

## 9.2 Classification of Land - Lot 63 DP618063 at 55 George Campbell Drive Bombira

REPORT BY THE PROPERTY OFFICER  
TO 04 AUGUST 2021 ORDINARY MEETING  
GOV400088, 24361, GOV400088

### RECOMMENDATION

#### That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 63 DP618063 at 55 George Campbell Drive Bombira; and
2. classify Allotment 63 DP618063 at 55 George Campbell Drive, Bombira 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 63 DP618063 at 55 George Campbell Drive, Bombira as *Operational* land. On 22 June 2021 Council purchased Lot 63 DP618063 located at 55 George Campbell Drive, Bombira for purposes of future development.

### Disclosure of Interest

Nil

### Detailed report

As part of the process of classification of the land, Council resolved on 16 June 2021 to advertise its intent to classify Allotment 63 DP618063 at 55 George Campbell Drive, Bombira as *Operational* in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993. A copy of this report, Council Minute and advertisement are appended as Attachments 1, 2 and 3.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 18 June 2021. Written submissions were called for, with the closing date for submissions being 15 July 2021. No submissions were received.

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

### Community Plan implications

<b>Theme</b>	<b>Good Governance</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

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

13 July 2021

- Attachments:*
1. 16 June 2021 Classification Council Report of Lot 63 DP618063.
  2. 16 June 2021 Council Minute for Classification of Lot 63 DP 618063.
  3. Mudgee Guardian Advertisement.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 14.2 Classification of Land for future development.

REPORT BY THE PROPERTY OFFICER  
TO 16 JUNE 2021 ORDINARY MEETING  
GOV400088, GOV400088

*The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2) (d)(ii) of the Local Government Act, 1993.*

*Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a Council property purchase which has not yet settled.*

### RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land for future development.;
2. notify the public of its intention to classify Lot 63 DP618063 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days; and
3. receive a further report after the public notice 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 63 DP618063 located at 55 George Campbell Drive, Bombira, as *Operational land*.

### Disclosure of Interest

Nil

### Detailed report

On 21 April 2021 Council resolved to purchase Lot 63 DP618063 located at 55 George Campbell Drive, BOMBIRA for purposes of future development. A map of the land is attached to this report.

Council entered into a Contract of Sale to purchase the land. It is expected that settlement of the sale is to occur in the near future. The Act allows Council to resolve to classify the land prior to settlement.

#### *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 stipulated use of Lot 63 DP618063 is for future development, 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

<b>Theme</b>	<b>Good Governance</b>
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 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.

Council resolved to purchase the land on 21 April 2021 and settlement is imminent. As such, it will be classified as *Operational* land within the stipulated time-frame.

LILIAN MUKWEWA MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

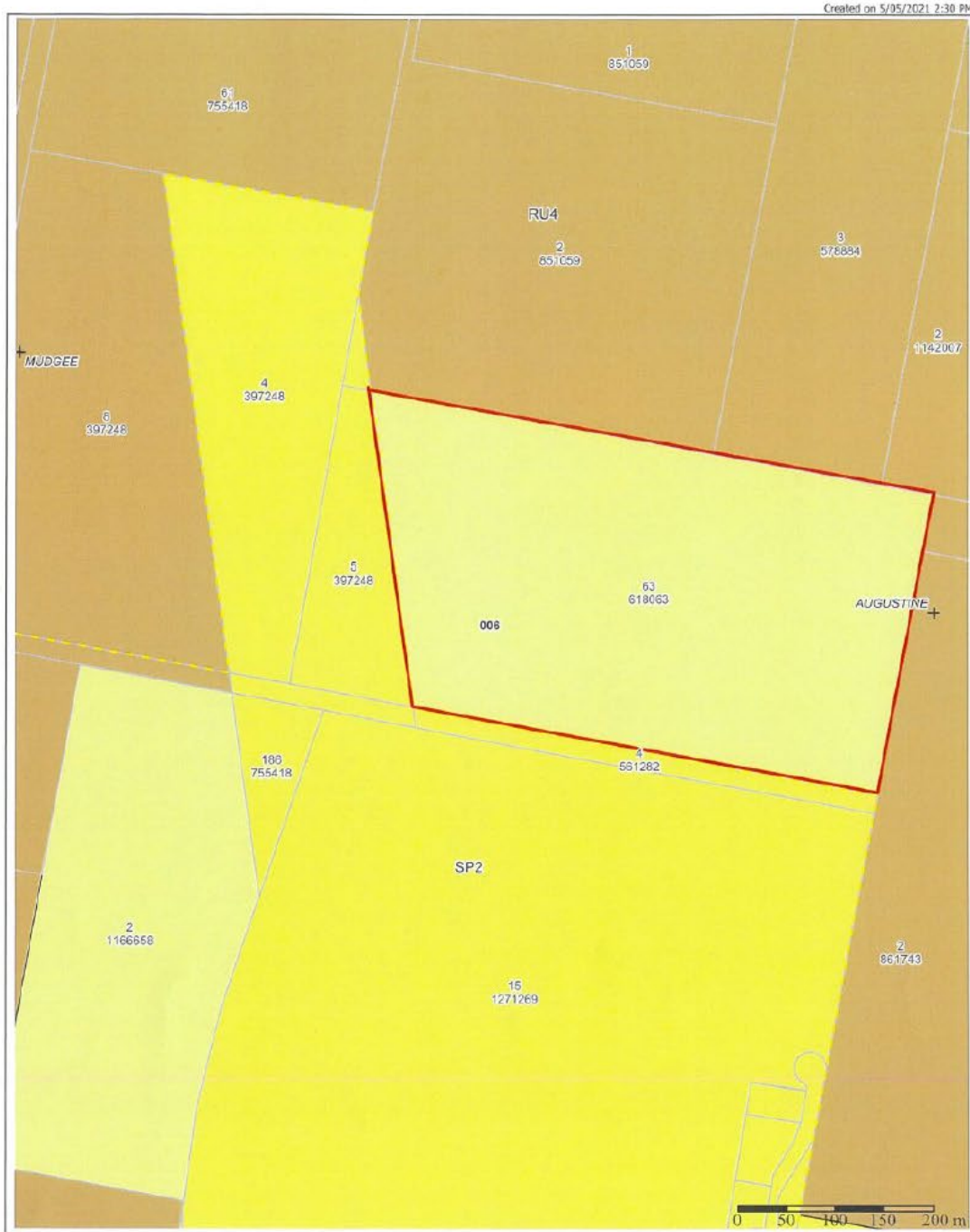
5 May 2021


*Attachments:* 1. Map - Purchased land indicated by red boundary - Lot 63 DP 618063.  
(Confidential)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER


CONFIDENTIAL





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**Important Notice!**  
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Date: 5/05/2021 2:30 PM  
 Map Scale: 1:5227 @ A4



## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 16 JUNE 2021

### 14.2 CLASSIFICATION OF LAND FOR FUTURE DEVELOPMENT.

GOV400088, GOV400088

01/21

**MOTION:** Paine / Holden

**That Council:**

1. receive the report by the Property Officer on the Classification of Land for future development.;
2. notify the public of its intention to classify Lot 63 DP618063 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days; and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

*The motion was carried with the Councillors voting unanimously.*

8 MUDGEE GUARDIAN Friday June 18, 2021

## Mid-Western Regional Council WEEKLY ADVERTISEMENTS



### Notice of Proposed Development

PROPOSAL	Demolition (part of existing shed), Proposed new shed (exhibition purposes)		
LAND	Lot 110 DP 850558, Colonial Inn Museum 126 Market Street MUDGEE NSW 2850		
APPLICATION NO	DA0405/2021	APPLICANT	Heather Lynn McClintock
CONSENT AUTHORITY	Mid-Western Regional Council		

Any person is invited to inspect the application and plans at Council's Administration Centre, 86 Market Street, Mudgee. Plans may also be made available at the following locations:

- Administration Centre, 109 Herbert Street, Gulgong
- Administration Centre, 77 Louee Street, Rylstone
- Online via <https://yoursay.midwestern.nsw.gov.au/development-applications>

Please note that whether an application is available for inspection at either Gulgong or Rylstone will depend on the location of the proposed development. Any application and plans can be made available to the Gulgong or Rylstone Administration Centres upon request.

Council's offices are open for inspection of the plans during office hours: 8:00 am to 4:30 pm, Monday to Friday. Written comments in respect of any application must be addressed to the General Manager and received prior to 4:30 pm on **Friday 2 July 2021**.

Any enquiries regarding this application should be directed to Council's Planning and Development Department on (02) 6378 2850 or 1300 765 002.

### On Exhibition

In pursuance of section 34 of the Local Government Act, 1993, Council proposes to classify as Operational Land, **Lot 63 DP618063 located at 55 George Campbell Drive, BOMBIRA** for purposes of future development. The land to be classified is indicated on the map below and is marked by a red boundary.

A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission to the proposed classification. Submissions should be received by **16 July 2021** and directed to: Mid-Western Regional Council Property Department PO Box 156 MUDGEE NSW 2850



NOTE: SUBMISSIONS RECEIVED MAY BE MADE PUBLICLY AVAILABLE UNLESS YOU REQUEST THAT PERSONAL DETAILS BE SUPPRESSED