

## 9.2 Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee

REPORT BY THE REVENUE AND PROPERTY MANAGER  
TO 20 FEBRUARY 2019 ORDINARY MEETING  
GOV400067, P0160211

### RECOMMENDATION

#### That Council:

1. **receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and**
2. **classify Allotment 113 DP48439 90 Market Street Mudgee as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993.**

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### Executive summary

This report seeks to formalise the classification of Allotment 113 DP48439, 90 Market Street Mudgee as Operational land.

90 Market Street Mudgee is currently being acquired by Council from Property NSW for the purposes which meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public and which includes an art gallery.

### Disclosure of Interest

Nil.

### Detailed report

As part of the process of classification of the land, Council resolved on 21 November 2018 to advertise its intent to classify Allotment 113 DP48439, 90 Market Street Mudgee as *Operational* in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 of the Local Government Act 1993. A copy of this report and Council Minute are appended as Attachment 1.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 30 November 2018. Written submissions were called for with the closing date for submissions being 28 December 2018. No submissions were received.

This report now seeks to complete the process of classification of the land as *Operational*.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Not Applicable

### **Legislation**

Chapter 6, Part 2, Division 1 Local Government Act 1993

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

NEIL BUNGATE  
ACTING CHIEF FINANCIAL OFFICER

11 January 2019

*Attachments* :1. Council Report & Minute 21/11/2018.  
2. Advertisement Mudgee Guardian 30-11-2018.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 21 NOVEMBER 20189.4 CLASSIFICATION OF LAND - ALLOTMENT 113 DP48439 90  
MARKET STREET MUDGEE

GOV400066, P0160211

331/18

**MOTION:** Shelley / Karavas**That Council:**

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and
2. give public notice of a proposed resolution to classify Allotment 113 DP 48439 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

*The motion was carried with the Councillors voting unanimously.*

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## 9.4 Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee

REPORT BY THE REVENUE AND PROPERTY MANAGER  
TO 21 NOVEMBER 2018 ORDINARY MEETING  
GOV400066, P0160211

### RECOMMENDATION

#### That Council:

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and
2. give public notice of a proposed resolution to classify Allotment 113 DP 48439 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

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### Executive summary

This report seeks to commence the process for classification of Allotment 113 DP 48439 (the Allotment), being land located at 90 Market Street Mudgee, as *Operational* land.

### Disclosure of Interest

Nil

### Detailed report

Council has entered into an agreement with Property NSW to acquire the Allotment at 90 Market Street for the purpose of developing an art gallery complex.

As Council is acquiring the Allotment, it will need to carry out the required process to appropriately classify the Allotment as directed under Chapter 6, Part 2, Division 1 of the Local Government Act 1993 (the Act).

All public land must be classified as either *Community* or *Operational*. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community land) and that land which need not (Operational land).

Community Land would ordinarily comprise land such as a public park, reserve or sporting grounds. The use and management of Community Land is to be regulated by a Plan of Management.

*Community* land must not be sold (except in limited circumstances referred to in the Act). *Community* land must not be leased or licenced for more than 21 years and may only be

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leased/licenced for more than 5 years if public notice of the proposed lease/ licence is given. In the event that an objection is made to the proposed lease/ licence, the Minister's consent is required. These restrictions do not apply to *Operational* land.

*Operational* land would ordinarily comprise land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot. It also includes land held as a temporary asset or as an investment.

Any land acquired by a council that is not classified under the Act i.e. resolved by council at the end of 3 months, is taken to have been classified as *Community* land.

Notwithstanding that the Allotment has not yet transferred to Council, the Act, at Section 31, allows councils to classify land before ownership has been completed, the advantage being that it allows for completion of the process within the stipulated 3 month period:

*31 Classification of land acquired after 1 July 1993*

*(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.*

Given the intended use of the Allotment, it is proposed that the Allotment be classified as *Operational* land and that the legislated process be undertaken to reflect this.

To commence the process for the classification of the Allotment, Council must resolve its intentions to classify the Allotment as *Operational* land and its intention must be advertised for a period of 28 days, during which time written submissions to the proposed classification will be accepted. Upon completion of this process, a further report will be presented to Council on the outcomes of the exhibition and next steps in the classification process as required by the Act.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

Not Applicable

**Legislation**

Chapter 6, Part 2, Division 1of the Local Government Act 1993, directs that all public land must be classified as either *Community* or *Operational* land.

Associated Risks

Not Applicable

MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 21 NOVEMBER 2018  
REPORT 9.4

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DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

NEIL BUNGATE  
ACTING CHIEF FINANCIAL OFFICER

15 October 2018

*Attachments:* 1. Map of Allotment 113 DP 48439.

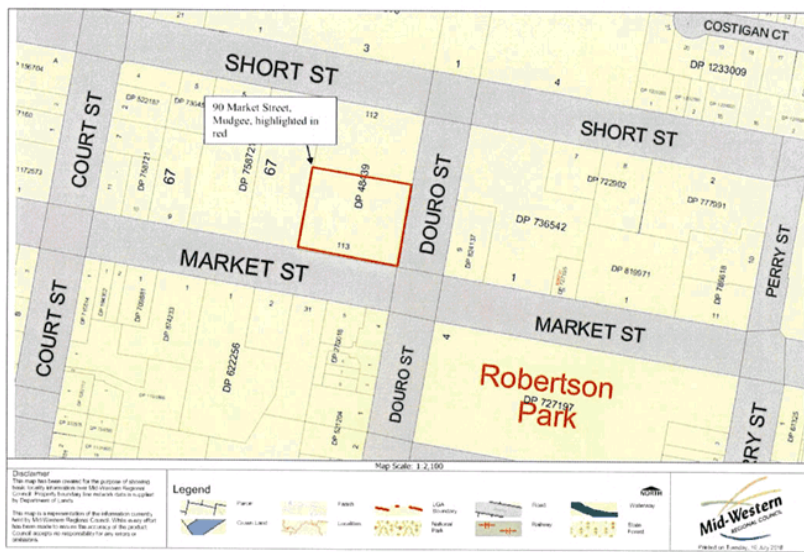
APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



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MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING – 21 NOVEMBER 2018  
REPORT 9.4 – ATTACHMENT 1





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Friday November 30, 2018 MUDDEE GUARDIAN 9

COMMUNITY NEWS LIFE

# Celebrating a spectacular event success

ROTARY CLUB OF MUDDEE  
 by CHRIS STEPHENS

**CELEBRATING the Muddege Garden Spectacular's first year!**  
 Rotarians, gardeners, lecturers, ginkgokeepers, sponsors, CWA and community groups gathered for dinner at the Golf Club on Tuesday, November 20 to celebrate the completion of the first Muddege Rotary Garden Spectacular.

A year in the preparation, six Muddege gardens opened for inspection on the weekend of October 13-14. Over 200 people took the opportunity to see these private gardens, in the process donating money to three local community groups.

At the dinner, the efforts of all concerned to mount the Garden Spectacular were gratefully acknowledged by the Rotary Club of Muddege, particularly the gardeners



A spectacular success!

who so generously prepared their gardens over seven months and opened their gates to visitors.

Garden aficionados had the joy of inspecting some of Muddege's finest gardens, while knowing their entry fee was going back into the community groups.

Proceeds of the Garden Spectacular provided \$2500 for distribution between the National Association for Lost and Great (NAGL), MLC, Can Assist and Riding for the Disabled.

The Garden Spectacular was well received by the gardening population, and enquiries from as far away as Sydney are coming in for next year's event, which will be October 19-20, 2019.

The last regular Tuesday Club meeting for the year will be the AGM on December 4. We will return on February 5, 2019. In meantime December 5 Club Christmas party - 6.30pm, at Oriental Hotel; December 6 Pioneer house men morning tea, 10.00am; December 7 The Carols Sponsors breakfast, 7am at Parkland Resort. All invited. December 13 Carols at Muddege Showground and December 20 Pioneer House men morning tea, 10.00am.

Picture: Treasurer of the Muddege Rotary Club, Bob Colby, presenting \$2500 to Dianne Burnick (left) and Tracy Lucas (right) of Riding for the Disabled, Muddege.



The Fan's Horizon track required this week following the replacement of around 1,000 timber steps, marking the full recovery of the Warrumbungle National Park.

## The final steps in fire recovery

WARRUMBUNGLE National Park is fully operational again after the re-opening of the final walking track affected by the 2013 fire.  
 "The completion of Fan's Horizon walking track is pretty much the last piece in putting Warrumbungle National Park back together after the devastation of the fire," National Parks and Wildlife Service area manager John McMillan said.  
 "For staff who have worked in the Warrumbungles before, during or after the rehabilitation program, this feels like the last piece of the puzzle, and we can now look forward to seeing our visitors once again be able to enjoy all that the park has to offer."  
 "Our staff have worked from across the entire National Parks and Wildlife Service and Office of Environment and Heritage to get the park back to an even higher standard than before the Warrumbungle fire."

### Mid-Western Regional Council WEEKLY ADVERTISEMENTS

#### TOWN HALL CINEMA

December movies online ticket sales now open!



**Stock Impounded**  
 Council has impounded a horse on Putta Beca Road on Sunday 27 November 2018. If the horse is not claimed within seven (7) days from the date of this notice it will be sold at Public Auction. For further information, please call Joe Best on 0419 286 162.

#### Proposed Classification of Land

In pursuance of sections 31 & 34 of the Local Government Act, 1993, Council proposes to classify lot 11 (2P) 40/40 at 80 Market Street, Muddege as Operational Land for the purposes which meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and which includes an art gallery.  
 A period of twenty-eight days from the date of this notice is allowed for any person to lodge a written submission to the proposed classification. Submissions should be directed to the Council Manager, PO Box 156, Muddege, NSW 2850. Enquiries should be directed to Council's Property Department on 02465783203 or 1300 795 002.



#### Great careers start right here

- We are currently inviting applications for the following positions:
- Roads Labourers - 2 Positions - No. 4470038 - closes 7 December 2018**  
 We are currently seeking general Road Labourers. These roles carry out physical labouring activities in road maintenance and construction works and other Council related infrastructure projects as defined in the Strategic and Management Plans.
  - Electrician - No. 4461126 - closes 17 December 2018**  
 We are seeking a qualified and experienced industrial electrician to ensure the safe installation, maintenance and operation of electrical systems under the control of Mid-Western Regional Council.
  - Manager Works - No. 4461557 - closes 17 December 2018**  
 An exciting opportunity is available to work with Council's Works team to deliver specific projects and maintenance works in line with Council's corporate and strategic goals. The position manages maintenance and construction works on State Roads, Regional Roads, Local Road Roads and Bridges within the Council area. The position is responsible for all road related infrastructure including bridges, drainage, footpaths and ancillary works.
  - Senior Health & Building Surveyor - No. 4415510 - closes 18 December 2018**  
 A fantastic opportunity exists for a skilled and experienced Building Surveyor, with extensive experience in Local Government and A1 or A2 level Building Professional Board accreditation, to join our team at Mid-Western Regional Council as a Senior Building Surveyor within Council's Health and Building Services. You will be responsible for carrying out the functions of a Principle Certifier on behalf of Council.
  - Senior Pool Attendants - 4 Positions - No. 4281119 - closes 14 December 2018**  
 Mid-Western Regional Council is an equal opportunity employer that values diversity. We encourage all suitable applicants to apply. Applicants must be eligible to work in Australia to apply for any positions at Council (Please note as part of Mid-Western Regional Council's recruitment process, prior to an offer of employment being made, recruitment candidates will be required to undertake an employment bond).
- For more information about these positions, or to apply online, please visit our website: <http://employment.midwestern.nsw.gov.au/>

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