



ABN : 11 607 533 862

Ms Diane Sawyers
Mid-Western Regional Council
86 Market Street Mudgee.
Mudgee NSW 2850

our ref: 23.055
20 October 2022

Via email : diane.sawyers@midwestern.nsw.gov.au

Dear Ms Sawyers

Public Hearing – Red Hill, Gulgong Plan of Management

A Public Hearing pursuant to Section 40A of the *Local Government Act 1993* was conducted in Mudgee on 6 September 2022 in relation to Red Hill, Gulgong Plan of Management.

Please find attached my report

I note that a copy of this report should be made available to the public within four (4) business days in accordance with Section 47(G)(3) of the *Local Government Act 1993*.

Yours Faithfully,

Craig Barnes
Native Title Manager
Managing Director
Lands Advisory Services Pty Ltd

Public Hearing Report – Red Hill Cottage, Gulgong

1. Introduction

Craig Barnes, Managing Director, Lands Advisory Services Pty Ltd was engaged to independently chair a public hearing and prepare a public hearing report in relation to a proposed Plan of Management which would have the effect of categorising, community land held by Mid-Western Regional Council.

The draft Plan of Management relates to land known as Red Hill Reserve, Gulgong and proposes the categorisation of Lot 1 DP 758482 as an Area of Cultural Significance.

The draft Plan of Management was publicly exhibited commencing 26 August 2022 and the exhibition period concluded 23 September 2022. Submission to the exhibition closed 7 October 2022.

Notice to the public hearing was given 26 August 2022 and the public hearing was conducted at the Administration Services Centre Mid-Western Regional Council, 86 Market Street Mudgee on Tuesday, 6 September 2022 at 10am to 11.30am.

This public hearing report has been prepared in accordance with Section 40A of the *Local Government Act 1993*.

2. Statutory Context

All public land under the care and control of Council must be managed in accordance with *the Local Government Act 1993* (The Act). Public land is defined in the Act as any land (including a public reserve) vested in Council, or under Council control. Public land is managed by Council under the Act based on its classification.

The Act requires:

- Council to classify the public land as “operational” or “community” (under Section 25) and that a Plan of Management (PoM) must be prepared (under Section 36) establishing the category of the land. The PoM defines the objectives and performance targets and the manner and means by which they will be achieved.
- that community land be categorised within one of the following categories - a natural area, a park, a sportsground, an area of cultural significance, or for a general community use.
- A PoM can be prepared for more than one parcel of land (generic or geographic) or for a single property significant or specific.
- Prior to Council adopting a PoM, it must be placed on public exhibition for at least 28 days. The period in which written submissions can be received is not less than 42 days from the first day of public exhibition (under Section 38).

- A public hearing must be held, in accordance with the requirements of Sections 40A(1) and 47G of the Act if community land is intended to be either categorised or re-categorised.

Section 40A(1) provides that:

The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4).

Section 47G provides that:

- (1) *In this section, public hearing means any public hearing required to be arranged under this Part.*
- (2) *The person presiding at a public hearing must not be—*
 - (a) a councillor or employee of the council holding the public hearing, or*
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*
- (3) *Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.*

As the draft Plan of Management Red Hill Reserve, Gulgong provides a new category for the land, as an Area of Cultural Significance, a public hearing is required.

For the purposes of Section 47G of the Act, Craig Barnes is not and never has been an employee or councillor of Mid-Western Regional Council.

3. Subject Land

Council has prepared the draft Plan of Management over Red Hill Reserve, Gulgong which includes a number of land parcels.

The public hearing relates only to Lot 1 DP 758482 and the proposed new category for the land, as an Area of Cultural Significance or its predecessors.

4. Public Exhibition

The draft Plan of Management was publicly exhibited commencing 26 August 2022 and the exhibition period concluded 23 September 2022. Submission to the exhibition closed 7 October 2022.

Interested parties were notified of the exhibition via:

- A notice posted on Council's website
- The Mudgee Guardian newspaper

The draft Plan of Management could be viewed at Council's Administration Services Centres at Mudgee, Gulgong and Rylstone or online on Council's website.

Three written submissions were received with two from the same person.

5. Public Hearing

Council arranged a public hearing for the proposed Plan of Management – categorisation on 6 September 2022 at 10.00am at Council's Administration Services Centre at 86 Market Street Mudgee.

Council placed the information on the proposed public hearing upon the "on exhibition page" of the Mid-Western Regional Council website.

Council confirmed that an advertisement was placed in the Mudgee Guardian newspaper advising of the public hearing in accordance with the relevant legislation.

The public hearing was conducted in accordance with Clause 40A of the *Local Government Act 1993*.

The public hearing was chaired by Craig Barnes

The following Council staff attended:

- Ms Diane Sawyers
- Mr Ian Clayton

No members of the community attended the public hearing.

The public hearing followed the ensuing protocol:

- Welcome and introduction to the public hearing by the chairperson
- Plan of Management – a general overview
- Consultation requirements
- Overview of the site proposed for new land category (Area of Cultural Significance).
- Concluding remarks and comments on next steps from chairperson
- The public hearing concluded at 11.30am.

6. Community Public Hearing Submissions

The public hearing was attended by no community members.

No member gave a public verbal submission on the Plan of Management or lease.

A copy of the minutes of the public hearing forms Attachment 1.

7. Conclusion and Recommendations

In conclusion, I have carefully considered the issues surrounding the Plan of Management and categorisation of Red Hill Cottage (Lot 1 DP 758482). No submissions were received. It is my considered opinion that the categorisation of Red Hill Cottage as an Area of Cultural Significance is unopposed.

Note: A copy of this report should be made available to the public within four (4) business days in accordance with Section 47(G)(3) of the *Local Government Act 1993*.



Craig Barnes
Managing Director
Lands Advisory Services Pty Ltd

Attachment 1

PUBLIC HEARING – Plan of Management – Red Hill Reserve Gulgong

HEARING – 6 September 2022 at 10.00 – 11 .30am
Council's Administration Services Centre
at 86 Market Street Mudgee.

Minutes of Public Hearing 6 September 2022.

1. Hearing commenced at 10.00am.
2. Hearing Attendees

Council

- Mr Craig Barnes
- Ms Diane Sawyers
- Mr Ian Clayton

Community Attendees

Nil

Apologies

Nil

3. Hearing opened and chaired by Craig Barnes

Mr Barnes opened the hearing and gave a brief overview of the Plan of Management and the categorisation of Red Hill Cottage as an Area of Cultural Significance.

4. Questions and Submissions from the Community

Mr Barnes opened the hearing to public comment and questions. There were no community attendees at the meeting.

5. Hearing closed at 11.30am

Mr Barnes closed the hearing at 11.30am