



**REPORT ON THE PUBLIC HEARING FOR THE
PROPOSED RECLASSIFICATION OF COUNCIL LAND
WITHIN WALGETT SHIRE FROM COMMUNITY LAND TO
OPERATIONAL LAND UNDER THE PROVISIONS OF THE
LOCAL GOVERNMENT ACT**



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1 INTRODUCTION

Walgett Shire Council recently exhibited a document titled '*Draft Walgett Local Environmental Plan 2006 – Classification of Public Land*' (LEP).

In the draft LEP Walgett Shire Council proposed to reclassify certain parcels of Council owned land as “operational” land under the Local Government Act 1993. The provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 require that a public hearing be held regarding such reclassification proposals.

To satisfy these requirements Walgett Shire Council convened a public hearing commencing at 10:00AM on Monday 24 April 2006 at the Council Chambers in the Council offices located at 77 Fox St, Walgett.

As required by Public Land Management, issued by the Department of Local Government in May 2000, Council appointed me, Mr. Paul O'Brien, as an independent person to preside at the hearing. I am a qualified town planner employed by the Bourke Shire Council as the Director of Environmental Services.

2 HEARING

All interested persons and groups were invited to attend the hearing and make verbal or written submissions on the proposed reclassifications.

The meeting was convened at 10.00am on Monday 24 April 2006, as advertised.

Present at that time were:

Mr. Paul O'Brien (meeting chair) – Bourke Shire Council
Mr. Matthew Goodwin – Walgett Shire Council, Manager, Planning & Regulation
Mr. Jack Baker – Walgett Historical Society & Walgett Precinct Committee member.

The meeting closed at 10.16am after a verbal submission was made by Mr. Baker.

3 SUBMISSIONS

The hearing received one verbal submission from Mr. Jack Baker – Walgett Historical Society & Walgett Precinct Committee member.

This submission related to Lot30 DP 253488, a House in Euroka Street, Walgett (Item No.196) and Lot 33 DP 253488, an unmaintained park in Euroka Street, Walgett (Item No.197).

It was suggested that the concern in relation to these items was the existence of a permanent survey mark, at the rear of Lot 30, established by Surveyor Dewhurst by astronomical sighting, and purportedly used for the setout of the town of Walgett. The Precinct Committee put forward that the survey mark should be retained and become a tourist feature.

To this end the Walgett Precinct Committee, at its meeting of 7 March 2006, recommended to council;

That the classification of lands be changed so that the “Eloura Park” in Euroka Street, be changed to community land and that lot 8 on the western side of Eloura Park be sub-divided so that the Astronomical Survey Mark is included in the land of the park.

Council at its ordinary meeting of 16 March 2006 resolved on the motion of the Administrator;

That the minutes of the Walgett Precinct Committee held on 7 March 2006 be received and noted.

The consequence of this motion is that the recommendation of the Walgett Precinct committee was not adopted by the Council at that time, but simply noted. As such the issue may be dealt with as part of the recommendations of this report on the Public Hearing for the proposed reclassification of Council land within Walgett Shire from Community Land to Operational Land.

4 CONSIDERATION OF SUBMISSIONS

Following the close of the meeting on Monday 24 April 2006 I requested and was supplied with the following documentation from Council.

- Site plan of subject lots 30 and 33.
- Copy of 7 March 2006 Precinct Committee report to Council.
- Copy of 16 March 2006 Council meeting minutes.
- Photographic detail of the subject Survey mark.

With this information in hand a site inspection was undertaken of Lots 30 and 33, with Mr. Matthew Goodwin – Walgett Shire Council, Manager, Planning & Regulation. The purpose of this site inspection was to familiarise myself with the on ground situation.

This site inspection revealed that a recent ‘restoration’ of the survey mark had been undertaken. This action resulted in the removal of the original marker post and its replacement with a new post approximately 1.5 times the height of the original. The location of the original marker post is unknown.

This ‘restoration’ has severely detracted from the historical significance of the location due to the removal of the item of prime significance, being the Survey Marker Post. Subsequently the site significance is decreased but not lost.

It is the opinion of the author that the continued significance of the site is best preserved through removal of the substitute Marker and replacement of such with a plaque detailing the significance of the site. The rear portion of Lot 30 containing the Markers original location should then be sub-divided off and consolidated with Lot 20 DP 253488, which abuts the rear of the allotment and forms part of the Council depot land.

Public access to this area may then be gained via the laneway to the west of Lot 28 DP 25348. It is the opinion of the author that this public access should be maintained and advertised to the public through local tourist outlets and heritage advocates.

Should Council resolve to restrict or prohibit public access in the future a program of rigorous public consultation should first be undertaken.

5 RECOMENDATIONS

Having examined the thorough information provided by Council in support of the recommendation for all Council land listed in the *Draft Walgett Local Environmental Plan 2006 – Classification of Public Land*, proposed to be reclassified under the Local Government Act 1993 from “community” land to “operational” land, and taken into consideration submissions for the public, I concur with those recommendations.

Accordingly I recommend the following:

- (a) That the *Draft Walgett Local Environmental Plan 2006 – Classification of Public Land* be made as advertised.
- (b) That once *Draft Walgett Local Environmental Plan 2006 – Classification of Public Land* is made the rear portion of Lot 30, containing the Survey Markers original location, be then be sub-divided off and consolidated with Lot 20 DP 253488.
- (c) That public access to the survey marker site be maintained and advertised to the public through local tourist outlets and heritage advocates. Such public access should not be restricted or prohibited in the future without a program of rigorous public consultation first being undertaken

6 ATTACHMENTS

- *Draft Walgett Local Environmental Plan 2006 – Classification of Public Land*
- Public Hearing Information Package
- Report No.56 from the Walgett Precinct Committee meeting of 7 March 2006 to the Council.
- Minutes of the 16 March 2006 Walgett Shire Council meeting.
- Photo of Survey Marker prior to ‘restoration’.
- Photo of Survey Marker after “restoration”.
- Aerial Photo site plan showing Lots 20, 30 and 31 DP253488 and laneway to the west.

