



Reclassification of Public Land at Commercial  
Street, Walla Walla

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# Contact

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# 1. Introduction

This report has been prepared by David Hunter, Town Planner and Director of Habitat Planning, in relation to a Public Hearing held on Tuesday 31 October 2023 regarding a Planning Proposal To Reclassify Part of Council Owned Land at 1 Commercial Street Walla Walla NSW 2659 on Lot 5812 DP 1181658.

Greater Hume Shire Council are in receipt of a Planning Proposal to reclassify a portion of Council owned land located at 1 Commercial Street, Walla Walla (known as Lot 5812 DP 1181658, which seeks to reclassify the land from “Community Land” to “Operational” Land.” The Planning Proposal has been made by a private landowner of the adjoining property, who seeks to ultimately consolidate this parcel with their existing land holding.

The Department of Planning and Environment issued a Gateway Determination (for Planning Proposal ref PP-2023-1630) which included a requirement for a Public Hearing to be held pursuant to Section 3.34(2)(e) of the Environmental Planning and Assessment Act (“the EP&A Act”). The need for a Public Hearing into such a proposal is a requirement of Section 29(2) of the NSW Local Government Act 1993 (“the LG Act”).

David Hunter was appointed by Council to conduct the Public Hearing being a person meeting the requirements of Section 47G(2) of the LG Act. Specifically, this requires that the person conducting the Public Hearing who has not held the position of Councillor or been an employee of the Council within the past five years.

## 2. Subject Land

The subject site to which the proposed land reclassification relates is described as part of Lot 5812 DP1181658 and comprises a narrow rectangular strip of land with an area of approximately 456m<sup>2</sup> which fronts Commercial Street on the western boundary.

The lot, in its entirety, comprises a much rectangular shaped parcel at the southern extent of the Walla Walla Recreation Ground with an area of 1.062ha. The portion of land that is sought to be reclassified effectively forms a 'battle-axe' handle of the subject land to Commercial Street.

The site is noted as being undeveloped of any buildings or works, and contains a row of planted trees, which continue along the southern boundary of Lot 5812

A map showing Lot 5812 DP1181658 is provided below, noting that the portion that is subject to the Planning Proposal and reclassification is the western strip of land abutting Commercial Street.



**Figure 1 – Aerial view and location of subject parcel**

### 3. Public Land Classification

The subject land is currently classified by Council as 'community' under the LG Act.

The LG Act requires all public land under the control of Council to be classified either 'community' or 'operational' land. In simple terms, 'community land' is used to identify land managed by Council for a public use, such as a library or park. 'Operational land' is used to identify land owned by Council but used to generate a commercial return (including its sale). Consequently, for the subject land to be sold to a third party, as is sought in this instance, it must be classified accordingly.

In this instance, the process for undertaking the land reclassification is via an Amendment to the Greater Hume Local Environmental Plan 2012.

## 4. Public Hearing

### 4.1. Overview

When a proposal is made to reclassify land from “Community” Land to “Operational” Land, Council is required to convene an independent Public Hearing under the legislative provisions of Section 29 of the LG Act, Section 3.34(e) of the EP&A Act and the Community Consultation provisions of the Environmental Planning and Assessment Act 1979 and the transparency process provisions of the NSW Department of Planning LEP Practice Note.

The purpose of the Public Hearing is to enable the community to provide additional information regarding the re-classification and raise any issues regarding the matter.

The independent Chair, David Hunter, was appointed by Council to conduct the Public Hearing being a person meeting the requirements of Section 47G(2) of the LG Act.

The Public Hearing was conducted at the Walla Walla Sportsground, William Street, Walla Walla at 5.30 pm on Tuesday 31 October 2023.

### 4.2. Attendance

In attendance at the hearing were:

- David Hunter, as meeting Chair
- Colin Kane, Director Environmental & Planning, Greater Hume Shire Council
- Gayan Wickramasinghe, Town Planner, Greater Hume Shire Council

The Public Hearing commenced at 5.35pm with a welcome and introductory comments relating to the purpose of the Public Hearing, the reclassification process as well as the conduct of the hearing and approach to how submissions may be made.

Those in attendance at the meeting were then invited to make verbal presentations to the Public Hearing. Five (5) persons then made verbal submissions to the hearing, being:

- Daniel Nadebaum – It was indicated by the speaker that he was a Director of PJN and was making submissions on behalf of the proponent in the matter.
- Alan Odewahn – It was indicated by the speaker that he was the President of Walla Walla Sportsground Committee
- Anjay Williams
- Karen Wenke
- Wes Cunningham

### 4.3. Submissions

There were a number of submissions made at the hearing, with some speakers indicating support for the proposal and others expressing objection to the proposal.

Daniel Nadebaum presented as Director of PJN and indicated that he represented the proponent of the Planning Proposal, and made the following submissions:

- Identified that the intent of the Planning Proposal and reclassification is for the adjacent business to be able to purchase the narrow extent of land and consolidate into an adjacent lot, which is being proposed to the south of the subject land, which will enable them to expand their business.

- Believes that the laneway between the properties is not ideal for community access and believes that there are other opportunities to access the sportsground area.
- As it is only a pedestrian laneway, it is not considered suitable as an emergency access space. It also relies on having to access and cross PJN's entry crossover.
- Sportsground is Bushfire place of last resort and needs a better second point of access that can be accessed by vehicle. Believes this space does not provide that purpose.
- Advised that PJN approached the Walla Walla Sportsground committee as they were aware the proposal would impact them. PJN Spoke with committee and put forward the idea of them providing a new access point to replace the land being removed from community land.
- Sportsground committee appeared to be in support of the proposal.

Alan Odewahn presented and indicated that he was speaking in capacity as the President of the Walla Walla Sportsground Committee. He made the following submissions:

- Believed that Daniel Nadebaum had explained the context well and he agreed with the background and discussions that had occurred to date.
- He confirmed that the Sportsground Committee is supportive of the proposal, provided that there is negotiation and agreement for a second access to the Sportsground.
- It was questioned that if the land was not purchased, would the laneway remain. In response, Daniel Nadebaum advised that if the laneway was not possible to purchase, PJN would not have a practical use for that land.

At the conclusion of his verbal submissions, Mr Odewahn asked a question. He sought clarification about what would happen to the subject land (laneway) in the event the subdivision to the south did not occur and/or the proponent did not purchase the land. Daniel Nadebaum (as representative for the proponent) explained that if the subdivision to the south did not proceed, they would have no practical use for the subject land (laneway) and would not purchase the land from Council. Colin Kane also advised that if the land was not sold, it would remain with Council.

Colin Kane also advised Mr Odewahn that if the land was to be purchased, the process for adding this land to the adjacent property would most likely include the proponent undertaking a consolidation of titles..

Anya Williams, a local resident, also made verbal submissions to the Public Hearing:

- Hasn't seen any plans or information that the proponent had spoken about, other than the Planning proposal documentation.
- Is concerned that there is no clarity on where a second access point is to be located and that this has not been detailed.
- Believes that there is an opportunity to extend an existing road to access the Sportsground
- As an alternative to reclassifying and selling the land, it could be expanded and made into a more functional space for access and movement. Believes that the space is used by walkers and persons on horses. Better access could be provided all the way to the Sportsground.
- Concerned that the planted the trees along the land will be removed and there is a local historic connection to these planted trees..
- If PJN buys the land and takes up the full extent of the land, it will be dominant use at the frontage.
- Concerned that the proposal will lead to the loss of land and potential prohibit the potential for new retail, commercial and community outlets.
- Doesn't want industrial buildings to dominate the central area of Walla Walla. All the main shops should be in the centre of town and there should be a focus on retail and commercial uses rather than industrial.
- However, doesn't want industrial businesses to be lost. Rather they need to be carefully considered in context for the growth of the town.



- Industrial development is loud and will impact the residential,
- Industrial growth is impacting the ability for purchase of land in adjoining residential areas, specifically in that lenders are less likely to provide finance for properties in close proximity to industrial uses..
- The proponent's Planning Proposal states that the laneway was rarely used. Believes this is not correct and that 1-4 persons on average move through the lane regularly.

Karen Wenke, a local resident, also made verbal submissions to the Public Hearing:

- Her husband is the local Fire Captain and they have a good understanding about the bushfire and safety risks for the town. Believe that issues regarding access and fire safety are important.
- If there is going be a second access, where is this to be located. Is concerned about the risks to persons in the town and immediate area.
- Has spent a lot of time researching the history of Walla and understands the area well. Believes that residents and visitors want to see and experience the unique components and areas of Walla Walla.
- Is concerned that there does not appear to be a strong town plan and questions whether this plan is being implemented.
- Walla Walla needs more infrastructure and shops to be established to assist with growth.
- Not sure that expanding industrial development along the main street is the best outcome for the town.

Wes Cunningham, a local resident, also made verbal submissions to the Public Hearing:

- Believes that Walla Walla has been very successful largely as a result of industrial growth and development. The businesses in Walla Walla have contributed to this.
- Supports the growth of industrial uses and considers that Walla Walla won't remain competitive without the continued growth of industry.
- Believes that commercial uses can still be carried out in the town in addition to industrial uses.

There were no further persons in attendance wishing to address the Public Hearing.

The Chair asked if there were any further questions or comments prior to the close of the Public Hearing.

The proponent requested an opportunity to answer a number of questions that had been raised by other speakers. The other speakers agreed and the Chair allowed Daniel Nadebaum further time to answer questions of clarifications that had been raised.

At the completion of the verbal submissions, the Public Hearing was formally closed at 6.05pm.

## 5. Conclusion

This report has been prepared by the independent Chair of the Public Hearing as a record of the hearing and the submissions made by those in attendance.

A copy of this report on the outcomes of the Hearing is to be made available for inspection by the public no later than four days after it has received the final report from the person presiding at the Hearing. This report will also be presented to Council and form part of the assessment considerations for the progression of the Planning Proposal and reclassification process.

In conclusion, this report fulfils Council's obligations for a Public Hearing under Sections 29(1) and 47G of the LG Act in regards to the reclassification of land.