



KEMPSEY  
Shire Council

## DIRECTOR CORPORATE SERVICES REPORT

8<sup>th</sup> August 2006

|      |   |     |
|------|---|-----|
| DCS4 | COUNCIL LAND – MILLINGTON AVENUE,<br>GRASSY HEAD<br>FILE: LA11011 | GBS |
|------|---|-----|

### SUMMARY:

Reporting on the status of Council land at Millington Avenue, Grassy Head.



### DESCRIPTION:

Following discussions at the Extra-Ordinary Meeting on 20<sup>th</sup> June 2006 in relation to Council owned Operational Lands identified as having potential for sale, Council resolved –

*“That a further report be prepared on Council’s land at Millington Avenue, Grassy Head.”*

A plan showing the subject lot is attached at [\(Appendix C\)](#).

The property description is –

|                       |          |
|-----------------------|----------|
| Lot 11                | DP598595 |
| Area:                 | 2.5 Ha.  |
| Zoning:               | 1(a3)    |
| Dwelling Entitlement: | Nil      |

### History

In 1977 Council dealt with an application for subdivision and closure of roads to and surrounding the old pilot station site. Council initially rejected the proposal to close those roads as they provided public access to a section of the Macleay River.

The proponent then asked Council to reconsider and offered to exchange 2.5 Ha. to provide alternate access to the river. Council accepted the offer on the basis that the exchanged land “is a far superior recreation area to the existing road reserve”.

The subdivision provided for the creation of the 2.5 Ha. lot and its dedication as a Public Reserve.

In 1993, with the introduction of the new Local Government Act, Council was required to classify all of its land as either community land or operational land. The classification has the purpose of identifying clearly land which should be kept for use by the general public (community) and land which need not (operational). If no resolution was passed within 6 months, all the land would be automatically classified as community land. The legislation provided that certain lands must be classified as community land eg. Public Reserves.

At its meeting on 11<sup>th</sup> April 1994 Council listed all its land on a printout showing its land as either community land or operational land. Council resolved to place the proposed land classifications on public exhibition for 28 days and after this at its meeting on 23<sup>rd</sup> May 1994 it resolved to classify the land as per the listing.

The land known as Lot 1, DP598595 (Council Lot ID 11011) was at that time incorrectly listed with the land to be classified as operational land. When this error was discovered a report was presented to Council and on 24<sup>th</sup> August 1998 Council resolved to classify the land community land.

The land classification on Council's current Land Register lists this land as community land.

The Certificate of Title document for this land contains a notation of "Caveat by the Registrar General forbidding unauthorised dealings with public reserves".

## **REPORT IMPLICATIONS:**

- ***Environmental***

***The subject land has frontage to the Macleay Arm. Council should retain preshore public reserve land in public ownership.***

- ***Social***

***The land may have some historical significance associated with the former Grassy Head Pilot Station.***

- ***Economic (Financial)***

***Council has not budgeted for any expenditures upon the land.***

- ***Policy or Statutory***

*Nil.*

▪ *Director's Review*

*The status of the land at Millington Avenue, Grassy Head, is clearly set out in this report.*

**RECOMMENDATION:**

That the information be noted.

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**G B Snape**  
**DIRECTOR CORPORATE SERVICES**