

## 9.3 Classification of Land - Lot 11 DP1277513 Drainage Reserve at 1 Knott Place Caerleon

REPORT BY THE PROPERTY OFFICER  
TO 21 JUNE 2023 ORDINARY MEETING  
GOV400103, P27071

### RECOMMENDATION

#### That Council:

1. **receive the report by the Property Officer on the Classification of Land - Lot 11 DP1277513 Drainage Reserve at 1 Knott Place Caerleon; and**
2. **give public notice of its intention to classify Lot 11 DP 1277513 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act, by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.**

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### Executive summary

This report seeks to commence the process for classification of Lot 11 DP 1277513 being land vested to Mid-Western Regional Council for the purposes of a drainage reserve, as Operational. This land was transferred to Council's ownership on 25 May 2023 and must be classified within the statutory 90-day period. Council will advertise the classification of land in the Mudgee Guardian newspaper and on Council website.

### Disclosure of Interest

Nil

### Detailed report

In accordance with the Local Government Act 1993 (LGA) Chapter 6, Part 2, Division 1, 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 LGA). 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 LGA S31, by Council at the end of 3 months, is taken to have been classified as Community land.

Given that the stipulated use of Lot 11 DP 1277513 is for drainage reserve purpose, 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 submitted that the land be so classified as Operational land.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
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* 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 land was vested in Council on 25 May 2023.

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

5 June 2023

*Attachments:* 1. Map of Drainage Reserve Proposed to be Classified Operational.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

