

3.2.1 Road Closures Adjoining the East Kempsey Cemetery
File: LA19104 {Folio No. 455506}

SUMMARY

A report to update Council on the actions taken to close sections of public road adjoining the East Kempsey Cemetery to enable their incorporation into the cemetery for future burial areas as identified in the East Kempsey Cemetery Plan of Management.

RECOMMENDATION

That the Common Seal of Council be affixed to:

- a) Linen plan of Road Closure and First Title Creation**
- b) Section 88B Instrument**

RECOMMENDATION IMPLICATIONS

Environmental, Social: Nil

Economic (Financial): Registration of the survey plan and Section 88B Instrument will incur a fee of \$2072.50 (GST free)

Policy or Statutory: The final plan of survey will require registration at Land and Property Information. The Common Seal of Council must be affixed to the survey plan and its accompanying Section 88B Instrument.

REPORT DETAILS

Council at its meetings of 9 September 2003, 6 November 2003 and 11 March 2008 considered reports in regard to the closure of sections of unformed public road that adjoin the East Kempsey Cemetery. The purpose of the reports was to seek Council's endorsement to proceed with the closure of various sections of Craig Street and East Street to enable their ultimate incorporation into the cemetery thus increasing the area available for burials.

A resolution from the 11 March 2008 meeting was that the matter be reported back to Council once advertising of the road closures was conducted. A copy of the 11 March 2008 report is appended to this report at [\(Appendix B - Page IS11\)](#).

Whilst formal advertising of the road closure rests with Crown Lands, Council is advised that there has been consultation with one adjoining owner in regard to ongoing access to their property and there has been consultation with Essential Energy in regard to access to their overhead and underground infrastructure.

In regard to access to the adjoining property, this matter has been addressed and was reported to Council at its meeting of 17 May 2011. A copy of Report 2.2.2 from the 17 May 2011 meeting is appended to this report at [\(Appendix C - Page IS13\)](#).

Consultation with Essential Energy has resulted in a request for easements to 'protect' their infrastructure. The easements are created by Section 88B Instrument that accompanies the survey plan for registration with Land and Property Information in Sydney.

The signing and sealing of the survey plan and Section 88B Instrument will allow for their registration and thence publication of a notice of road closure by Crown Lands in the NSW Government Gazette. The road closure notice will incorporate the land comprising part of East Street and part of Craig Street within the cemetery in accord with the East Kempsey Cemetery Plan of Management adopted by Council at its meeting of 14 December 2010 (Item 2.2.2).

3.2.2 Easement for Electricity Purposes – Corner Paragon Avenue and Gregory Street, South West Rocks
File: LA5669 {Folio No. 455508}

SUMMARY

A report recommending the affixing of Council's Common Seal to various documents to enable the creation of an easement for electricity purposes over Council carpark situated at the corner of Paragon Avenue and Gregory Street, South West Rocks.

RECOMMENDATION

That the Common Seal of Council be affixed to:

- a) **Deed of Transfer of Easement**
- b) **Transfer Granting Easement**

RECOMMENDATION IMPLICATIONS

Environmental: Nil

Social: The provision of the padmount substation provides for greater electrical network capacity and will provide for increased reliability in electricity supply at South West Rocks.

Economic (Financial): All costs involved in creating the easement are being met by Essential Energy.

Policy or Statutory: Essential Energy is acquiring the easement pursuant to its powers under the Electricity Supply Act 1995.

REPORT DETAILS

Essential Energy, as part of its ongoing upgrading of the electricity network, has recently completed the installation of a padmount substation on Council land (Lot 1 DP784609) situated at the corner of Paragon Avenue and Gregory Street at South West Rocks. The land comprises a carpark.