



KEMPSEY
Shire Council

DIRECTOR CORPORATE SERVICES REPORT

12th September 2006

DCS5	AFFIXING OF COUNCIL'S SEAL – SECTION 88E INSTRUMENT COUNCIL V MOBBS FILE: T6-05-182 PJH
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SUMMARY:

Reporting on the need to affix Council's seal to a section 88E instrument.



DESCRIPTION:

At its meeting of 18th July 2006 Council was advised of consent conditions imposed by the court in respect to an application by Mr C Mobbs for a dwelling at Lot 151, Grass Tree Road, South Kempsey.

The condition imposed by the court requires completion of a section 88E instrument imposing a restriction on the use of the land. The restriction wording on the instrument reads as follows: -

"In the event that the whole of the subject property or the eastern half of the property is rezoned industrial then the owner of the land and its/his/her successors in title will not be considered by the consent authority as a "sensitive noise receiver" for the purpose of an application for development of any industry of the adjoining land."

The instrument is required to be signed under Council's seal which requires Council authorisation. The Applicant has signed the document.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

▪ *Economic (Financial)*

The cost to Council will be approximately \$500.00 for legal costs. This will be funded from the allocation for development legal costs.

▪ *Policy or Statutory*

Under the Local Government (General) Regulation (clause 400), Council must authorise the affixing of its seal to documents.

▪ *Directors Review*

As per report.

RECOMMENDATION:

That Council's seal to be affixed to the section 88E instrument imposing a restriction on the use of the land at Lot 151 DP752417 at Grass Tree Road, South Kempsey.

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G B Snape
DIRECTOR CORPORATE SERVICES