



KYOGLÉ COUNCIL

EXTRAORDINARY MEETING AGENDA

**TO BE HELD AT KYOGLE COUNCIL CHAMBERS, STRATHEDEN
STREET, KYOGLE**

ON MONDAY 9 MAY 2011

Commencing at 3.30 p.m.

GENERAL MANAGER: ARTHUR PIGGOTT

Dear Councillor,

In accordance with the provisions of the Local Government (General) Regulation 2005, you are hereby notified of the following Extraordinary Meeting to be held at the Kyogle Council Chambers, on **Monday 9 May 2010, at 3.30 p.m.**

DECLARATION OF PECUNIARY INTEREST

Councillors and Senior Staff are reminded to consider whether a Pecuniary Interest exists in any matter on the Agenda for this Meeting or raised during the course of the Meeting. The term "Pecuniary Interest" should be extended to include possible "conflicts of interest" and immediately declared prior to discussion of the Agenda item. Where a direct or indirect pecuniary interest exists, the member must refrain from commenting on or voting on the subject matter and must leave the Chamber.

BUSINESS

- | | |
|--------|-----------------------------------|
| Item 1 | Apologies |
| Item 2 | Opening Prayer |
| Item 3 | Traditional Lands Acknowledgement |
| Item 4 | Declaration of Interests |
| Item 5 | Reports from General Manager |
| Item 6 | Confidential Business Paper |

ARTHUR PIGGOTT
GENERAL MANAGER

COUNCIL PRAYER

"Almighty God, Ruler of all the Nations, we ask for your blessing upon this Meeting of Council.

Give us your wisdom to work in harmony and direct and prosper all that we do to the advancement of your glory and the true welfare of the People of the Council Area.

AMEN

Adopted by Council on October 21, 1991.
Resolution 91 /G 1159

Note: Council Policy is for the Mayor or Chairperson to lead the Council Meeting in the Prayer at the start of the first Meeting of the day.

Council acknowledges that this meeting is being held on the Traditional Lands of the Bundjalung people and we acknowledge elders, both past and present.

Adopted by Council on 11 December 2006.
Resolution 111206/21

DISCLAIMER

The advice or information contained within the Minutes enclosed with this Business Paper is given by the Council without liability or responsibility for its accuracy. Reliance cannot be placed on this advice or information until the Minutes have been duly accepted as an accurate record and confirmed by Resolution of Council.

(ARTHUR PIGGOTT),
GENERAL MANAGER.

EXTRAORDINARY MEETING AGENDA

Monday 9 May 2011

INDEX TO BUSINESS PAPER

ITEM	PRECIS	PAGE
ITEM 1	APOLOGIES	1
ITEM 2	OPENING PRAYER	1
ITEM 3	TRADITIONAL LANDS ACKNOWLEDGEMENT	1
ITEM 4	DECLARATION OF INTERESTS	1
ITEM 5	GENERAL MANAGER'S REPORT	1
5.1	RELEASE OF STORMWATER EASEMENT	1
ITEM 6	CONFIDENTIAL BUSINESS PAPER	3
6.1	TENDERS FOR REPLACEMENT OF BOOMI CREEK BRIDGE - CLARENCE WAY	3
6.2	STORMWATER EASEMENT	3
6.3	STORMWATER AND FLOOD MANAGEMENT	4
APPENDIX / ATTACHMENTS		1
5.1	RELEASE OF STORMWATER EASEMENT	2

ITEM 1 APOLOGIES

ITEM 2 OPENING PRAYER

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

ITEM 4 DECLARATION OF INTERESTS

Nil.

ITEM 5 GENERAL MANAGER'S REPORT

5.1 RELEASE OF STORMWATER EASEMENT

Summary/Purpose

This report is to provide information to Council on the proposed extinguishment of an easement to drain water over Lot 11 DP 854721, St Brigids Primary School, Groom Street Kyogle.

Community Strategic Plan Item(s)

- Environmental and Planning
- Waste & Water

Background Information

Works have recently been undertaken under development application DA 2011/004 on the St Brigids School site (lot 11 DP854721). The works involved the construction of a new kindergarten classroom, a new lift, and refurbishment of the existing classroom buildings. The works required the redirection of the stormwater system within the subject land, including diversion of stormwater discharging from the adjoining land Lot 10 DP 854721.

Report

Council has received documents from Hannigans Lawyers, Solicitors and Attorneys relating to the release of the easement to drain water which currently exists over Lot 11 DP 854721. The easement was originally created in 1995 when the site was subdivided to separate the housing units from the school and church site. The easement contained stormwater pipes from the units through the school site and into the Council drainage system in Summerland Way. It is unclear why Council was the beneficiary of the original

easement, as the drainage pipes only service the units, and do not form part of the Council owned drainage system.

The works undertaken on the site under DA 2011-004 have resulted in alterations to this drainage system to allow for construction of the new kindergarten building. As such, the existing easement needed to be altered to reflect the new alignment. The opportunity was identified to resolve the anomaly of the easement being in Councils favour, and the revised plans and easements are proposed in favour of the lot discharging through them, being Lot 10 DP 854721.

As the plans have been lodged with the Lands Titles Office, there is a deadline of May 20, 2011 to have the executed documents submitted at their offices in Sydney. As such, the opportunity was taken to put a report to Councils Extraordinary Meeting to allow for the necessary resolutions of Council to be obtained to allow the documents to be executed under seal.

Budget & Financial Aspects

There are no costs to Council associated with this item.

Recommendation

1. That the report on Release of Stormwater Easement be received and noted.
2. That Council authorises the Common Seal to be affixed in the presence of the Mayor and General Manager to the documents relating to the release of the easement to drain water over Lot 11 DP 854721.

Attachments

1. Letter from Hannigans Solicitors Dated April 5, 2011
2. Copy of the revised plan of easement
3. Copy of original Deposited Plan DP 854721

ITEM 6 CONFIDENTIAL BUSINESS PAPER

6.1 TENDERS FOR REPLACEMENT OF BOOMI CREEK BRIDGE - CLARENCE WAY

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature

6.2 STORMWATER EASEMENT

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals

6.3 STORMWATER AND FLOOD MANAGEMENT

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals

APPENDIX / ATTACHMENTS

KYOGLE COUNCIL



ATTACHMENTS

EXTRAORDINARY COUNCIL MEETING

ON 9 MAY 2011

5.1 RELEASE OF STORMWATER EASEMENT

Northern Rivers Conveyancing Company Pty Ltd trading as

Hannigans
Lawyers, Solicitors Attorneys

ABN 78 003 739 928

CASINO
92 Centre Street,
(PO Box 745)
CASINO 2470
DX 20604
Phone 02 6662 4122
Fax 02 6662 5155

KYOGLE
92 Summerland Way
(PO Box 13)
KYOGLE 2474
Phone 02 6632 1688
Fax 02 6632 2385

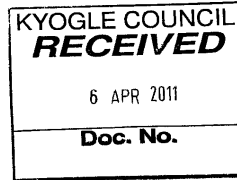
WOODBURN
111 River Street
(PO Box 6)
WOODBURN 2472
Phone 02 6682 2366
Fax 02 6682 2355

EVANS HEAD
Shop 2/43 Woodburn St
EVANS HEAD 2473
Ph 02 6682 6366
Fax 02 6682 6466

Our ref: FGH:AR:C11144
Reply to: Casino

5 April 2011

The General Manager
Kyogle Council
PO Box 11
KYOGLE NSW 2474



Dear Sir,

Re: St Brigids Primary School Kyogle – Fulton Trotter Architects

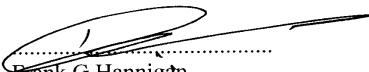
We act for The Trustees of the Roman Catholic Church, Kyogle Parish, and enclose a Section 88B Instrument together with an Administration Sheet for execution by Council which relates to the release of an easement for drainage where Council is the dominant tenement. Whilst we do not have a copy of the DA relating to the building works taking place at St Brigids we assume that the terms of the release are contained therein.

We await return of the documents duly executed.

Thanking you in anticipation.

Yours faithfully,
HANNIGANS

Per:


Frank G Hannigan
Encls.



Liability limited by a scheme approved under Professional Standards Legislation

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Lengths are in metres (Sheet 1 of 2 Sheet)

Deposited Plan Plan of easement to drain water 1.5 wide over Lot 11 in DP 854721

Full Name and Address of Registered Proprietor The Trustees of the Roman Catholic Church for the Diocese of Lismore
75 Magellan Street, Lismore NSW 2480

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement or restriction on the use of land to be created and referred to in the plan	Burdened Lots	Benefited Lots or Prescribed Authorities
1	Easement to drain water 1.5 wide	11 DP 854721	10 DP 854721

PART 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement or restriction on the use of land to be created and referred to in the plan	Burdened Lots	Benefited Lots or Prescribed Authorities
1	Easement to drain water 1.5 wide and variable	11 DP 854721	10 DP 854721
2	Easement for drainage 0.61 wide	11 DP 854721	Kyogle Shire Council

+ Geoffrey Jarrett

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

Lengths are in metres

(Sheet 2 of 2 Sheets)

Deposited Plan No:

Plan of Easement to drain water 1.5 wide
over Lot 11 in DP 854721

The Common Seal of the Trustees of the Roman Catholic Church for the Diocese of Lismore was hereunto affixed in the presence of Most Reverend Geoffrey Hylton Jarrett, DD Bishop of the Diocese of Lismore, under and in Pursuance of a delegation made to him under Section 9B of the Roman Catholic Church Trust Property Act, 1936.



Geoffrey Jarrett

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF EASEMENT TO DRAIN WATER
1.5 WIDE OVER LOT 11 IN DP 854721

*

Registered:

*

* OFFICE USE ONLY

Subdivision Certificate No:

Date of Endorsement:

SURVEYOR'S REFERENCE: 10/697