

9.3 Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee

REPORT BY THE PROPERTY OFFICER
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0210007, P1991411

RECOMMENDATION

That Council:

1. **receive the report by the Property Officer on the Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee;**
2. **give public notice of a proposed resolution to classify Lot 2 DP510997 at 292 Saleyards Lane, Mudgee 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 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 2 DP510997 (the Allotment) being land located at 292 Saleyards Lane Mudgee, as Operational land.

Disclosure of Interest

Nil

Detailed report

On 20 September 2023 Council resolved to enter into an agreement with the landowner to acquire Lot 2 DP510997 at 292 Saleyards Lane, MUDGEE. With agreement reached, settlement is scheduled to occur mid December 2023.

As Council is acquiring the Allotment, it will need to carry out the required process to appropriately classify the Allotment as directed under Chapter 6, Part 2, Division 1 of the Local Government Act 1993 (the Act).

All public land must be classified as either Community or Operational. 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 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/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. It also includes land held as a temporary asset or as an investment.

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.

Notwithstanding that the Allotment has not yet transferred to Council, the Act, at Section 31, allows councils to classify land before ownership has been completed, the advantage being that it allows for completion of the process within the stipulated 3 month period:

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.

Given the intended use of the land, it is proposed that the Allotment be classified as Operational land and that the legislated process be undertaken to reflect this.

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

Community Plan implications

Theme	Good Government
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

Local Government Act 1993

Chapter 6, Part 2, Division 1 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. As settlement is scheduled to occur mid December 2023, the land will be classified as Operational land within the stipulated timeframe.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

22 November 2023

Attachments: 1. Council Minute for purchase of Lot 2 DP510997.
2. Advertisement of proposed classification of land.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT
COUNCIL MEETING: 20 SEPTEMBER 2023

14.2 PURCHASE OF LAND

GOV400103, 20466

233/23

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Property Coordinator on the Purchase of Land identified in the independent valuation as attached to this report;
2. resolve to purchase the land by agreement with the land owner at the price determined by the independent valuation;
3. authorise the Mayor and the General Manager to finalise negotiations and execute the completion of the property purchase, including signing of a purchase contract, land transfer, and any other relevant documents;
4. amend the 2023/2024 Budget to allocate a budget amount as specified in the valuation report, for the purchase of land, to be funded from the Land Development Reserve;
5. arrange the preparation, lodgement, and registration of the relevant lot consolidation plan after purchase and land transfer is complete; and
6. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase, and including lot consolidation and registration.

The motion was carried with the Councillors voting unanimously.

Proposed Classification of Land

Pursuant to Section 31 of the Local Government Act, 1993, Council proposes to classify;

Lot 2 DP510997 at 292 Saleyards Lane at Mudgee, as Operational Land.

A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission on the proposed classification. Submissions should be directed in writing and submitted to the General Manager, 86 Market Street. MUDGEE. Submissions will be accepted until 12 January 2023 .

