

9.2 Classification of Land for Infrastructure - Lot 112 DP616484 at 412 Henry Lawson Drive, Eurunderee

REPORT BY THE PROPERTY OFFICER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, GOV400088, P24361

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Acquisition and Classification of Land for Infrastructure - Lot 112 DP616484 at 412 Henry Lawson Drive, Eurunderee;
2. note the acquisition of Lot 112 DP616484 under the reasons and circumstances as outlined in this Report;
3. authorise the General Manager and the Mayor, where additionally required to do so, to sign all documentation necessary in relation to the execution of the Deed of Agreement for Water Supply;
4. authorise the Common Seal of Council to be affixed, where necessary, in relation to the execution of the Deed of Agreement for Water Supply; and
5. notify the public of its intention to classify Lot 112 DP 616484 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 land be so classified as Operational.

Executive summary

This report seeks to commence the process for classification of Lot 112 DP616484 (the Land) located at 412 Henry Lawson Drive EURUNDEREE as *Operational land*.

Disclosure of Interest

Nil

Detailed report

On 22 June 2021 Council purchased Lot 63 DP618063 located at 55 George Campbell Drive, Bombira for purposes of future development and, Water Access Licence 28696. A share of the Land was also acquired in the same transaction at no cost to Council. A map of the Land is appended as attachment 1 to this Report.

The Land is 3540 m² in area and is co-owned with private landowners. A co-owned bore and water pumping equipment are located on the Land. The water pumping infrastructure facilitates irrigation to the benefit of Lot 63 DP618063 (Council owned) and other independent surrounding land parcels that are referenced in the *Deed of Agreement for Water Supply* (the Deed). A copy of the existing Deed is appended in the Confidential section of the Business Paper.

An execution version of the Deed is to be provided to Council in due course and will require Council's endorsement.

It is recommended that Council note the acquisition of the Land under the reasons and circumstances as outlined in this Report and authorise the General Manager to endorse all documentation necessary in relation to the Deed of Agreement for Water Supply.

Classification of the Land

The Act allows Council to classify acquired land within 3 months of such acquisition.

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.

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 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 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 ordinarily comprise land held as an asset, land which facilitates a Council to carry out its functions or is land that may not be open to the public.

It should be noted that any land acquired by a Council that is not classified or resolved under the Act S31, by Council at the end of 3 months, is taken to have been classified as *Community* land.

Given that the use of the Land accommodates operational infrastructure, it is therefore recommended to commence the classification process, with Council resolving its intentions to classify the Land 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 that the land be so classified as *Operational* land

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

Nil

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

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.

Council purchased the land on 22 June 2021. As such, it will be classified as *Operational* land within the stipulated time-frame.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

6 July 2021

Attachments: 1. Map of Acquired Land - Lot 112 DP616484.
2. Deed of Agreement Dated 12 February 2018. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

