

Report by Lisa Crothers Independent Chair of the Public Hearing in Respect of the Draft Preparation of the Draft Plan of Management for Community Land within Bourke Shire Council generally known as the Golf Club Precinct and formally Identified as Western Land Lease Number 9618

Background

I was asked to Chair the Public Hearing which was convened in accordance with Section 40A and 734 of The Local Government Act 1993.

Specifically these provide as follows

Section 40A of the Local Government Act provides the following in relation to Public Hearing for proposed Plans of Management

- (1) 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).
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36 (5).
- (3) A council must hold a further public hearing in respect of the proposed plan of management if:
 - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36 (4) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

Section 734 of the Local Government Details the requirements in relation to a Public Hearing by a Council

(1) This section applies to a public hearing that by this Act (section 29(1) expected) is required to be arranged by a council with respect to many matter.

(2) The public hearing is to be conducted in such manner as is determined by the council, subject to this Act and the regulations.

(3) A report of the public hearing must be furnished to the council and the council must make the report public.

(4) The council must consider the report before making any decision with respect to the matter to which it relates.

Presiding Person

Section 47G (2) of the Local Government Act provides that the person presiding at a public meeting 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 during the 5 years before the date of his or her appointment.

This in part explains my role as an independent chair

The Hearing Generally

The hearing was held at 5.00pm on Tuesday 18th December and despite being advertised in the Local Press and on Councils Website the attendance was restricted to the General Manager of Bourke Shire Council Ross Earl, The Manager of Corporate Service Leonie Brown and Meredith Thompson and Charlotte Finch who are staff members of Bourke Shire Council.

Despite the lack of attendance from the general public the hearing proceeded in accordance with the provisions of the Act.

The Format

Following an explanation of the reasons necessitating the conduct of the Public Hearing I asked the General Manager Ross Earl to detail the things that would to be covered and these included

- a. An explanation as to the classification of land
- b. The difference between Operation and Community land
- c. Requirements for the Preparation of Draft Plans of Management in respect of Community Land
- d. Contents of Draft Plans of Management
- e. The Local Government provides an outline of the matters to be considered as part of the Draft Plan of Management and the draft plan as presented address those requirements.

- f. One of those provision is that the draft plan should give the express authority to be able to lease the Community Land to which it refers
- g. Concurrent with the preparation of the Draft Plan of Management is the proposed lease the buildings known as the Old Golf Club and The New Pre-School Building to Bourke and District Children's Services (BDCS)
- h. Essentially the process is looking to formalise what is currently occurring.
- i. The proposed leases will also provide BDCS some security of tenure to enable them to seek grant funding for improvements

Submissions and Queries

All present were advised that they would be able to make verbal or written submissions on the Draft Plan of Management following these guidelines

In order to ensure that the hearing proceeds in an organised manner, I requested that all attendees note the following principles

1. Submissions on any matters that are not related to the draft plans of management will not be accepted or heard.
2. Submissions will generally be restricted to a maximum of ten (10) minutes per person for each draft management plans.
3. People are encouraged to accompany any verbal submissions with a written submission. Written submissions should be submitted to the chairperson at the time that any verbal submission is being made.
4. All verbal and written submissions must include the following information:
 - The name of the person making the submission.
 - If they represent a group of people or an organisation, the name of the group or organisation.
 - The parcel of land to which their submission relates.
 - Whether they do, or do not, support the draft plan of Management.
 - The reasons for supporting, or not supporting, the Draft Plan of Management.

Following the comprehensive presentation by Mr. Earl I asked if there were any questions in relation to the Plan of Management which had been developed and save for a query in relation to the condition of the assets there were none.

Closing date for Written Submissions

I reminded those present that submissions will be received by Council up until 5.00pm on Wednesday 16th January 2018 and should be addressed to the General Manager Bourke Shire Council P.O. Box 21 Bourke 2840.

Thank you for the opportunity to act as Chairperson for this Public Hearing. Notwithstanding the lack of numbers it did provide the opportunity for community input and conduct along similar lines to that as would have occurred with a larger attendance

Lisa Crothers

13th January 2019