9.7 Classification of Land - Lot 69 DP1262954 Drainage Reserve at 21 Steel Drive Spring Flat, Mudgee

REPORT BY THE PROPERTY OFFICER
TO 17 JUNE 2020 ORDINARY MEETING
GOV400087, P25884

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 69 DP 1262954 Drainage Reserve at 21 Steel Drive Spring Flat, Mudgee;

2. give public notice of a proposed resolution to classify Lot 69 DP1262954 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.

Executive summary

This report seeks to commence the process for classification of Lot 69 DP1262954 being land vested in the ownership of Mid-Western Regional Council located at 21 Steel Drive, Spring Flat for the purposes of a drainage reserve, as Operational land.

Disclosure of Interest

Nil

Detailed report

In accordance with 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 incorporate land such as a public park, reserve or sporting grounds. The use and management 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 leased/licensed for more than 5 years if public notice of the proposed lease or 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 comprise land held as an asset, land which facilitates a council carrying out its functions or is land that may not be open to the public, such as in this case, where the land parcels are required for drainage purposes.

Any land acquired by a Council that is not classified under the Act S31 i.e. resolved by Council at the end of 3 months, is taken to have been classified as Community land.

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.

To commence the process for the classification of the land parcel, Council must resolve to classify the land parcel 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 the next steps in the classification process as required by the Act.

Community Plan implications

<table>
<thead>
<tr>
<th>Theme</th>
<th>Good Governance</th>
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</thead>
<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>
</tr>
</tbody>
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Strategic implications

Council Strategies
Not Applicable

Council Policies
Not Applicable

Legislation
Chapter 6, Part 2, Division 1 of 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 drainage reserve was dedicated to Council on 19 May 2020 and will be classified as Operational land within the stipulated timeframe.
LILIAN MUTYIRI
PROPERTY OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 June 2020

Attachments: 1. Drainage Reserve marked by a red boundary and indicated as A.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER