

# JOHN F. GIBSON

SOLICITOR

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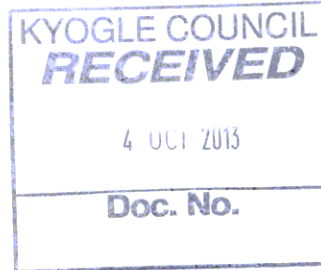
Our Ref: 2013/027  
Contact: John Gibson  
Your Ref: Jeff Breen

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JOHN F. GIBSON  
B.A., B.Leg S  
Principal

Wednesday, 2 October 2013

The General Manager  
Kyogle Council  
PO Box 11  
KYOGLÉ NSW 2474



Dear Sir

**RE: COMPULSORY ACQUISITION -  
LAND AT TABULAM FOR RURAL FIRE SERVICE FACILITY**

This application has been requisitioned by the Division of Local Government.

There are a number of things needing attention.

1. We need to wait until the Acquisition Plan has been registered with the LPI. I have been in contact with the Surveyor (Tony Denny) who advises that the Crown has returned the Plan and he will be able to attend to registration of the plan - hopefully as early as next week. They won't process the Application until a registered copy of the Plan is available. Can you send the Surveyor the registration fee as soon as possible?
2. Apparently the Council Resolution in the matter was insufficient for the satisfaction of the Department. I accept some responsibility in this regard having only followed the guidelines in their own publication. Nevertheless could you kindly place a further report before the Council and seek additional resolutions (perhaps as an addition to the prior resolutions made or "in conjunction with" those resolutions. Thus, in order to give further effect to Council resolution 240613/7, "Acquisition of Crown Land for Rural Fire Service Facility at Tabulam" the Council resolves:
  - 1) The acquisition of the property be carried out by compulsory process in accordance with part 1 Chapter 8 of the *Local Government Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*.



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- 2) The Council seek approval of the Minister for Local Government pursuant to S.187 of the *Local Government Act 1993* to take all necessary steps to acquire the Crown Land and issue all necessary notices pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 3) The Council take each necessary step to obtain the approval of the Minister, the Governor or any other public authority as may be necessary to carry out the acquisition by means of compulsory acquisition process under the legislation.”

Hopefully this will overcome the earlier deficiency of not seeking the consent of the Governor and the Minister for the proposed acquisition.

In relation to the licence holders, (Mr & Mrs Marsh) I shall again seek their consent but should they not reply or consent, I am advised by the Department that the acquisition will be able to proceed since fair notice has been provided to them on the matter.

The other better news is that no issue regarding Native Title has been raised.

Could you kindly forward to me the new resolutions as soon as these are available along with the Council “Report”.

Perhaps the Report could simply say that in order to give effect to the resolutions for the acquisition of the Crown Land for the Rural Fire Service, the Council is required to resolve to seek the consent of both the Governor and the Minister to the proposed compulsory acquisition.

Yours faithfully

**JOHN F. GIBSON, SOLICITOR**

per:

