

## 9.2 Classification of Land - 15 Carwell Street Rylstone

REPORT BY THE PROPERTY OFFICER  
TO 19 MAY 2021 ORDINARY MEETING  
GOV400088, P21852

### RECOMMENDATION

#### That Council:

1. **receive the report by the Property Officer on the Classification of Land - 15 Carwell Street Rylstone; and**
2. **classify allotment 1505 Deposited Plan 1271922 at 15 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 Allotment 1505 Deposited Plan 1271922 at 15 Carwell Street Rylstone as Operational land.

The land was acquired by the former Rylstone Shire Council on 1<sup>st</sup> December 1966 for Rylstone Weir, including easements.

### Detailed report

Although the land was acquired through a deed of conveyance dated 1 December 1966, the Certificates of Title have not issued in the name of Council. Council is undergoing the process of arranging for the land titles to issue in the name of Mid-Western Regional Council.

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 Allotment 1505 Deposited Plan 1271922 as Operational in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993.

Council's intention to classify the land Operational was advertised in the local newspaper on 26<sup>th</sup> March 2021. Written submissions were called for with the closing date for submissions being 22<sup>nd</sup> 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	Pursue efficiencies and ongoing business improvement

## 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 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**

19 March 2021

*Attachments:* 1. Conveyance 1 December 1966.

### **APPROVED FOR SUBMISSION:**

**BRAD CAM**  
**GENERAL MANAGER**

DATED

1st day of December 1966

R.S.



THIS DEED made on the first day of December One thousand nine hundred and sixty-six BETWEEN The Commissioner for RAILWAYS A Body Corporate, created under or by virtue of the Transport (Division of Functions) Act 1932 as amended (hereinafter called "The Vendor") of the One Part and THE COUNCIL OF THE SHIRE OF RYLSTONE (hereinafter called "The Purchaser") of the Other Part WHEREAS by virtue of a Notice of Resumption published in Government Gazette No. 139 of 19th September, 1930 the land described in the first schedule hereto was resumed for Railway purposes AND WHEREAS by virtue of Section 15 of the Ministry of Transport Act 1932 and Section 17 of the Transport (Division of Functions) Act 1932 the said land has become vested in the Vendor in fee simple AND WHEREAS by Notices of Resumption published in Government Gazette No. 139 of 19th September, 1930 the easements described in the second schedule hereto were resumed respectively for a pipeline and for access for Railway purposes AND WHEREAS by virtue of Section 15 of the Ministry of Transport Act 1932 and Section 17 of the Transport (Division of Functions) Act 1932 the said easements are now vested in the Vendor AND WHEREAS the Vendor has agreed to sell to the Purchaser the said land described in the first schedule hereto together with the easements appurtenant thereto described in the second schedule hereto at or for the price or sum of Twenty Dollars (\$20-00) NOW THIS DEED WITNESSETH that in consideration of the sum of Twenty Dollars (\$20-00) paid by the Purchaser to the Vendor (the receipt whereof is hereby acknowledged) the Vendor as beneficial owner DOETH HEREBY convey unto the Purchaser in fee simple ALL THAT the land described in the first schedule hereto together with the easements appurtenant thereto and described in the second schedule hereto IN WITNESS WHEREOF the Vendor hath hereunto affixed its seal.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO ALL THAT parcel of land situated at RYLSTONE in the Parish of Dabee County of Phillip State of New South Wales being part of portions 98 and 99 and Parish of Rylstone County of Roxburgh State of New

THE COMMISSIONER FOR RAILWAYS

and

THE COUNCIL OF THE SHIRE OF RYLSTONE

C O N V E Y A N C E

JOHN A. KNOX,  
Solicitor  
Louee Street,  
RYLSTONE, N.S.W.

South Wales being part of Permanent Common dedicated 3rd September 1894 being lands resumed for railway purposes vide Government Gazette No. 139 of 19th September 1930 Commencing at the south western most corner of portion 99 aforesaid and bounded thence on the north west by part of the northwestern boundary of portion 99 aforesaid bearing 23° 30' 44.3 links thence on the north by a line bearing 85° 17' 412.1 links thence on the east by a line bearing 178° 55' 795 links thence on the southwest by a line bearing 206° 56' 500 links thence on the west and northwest by lines bearing 357° 50' 455.2 links and 23° 30' 130.7 links to the point of commencement excluding therefrom the bed of the Cndgegong River and containing an area of about 2 acres 1 rood 29½ perches.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT the easement resumed for pipeline for railway purposes vide Government Gazette 139 of 19th September 1930 over ALL THAT piece or parcel of land situate at Rylstone in the Parish of Rylstone County of Roxburgh State of New South Wales being part of Permanent Common dedicated 3rd September 1894 commencing at a point on the western side of Carwell Street bearing 180° 00' 2273.1 links from the south eastern corner of portion 149 and bounded thence on the east by part of the western side of Carwell Street aforesaid bearing 180° 17.8 links thence on the southwest by a line bearing 301° 32' 2458.5 links thence on the west by part of the eastern boundary of the area 2 acres 1 rood 29½ perches above described bearing 358° 55' 18 links thence on the north-east by a line bearing 121° 32' 2458.9 links to the point of commencement and containing an area of about 1 rood 19½ perches AND ALSO ALL THAT easement for access for Railway purposes vide Government Gazette No. 139 of 19th September 1930 over ALL THAT parcel of land situate as aforesaid being part of Permanent Common dedicated 3rd September 1894 Commencing at a point on the western side of Carwell Street bearing 180° 00' 55.5 links from the south-eastern corner of portion 149 and bounded on the east by the western side of Carwell Street aforesaid bearing 180° 00'

12.8 links thence bounded generally on the south-east and south by lines bearing 45° 21' 158.1 links 47° 05' 872.1 links 57° 23' 90 links 76° 59' 110 links 89° 59' 180 links 92° 39' 470 links 91° 19' 244 links 80° 39' 160 links 57° 15' 133 links thence on the west by part of the eastern boundary of the area of 2 acres 1 rood 29½ perches above described bearing 358° 55' 10.7 links thence generally on the north west and north by lines bearing 237° 15' 129.88 links 260° 39' 163.4 links 271° 19' 244.9 links 272° 39' 469.9 links 269° 59' 178.75 links 256° 59' 107.4 links 237° 23' 87.6 links 227° 05' 871.1 links 225° 21' 166.4 links to the point of commencement and containing an area of about 35½ perches.

The Common Seal of THE COMMISSIONER )  
FOR RAILWAYS hath been herewith duly )  
affixed in the presence of:- )

*J. A. Knox*  
Secretary for Railways.  
CORRECT  
*A. G. ...*  
Asst. Solicitor for Railways

RECEIVED INTO THE REGISTRATION OF DEED OFFICE AT SYDNEY.

THE 20th MARCH 1967 AT 50 MINUTES PAST 2 O'CLOCK IN THE

AFTER NOON FROM *Edley* CLERK TO J. A. KNOX *Solicitor* Solicitor, A

TRUE COPY of the ORIGINAL CONVEYANCE VERIFIED BY *ANGELA* MINOR of *KARIDOS* }  
AND NUMBERED 565 BOOK 2828

*S. Loumy*  
DEPUTY REGISTRAR