
9.2.10 Hill Street, Bundanoon, 3434 Wombeyan Caves Road, Bullio and 9 Donkin Avenue, Moss Vale - Classification of Land

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PURPOSE

To seek Council approval to classify the footpath/road located at Hill Street, Bundanoon (being Lot 1 in Deposited Plan 725229), vacant land at 3434 Wombeyan Caves Road, Bullio (being Lot 2 in Deposited Plan 795815) and storage depot at 9 Donkin Avenue, Moss Vale (being Lot 1 DP 1188852) as Operational Land.

OFFICER'S RECOMMENDATION

THAT:

1. Council give a minimum of twenty-eight (28) days public notice of its intention to classify Lot 1 in Deposited Plan 725229 being Hill Street, Bundanoon, Lot 2 in Deposited Plan 795815 being 3434 Wombeyan Caves Road, Bullio and Lot 1 in Deposited Plan 1188852 being 9 Donkin Avenue, Moss Vale as Operational Land.
2. If no objections are received during the notice period, the land being Lot 1 in Deposited Plan 725229, known as Hill Street, Bundanoon, the land being Lot 2 in Deposited Plan 795815 located at 3434 Wombeyan Caves Road, Bullio and Lot 1 in Deposited Plan 1188852 being 9 Donkin Avenue, Moss Vale be classified as Operational Land pursuant to the *Local Government Act 1993*.
3. The Mayor and General Manager be delegated authority to execute under the Common Seal of Council any documentation to enable the classification of Lot 1 in Deposited Plan 725229, Lot 2 in Deposited Plan 795815 and Lot 1 in Deposited Plan 1188852, referred to in Resolution 1 above.
4. The Mayor and General Manager be delegated authority to execute on behalf of Council any documentation to enable the classification of Lot 1 in Deposited Plan 725229, Lot 2 in Deposited 795815 and Lot 1 in Deposited Plan 1188852, referred to in Resolution 1 above that does not require affixing of the Common Seal of Council.

REPORT

BACKGROUND

Hill Street, Bundanoon

Council recently assessed a Development Application at 1 Hill Street, Bundanoon. As part of the assessment, it was identified that the title of the land adjoining the parcel of land, being Lot 1 in Deposited Plan 725229, although acquired by Council for road purposes in 1925, was still in the name of the previous owner. Lot 1 in Deposited Plan 725229 forms part of the road and has a footpath constructed on it and is displayed in red on the aerial map provided below:



Following further investigations, Council identified that the land had been purchased from the original owner and a transfer signed; however the Certificate of Title could not be located at the time and Council did not pursue registration. Instead, a caveat was placed on the title to the land.

Council subsequently made attempts to register the transfer; however, the original landowner had by then passed away, with the land having transferred to his executor. Following further inquiries, Council believed the executor (the subsequent registered proprietor) was also deceased, and there had been no contact with the owner of the land since 1929.

After seeking legal advice, Council lodged a Possessory Title Application on Lot 1 in Deposited Plan 725229 to transfer ownership to Council. On 29 June 2026, Council was advised that the application had been successful, with the transfer of title to Council's name registered through NSW Land Registry Services.

3434 Wombeyan Caves Road, Bullio

On 13 December 2023 Council resolved (MN 2023/590):

THAT:

1. *The General Manager be delegated the authority to negotiate the transfer of Lot 2 DP 795815 to Council and that upon transfer the land vest in Council as Operational land pursuant to the Local Government Act, 1993.*
2. *Council endorse the application for closure of part unnamed road reserve at Bullio as shown in Attachment 1 to this report.*
3. *Council give a minimum 28 days public notice of its intention to close the Council road reserve referred to in item 2 above AND THAT if any objections are received a further report be forwarded to a future meeting of Council for determination.*
4. *If there are no objections received by Council to the closure of the road reserve referred to in item 2 above during the period of public consultation, then pursuant to Part 3 Division 3 of the Roads Act 1993, Council as roads authority formally approve the closure AND THAT upon the newly created lot will be classified as Operational Land pursuant to the Local Government Act, 1993.*
5. *The General Manager and Administrator/ Mayor be delegated authority to execute under the Common Seal of Council any agreement, plan, real property act deal or other document in respect to the transfer referred to in item 1 above and proposed closure of the road reserve referred to item 2 above.*

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6. Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the transfer referred to item 1 above and road closure referred to in item 2 above which does not require the affixing of the Common Seal.
7. Following the transfer of Lot 2 DP 795815 to Council and closure of the road reserve, a boundary adjustment be registered between (the Council land) and Lot 1 DP 876018 (the Ireland land) for the area of Lot 1 adjoining the Council land on the eastern side of Wombeyan Caves Road, Bullio.
8. The General Manager and Mayor/Administrator be delegated authority to execute under the Common Seal of Council any agreement, plan, real property act dealing or other documentation in respect of the boundary adjustment referred to in item 7 above under the Common Seal of Council.
9. Authority be delegated to the General Manager to execute on behalf of Council any other document associated with the boundary adjustment referred to in item 7 above which does not require the affixing of the Common Seal.
10. Messrs Kracht and Ireland be acknowledged for their generosity and community spirit in making the land freely available in correspondence under the signatures of the Administrator and General Manager.

In October 2023, a meeting was held with Council representatives together with members of the local fire brigade and RFS management team. During that meeting, Council officers advised that Council was undertaking investigations in an attempt to identify land in Bullio which may be able suitable for a future Rural Fire Service station.

Mr Kracht, a Bullio resident and member of the local fire brigade advised that he owned a small parcel of land on Wombeyan Caves Road being Lot 2 DP 795815, highlighted in red in the aerial map below:



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Mr Kracht confirmed that he would be generously willing to donate this small parcel of land, under the condition that it would be utilised for Rural Fire Service purposes. The land has its own title and is approximately 593sqm.

On 21 July 2026, Council was advised that settlement on the above property had successfully taken place, with title transferred to Council's name.

9 Donkin Avenue, Moss Vale

The Soil Conservation Service (SCS) contacted Council regarding investigations into the ownership status of Lot 1 DP 1188852 being 9 Donkin Avenue, Moss Vale highlighted in red in the aerial map below:



As part of these investigations a historical title and cadastral search of the property was undertaken.

The search report displayed that Lot 1 DP 1188852 forms part of the land resumed and vested in Wingecarribee Shire Council pursuant to Government Gazette dated 23 January 1976 (Folios 363-364). The report also identified that, while the title conversion process subsequently recorded the Minister for Conservation as the registered proprietor, the 1976 vesting in Council was not reflected on title, creating an ownership anomaly. This anomaly has now been rectified, and the land was transferred to Council ownership on 12 August 2026.

The land contains a works depot and holding yard and is currently used for operational purposes by Public Works.

DISCUSSION

Classification of Land

Pursuant to Sections 25 and 26 of the *Local Government Act 1993*, all land owned by Council must be classified as either **Operational Land** or **Community Land**.

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With Hill Street, Bundanoon being transferred to Council on 29 June 2026, 3434 Wombeyan Caves Road, Bullio being transferred to Council on 21 July 2026 and 9 Donkin Avenue, Moss Vale being transferred to Council on 12 August 2026, Section 31(2) of the Act provides that Council may resolve to classify acquired land within three (3) months of acquisition. If no resolution is made within that period, the land is automatically classified as Community Land.

Section 34 of the Act requires that public notice be given when Council proposes to classify land by resolution. The public notice must include terms of the proposed resolution, a description of the land concerned, and must specify a period of not less than 28 days during which submissions may be made to Council.

The land at Hill Street Bundanoon contains road infrastructure including a footpath, kerb and guttering, and a portion of public road reserve. These form part of Council's operational assets and require ongoing access, maintenance, repair and renewal to support the delivery of public services. As the lands are used for operational purposes and accommodates essential infrastructure, it is proposed that the land be classified as **Operational Land**.

The land at 3434 Wombeyan Caves Road, Bullio has been generously transferred to Council, under the condition that it would be utilised for Rural Fire Service purposes. As the property is intended to support the delivery of essential emergency services and provide critical infrastructure necessary for bushfire preparedness, response and asset protection, it is proposed that the land be classified as **Operational Land**.

The land at 9 Donkin Avenue, Moss Vale is currently utilised as a Works Depot and Storage Yard by Public Works. It is proposed that this site will continue to be used for this purpose under lease to Public Works. As the land is for operational purposes, it is proposed that the land be classified as **Operational Land**.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications arising from this report. The Hill Street, Bundanoon property has been transferred to Council via a successful Possessory Title Application. The property located at 3434 Wombeyan Caves Road, Bullio was generously donated Mr Geoffrey Kracht for Rural Fire Service purposes. To rectify the ownership anomaly at 9 Donkin Avenue, Moss Vale, the land has been transferred from NSW Public Works into Council ownership.

LINK TO STRATEGY

This report relates to the Wingecarribee 2035 Community Strategic Plan Outcome and Strategy:

Our Places

Outcome - 2.3 We have the services and facilities we need to live and work here

Strategy - 2.3.3. Provide reliable and resilient infrastructure

Indicator - Access to local government services index

The transfer of these properties will enable Council to effectively manage critical infrastructure located within the sites, ensuring their continued operation and supporting the delivery of safe and reliable services to the community.

ATTACHMENTS

Nil