



# TASMANIAN GOVERNMENT GAZETTE

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## Land Acquisition

### Land Acquisition Act 1993 (Section 18)

Pursuant to Section 18 of the Land Acquisition Act 1993 (LAA) and section 56G of the Water and Sewerage Industry Act 2008 the TASMANIAN WATER AND SEWERAGE CORPORATION PTY LIMITED of 169 Main Road Moonah Tasmanian 7009 ("TasWater") (being an acquiring authority in accordance with the LAA) does hereby declare that the easement described in the first and second schedule hereto is taken and vested in TasWater absolutely under the LAA for the authorised purpose of:

- installing a new underground pipeline and upgrading the existing sewer main that services New Norfolk, east of the Lachlan River. Where the existing sewer main has exceeded its original design capacity due to the expansion of residential development in the area.

Dated this

9<sup>th</sup>

day of

September

2015

  
.....  
Rodney Gretton  
Legal Counsel  
TasWater

## SCHEDULE 1

A Pipeline and Services Easement within that area of land shown as PIPELINE EASEMENT 3.00 WIDE (**Easement Land**) on the Plan of Survey at Schedule 2 within the land comprised in Folio of the Register Volume 155813 Folio 1 which Philip Smith is the registered proprietor (**Land Owner**).

Location: New Norfolk

Municipal Area: Derwent Valley

### 1. PIPELINE EASEMENT

“**Pipeline and Services Easement**” means:

THE FULL RIGHT AND LIBERTY for the Tasmanian Water & Sewerage Corporation Pty Ltd (ACN 162 220 653) (**TasWater**) at all times to:

- (1) enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;
- (2) investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that TasWater is authorised to do or undertake;
- (3) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
- (4) remove and replace the Infrastructure;
- (5) run and pass sewage, water and electricity through and along the Infrastructure;
- (6) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
  - a) without doing unnecessary damage to the Easement Land; and
  - b) leaving the Easement Land in a clean and tidy condition; and
- (7) if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities TasWater may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the Lot from the highway at any then existing vehicle entry and cross the Lot to the Easement Land; and

- (8) use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, TasWater reinstating any damage that it causes in doing so to any boundary fence of the Lot.

PROVIDED ALWAYS THAT:

- (1) The Land Owner must not without the written consent of TasWater first had and obtained and only in compliance with any conditions which form the consent:
  - (a) alter, excavate, plough, drill or otherwise penetrate the ground level of the Easement Land;
  - (b) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or other object on or in the Easement Land;
  - (c) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
  - (d) do any thing which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
  - (e) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by TasWater or its employees, contractors, agents and all other persons duly authorised by it; or
  - (f) permit or allow any action which the Land Owner must not do or acquiesce in that action.
- (2) TasWater is not required to fence any part of the Easement Land.
- (3) The Land Owner may erect a fence across the Easement Land at the boundaries of the Lot.
- (4) The Land Owner may erect a gate across any part of the Easement Land subject to these conditions:
  - (a) the Land Owner must provide TasWater with a key to any lock which would prevent the opening of the gate; and
  - (b) if the Land Owner does not provide TasWater with that key or the key provided does not fit the lock, TasWater may cut the lock from the gate.
- (5) If the Land Owner causes damage to any of the Infrastructure, the Land Owner is liable for the actual cost to TasWater of the repair of the Infrastructure damaged.
- (6) If the Land Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Land Owner, TasWater may:

- (a) reinstate the ground level of the Easement Land; or
- (b) remove from the Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
- (c) replace any thing that supported, protected or covered the Infrastructure.

In this definition of Pipeline and Services Easement:

**“Easement Land”** means the area of land shown as PIPELINE EASEMENT 3.00 WIDE on the Plan of Survey at Schedule 2.

**“Infrastructure”** means infrastructure owned or for which TasWater is responsible and includes but is not limited to:

- (a) sewer pipes and water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or restrictions with respect to the Easement Land or the Infrastructure;
- (f) any thing reasonably required to support, protect or cover any of the Infrastructure;
- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

**“Land Owner”** means the registered proprietors of the Lot in the folio of the Register from time to time.

**“Lot”** means the land contained within Folio of the Register Volume 155813 Folio 1.

**“TasWater”** means Tasmanian Water & Sewerage Corporation Pty Ltd.







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