

Item 9: Finance

9.1 Classification of Land - 68-72 Carwell Street Rylstone

REPORT BY THE PROPERTY OFFICER

TO 19 MAY 2021 ORDINARY MEETING

GOV400088, P1630911

RECOMMENDATION

That Council:

- 1. receive the report by the Property Officer on the Classification of Land - 68-72 Carwell Street Rylstone; and**
- 2. classify allotments 18, 19 & 20 Section 2 Deposited Plan 758891 at 68-72 Carwell Street Rylstone as Operational land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.**

Executive summary

This report seeks to formalise the classification of Allotments 18, 19 & 20 Section 2 Deposited Plan 758891 at 68-72 Carwell Street Rylstone as Operational land.

The land was resumed for drainage purposes through publication of a Notice of Resumption of Land by Rylstone Shire Council in Government Gazette No. 76 on 28 July 1972.

Disclosure of Interest

Nil

Detailed report

Although the land was acquired on publication of the resumption notice, the Certificates of Title have not issued in the name of Council and are currently recorded in private ownership. Council is undergoing the process of arranging for the land titles to issue into the name of Mid-Western Regional Council, in which new titles will be issued.

Classification of the land at this point is deemed appropriate to ensure there is no uncertainty on the status of the land as Operational despite classification having already been actioned by the former Rylstone Shire Council.

As part of the process of classification of the land, Council advertised its intention to classify Allotments 18, 19, & 20 Section 2 Deposited Plan 758891 as Operational in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993.

Council's intention to classify the land as Operational was advertised in the local newspaper on 26th March 2021. Written submissions were called for with the closing date for submissions being 23rd April 2021. No submissions were received.

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

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 1 of the Local Government Act 1993, directs that all public land must be classified as either Community of 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.

KELLY BARNES
PROPERTY OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

11 March 2021

Attachments: 1. GG 28 July 1972.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

NOTICE OF RESUMPTION OF LAND BY RYLSTONE SHIRE COUNCIL.—LOCAL GOVERNMENT ACT, 1919.—Form 3 (Ordinance No. 77).—Whereas on the twenty-seventh day of August, one thousand nine hundred and seventy-one, the Rylstone Shire Council (hereinafter called "the Council") resolved, in pursuance of the Local Government Act, 1919, to resume the land described in the Schedule hereto for the purpose of draining a public road; and whereas the Council further resolved to make an application for the approval of the Governor to cause a notice of the resumption of such land, together with a description of such land, to be published in the Gazette and in a newspaper circulating in the area in which such land is located; and whereas on the seventh day of June, one thousand nine hundred and seventy-two, upon the application of the Council, His Excellency the Governor, with the advice of the Executive Council, approved of a notice of resumption of the land described in the said Schedule for such purpose, together with a description of such land, to be published in the Gazette and a newspaper circulating in the area in which the land is located: Now, therefore, the Council, with the approval of His Excellency the Governor, with the advice of the Executive Council as aforesaid, doth hereby give notice that the land described in the Schedule hereto is hereby resumed by the Council under the provisions of the Local Government Act, 1919, aforesaid, and the Council doth hereby also give notice that a plan of such land has been filed in the office of the Rylstone Shire Council, at the Council Chambers, Rylstone, and with the Surveyor-General, at the Department of Lands, Sydney, which plans are open for public inspection; and the Council doth hereby also give notice that upon the publication of this notice and the description in the Schedule hereto the land becomes for the purposes and subject to the provisions of the said Act vested in the Council for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or easements whatsoever.

(L.S.) **A. E. BARTLETT, President.**

The Common Seal of the Council of the Shire of Rylstone was hereunto affixed this 21st day of July, 1972, in pursuance of a resolution of the Council passed on the 20th day of July, 1972.

D. G. WHITE, Shire Clerk.

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 28 July 1972 (No. 651—\$15)

D. G. WHITE, Shire Clerk.

SCHEDULE

All that piece or parcel of land situate in the Shire of Rylstone, Parish of Rylstone, and County of Roxburgh, being allotments 18, 19 and 20, section 2, Town of Rylstone, having an area of 1 acre 2 roods or thereabouts, and said to be in the possession of Herbert J. King. 651—\$15
