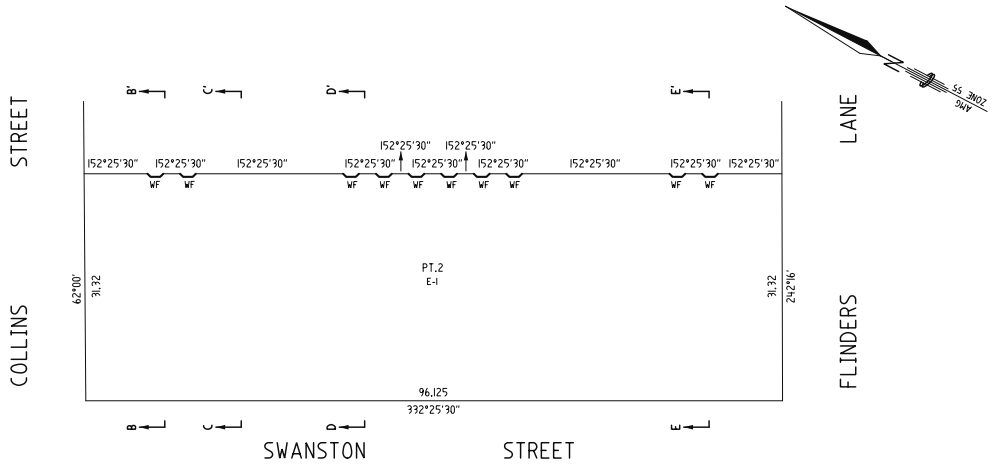


DIAGRAM No.8  
FIFTH AND SIXTH STOREY

Proposed PS 809025A

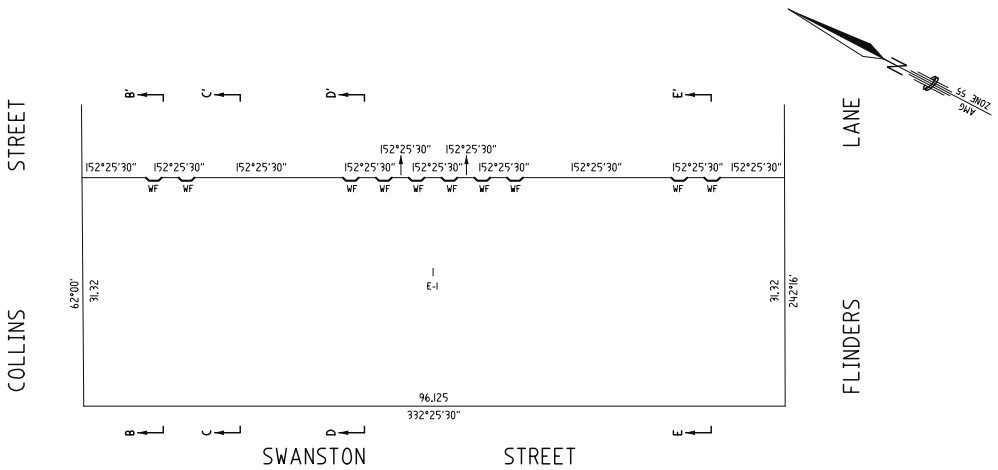


DIAGRAM No.9  
SEVENTH STOREY

Proposed PS 809025A

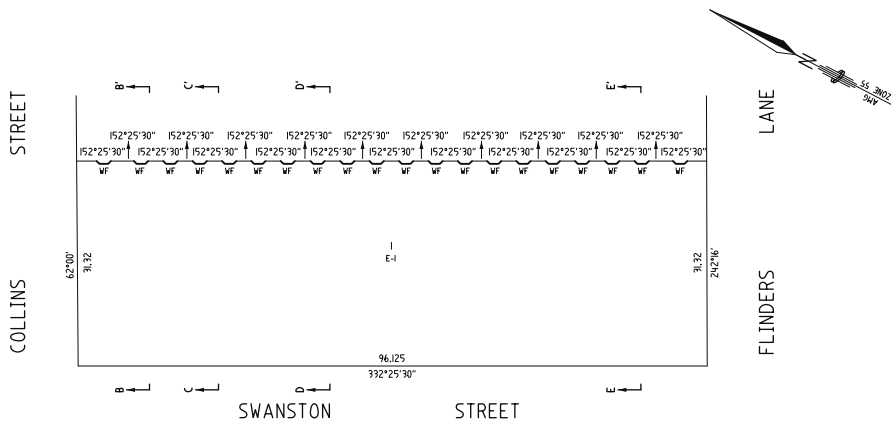
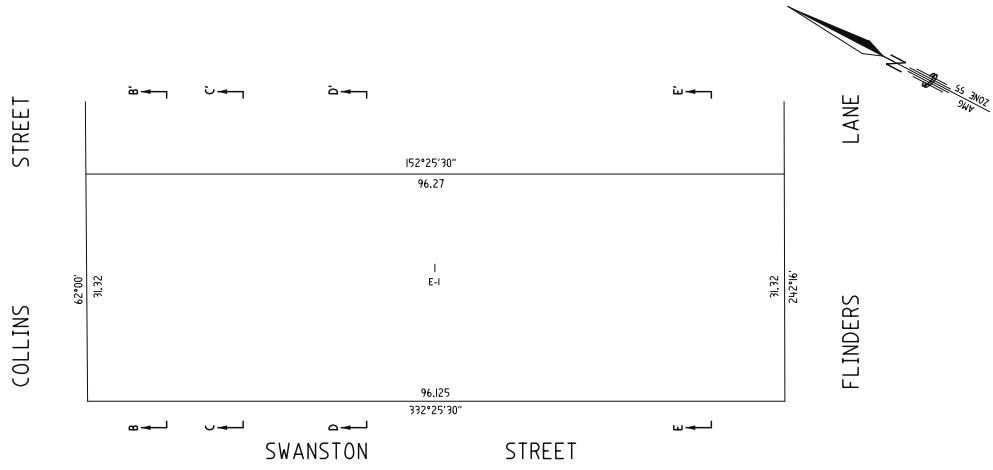


DIAGRAM No.10

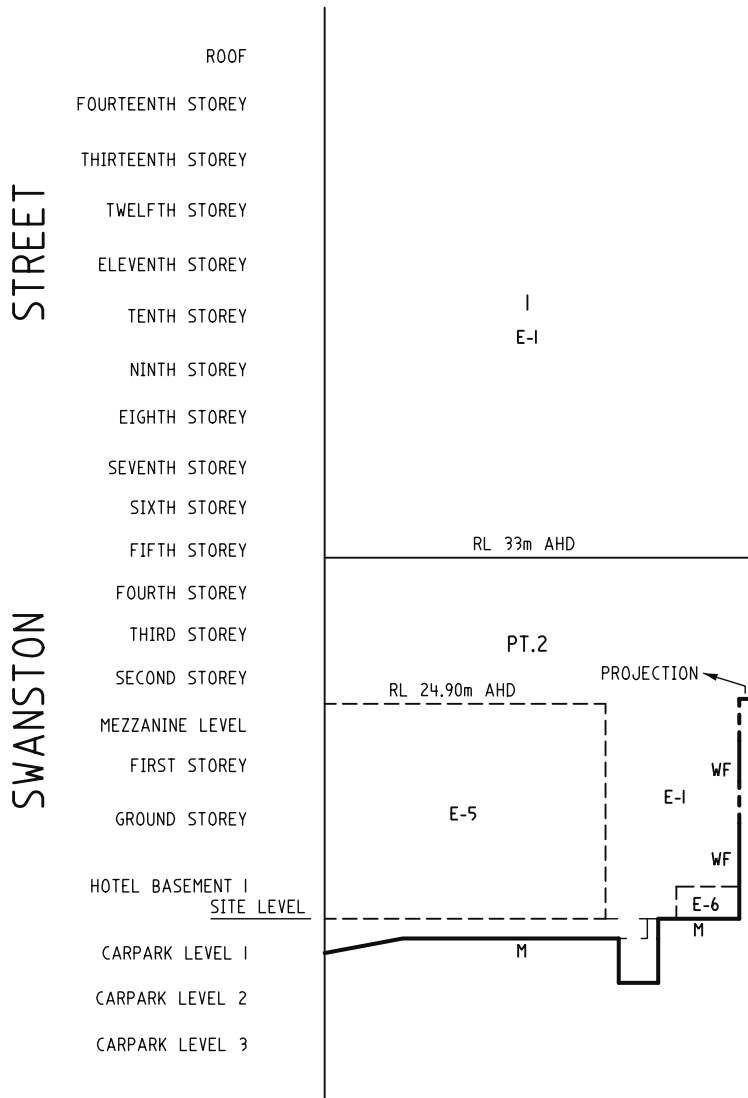
EIGHTH STOREY AND ABOVE

Proposed PS 809025A



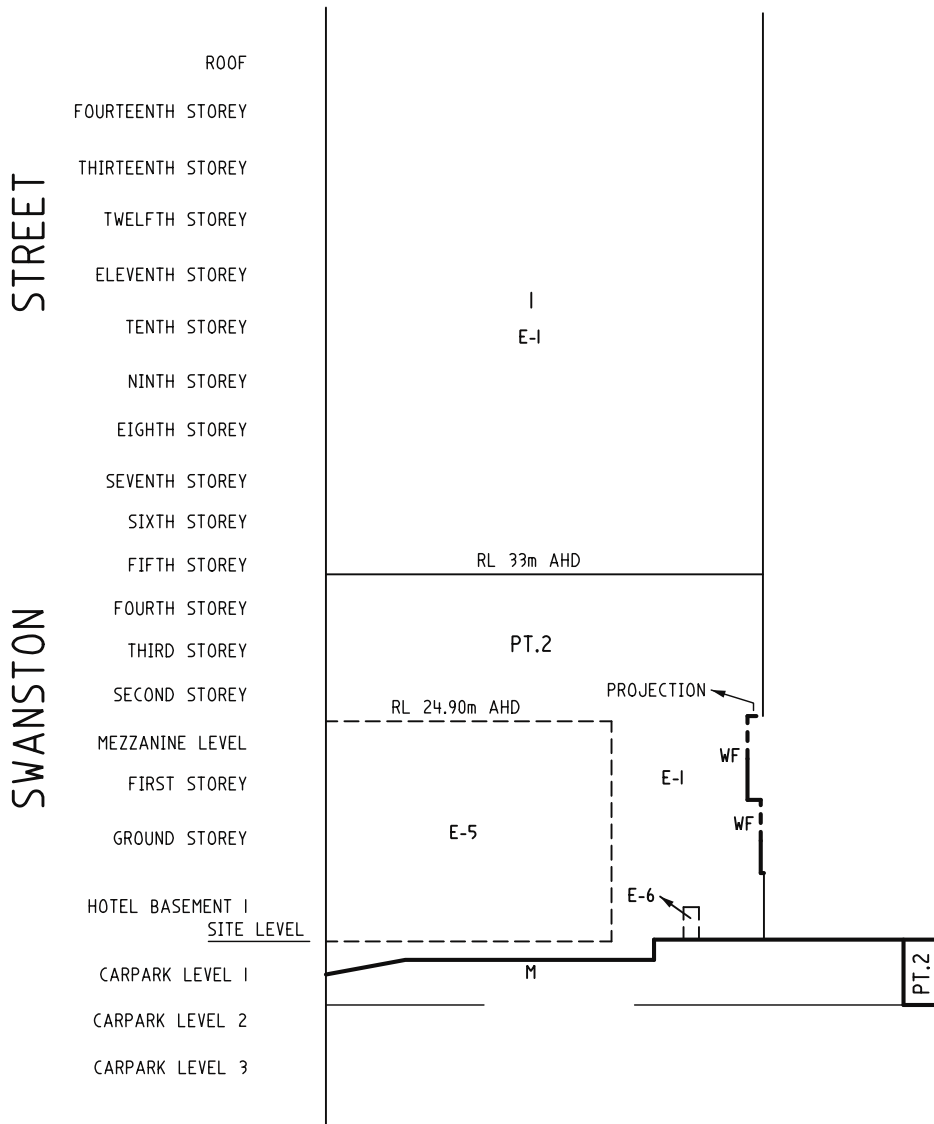


# Proposed PS 809025A



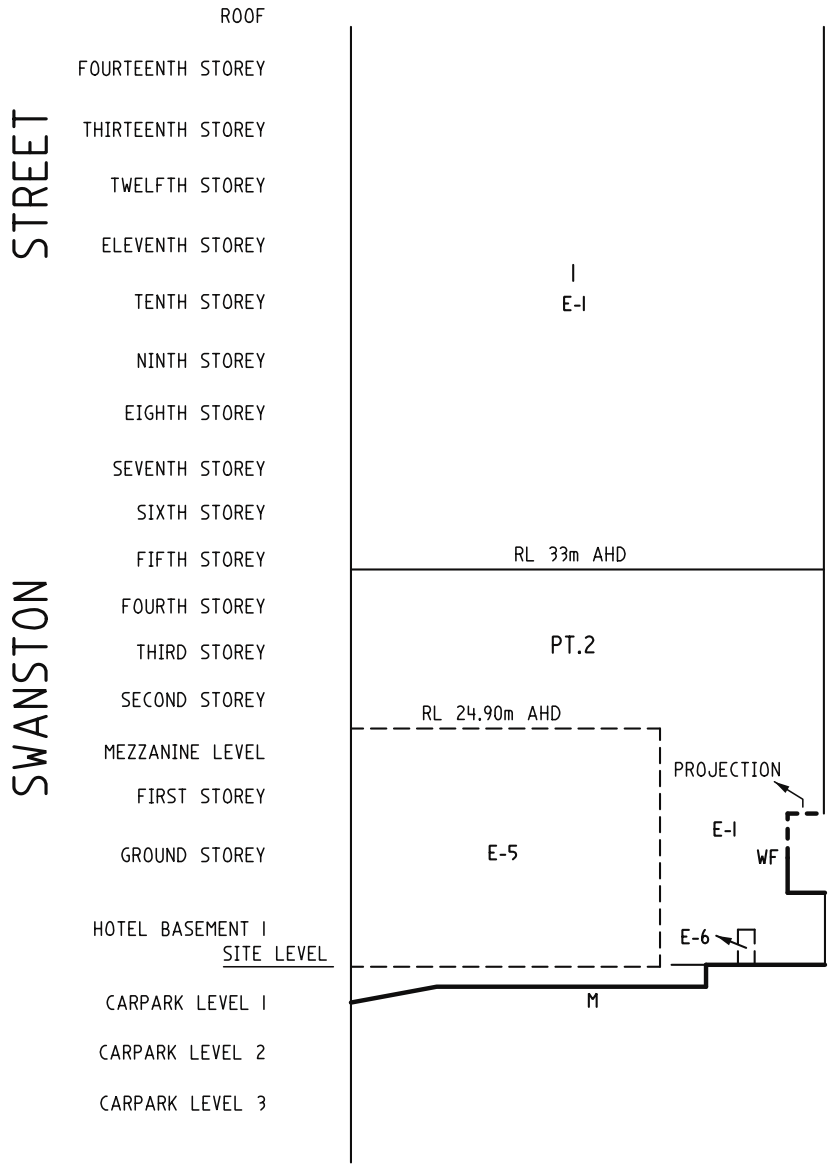
SECTION B-B'  
(DIAGRAMS 1-3 & 5-10)

# Proposed PS 809025A



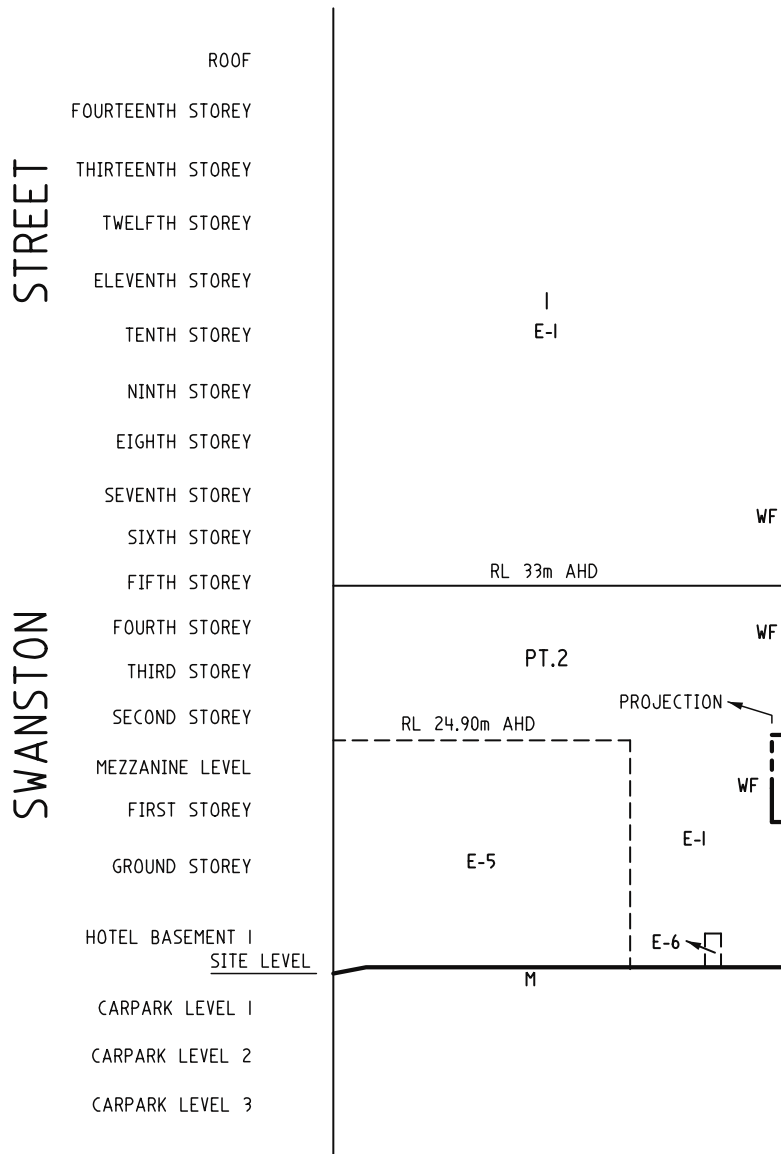
SECTION C-C'  
(DIAGRAMS 1-3 & 5-10)

# Proposed PS 809025A



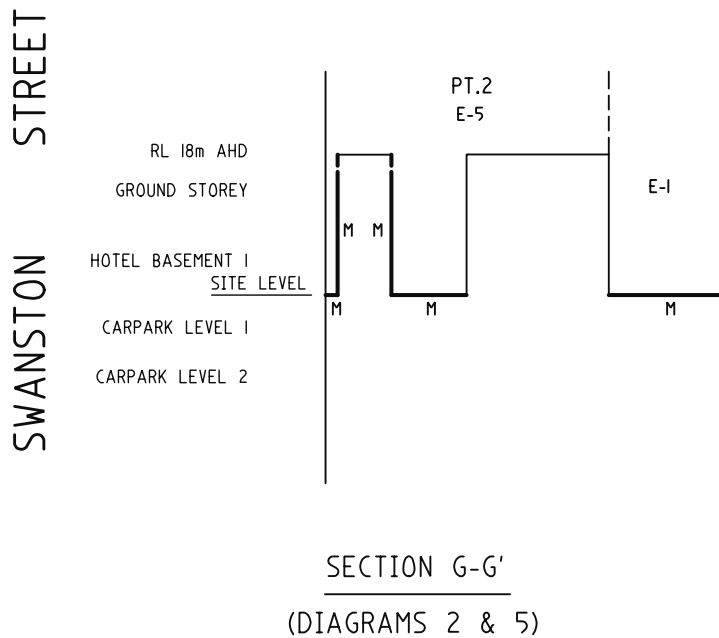
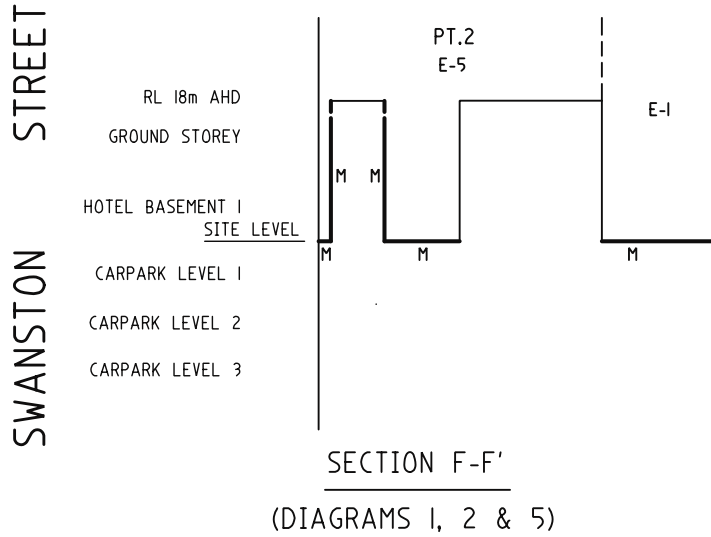
SECTION D-D'  
(DIAGRAMS 1-3 & 5-10)

# Proposed PS 809025A



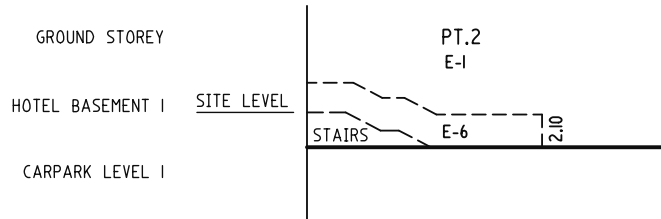
SECTION E-E'  
(DIAGRAMS 1, 2 & 4-10)

# Proposed PS 809025A



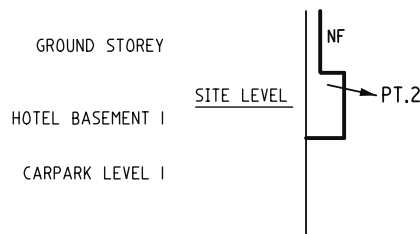
# Proposed PS 809025A

COLLINS STREET



SECTION H-H'  
(DIAGRAM 3)

COLLINS STREET



SECTION J-J'  
(DIAGRAM 3)

Published with the authority of the Secretary to the Department of Economic Development, Jobs, Transport and Resources.

For and on behalf of the Secretary to the Department of Economic Development, Jobs, Transport and Resources

Signed TIM CULLINAN

Name Tim Cullinan  
Director, Transport Property  
Department of Economic Development, Jobs, Transport and Resources

Dated 20 March 2017

**Land Acquisition and Compensation Act 1986**

FORM 7

S. 21(a)  
Reg. 16

Notice of Acquisition

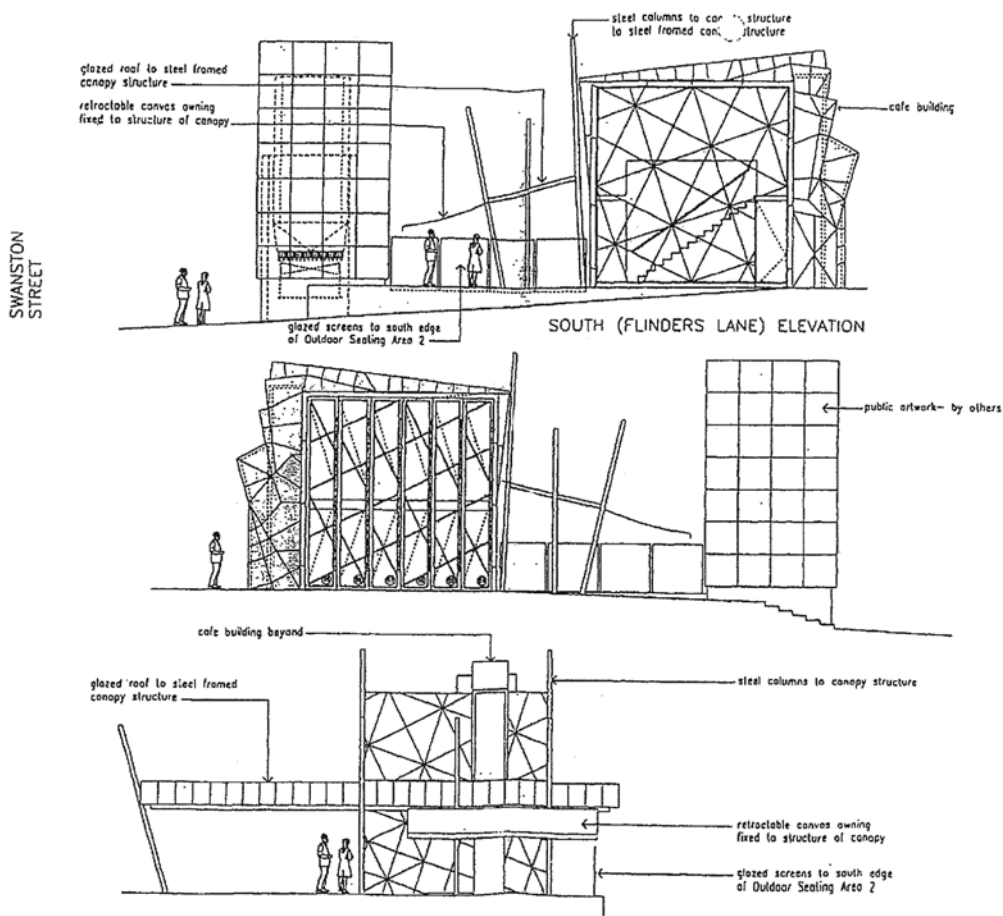
Compulsory Acquisition of Interest in Land

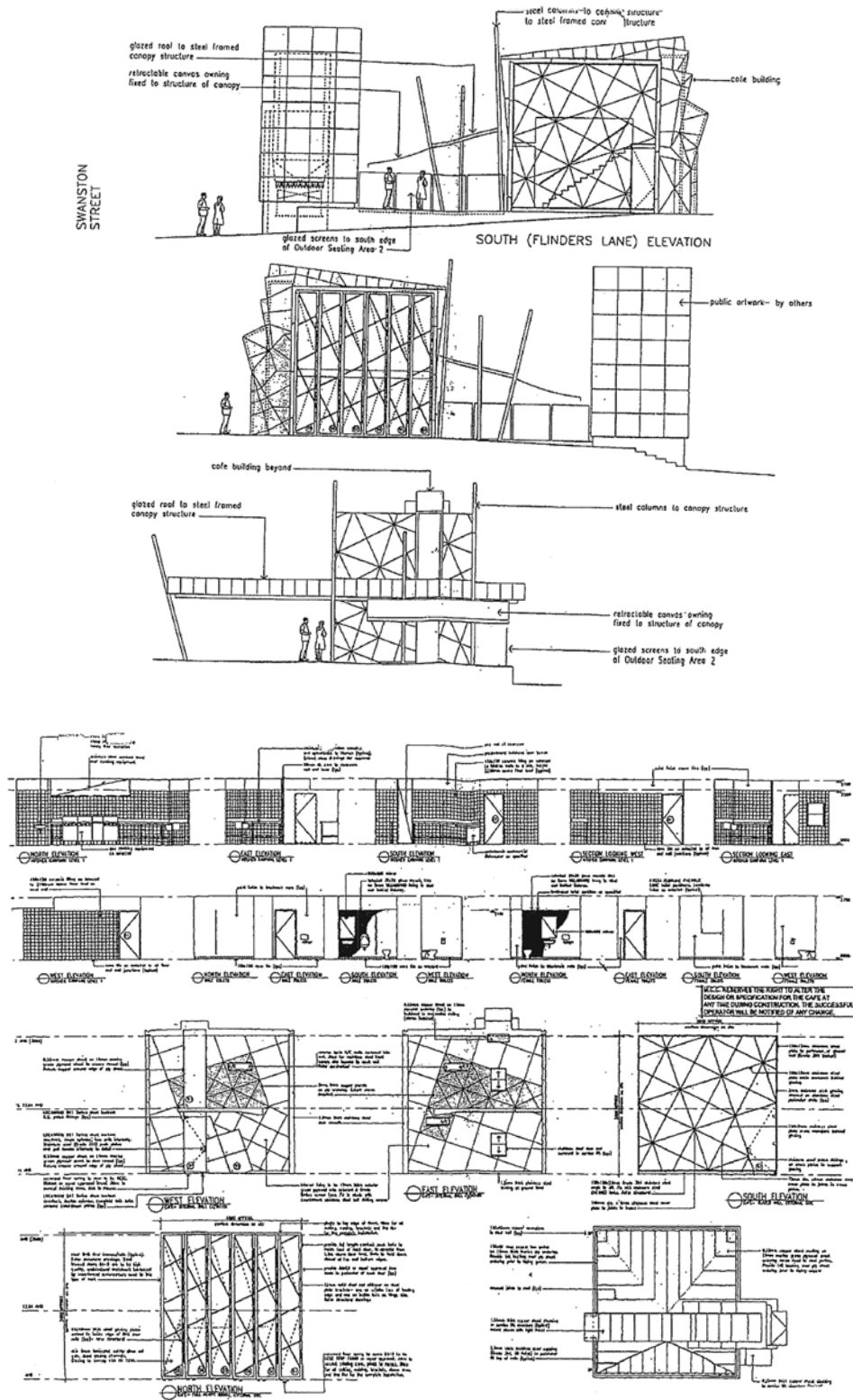
The Secretary to the Department of Economic Development, Jobs, Transport and Resources, being the project authority appointed in accordance with the **Major Transport Projects Facilitation Act 2009** for an approved project, being the Melbourne Metro Rail Project declares that, by this notice, it acquires the following interests in land:

**Interest acquired:** All of the interests held by Anluca Pty Ltd (ACN 110 063 502) in part of Lot 8 on Plan of Subdivision 428405M, being part of the land described in Certificate of Title Volume 10559 Folio 713 and shown on the plan annexed to this notice (the Acquired Land).

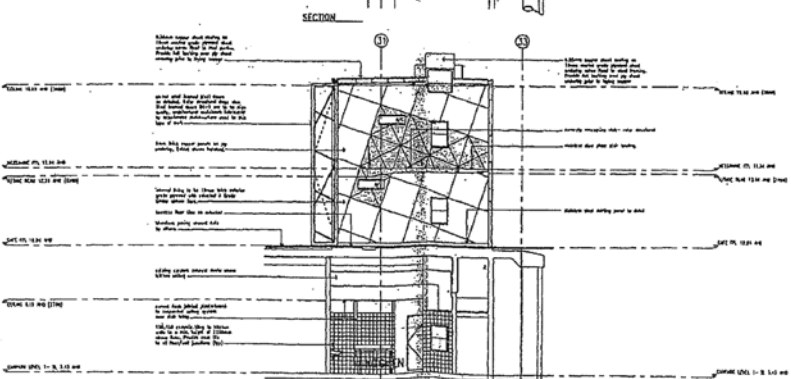
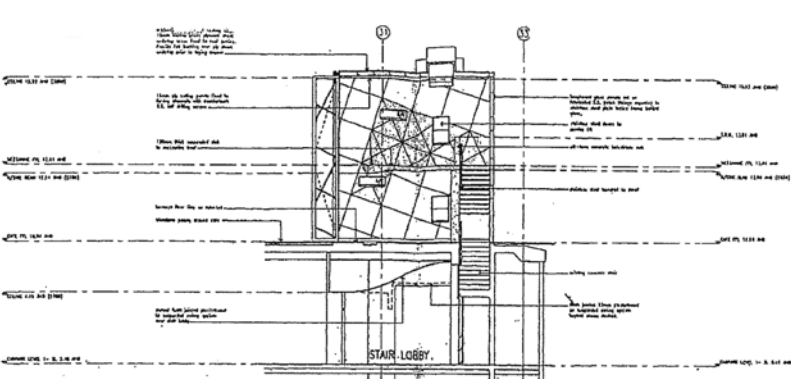
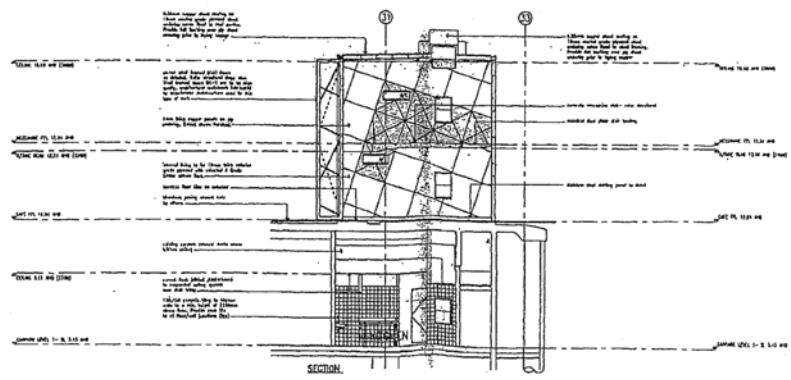
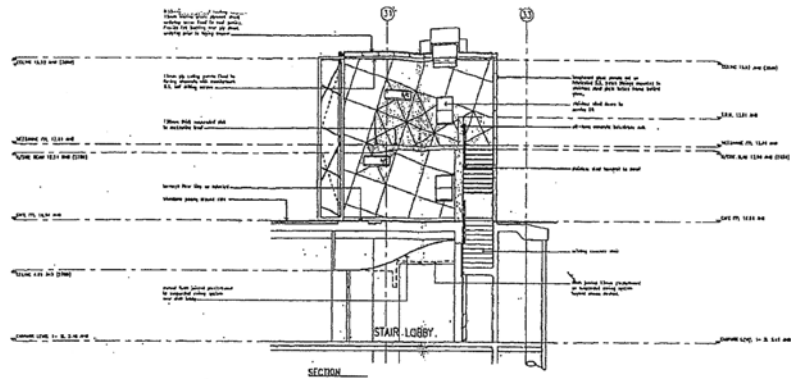
The Secretary to the Department of Economic Development, Jobs, Transport and Resources declares that by separate notice published in the Victoria Government Gazette today it is acquiring the interest in fee simple in the Acquired Land from Melbourne City Council.

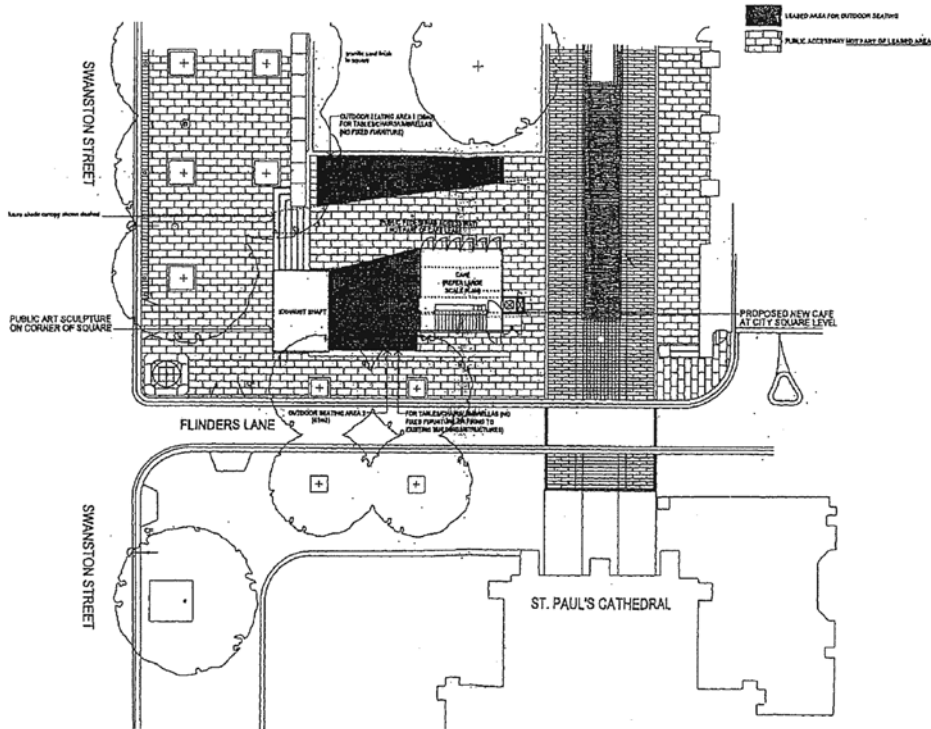
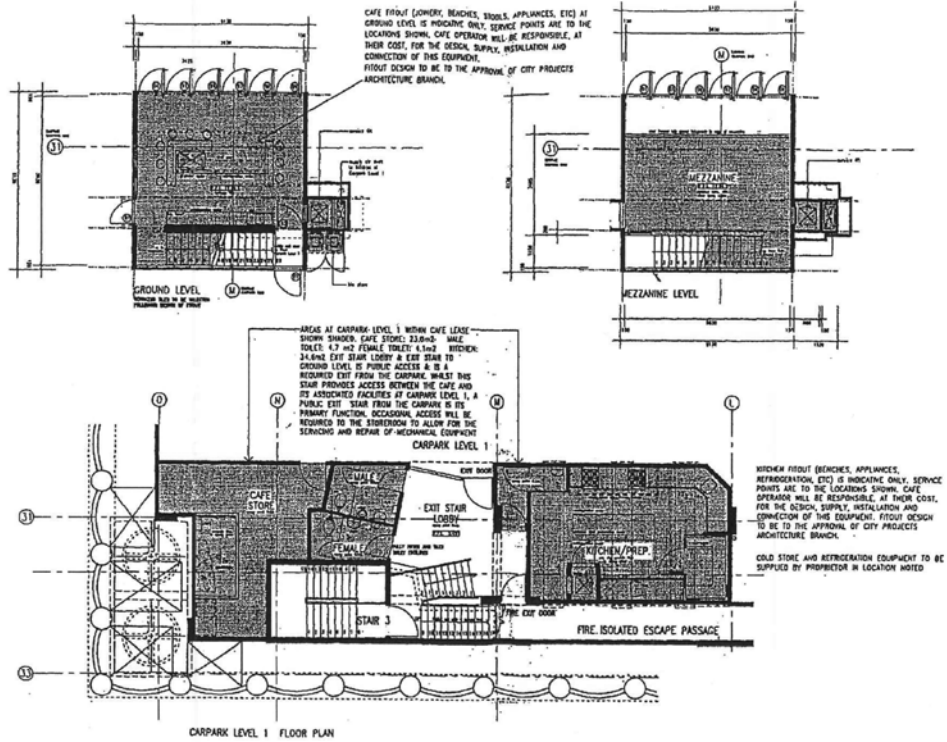
**Interest holder:** Anluca Pty Ltd (ACN 110 063 502)

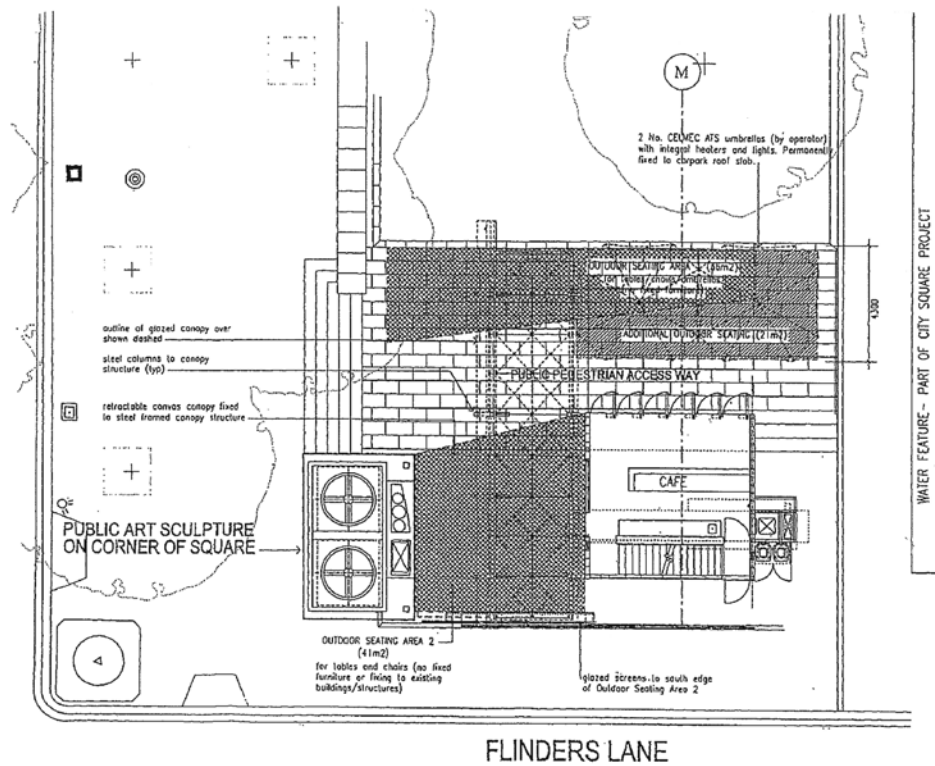












Published with the authority of the Secretary to the Department of Economic Development, Jobs, Transport and Resources.

For and on behalf of the Secretary to the Department of Economic Development, Jobs, Transport and Resources:

Signed TIM CULLINAN

Name Tim Cullinan

Director, Transport Property

Department of Economic Development, Jobs, Transport and Resources

Dated 20 March 2017

## **bluestar** **PRINT**

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