Item 9: Finance

9.1 Classification of Land - Allotment 2104 DP1261061, 137A Robertson Street Mudgee

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 15 APRIL 2020 ORDINARY MEETING
GOV400087, 25746, A0420144

RECOMMENDATION

That Council:

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 2104 DP1261061, 137A Robertson Street Mudgee; and

2. notify the public of its intention to classify Allotment 2104 DP1261061 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days and should there be no submissions from the public, the Allotment be so classified as Operational land.

Executive summary

Council is required to classify all land held by it and this report seeks Council’s resolution to classify Lot 2104 DP1261061 (the Allotment), being land vested in the ownership of Mid-Western Regional Council for the purposes of a drainage reserve, as Operational.

Disclosure of Interest

Nil.

Detailed report

The Allotment, located at 137A Robertson Street Mudgee was dedicated to Council as a drainage reserve upon the registration of the plan of subdivision on 3 March 2020. A plan of the Allotment is appended as Attachment 1 to this Report.

In accordance with Sections 26 and 31 of the Local Government Act 1993 (LGA), all public land must be classified as either Community or Operational land.

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 ground. The use and management of Community Land is 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 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 or drainage site drainage and also includes land held as a temporary asset or as an investment.

Given the stipulated use of the Allotment is that for drainage purposes, it is proposed that the Allotment be classified as Operational land.

It should be noted that 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.

It is therefore recommended to commence the classification process, with Council resolving its intentions to classify the Allotment as Operational land. Council’s intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will be accepted from the public. Should there be no submissions from the public, it is advocated the allotment be so classified as Operational.

Community Plan implications

<table>
<thead>
<tr>
<th>Theme</th>
<th>Good Governance</th>
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<tbody>
<tr>
<td>Goal</td>
<td>An effective and efficient organisation</td>
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<tr>
<td>Strategy</td>
<td>Prudently manage risks association with all Council activities</td>
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</tbody>
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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.

Financial implications
Not Applicable.

Associated Risks

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.

The Allotment was dedicated to Council on 3 March 2020 and will be classified as Operational land within the stipulated time-frame.
DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

23 March 2020

Attachments:  1. Plan Allotment 2104 DP1261061.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER