



Business Papers 2025

MID-WESTERN REGIONAL COUNCIL

**SEPARATELY ATTACHED ATTACHMENTS
WEDNESDAY 16 JULY 2025
BOOK 1**

*A prosperous and progressive
community we proudly call home*



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Mid-Western
Regional Council

Code of Conduct

2025

Based on the Model Code of Conduct
for Local Councils in NSW 2020

Adopted: C/M [16/07/2025](#) Min. No. [1000000](#)

MID-WESTERN REGIONAL COUNCIL CODE OF CONDUCT 2022

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Part I: Introduction

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Introduction

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Part 2: **Definitions**

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Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>

Definitions

mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 3: General Conduct Obligations

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General Conduct Obligations

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'

General Conduct Obligations

- e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

Work Health and Safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.
-

General Conduct Obligations

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
 - a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

Part 4: Pecuniary Interests

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Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

Pecuniary Interests

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

Pecuniary Interests

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the

council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

Pecuniary Interests

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 required to be lodged with the general manager under clause 4.21 (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21 (c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and

Pecuniary Interests

lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

Pecuniary Interests

- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

Part 5: **Non-Pecuniary Conflicts of Interest**

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Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-

pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The

Non-Pecuniary Conflicts of Interest

strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.

- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as

Non-Pecuniary Conflicts of Interest

If you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.**5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.**

- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.**Loss of quorum as a result of compliance with this Part****5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:**

- a) the matter is a proposal relating to:
 - ii) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or

Non-Pecuniary Conflicts of Interest

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

Part 6: **Personal Benefit**

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Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

Personal Benefit

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

Personal Benefit

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

Part 7:
**Relationships Between
Council Officials**

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Relationships Between Council Officials

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Relationships Between Council Officials

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

Part 8: **Access to Information and Council Resources**

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Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Access to Information and Council Resources

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

Access to Information and Council Resources

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others,
 - or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.22 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.23 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.24 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.25 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.26 Councillors and administrators must ensure that when they are within a staff-only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

Part 9:
**Maintaining the Integrity
of this code**

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Maintaining the Integrity of this Code

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Maintaining the Integrity of this Code

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

Schedule I:
**Disclosures of Interest and
Other Matters in Written
Returns Submitted Under
Clause 4.21**

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Schedule 1

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person

Schedule 1

- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

Schedule 1

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and

Schedule 1

- b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Schedule 1

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule: *close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Schedule 1

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
 - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or

Schedule 1

- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2:
**Form of Written Return
of Interests Submitted
Under Clause 4.21**

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Schedule 2

Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by

Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Schedule 2

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*
as at *[return date]*

in respect of the period from *[date]* to *[date]*

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
--	--------------------

B. Sources of Income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

Schedule 2

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**G. Positions in trade unions and professional or business associations**

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Schedule 3:
**Form of Special Disclosure of
Pecuniary Interest Submitted
Under Clause 4.37**

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Schedule 3

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the *Model Code of Conduct*).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the *Model Code of Conduct*) has in that person's principal place of residence.

Clause 4.3 of the *Model Code of Conduct* states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the *Model Code of Conduct* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Schedule 3

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest

Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)

Relationship of identified land to the councillor

[Tick or cross one box]

- ☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- ☐ An associated person of the councillor has an interest in the land.
- ☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest ¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ²

[Tick or cross one box]

- ☐ The identified land.
- ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Schedule 3

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person

[Insert one of the following:

*"Appreciable financial gain" or
"Appreciable financial loss"*

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



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Mid-Western
Regional Council

Code of Meeting Practice

2025

Based on the Model Code
of Meeting Practice for Local
Councils in NSW 2021

Adopted: CM TBA Min TBA

MID-WESTERN REGIONAL COUNCIL CODE OF MEETING PRACTICE 2022**MID-WESTERN REGIONAL COUNCIL**

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DISCLAIMER

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2025

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Part 1: **Introduction**

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Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

Mid-Western Regional Council adopted this Model Code of Meeting Practice on 14 December 2022 Min. No. 363/22

Part 2: **Meeting Principles**

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Meeting Principles

2.1 Council and committee meetings should be:

Transparent	Decisions are made in a way that is open and accountable.
Informed	Decisions are made based on relevant, quality information.
Inclusive	Decisions respect the diverse needs and interests of the local community.
Principled	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful	Councillors, staff and meeting attendees treat each other with respect.
Effective	Meetings are well organised, effectively run and skilfully chaired.
Orderly	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Part 3:
Before the Meeting

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Before the Meeting

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:

The third Wednesday of each month, excluding the month of January at the Mid-Western Regional Council Chambers, 86 Market St Mudgee NSW 2850. The Council meeting opens at the conclusion of the public forum.

Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.
- 3.4 For the purposes of clause 3.2, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.2, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.
- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted seven (7) business days before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or

Before the Meeting

policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of

Before the Meeting

the item of business, any such exclusion to the next meeting of the council.

- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.22 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.
- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.
- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.
- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

Before the Meeting

- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may

Part 4: **Public Forums**

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Public Forums

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4pm on the day before the date on which the public forum is to be held, and must identify the topic that the person wishes to speak on. If the speaker's topic is on the meeting agenda the speaker must advise whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than two (2) topics.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than four (4) speakers are to be permitted to speak on the same topic.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs by 4pm the day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 5 minutes to address the council. The chairperson may provide an additional 1 minute. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to two (2) minutes. The chairperson may provide an additional one (1) minute.

Public Forums

- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to two (2) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Part 5:
Coming Together

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Coming Together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- 5.10 A meeting of the council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.

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- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

Attendance by councillors at meetings by audio-visual link

- 5.16 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.17 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.18 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.17.
- 5.19 The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.20 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.21 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and

Coming Together

- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.22 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.23 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.24 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.25 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.26 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times

during the meeting except as may be otherwise provided for under this code.

- 5.27 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.28 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- 5.29 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.30 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Webcasting of meetings

- 5.31 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.32 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

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- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.33 The recording of a meeting is to be made publicly available on the council's website:
 - (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.34 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.35 Clauses 5.21 and 5.22 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- 5.36 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 5.40 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

Attendance of the general manager and other staff at meetings

- 5.37 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- 5.38 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- 5.39 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Part 6: **The Chairperson**

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The Chairperson

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.
- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
 - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
 - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Part 7: **Modes of Address**

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Modes of Address

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

Part 8:
**Order of Business for
Ordinary Council Meetings**

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Order of Business for Ordinary Council Meetings

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

Part 9:
**Consideration of Business
at Council Meetings**

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Consideration of Business at Council Meetings**Business that can be dealt with at a council meeting**

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.9, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in

clause 9.3(a) can speak to the motion before it is put.

- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Consideration of Business at Council Meetings

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is

put, they may take it on notice and report the response to the next meeting of the council.

- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Part 10:
Rules of Debate

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Rules of Debate

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further

Rules of Debate

amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

Rules of Debate

- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Part 11: **Voting**

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Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.
- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.9 Clauses 11.4–11.6 apply also to meetings that are closed to the public.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

Part 12:
Committee of the Whole

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Committee of the Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

Part 13:
**Dealing with Items by
Exception**

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Dealing with Items by Exception

Section

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

Part 14
**Closure of Council
Meetings to the Public**

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Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Closure of Council Meetings to the Public

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.
- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4pm on the day before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than four (4) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.

Closure of Council Meetings to the Public

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four (4) speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed 5 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if

necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Resolutions passed at closed meetings to be made public

14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

13.22 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

Part 15:
Keeping Order at Meetings

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Keeping Order at Meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately as it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is

made on the motion of dissent.

- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Keeping Order at Meetings

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16 A councillor may, as provided by section 10(2) (a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

Keeping Order at Meetings

- 15.22 Without limiting clause 15.17, a contravention of clause 15.21 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Part 16:
Conflicts of Interest

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Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Part 17:
Decisions of the Council

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Decisions of the Council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.
- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.
- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than one (1) day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Decisions of the Council

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

Part 18:
**Time Limits on Council
Meetings**

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Time Limits on Council Meetings

- 18.1 Meetings of the council and committees of the council are to conclude no later than 10pm.
- 18.2 If the business of the meeting is unfinished at 10pm the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 10pm, and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
 - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Part 19: **After the Meeting**

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After the Meeting

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.
- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.
- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Part 20: **Council Committees**

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Council Committees

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.

- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Council Committees

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council

or the committee determines otherwise in accordance with this clause.

- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Council Committees

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

Part 21: **Irregularities**

*Good
Government*

Irregularities

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Part 22: **Definitions**

*Good
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Definitions

the Act	<i>means the Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	<i>means the Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June



BALLI HIGH PLANNING PROPOSAL

23 HILL END ROAD CAERLEON



Provide pipeline opportunity for residential housing

Minimise impact to road corridor and entry to Mudgee

Support diversity in housing opportunities in line with the adopted strategic framework



The report has been prepared to address the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning & Environment’s guideline titled: Local Environmental Plan Making Guideline (August 2023).

For the purposes of the Guideline, the application is considered as a 'Standard' Planning Proposal as it relates to the rezoning of lots to R1 General Residential, consistent with the recommendations of the Mudgee and Gulgong Urban Release Strategy 2023 Update.

Document Control

Version	Date	Document	Provided to
00	18 Jan 2025	Draft for client review	S Baskerville
001	23 May 2025	For Lodgement	
002	26 Jun 2025	Revise Timeline	MWRC



Introduction 'Balli High' Planning Proposal

Proponent – **Shirley Baskerville**

Subject Land – **"Balli High" 23 Hill End Road CAERLEON**

Title – **Lot 1 DP706730**

Proposed site specific LEP amendment –

Amend RU1 Primary Production zoned land to R1 General Residential

The Planning Proposal has been prepared by Emma Yule t/a Atlas Environment and Planning on behalf of the landowner. This Proposal is submitted to Mid-Western Regional Council seeking an amendment to the Mid-Western Regional Local Environmental Plan 2012 as it relates to Lot 1 DP706730 known as 'Balli High', Caerleon.

The land has frontage to the Castlereagh Highway and Hill End Road and adjoins serviced land zoned R1 General Residential. The site adjoins land referred to as the Caerleon Estate and has frontage to Knox Cr in this estate. The subject site includes approximately 7.69ha of land. The subject property supports one residence and associated home business, with outbuildings. It is proposed that this property be rezoned to allow future residential development as R1 General Residential zoned land.

The development concept seeks to subdivide initially to separate the main vacant land from the established house and surrounds.



Figure 1 - Site Location

(Source: SIXMAPS)



Figure 2 - Site Location (Source: Google Earth)

Supporting Plans and Documentation

The Planning Proposal has been prepared with reference to preliminary supporting documents and investigations:

- Development concept plans prepared by Jabek Pty Ltd (registered surveyor).
- Land Use Conflict Risk Assessment prepared by Atlas Environment and Planning.
- Sketches for consistency with Mudgee and Gulgong Urban Release Strategy Update (2023).

As a proponent-initiated proposal, made by the landowner, it is requested that Council accept this document and supporting documentation that explains the intended effects of the proposed LEP amendment. It is sought that the Council support the amendment and forward to the Department for a Gateway Determination. It is requested that where further site-specific studies or investigations are sought to be provided, these be conditional or deferred to the Development Application stage. As a staged approach is proposed to the proposal to allow the undeveloped land to be transferred to a developer.

**Proposal to amend the Mid-Western Regional Local Environmental Plan 2012.**

The Mid-Western Local Environmental Plan 2012 (MWLEP) is the relevant local environmental planning instrument. Current zoning and min. lot size: RU1 Primary Production (100ha) pursuant to the MWLEP.

Proposed zoning and min. lot size: R1 General Residential (600m²)

The land has specific opportunity for development that will meet the growing needs of the LGA and takes into consideration the need to maintain housing choice and diversity.

Existing development and uses

The property is situated approx. 4.2km (5 mins) from the Mudgee Post Office on the Castlereagh Highway and the transition from rural to the urban boundary is marked by this land. The land adjoins developed R1 General Residential zoned land (Caerleon Estate). The land supports one existing dwelling within the property known as 'Balli High'. The Land Use Conflict Risk Assessment (LUCRA) documents the existing and surrounding site conditions in context of the broader primary production land. The existing built structures are contained to approx. 1ha western area of the site as currently fenced, the remaining land is pasture with farm dam. The eastern boundary is formed by the disused Wallerawang Gwabegar Railway line, zoned SP2 Rail Infrastructure Facilities.

Surrounding development and uses

Due to the close vicinity to the urban area of Mudgee and historical development patterns, the surrounding land has mixed lot sizes and occupation pattern. The residential connection occurs to the south/southwest with the rural land use pattern to the north and east impacted by the Highway and Railway land. RU4 Primary Production Small Lot zoned land occurs which is occupied, as well as the RU1 Primary Production zoned land with the Mudgee Honey Haven (tourism related) development. Most land uses are extensive agricultural or rural residential in nature.

Site Features

The development land is not subject to any known restrictive easements or covenants, with no known servicing easements (to be confirmed). The site topography is generally level terrain with road frontage to a main road, with no substantial road side vegetation, and no natural watercourses occurring within the property. These topographic features were identified in a site analysis prior to the proponent initiating the Proposal, and investigation by registered surveyor. Avoiding impact to any identified sensitive parties (including limited impact on existing residents, and primary producers) and limiting potential impact to the rail and road reserves and traffic have been considered as key limiting factors identified as key constraint to available land suitable for development or would potentially have impact on lot yield.



PART 1 - Objectives and intended outcomes.

Objective

To amend the Mid-Western Regional Local Environmental Plan 2012 to facilitate subdivision of the subject land for the purpose of additional residential lot opportunities.

Intended outcomes

- *Provide opportunity for future housing in Mudgee;*
- *Implement the adopted Strategy of Mid-Western Regional Council to ensure appropriate supply of residential land for the future;*
- *Minimise impact to road corridor and entry to Mudgee;*
- *Support diversity in housing opportunities in line with the adopted strategic framework.*

The land falls within the urban release area (URA) referenced as M21 in the Mudgee and Gulgong Urban Release Strategy 2023 Update. The Strategy recommended that Council should consider rezoning M21 to general residential in the mid-late 2020s. The proposal seeks to implement and support a vision for future residential opportunities in close vicinity to Mudgee.

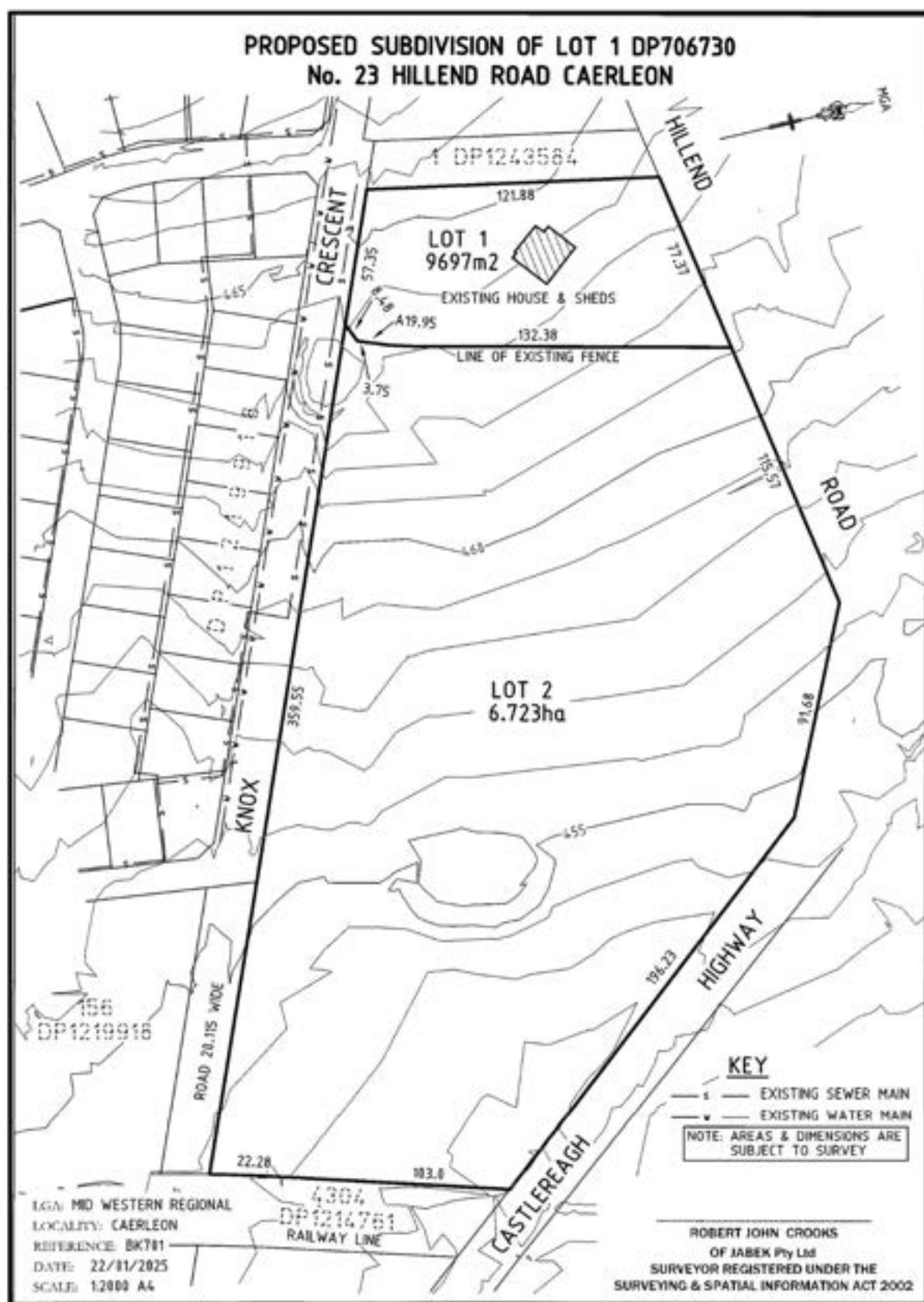
The site is subject to provisions of the Mid-Western Regional Local Environmental Plan 2012. It is proposed to rezone the subject land from RU1 Primary Production to R1 General Residential to enable the land to be developed for future housing opportunities.

The future development concept involves:

1. Phase 1 - The creation of two (2) Torrens title lots from the one (1) existing title (Lot 1 DP 706730). One vacant lot for future residential subdivision (Lot 2 = 6.72ha); and one lot to contain the existing dwelling and out buildings (Lot 1 = 9750m²). It is proposed that this first step to future subdivision does not require the connection to reticulated sewerage, water is available currently. The vacant Lot 2 could then be further developed in future separately. (Refer to plan below).
2. Phase 2 - The development concept is supported by a potential layout demonstrating future residential subdivision with new roads. (Refer to separately attached plans). Preliminary work towards identification of a future layout shows:
 - a. The concept Lot 1 is able to be subdivided to create 1 lot with existing dwelling, and outbuildings. Additional 3 lots has been demonstrated, as potential future opportunity.
 - b. The concept Lot 2 is conducive to producing 41 vacant residential lots with new road, serviced and based on appropriate dwelling sites, boundary setbacks, suitability for buffers to existing infrastructure.

Potential subdivision requires site-specific mapping amendments to the Mid-Western Regional Local Environmental Plan 2012.

- ❖ The Mid-Western Regional Local Environmental Plan 2012 has partially migrated to digital mapping. An amendment to the **Land zoning** is proposed.
- ❖ An amendment to the Mid-Western Regional Local Environmental Plan 2012 **Lot Size Map** - Sheet LSZ_006 is required (proposed min lot size 600m²).





PART 2 - Explanation of provisions

This section provides a statement of how the objectives & intended outcomes will be achieved by amending the Mid-Western Regional LEP 2012.

- Amend LEP mapping to change land zoning applicable to Lot 1 DP706730.
 - New R1 General Residential zoning to be applied.
- Amend LEP mapping to change lot size applicable to Lot 1 DP706730.
 - Apply minimum lot size for rezoned land 600sqm.

(No new special provisions are proposed).

It is assumed that clause 6.9 Essential services will be able to be applied by Mid-Western Regional Council in the future development application for subdivision to permit the stage approach to provision of reticulated services, without need for any site -specific amendment.

Plans of a future **development concept for subdivision** are provided as a separate attachment (prepared by Jabek Pty Ltd). This is a preferred & feasible layout based on minimising impacts to surrounding land, providing adequate buffers to transport corridors and provides safe locations for new vehicular access and minimises interaction with identified potential environmental sensitivities.

The Mid-Western Regional Local Environmental Plan 2012 has partially migrated to digital mapping.

An amendment to the **Land zoning** is proposed as depicted in Map Section in this Planning Proposal document.

Table 1: Summary of Planning Proposal

	Current	Proposed
ZONING	RU1 Primary Production	R1 General Residential (RE1 Public Recreation for drainage and park/buffer reserve – at Council's advice)
Min. LOT SIZE	100ha	600m ² (Council to advise any min lot size for any future reserve land)
Special provisions		nil
Contribution Plan	Mid-Western Regional Contributions Plan 2019	Contributions to be levied in future under the adopted Plan - Mid-Western Regional Contributions Plan 2019
Key Considerations	No subdivision potential. Existing occupied - dwelling and depot for distribution business.	Implements the Mudgee and Gulgong Urban Release Strategy 2023 Update (URA – M21 part area) Concept layout yields 46+ new residential lots



PART 3 - Justification of Provisions

This section provides justification of strategic and potential site-specific merit, outcomes, and the process for implementation.

Strategic Merit

The proposal is responding to a demand for residential opportunities. This proposal has strategic merit supported by adopted Plans and Strategies. Strategic merit has been examined and suitability of the land for development has been demonstrated.

SECTION A – Need for the Planning Proposal

1. *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

Mid-Western Regional Local Strategic Planning Statement

The Mid-Western Regional Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use planning in the Mid-Western Regional Council local government area (Region).

Part of the subject land has been identified as a 'main entrance corridor' in the Mudgee Structure Plan (Figure 4 of the LSPS).

Planning Priority 2 - Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning, is relevant to this Planning Proposal. The LSPS acknowledges that Council's Urban Release Strategy guides decision making around the timing and type of future residential development in Mudgee and Gulgong.

Our Place 2040 – Mid-Western Regional LSPS supports the planning proposal through Planning Priority 2. This planning proposal aligns with and gives effect to the strategic framework that applies to the land.

The proposed rezoning of the land known as 'Balli High' supports this priority by contributing to housing variety in lot sizes and location to suit new residential opportunities aligned with the Urban Release Strategy.

Mudgee and Gulgong Urban Release Strategy 2023 Update

The Urban Release Strategy (URS) for the towns of Mudgee and Gulgong to guide decision making around the timing, location and type of future residential development. The Update to the URS was prepared by HillPDA Consulting for Council and updates the previous 2014 Strategy.

The Planning Proposal follows the adopted Mid-Western Regional Council Strategic Planning Document – Mudgee and Gulgong Urban Release Strategy 2023 Update prepared for Mid-Western Regional Council by HillPDA Consulting (July 2023). The site falls within the identified Urban Release Area M21, and the adopted strategy area identifies this land and services to facilitate development in the short to medium term.

Council's Strategy Update 2023 addresses how and where residential development is planned for as the Mid-Western Regional population grows. Residential development in planned and future serviced locations requires planning processes to proceed ahead of estimated delivery timing, to bring to fruition the assumed lot yield within an adopted timeframe. This proposal recognises the lead in time for implementation to occur. Also, that the rezoning under the Strategy for URAs is not likely to be Council led. The nature of proponent led planning proposals means that it is unlikely the total of the M21 area will be serviced and concurrently rezoned.

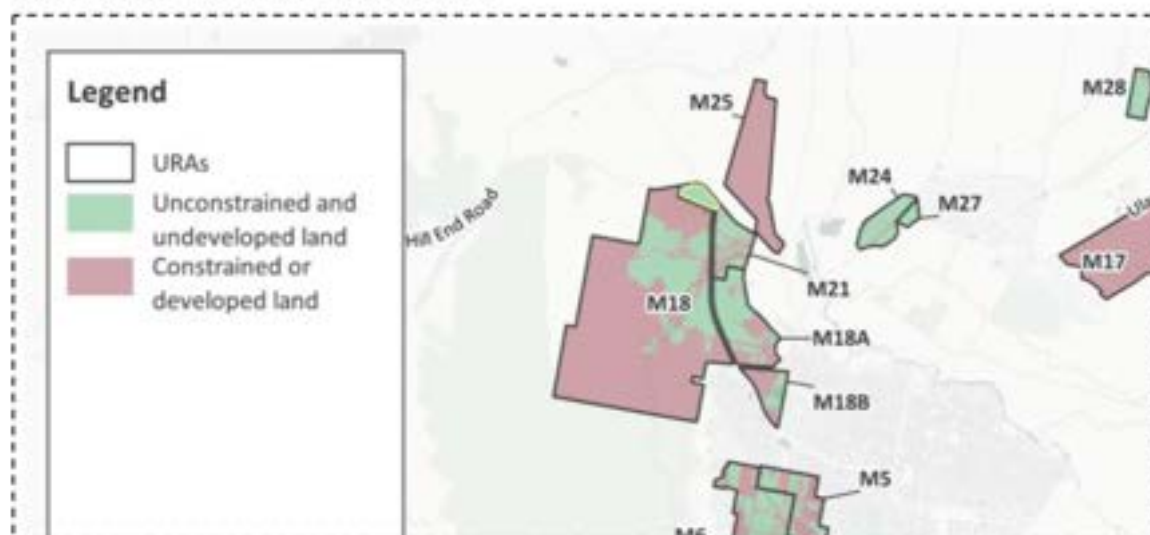


Figure 3- Excerpt from Figure 57: Remaining developable area, Mudgee URAs (2023 Update)

(Subject land bordered by yellow – part of M21 Unconstrained and undeveloped land).

The Mudgee and Gulgong Urban Release Strategy (2023 Update) prepared by HillPDA updates the 2014 Strategy of the same name. The timing for consideration of this land is noted as planned for mid to late 2020's (see table below). The proposal in 2025, is consistent with the Strategy timing. Developer investment and progression of servicing investigations, and technical studies is more feasible when an LEP amendment process is underway and supported by Council. Well-located housing options should be supported by staff with consistency with the Strategy. The concept plans demonstrate a staged approach to subdivision, and development; whereby the existing built development (dwelling and shedding etc) are separated in a lot from the main developable land (landowner development of existing lot into 2 resulting lots). Which is seen as an advantageous option to facilitate a future development.

Table 55: Lot supply capacity, Mudgee URAs (2023 Update) indicates that the Strategy recognises that the land (M21) has a possible 2 yrs. supply of general residential land with a possible 175 lots (based on yield of 8 lots per ha of unconstrained and undeveloped land). The preliminary subdivision concept designs have indicated that this may have been an overestimation, as the inclusion of riparian buffers and constraints reduces the available land further than estimated. The remaining land outside the subject site within URA M21 is affected by riparian corridor included on the Biodiversity Values Map, topography not suitable for development, railway buffer and drainage requirements that would not have been known or easily estimated.

The update to the URS, has also assessed supply of residential land in five-year blocks, providing an indication of when the residential land supply pipeline would need to be considered by Council. The



Strategy also adopts guiding principles to inform land release. This Planning Proposal is aligned to Principle 6: Maintain a supply buffer of residential land. The supply of general residential land with a 5-year buffer of supply, is acknowledged as likely to be exhausted, unless rezoning occurs in line with the suggested URS timing.

Servicing work is identified in the short term that are noted as affecting the timeframe for supply from URA M18, M18A and M21 (subject area). Refer to 2023 Update: Table 60: General residential land recommendations.

Recommendation		URA(s)	Timeframe	Supply impact
Topic	Detail			
Planning	Council has commenced water and sewer servicing modelling for Mudgee, to inform the future servicing of this area. To reflect this, the relevant land has been included as zoned and serviced.	M21	Medium term	This additional zoned and serviced supply has been included in the findings above.
	Council should consider rezoning M21 to general residential in the mid-late 2020s and also consider developing a master plan ensuring lot and dwelling typology diversity can be delivered.			
Servicing	Servicing works to facilitate future development in M21 could be undertaken as part of servicing works for M18 and M18A. This would enable a significant number of general residential lots to be released and development-ready, when required. Rezoning and full servicing should be a medium term plan, though efficiencies may be achieved if servicing works can be bundled.	M21	Short term	+175 general residential lots would be able to be progressed to zoned and serviced.

(refer to page 139 of 2023 Update)

The development concept has been based on a master planned layout involving the consideration of the larger identified M21 URA, as delineated in the Mudgee and Gulgong Urban Release Strategy 2023 Update. The subject land (Lot 1 DP706730) within M21, is not otherwise constrained or reliant upon other land being developed prior to release. The land has frontage to the Wallerawang Gwabegar railway (disused), Castlereagh Highway and Hill End Road and adjoins serviced land zoned R1 General Residential, with frontage to Knox Crescent, which is already developed on one side of the road. Due to available road frontage, the subject property can be independently developed from the remaining 2 properties, whilst the remaining land can only be developed if the property fronting Saleyards Lane is developed first to provide access to the remaining land. Hence any development of this area can only occur if the owner of Lot 5 DP 1099445 chooses to develop the land first.

This information is highlighted to Mid-Western Regional Council, in so far as interpretation of the Strategy provisions for this land have been further investigated. In this nominated urban release area M21, the estimated timing for rezoning and release of land to market should be tempered by the understanding that the subject properties are unlikely to realise residential supply concurrently i.e. with separate ownership. Further, with access constraints identified, the subject land can be independently developed from the remaining 2 properties included in Area M21. In addition, the lot yields estimated within the Mudgee and Gulgong Urban Release Strategy 2023 Update as indicated above would appear to be an overestimation.

The submission of a scoping report in the pre-planning proposal phase, was intended to open the dialogue with Council’s utilities team to provide a basis for further design and scoping of servicing requirements. The development concept to achieve a 2-lot subdivision, initially will also move towards the delivery of housing lots to market in the medium term. The Scoping Report was provided to Council and recognition to proceed to the Proposal stage was received.



Comparison to the **Mudgee and Gulgong Urban Release Strategy 2023 Update:**

Table 40 shows estimated lot yields for Mudgee's URAs based on the observations above, minimum lot sizes and total area, and does not take into account constraints or the amount of land that has already been developed.	2023 Update details: M21 – (based on 600sqm min) – area 30.9ha – Count of Potential lots = 247
Table 55 shows the total estimated number of lots and their status per each URA and the number of years of supply that amount represents (based on the projected average annual demand for each lot type).	M21 – (based on 600sqm min) – area 30.9ha – Unconstrained and Undeveloped – 21.9ha Count of Potential lots = 175 Years supply = 2
<p>Recommendations</p> <p>Table 60 (see excerpt below)</p> <p>Planning - Council should consider rezoning M21 to general residential in the mid-late 2020s and also consider developing a master plan ensuring lot and dwelling typology diversity can be delivered.</p> <p>Servicing works - efficiencies may be achieved if servicing works can be bundled with M18 and M18A.</p>	<p>Supply impact:</p> <p>Planning – Medium Term –</p> <p>+175 general residential lots shift to zoned and un-serviced.</p> <p>Servicing – Short Term</p> <p>+175 general residential lots would be able to be progressed to zoned and serviced.</p>
<p>Planning Proposal:</p> <p><i>Acts on Planning required in timeframe consistent with Strategy and provides Master Planning concept to inform future delivery of servicing and lot typology.</i></p>	<p>M21 – (based on 600sqm min) – area 30.9ha</p> <p>Count of Potential lots M21 = 124 (i.e. 51 less lots overall)</p> <p>Planning - Subject land – Lot 1 Dp706730 - +46 general residential lots shift to zoned and un-serviced.</p> <p>Planning- Medium Term – 78 general residential lots shift to zoned and un-serviced.</p> <p>Servicing – Short Term</p> <p>+124 general residential lots would be able to be progressed to zoned and serviced.</p>

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal is considered the best means of achieving the intended outcomes as it will allow for the subdivision of land in a manner that is compatible with the surrounding development, minimises identified potential land use conflict issues and implements the recommendations of key Council strategic planning policies. Therefore, the approval of a site-specific Planning Proposal is considered the best option as it will allow for the further development of the site consistent with the recommendations of the Urban Release Strategy 2023 Update.

Use of clause 4.6 would not be appropriate in these circumstances.

LEP mapping amendment is appropriate without need for any specific clause amendment or site-specific provisions.



SECTION B – Relationship to the Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Central West and Orana Regional Plan 2041

People, Centres, Housing and Communities

Objective 13 of the Plan – Provide well located housing options to meet demand

This proposal will support:

Strategy 13.1 - To ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should:

- *respond to environmental, employment and investment considerations, and population dynamics when identifying new housing opportunities*
- *consider how proposed release areas could interact with longer term residential precincts*
- *provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.*
- *Identify a pipeline of housing supply that meets community needs and provides*

Objective 13 of the Plan acknowledges that local housing strategies will need to remain responsive to changing demographic patterns and drivers for growth and change.

The Plan notes 'future residential growth will be predominantly accommodated in existing urban areas or in new development areas identified in local housing strategies'. Future residential growth will be predominantly accommodated in existing urban areas or in new development areas identified in local housing strategies.



4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?*

Planning Priority 2

Make available diverse and affordable housing options through effective land use planning.

This proposal will support MWRC commitment:

Council will: -

- *Provide ongoing monitoring of land release and development.*
- *Promote affordable housing options across the Region.*

OUR PLACE 2040

Mid-Western Regional Local Strategic Planning Statement

The unique town that is Mudgee, has a strong connection to historic streetscape and the rural landscape. Maintaining the aesthetics of the road corridor as a main entry to Mudgee is important. The subject land forms part of the main entrance corridor to the town.

The land has been grazed however, and in supporting opportunities to provide additional land supply in the broader context should be considerate to minimising any impact to the productive agricultural land. In this case the production benefit is not outweighed by the proposal to create a residential opportunity. Hence a proposal for this land has been investigated and scope outlined as there is synergy between the adopted strategies and landowner/developer willingness to proceed.

5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

The NSW Government is addressing the current housing shortage by prioritising the building of more diverse homes in well-located areas near transport, open spaces, schools, hospitals and community facilities. A housing taskforce was established to support the whole of government approach to delivering housing.

Other high level state studies and strategies have not been identified as directly relevant to the proposal.



6. Is the planning proposal consistent with applicable SEPPs?

State Environmental Planning Policy	Consistent (Y/N)
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Y – Further consideration could be made at the development application stage as per the SEPP with regard to biodiversity.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y
State Environmental Planning Policy (Housing) 2021	Y - It is possible that any future dwellings would be seeking approval under the Housing SEPP; no new provisions prevent this SEPP from being used to promote affordable & diverse housing.
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable.
State Environmental Planning Policy (Planning Systems) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable.
State Environmental Planning Policy (Primary Production) 2021	Y - The subject land was not included in the Draft SSAL map.
State Environmental Planning Policy (Resilience and Hazards) 2021	This SEPP seeks to ensure that land is suitable for the intended use and promote remediation of contaminated land to reduce the risk of harm to human health. It must be considered when consenting to development on land (Clause 7) – but former Clause 6 requiring consideration at the rezoning stage has been repealed and is now addressed under the Ministerial Directions (see below).
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable. The land is not associated with any existing mineral or extractive operation.
State Environmental Planning Policy (Sustainable Buildings) 2022	Y – Future development for BASIX related development application would be able to comply.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Y - Transport and infrastructure SEPP provisions will likely require the development concept to be subject to a referral to the Rail Authority and Transport for NSW. Consultation is expected to occur. The concept plan for future development has avoided new access onto the main road system.



7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Minister for Planning, under section 9.1 of the EP&A Act issues Directions that relevant planning authorities, in this case Mid-Western Regional Council, must follow when preparing Planning Proposal's for new Local Environmental Plans. An assessment against the most recent Ministerial Directions has been undertaken for planning consistency. The directions cover the following broad categories:

- Planning Systems and Planning Systems – Place Based.
- Design and Place
- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing
- Industry and Employment
- Resources and Energy
- Primary Production

The following Ministerial Directions (s.9.1 Directions) are highlighted with respect to the Planning Proposal.

FOCUS AREA 1 – Planning Systems

	<i>Planning Proposal consistent with Direction?</i>
1.1 Implementation of Regional Plans	Yes. Planning proposal consistent with Central West and Orana Regional Plan 2041
1.2 Development of Aboriginal Land Council land	N/A.
1.3 Approval and Referral Requirements	Yes. No new special provisions are proposed to be included in the Mid-Western Regional LEP 2012. Mapping amendment only.
1.4 Site Specific Provisions	Yes. Site specific planning controls are not proposed.
1.4A Exclusion of Development Standards from Variation	Yes.

FOCUS AREA 1 – Planning Systems – Place-based

	<i>Planning Proposal consistent with Direction?</i>
1.5 To 1.22	The placed-based directions do not apply to the subject land. N/A

FOCUS AREA 2 – Design and Place

	<i>Planning Proposal consistent with Direction?</i>
	N/A



FOCUS AREA 3 – Biodiversity and Conservation

	<i>Planning Proposal consistent with Direction?</i>
3.1 Conservation Zones	Yes. The Proposal does not include any existing conservation zoned land. The environmental sensitivities of the land have been considered in the suitability assessment.
3.2 Heritage Conservation	Yes. Protection of heritage, Aboriginal objects and places has been considered in the preparation of the Proposal.
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3.5 Recreation Vehicle Areas	Yes.
3.6 Strategic Conservation Planning	Yes. Proposal does not include land within a strategic conservation area, or as avoided land.
3.7 Public Bushland	N/A
3.8 Willandra Lakes Region	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	N/A
3.10 Water Catchment Protection	N/A

FOCUS AREA 4 – Resilience and Hazards

	<i>Planning Proposal consistent with Direction?</i>
4.1 Flooding	Yes. The land does not fall within the Flood Planning Area.
4.2 Coastal Management	N/A
4.3 Planning For Bushfire Protection	Yes. The land is partly mapped as bushfire prone land (Buffer only). The approach to bushfire management is addressed in the Proposal and encourages compliance with Planning For Bushfire Protection. Planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
4.4 Remediation of Contaminated Land	As a change of use is proposed for the land (i.e. primary production – grazing RU1 to General Residential R1) it is expected that a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines would be required as a condition of the gateway determination.



4.5 Acid Sulphate Soils	Yes. Low risk for acid sulphate soils.
4.6 Mine Subsidence and Unstable Land	N/A.

FOCUS AREA 5 – Transport and Infrastructure

	<i>Planning Proposal consistent with Direction?</i>
5.1 Integrating Land Use and Transport	<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives, and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001). Improving Transport Choice</p> <p>This policy provides advice on how to better integrate land use and transport planning and development and provide transport choice. The policy introduces accessible development principles and location and design guidelines for specific land uses, including centres, commercial and retail. The subject site is in close travel distance of nearby Town infrastructure and will connect to public transport services.</p> <p>Yes. The planning proposal is consistent with the direction.</p>
5.2 Reserving Land for Public Purposes	Yes. MWRC may decide to reserve for public purposes buffer to the Railway.
5.3 Development Near Regulated Airports and Defence Airfields	Yes. No regulated airfields are located within vicinity of the land, that may impact heights of buildings, affect airspace operation or the like.
5.4 Shooting Ranges	N/A. No shooting ranges in vicinity of the proposal.
5.5 High pressure dangerous goods pipelines	Yes.

FOCUS AREA 6 – Housing

	<i>Planning Proposal consistent with Direction?</i>
6.1 Residential Zones	Yes. The planning proposal will be subject to the existing clause 6.9 of the LEP. Any new residential housing resulting will be appropriate to the access to infrastructure and services subject to existing LEP provisions.
6.2 Caravan Parks and Manufactured Home Estates	Yes. The proposal will retain provisions that permit development for the purposes of a



caravan park to be carried out on land (permitted with consent in the existing and proposed zone).

FOCUS AREA 7 – Industry and Employment

	<i>Planning Proposal consistent with Direction?</i>
7.1 Employment Zones	N/A.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A

FOCUS AREA 8 – Resources and Energy

	<i>Planning Proposal consistent with Direction?</i>
8.1 Mining, Petroleum Production and Extractive Industries	Yes. Consultation may occur with exhibition of the proposal. No known mining or extractive industries are identified in vicinity to the land.

FOCUS AREA 9 – Primary Production

	<i>Planning Proposal consistent with Direction?</i>
9.1 Rural Zones	No. Justified. Direction (1)(a) applies to all relevant planning authorities. The proposed rezoning of RU1 zoned land to R1 is justified as the subject land is identified as an opportunity area in an endorsed Strategy and is consistent with a Regional Plan. The objective of this direction is further considered in this Proposal. The protection of agricultural production value of rural land is recognised. This land is not of high agricultural value, with constraint by existing residential development, Hill End Road, the Railway and Castlereagh Highway.
9.2 Rural Lands	Yes. (see comments below).
9.3 Oyster Aquaculture	N/A
9.4 Farmland of State and Regional Significance on the Far North Coast	N/A

Rural Zones/Lands

As the proposal is for residential purposes, this proposal has addressed suitability of the location for development. LUCRA has been prepared to address consistency and minimise the potential for land use conflict.



It is concluded that the land is appropriately located taking account of existing adjoining zones, the availability of human services, utility infrastructure, transport and proximity to existing centres. Further, the proposal is considered necessary taking account of existing and future demand and supply of residential land.

The land (Lot1 DP 706730) is occupied. The existing dwelling and shedding are also associated with the previous transport/delivery business operating from the land. Currently the site has 2 x separate driveway accesses to Hill End Road. The property known as 'Balli-High' has several sheds, and out buildings in a cluster. Most of the land is open paddock with periodic horse grazing. There is an existing farm dam. This can be filled in the future and not considered a development constraint. The land is currently serviced by reticulated town water supply.

The land opposite in Hill End Road to the north is zone RU1 Primary Production and developed for rural residential and tourist related development (Mudgee Honey Haven). Land to the west and south is developed R1 General Residential land with standard residential lots developed known as the Caerleon Estate. The Oak Tree Retirement Village is within this developed residential land. Knox Crescent provides road frontage to the south, which is proposed to be utilised for future residential development. Land opposite the Highway is zoned RU4 Primary Production Small Lots, however, is not associated with any intensive agriculture, with historic dwelling entitlements. The railway line forming the eastern boundary to the lot is currently in disuse. With reference to the LUCRA prepared and the experience of the landowner, overall, the site can be developed with minor impact to rural land and productivity.

SECTION C – environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?


No land is mapped on the 'Biodiversity Values Map'.

No land is mapped on the MWR LEP 2012 Terrestrial Biodiversity map.

As the land is currently RU1 zoned, the Local Land Services (LLS) Act would currently apply. The land is mostly mapped as 'exempt' land under the draft native vegetation regulatory (NVR) map prepared by the Department of Planning and Environment under Part 5A of the LLS Act (i.e. no land identified as sensitive).

The State Vegetation Type Map (SVTM) is a regional-scale map of NSW Plant Community Types. This map represents the current extent of each Plant Community Type, Vegetation Class and Vegetation Formation, across all tenures in NSW. The SVTM was referenced, and no native plant community type was mapped as occurring on the land. It is assumed that no native vegetation will be cleared.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Slope and topography	The land does not have any topographical constraint to residential development.
Groundwater Vulnerability	The land is mapped as 'groundwater vulnerable' on the Mid-Western Regional LEP 2012 Groundwater vulnerability map. Clause 6.4 of the LEP will need to be considered in any future development application. The residential land use proposed with this Planning Proposal and with future connection to reticulated services is not likely to impact groundwater.
Bushfire Prone land	<p>Part of the mapped Bushfire "buffer land" category affects the southwestern corner of the Lot. This is not considered a hindrance to future residential development and compliance with Planning for Bushfire Protection 2019 can be demonstrated.</p> 



Flooding	Mudgee Flood Study 2021 has been referenced. Mapping shows the land is outside the identified 'preliminary flood planning area'.
Site History	The current landowners have owned the land since 1984 and the grazing use for the cleared land has not intensified. The site previously had a paddock for working with horses and fencing for horses remains on site. The owner recalls that there have not been any sheds demolished. There is no storage of hazardous goods, or ever has been since their occupation. There has not been any cropping. The transport business has recently ceased but had been operating for almost 40 years and was approved by Council as a home occupation.
Heritage	A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that: 1 Aboriginal site is recorded within 1km of the address. 0 Aboriginal sites are recorded within 1km of the address. 0 Aboriginal places have been declared in or near the above location.

Summary of Key Site-Specific Issues

1. Railway – The site analysis has assumed a min 50m buffer should be provided to railway land based on previous approach of MWRC. This buffer is intended to be restricted from future residential development. There are many ways to achieve this. In the concept plans, the buffer is shown as separate land parcel or reserve land, rather than a future restriction on a residential lot.
2. Road frontage – The land has frontage to a classified road, Castlereagh Highway as well as Hill End Road and Knox Crescent. The existing dwelling and the subject land have existing driveway access off Hill End Road only. A buffer is proposed for residential development from the Highway to facilitate landscaping and restrict any future access directly onto the Highway. The subdivision concept avoids additional traffic onto Hill End Road directly, and connection to Knox Cr is proposed.
3. Topographical features – The land being focus of this Planning Proposal (Lot 1 DP706730) is not limited by topography or riparian corridors with biodiversity issues. (The land within the broader identified M21 area will have development restrictions to minimise impact upon riparian corridors. Buffers are proposed consistent with the DPE Controlled activities – Guidelines for riparian corridors on waterfront land. Further in the broader M21 area steepness of the terrain will limit the subdivision potential (land to the west of Saleyards Lane Lot 5 Dp1099445). Further the additional land making up M21 will trigger a Biodiversity Development Assessment Report (BDAR) due mapping on the biodiversity values map applicable).
4. Access and land ownership – The subject land has been identified as the best suited to development within the M21 area considered. The property can be independently developed.



10. Has the planning proposal adequately addressed any social and economic effects?

The proposal will not cause any significant impact on demand to the retail centre of Mudgee. The addition of new households will not cause any significant demand of social infrastructure such as schools or hospitals. No further studies are warranted in this regard.

SECTION D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

The proposal will not require significant infrastructure to progress. New roads and infrastructure are extensions to existing system.

There are overhead electricity lines present supplying electricity to the existing dwelling. During the Development Application process, the proponent will be required to liaise with Essential Energy regarding the required upgrades. The Proposal should not be inhibited from proceeding due to electricity augmentation required at development stage.

SECTION E – State and Commonwealth Interests)

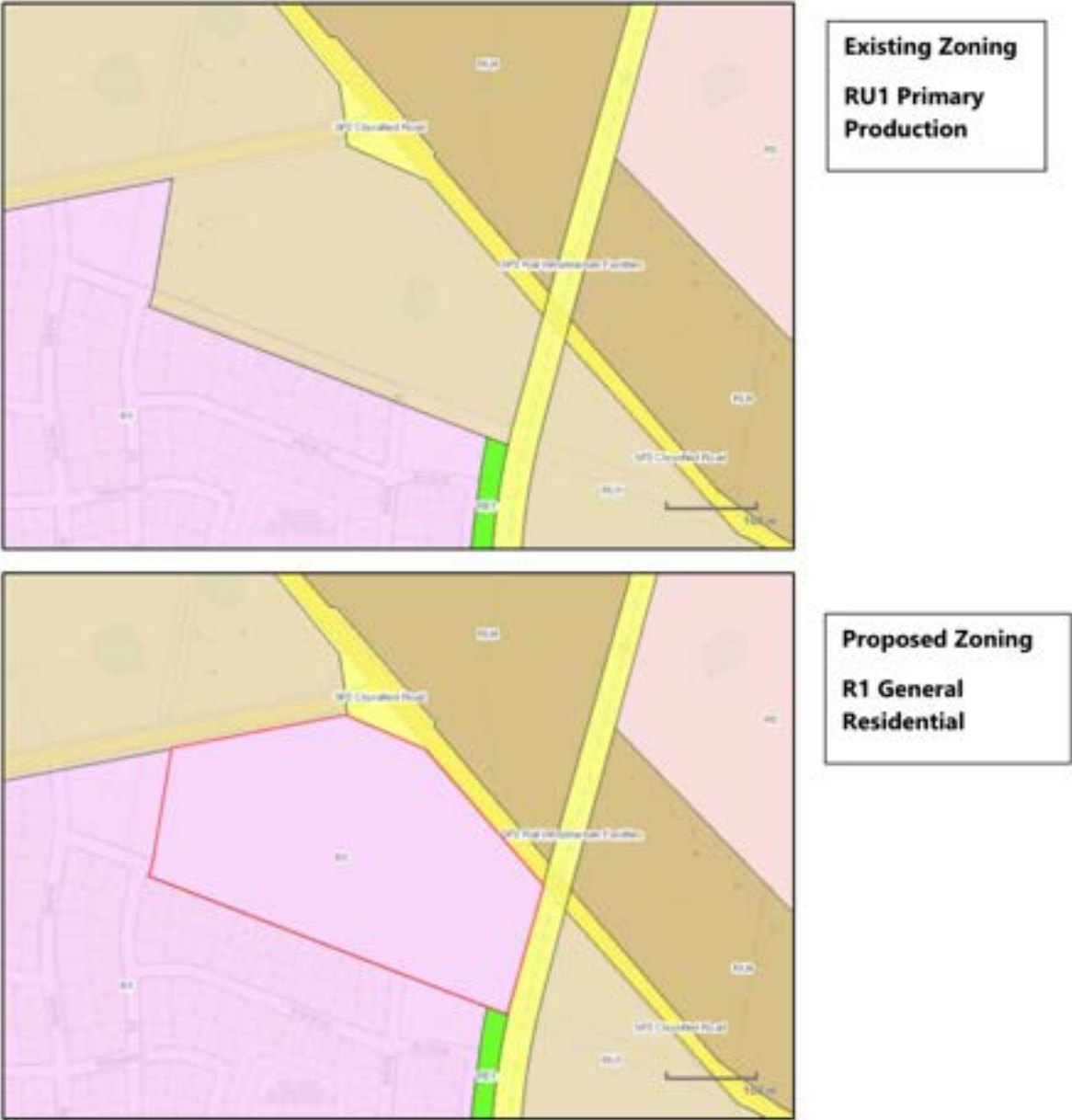
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation has been carried out prior to gateway determination. The development concept was adapted to address feedback and further consultation would be required at a future DA stage. The Proponent would highlight their intention to proceed to a two lot subdivision and a future developer realise further potential and carry out site specific designs.

PART 4 - Maps

Amend digital mapping.

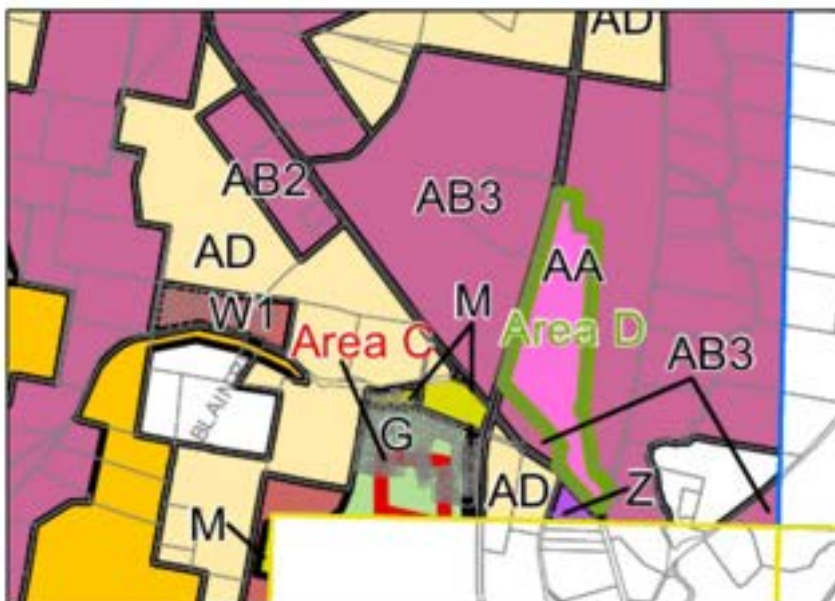
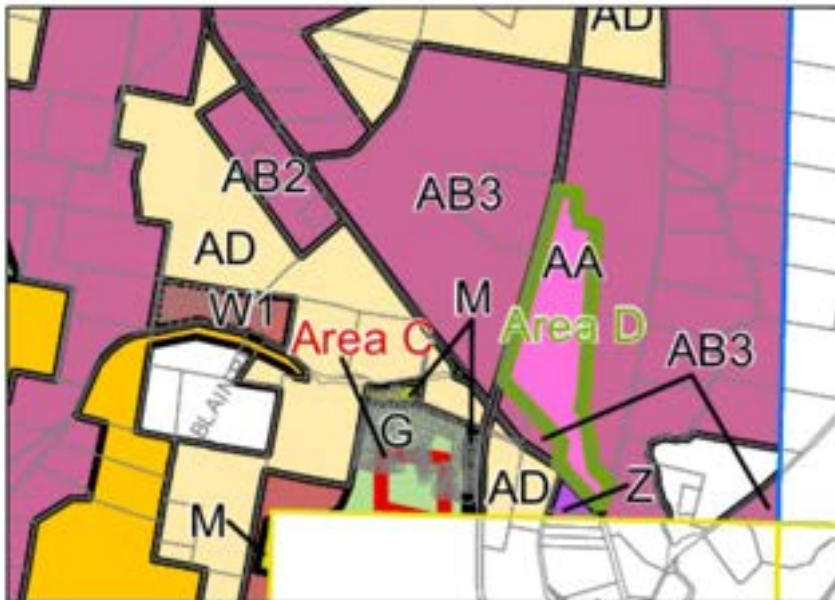
Land Zone mapping:



Knox Crescent provides road frontage to the south. Currently this road reserve is zoned RU1 Primary Production. It is assumed that inclusion of the road reserve as proposed R1 General Residential land will be preferred, as is consistent with the other local roads in Caerleon Estate.

Lot Size mapping:

Amend Lot size map – Sheet LSZ_006





PART 5 - Community Consultation

Community consultation will be carried out post Gateway Determination. The proponent will work with Council to provide material relevant to advertise and carry out neighbour consultation.

As this proposal has been proponent-initiated, there has been no specific community consultation to date. The Council will enable associated documents to be viewed and reviewed by the public via the NSW Planning Portal.

Consultation with Mid-Western Regional Council engineers was carried out prior to finalising a concept subdivision for this proposal.



PART 6 - Project timeline

Scoping Report was submitted to Council August 2024. Completion of the indicative project timeline will be in cooperation with MWRC resources and timing to be updated prior to submission for Gateway.

Table 6-2. Indicative project timeline

Stage	Timeframe and/or date
Consideration by council	May to July 2025
Council decision	July 2025
Gateway determination	August 2025
Pre-exhibition	
Commencement and completion of public exhibition period	November 2025
Consideration of submissions	December 2025
Post-exhibition review and additional studies	
Submission to the Department for finalisation (where applicable)	
Gazettal of LEP amendment	

UNDER SEPARATE FILE – Plans of Proposed Subdivision Concept

SHEET 1 Shows the property involved in Mudgee Urban Release Area M21.

SHEET 2 Shows a proposed possible future development over subject land comprising the 2 subdivided lots. This is to demonstrate that support of a planning proposal approval would not adversely impact on the overall residential development, and in fact may encourage a new developer to proceed.

SHEET 3 Shows a proposed possible future development over the remaining area of M21. This is included to assist in clarification of the fact that the subject land is completely separated from the remaining area, not only by the rail corridor but also by the existing constraints posed by the terrain and available road access.

SHEET 4 Shows an indication of the possible number of residential lots that maybe expected from the Urban Release Area M21.



23 Hill End Road Caerleon 2850

January 2025

OVERVIEW

Atlas Environment and Planning have been commissioned by Ms S Baskerville to prepare a Land Use Conflict Risk Assessment (LUCRA) in support of the Planning Proposal:

Proponent – **Shirley Baskerville**
Subject Land – **"Balli High" 23 Hill End Road**
CAERLEON
Title – **Lot 1 DP706730**

Proposed site specific LEP amendment –
Amend RU1 Primary Production zoned land to R1
General Residential
Facilitate residential subdivision

The LUCRA method is a four-step assessment process undertaken as follows:

1. **Information Gathering** – The site geophysical characteristics, the nature of the development proposed, and the surrounding land uses are described.
2. **Risk Level Evaluation** - Each proposed activity is recorded, and an assessment of potential land use conflict level is assigned. The higher the risk level, the more attention it will require.
3. **Identification of Risk Mitigation Management Strategies** – Management strategies are identified which can assist in lowering the risk of potential conflict.
4. **Record Results** – Key issues, risk level and recommended management strategies are recorded and summarised.

This LUCRA identifies the measures that have been incorporated into the development to mitigate the potential land use conflict which might arise from the proposal. These measures include:

1. Implement buffers - Fencing choices to be identified in the DA stage to consider the best choice to support buffers.
2. During construction appropriate mitigation measure are to be implemented to address management of stormwater and runoff.
3. Any planting in the buffer near the Highway to consider species choice for noise and dust mitigating properties.
4. Construction traffic management plan be prepared to address changes in traffic and including consideration of any farming needs.

Following the risk evaluation, ranking and rating step by step process a risk rating was determined, that the project exhibits and acceptable risk. This is because the identified potential conflict areas can be mitigated effectively with appropriate control and therefore results in a 'Low' likelihood of conflict and impact with the proposed control measures being suitable to manage potential land use conflict.

Key Reference

Department of Primary Industry (DPI) 2011, Land Use Conflict Risk Assessment (LUCRA) Guide, <<http://www.dpi.nsw.gov.au/land-and-water/land-use/lup/development-assessment2/lucra>>.

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STEP 1 - Information Gathering

The Subject Site

The land known as "Balli High", 23 Hill End Road has frontage to the Castlereagh Highway and Hill End Road. The property is currently occupied with one main dwelling and associated shedding. The site has an operating Home Business, providing transport and delivery services. Held as one title, Lot 1 DP706730, the land is approx. 7.695ha in area. The property has also been associated with a horse arena and grazing.

The site adjoins serviced land zoned R1 General Residential referred to as the Caerleon Estate and has frontage to Knox Cr in this estate. Other RU1 Primary production zoned land occurs to the north (opposite side of Hill End Road), with RU4 Primary Production Small Lots zoned land to the north east (opposite side of Castlereagh Highway). The land is situated approx. 4.2km (5 mins) from the Mudgee Post Office. The eastern boundary is formed by the disused Wallerawang Gwabegar Railway line, zoned SP2 Rail Infrastructure Facilities.

The land has two existing driveway accesses from Hill End Road, with no access off the Highway or Knox Crescent frontage. The existing built structures are contained to approx. 1ha western area of the site as currently fenced, the remaining land is pasture with farm dam.



Figure 1 - Site Location (Source: Google Earth)

The Proposed Development

The site is subject to provisions of the Mid-Western Regional Local Environmental Plan 2012. It is proposed to rezone the subject land from RU1 Primary Production to R1 General Residential to enable the land to be developed for future housing opportunities.

The future development concept involves:

1. Phase 1 - The creation of two (2) Torrens title lots from the one (1) existing title (Lot 1 DP 706730). One vacant lot for future residential subdivision (Lot 2 = 6.72ha); and one lot to contain the existing dwelling and out buildings (Lot 1 = 9750m²). It is proposed that this first step to future subdivision does not require the connection to reticulated sewerage. The vacant Lot 2 could then be further developed.
2. Phase 2 - The development concept will be supported by a potential layout demonstrating future residential subdivision with new roads. Preliminary work towards identification of a future layout shows:
 - a. The concept Lot 1 is able to be subdivided to create 1 lot with existing dwelling, and 3 further vacant lots.
 - b. The concept Lot 2 is conducive to producing 41 vacant residential lots with new road, serviced and based on appropriate dwelling sites, boundary setbacks, suitability for buffers to existing infrastructure.

Potential subdivision requires site-specific mapping amendments to the Mid-Western Regional Local Environmental Plan 2012.

- ❖ The Mid-Western Regional Local Environmental Plan 2012 has partially migrated to digital mapping. An amendment to the **Land zoning** is proposed.
- ❖ An amendment to the Mid-Western Regional Local Environmental Plan 2012 **Lot Size Map** - Sheet LSZ_006 is required (proposed min lot size 600m²).

The Surrounding Land Use

The immediate surrounding land use is described below with current zoning highlighted (red lines depict property boundaries).



	Zoning	Description
1	RU1 Primary Production	Occupied land – dwelling, Honey Haven tourist facility with café and putt putt golf. Typical Operating hours are Mon- Sat, 9am to 4pm with reduced hours in school holidays.
2	RU4 Primary Production Small Lots	Approx 15.7ha vacant land grazing land use. Associated with a larger rural holding.
3	R5 Large Lot Residential	Approx 55ha vacant land – Approved for future 2ha residential subdivision with new road.
4	RU4 Primary Production Small Lots	Approx 4ha parcel occupied, rural lifestyle lot.
5	RU1 Primary Production	Approx 13.5ha grazing land with existing dwelling. Forms part of the area M21 identified in the future proposed residential land earmarked in the Mudgee and Gulgong Urban Release Strategy 2023 Update.
6	R1 General Residential	Developing Caerleon Estate - residential land with existing retirement village, with future stages to include mixed use zoned land. The R1 zoned area extends to the south connecting to other developed residential land in Mudgee at Fairydale Lane.
7	RU1 Primary Production	Approx 32ha of grazing land, occupied, dwelling and out buildings established. Minor watercourse with inline farm dams.
8	SP2 Rail Infrastructure Facilities	Land forming the disused Wallerawang Gwabegar Railway line, creating a linear barrier to adjoining occupied RU1 land.
9	SP2 Classified Road	The road corridor associated with the Castlereagh Highway (B55).
10	RE1 Public Recreation	Land following the rail corridor (approx. width 22m) forming a buffer to rail land and connection to drainage reserves with dual recreation and drainage purpose.

The Land Use Conflict Experience to Date

The experience to date has been that of little material concern raised due to existing land use conflicts. The site is separated by road corridors to most unrelated parcels. There are no known concerns or issues with the tourist -related land use (Honey Haven), particularly with hours of opening and visitor activity not causing land use conflict with neighbouring residential occupation or primary production.

In the experience of this site and in the context of the neighbouring Caerleon development, it is acknowledged that the extension of residential land use, will have similarities to the development of the Caerleon estate, similarly (surrounded by primary production and existing rural residential occupations). Issues that are noted, include:

- Neighbourhood noise and dust production during the construction phase of the Caerleon subdivision development. Attributed to earthmoving for road and drainage construction.
- Increase in traffic generally in construction and generally increased activity in the location which previously had one (1) occupant.

Potential land use conflict

Residential Interface

The proposed development to connect at the southern boundary with existing developed residential land, is considered compatible land use. Future development and construction periods would be addressed in a development application stage.

Rural Interface

The proposed development of an existing RU1 zoned site should consider the surrounding land use context and where necessary be designed to minimise instances of incompatibility such that any important agricultural values or farming practices that may occur in an area are not inhibited, or adversely affect the amenity of future residents. In this location it was identified that the surrounding lands were in multiple properties, with land also zoned RU4 Primary Production Small Lots. No intensive agriculture is carried out, and these lots are occupied and present a lifestyle option, with associated rural activities occurring. Due to the land ownership and development pattern, the potential for stock to be moved between paddocks affecting road corridors etc and slow moving farm/agricultural machinery and vehicles is low at this site.

Table 1: Typical conflicts that can occur between Agriculture/rural activities and nearby residential land use

Conflicts/Issues or concern	Common sources and causes
Noise	Dogs, general livestock noise. Equipment, pumps, plant, spray machines, transport related.
Odour and Dust	Soil disturbance and excavation. Excess/ concentrated manure.

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Conflicts/Issues or concern	Common sources and causes
	Agricultural fertilisers and chemicals, Intensive animal industries, Management and application of effluent to pasture
Health concerns	Chemicals Spray drift
Water	Access, Pumping, Quantity, Runoff and pollution.
Smoke and ash	Burning off
Visual amenity	Large structures
Nuisance	Stray dogs Vandalism Trespass Noxious and Environmental weeds

Site -specific potential conflicts

Conflict between the proposed residential development of the site and agricultural activities is of low to medium risk/ consequence in this context, given the barriers/buffers available, design of the proposed development, the nature and scale of the adjoining agricultural activity, and the known expectation for residential/ urban development to occur given the site zoning and strategic land use planning proposals that have already occurred.

Residential Development / Buffer Distances- Reference buffer/separation distances to residential development:

- Grazing 50m
- Stockyards 200m
- Viticulture 200m.

Separation distances and buffers are achieved, and design aspects increase to further minimise potential for spray drift or future cropping in RU4 land. Adjacent grazing, pasture management, combined with a tourism focussed development established to the north and no stockyards- presents a low potential for conflict.

In summary:

Land use conflict to the north (locations 1 and 2 in map above) is limited by buffers created by road reserves. Hill End Road separates the Honey Haven land from the site. The more intensive use of this land for rural industry related will need to consider also the onsite tourist development and future intensification is unlikely. The Castlereagh Highway separates land that may reasonably be used for rural activities. To the north this separation by road reserve is approx. 60 to 80m at the closest boundary and included treelined property boundaries & in reserve land.

There is no notable rural land use conflict risk to the south, given the interface with a residential development.

The eastern interface does not present any immediate rural activity or high risk of conflict. The Railway land, Highway reserve form buffers. There is RU4 zoned land occurring however this would be more akin to pets and lifestyle/ hobby farm situations given the restrained size of lots (being about 4 ha).

The western boundary also interfaces with developed residential land, and associated drainage reserve. Currently the landowner would be carrying out periodic weed management and grazing of horses. The removal of conflicting site activities with existing residential land will also follow.

The consideration of the potential for land use conflict was addressed in the planning of the proposed development. Potential matters that were addressed by design options, are sketched in plan below, and include:

1. Existing residential occupation and structures – the layout separates the existing features from the main developable land with adequate buffers to structures, and no increase to traffic from existing driveways onto Hill End Road.
2. Road network - the introduction of additional traffic directly onto a main road was avoided through connection of new roads to existing local residential roads.
3. Road reserve buffer proposed to screen the development from the Highway and opportunity for mitigating any road noise and for landscaping.
4. Railway land – proposed buffer is included.
5. Compatible residential lots – design compatible with lot size and dimension to reduce conflict with existing developed residential lots.



STEP 2 – Risk Level Evaluation

Risk Evaluation and Ranking

Each likely activity is recorded in Table 2: Risk Evaluation - Identified Potential Conflict and Risk RankingTable 2 and an assessment of known land use conflict level is assigned accordingly. The ranking is given both before and after ameliorating measures are applied to mitigate the given activity impacts. The higher the risk level, the more attention it will require in order to reduce the ranking level. Risk rankings are derived from the risk ranking table (refer to Appendix A).

STEP 3 – Risk Reduction Management Strategies

The process of risk reduction aims to identify management strategies that affect the probability of an event occurring.

Table 2: Risk Evaluation - Identified Potential Conflict and Risk Ranking

Activity/ Feature	Identified Potential Conflict/ Comments	Risk Ranking	Management Strategy (method of control)	Revised Risk Ranking
Noise	Potential noise from livestock. Noise produced by gates, machinery (e.g. chainsaws, power tools, spray rigs, pumps), farm vehicles (e.g. tractors and ATVs) and other associated/ ancillary farm infrastructure (e.g. pumps, irrigation, cattle ramps, loading facilities, yards and sheds). Potential noise associated with pest/ vermin control and use of firearms, sometimes at night.	D3 =9 (acceptable)	Occasional livestock noise is not unreasonable and would generally be tolerable in this context. Likewise, noise from vehicles and machinery would be intermittent. The use of firearms is strictly regulated – licenced and training. No significant noise is expected, however common background farm noise would be intermittently	D4 =5 (acceptable)

LUCRA

Activity/ Feature	Identified Potential Conflict/ Comments	Risk Ranking	Management Strategy (method of control)	Revised Risk Ranking
	Considered unlikely in the setting with moderate consequence (neighbour disputes may occur).		present. The immediately adjoining farm activity is not considered high intensity or concentrated, and there is no immediately nearby ancillary farm infrastructure expected to generate high additional noise. Buffers are appropriate.	
Dust generation	Dust emissions can adversely affect residential amenity. Dry periods, land cultivation/ frequent machinery movements could result in conflict. Considered possible, with minor short-term impacts.	C4 =8 (acceptable)	Dust generation because of agricultural activities on the adjoining property are not anticipated to be of a scale or intensity to result in unacceptable effects on residential premises. Surrounding rural residential lifestyle lots are unlikely to crop or deplete ground cover. Provision of a buffer to RU4 land with a landscaping component will be effective to reduce conflict. Consequence reduces to unlikely and managed as part of normal operations.	D4 =5 (acceptable)
Weed management – slashing along boundaries	Potential risk of projectiles from slashing if near to site. Considered rare occurrence, but may have major consequence with neighbours in dispute.	E2 =10 (acceptable)	Farmers and tractor/ slasher operators are required to follow work health and safety requirements. Likely that this occurrence may more likely be from Council maintenance on road side rather than farm related.	E2 =10 (acceptable)

LUCRA

Activity/ Feature	Identified Potential Conflict/ Comments	Risk Ranking	Management Strategy (method of control)	Revised Risk Ranking
			Fencing and buffer/separation in subdivision design to external boundaries is proposed. Risk remains acceptable and a rare probability.	
Odour	Livestock activity/ presence (including if an animal died nearby), wet/ boggy areas, and excess accumulation of manure can cause potential odour which could drift. Fertiliser and weed control chemicals may have strong smells, even in low quantities. Considered possible but could be managed as part of normal operations, and separation distance to primary production land.	C4 =8 (acceptable)	The subdivision design and separation buffer distances achieved mitigate impacts. Also given the scale and intensity of farming activities in the location is low, the separation is acceptable measure. Neighbour disputes are unlikely as mitigated.	C5 =4 (acceptable)
Run off and erosion management during development construction	Potential for sediment laden or contaminated runoff and erosion if not properly managed. Considered as possible (could occur), with moderate consequence.	C3 =13 (unacceptable)	Sedimentation and erosion controls will be implemented for the construction phase of the development. Proper management reduces risk.	D4 =5 (acceptable)
Surface water changes and stormwater management from	Increase of impermeable surfaces and stormwater runoff. Need for appropriate integration and management of stormwater and avoidance of potential impacts to receiving environment and catchment.	C3 =13 (unacceptable)	The proposed layout includes basin for park and stormwater management. The design of the residential development would address stormwater management and drainage in accordance with	C4 =8 (acceptable)

LUCRA

Activity/ Feature	Identified Potential Conflict/ Comments	Risk Ranking	Management Strategy (method of control)	Revised Risk Ranking
proposed development	Considered possible, with moderate consequence.		accepted standards and Council's Development Control Plan.	
Surface water and sediment laden runoff	Potential for sediment laden or contaminated runoff from up-slope agricultural practices into residential areas and impacts on water quality, including stock water, because of increased pollutants. Considered unlikely, with minor impact to community.	D5 =2 (acceptable)	Due to catchment this risk is unlikely. There are no adverse impacts expected given the topography of the land. Subdivision design phase to ensure the road drainage is also accounted for in the design.	D5 =2 (acceptable)
Rubbish	Potential for rubbish to disperse onto adjoining land from residential development. Considered possible ('I have heard it happening') and moderate consequence (neighbour disputes may occur).	C3 =13 (unacceptable)	The residential subdivision will be included in Council's waste collection service. In accordance with the Council's requirements and DCP, measures will be incorporated into the stormwater management system to capture litter and rubbish (such as gross pollutant traps).	D4 =5 (acceptable)
Spray drift	Spray drift associated with weed management and application of herbicides has the potential to adversely affect the comfort, health and safety of persons in non-target areas. It is understood that spray drift would be limited, however use of chemical may also occur on railway land.	C3 =13 (unacceptable)	The associated industry specific guidelines apply, and chemical users are subject to workplace health and safety, and guidelines for the use and handling of agricultural chemicals (all landholders are required to incorporate reasonable and practicable measures to protect the environment in accordance with the POEO Act).	C4 =8 (acceptable)

LUCRA

Activity/ Feature	Identified Potential Conflict/ Comments	Risk Ranking	Management Strategy (method of control)	Revised Risk Ranking
	Considered possible with moderate consequences (ongoing management implications).		Buffers/separation measures proposed also mitigate against spray drift from RU1 and RU4 land.	
Domestic animals	Domestic animals, including dogs, may get lost and chase or attack livestock. Potential accidental poisoning of domestic animals from use of poisons for vermin control (eg 1080). Considered possible with moderate consequence (may harm animals and cause neighbour dispute).	C3 =13 (unacceptable)	All residential lots/ rear yards would be securely fenced. There are Council policies for ownership of pets and associated responsibility (registration/ microchipping etc). Use of certain poisons will require notification to avoid accidental poisoning, and users must have training etc. Mitigated risk decreases to rare probability.	E3 =6 (acceptable)
Traffic and access	Potential conflicts between farm/ heavy vehicles and residential vehicular access. Considered possible but minor consequence.	C4 =8 (acceptable)	Local Land Services requirements: in a temporary stock zone, drivers must give way to stock and all other animals and any vehicle accompanying the stock, in the location the movement is unlikely. The current speed zone environment is suitable for the residential development, however during construction additional traffic management measures will likely be required. Construction traffic management plan.	C4 =8 (acceptable)

STEP 4 – Record LUCRA Results – Recommendations

The land use conflict risk assessment has identified and evaluated a range of potential land use conflicts between the future residential development of the subject site and surrounding land uses in the rural landscape, notably proximal RU1 and RU4 grazing and land/ pasture management activities on adjoining land, as well as similar activities but with a lesser risk profile to the north in the existing Honey Haven development. The site is not directly proximal to ongoing active farmland and associated rural activities, with separation occurring due to existing development, rail and road reserves.

Most of the potential conflicts identified in this LUCRA are of low risk, with some being moderate or medium when unmitigated. The following matters were identified as being ranked as potentially unacceptable (though still not significant) prior to taking into account mitigating factors and/ or control methods.

These include the following matters associated with adjoining grazing/ land management activity and the interface with the proposed residential development:

- Run off and erosion management during development construction
- Surface water changes and stormwater management from proposed development
- Rubbish
- Spray drift
- Domestic Animals.

Most of the above matters have been assessed in Table 2 as being manageable, with an acceptable residual risk, based on design outcomes and engineering requirements that would be required as part of the subdivision design and Proposal /mitigation techniques (i.e. to address relevant LEP and DCP provisions and standards).

Potential impacts from adjoining agricultural activities, such as noise, dust , weed management and odour were not considered high risk or unmanageable. The subdivision design and inherent buffers in the site location achieve adequate separation distances to mitigate potential impacts. Overall, the identified potential risks are generally low to moderate and can be reasonably managed with buffers to reduce risk to an acceptable level.

Recommendations

- Fencing choices to be identified in the DA stage to consider the best choice to support buffers.
- During construction appropriate mitigation measure are to be implemented to address management of stormwater and runoff.
- Any planting in the buffer near the Highway to consider species choice for noise and dust mitigating properties.

LUCRA

- Construction traffic management plan be prepared to address changes in traffic and including consideration of any farming needs.

The LUCRA is a tool, and other risks and mitigation measure may become apparent as the process of development is continued. At this planning proposal stage, this LUCRA has demonstrated that subject to the incorporation of noted mitigation measures, the proposed development would be acceptable, and is not expected to increase, substantially alter, or likely cause, unacceptable or significant land use conflict. It is aimed that this LUCRA be included in the planning proposal documentation and shared with design personnel, to increase the understanding of potential land use conflicts, to inform and complement development control and buffer requirements in the future.

Appendix A- Risk Ranking and Rating

Risk Ranking

The consequences (environmental/public health and amenity) are combined with a 'probability' (of those outcomes) in the Risk Ranking table to identify the risk rank of each environmental/public health and amenity impact.

Measure of Consequence (Severity of Environmental Impact) table

Level: 1	Descriptor: Severe
Description	<input type="checkbox"/> Severe and/or permanent damage to the environment <input type="checkbox"/> Irreversible <input type="checkbox"/> Severe impact on the community <input type="checkbox"/> Neighbours are in prolonged dispute and legal action involved
Example/ Implication	<ul style="list-style-type: none"> • Harm or death to animals, fish, birds or plants • Long term damage to soil or water • Odours so offensive some people are evacuated or leave voluntarily • Many public complaints and serious damage to the Council's reputation • Contravenes Protection of the Environment & Operations Act and the conditions of Council's licences and permits. Almost certain prosecution under the POEO Act
Level: 2	Descriptor: Major
Description	<input type="checkbox"/> Serious and/or long-term impact to the environment <input type="checkbox"/> Long-term management implications <input type="checkbox"/> Serious impact on the community <input type="checkbox"/> Neighbours are in serious dispute
Example/ Implication	<ul style="list-style-type: none"> • Water, soil or air impacted, possibly in the long term • Harm to animals, fish or birds or plants • Public complaints. Neighbour disputes occur. Impacts pass quickly • Contravenes the conditions of Council's licences, permits and the POEO Act • Likely prosecution
Level: 3	Descriptor: Moderate
Description	<input type="checkbox"/> Moderate and/or medium-term impact to the environment and community <input type="checkbox"/> Some ongoing management implications <input type="checkbox"/> Neighbour disputes occur
Example/ Implication	<ul style="list-style-type: none"> • Water, soil or air known to be affected, probably in the short term • No serious harm to animals, fish, birds or plants • Public largely unaware and few complaints to Council • May contravene the conditions of Council's Licences and the POEO Act • Unlikely to result in prosecution
Level: 4	Descriptor: Minor

LUCRA

Description	<input type="checkbox"/> Minor and/or short-term impact to the environment and community <input type="checkbox"/> Can be effectively managed as part of normal operations <input type="checkbox"/> Infrequent disputes between neighbours
Example/ Implication	<ul style="list-style-type: none"> • Theoretically could affect the environment or people but no impacts noticed • No complaints to Council • Does not affect the legal compliance status of Council
Level: 5	Descriptor: Negligible
Description	<input type="checkbox"/> Very minor impact to the environment and community <input type="checkbox"/> Can be effectively managed as part of normal operations <input type="checkbox"/> Neighbour disputes unlikely
Example/ Implication	<ul style="list-style-type: none"> • No measurable or identifiable impact on the environment • No measurable impact on the community or impact is generally acceptable

Probability (Measure of Likelihood of Risk) table

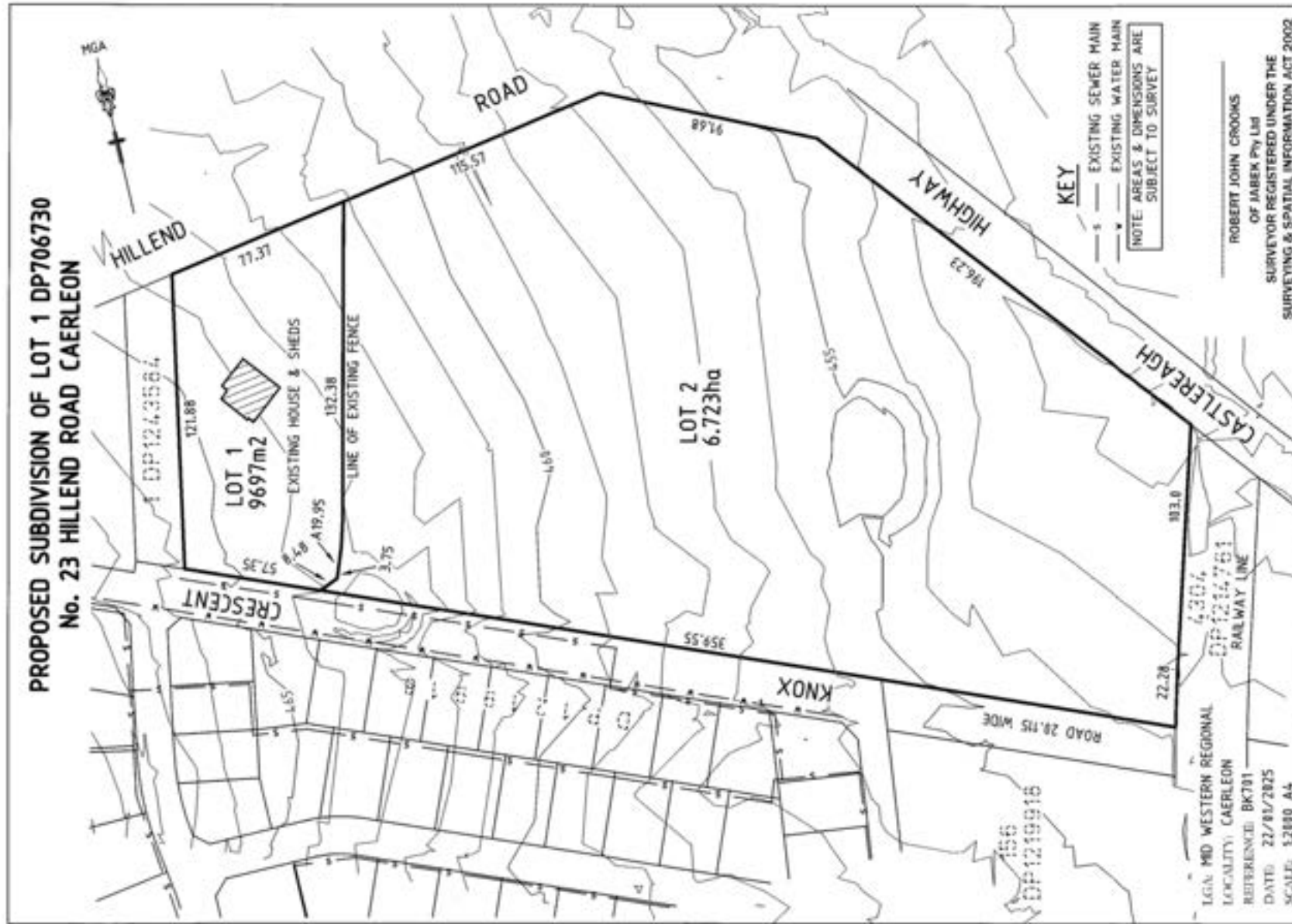
Level	Descriptor	Description
A	Almost Certain	Common or repeating occurrence
B	Likely	Known to occur, or it has occurred
C	Possible	Could occur or 'I've heard it happening'
D	Unlikely	Could occur in some circumstances, but not likely to occur
E	Rare	Practically impossible

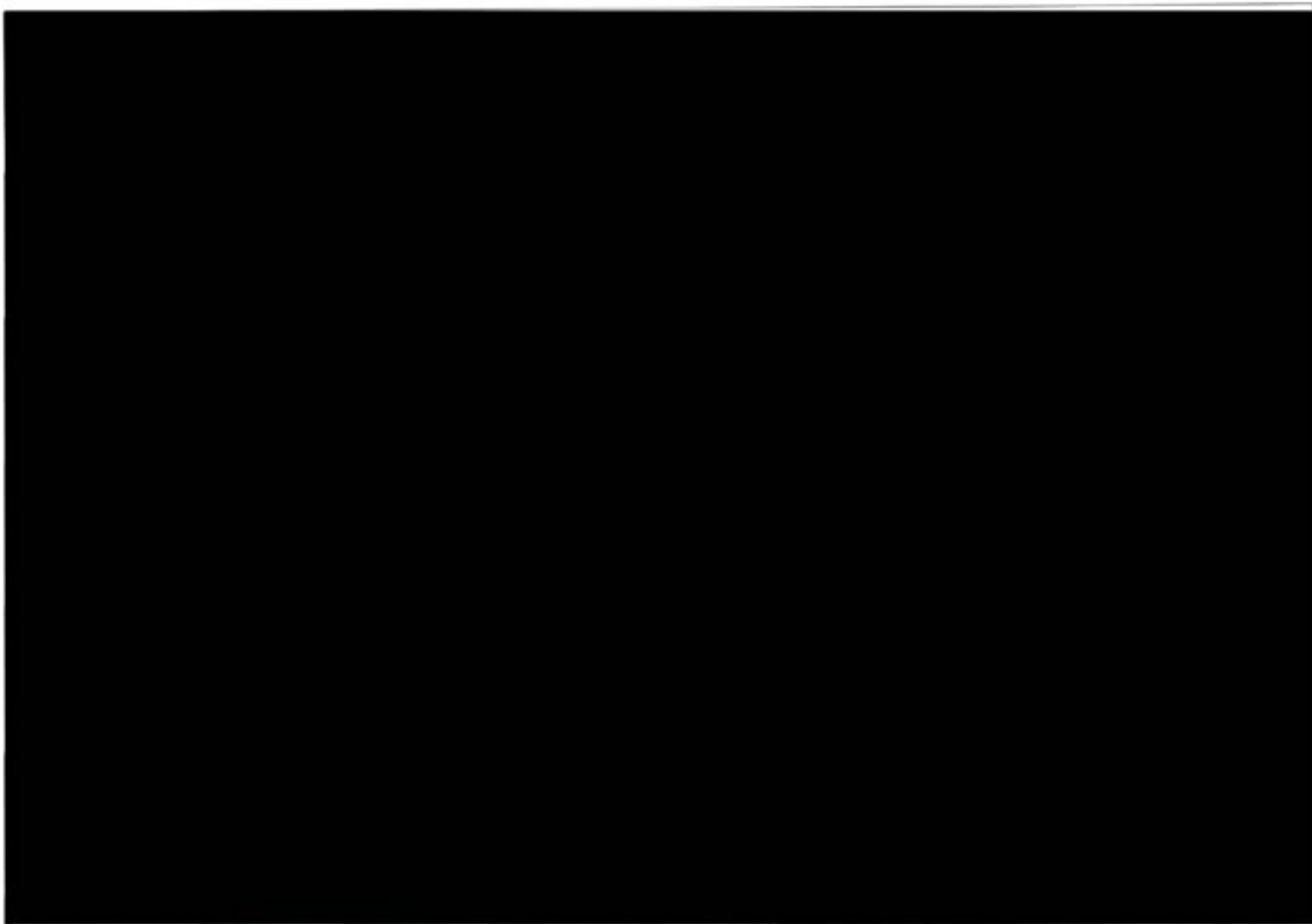
Risk Rating

The risk ranking matrix yields a risk ranking from 25 to 1. It covers each combination of five levels of 'probability' - a letter A to E as defined in **Probability (Measure of Likelihood of Risk) table** - and 5 levels of 'consequence', - a number 1 to 5 as defined in **Measure of Consequence (Severity of Environmental Impact) table** - to identify the risk ranking of each impact. For example, an activity with a 'probability' of D and a 'consequence' of 3 yields a risk rank of 9

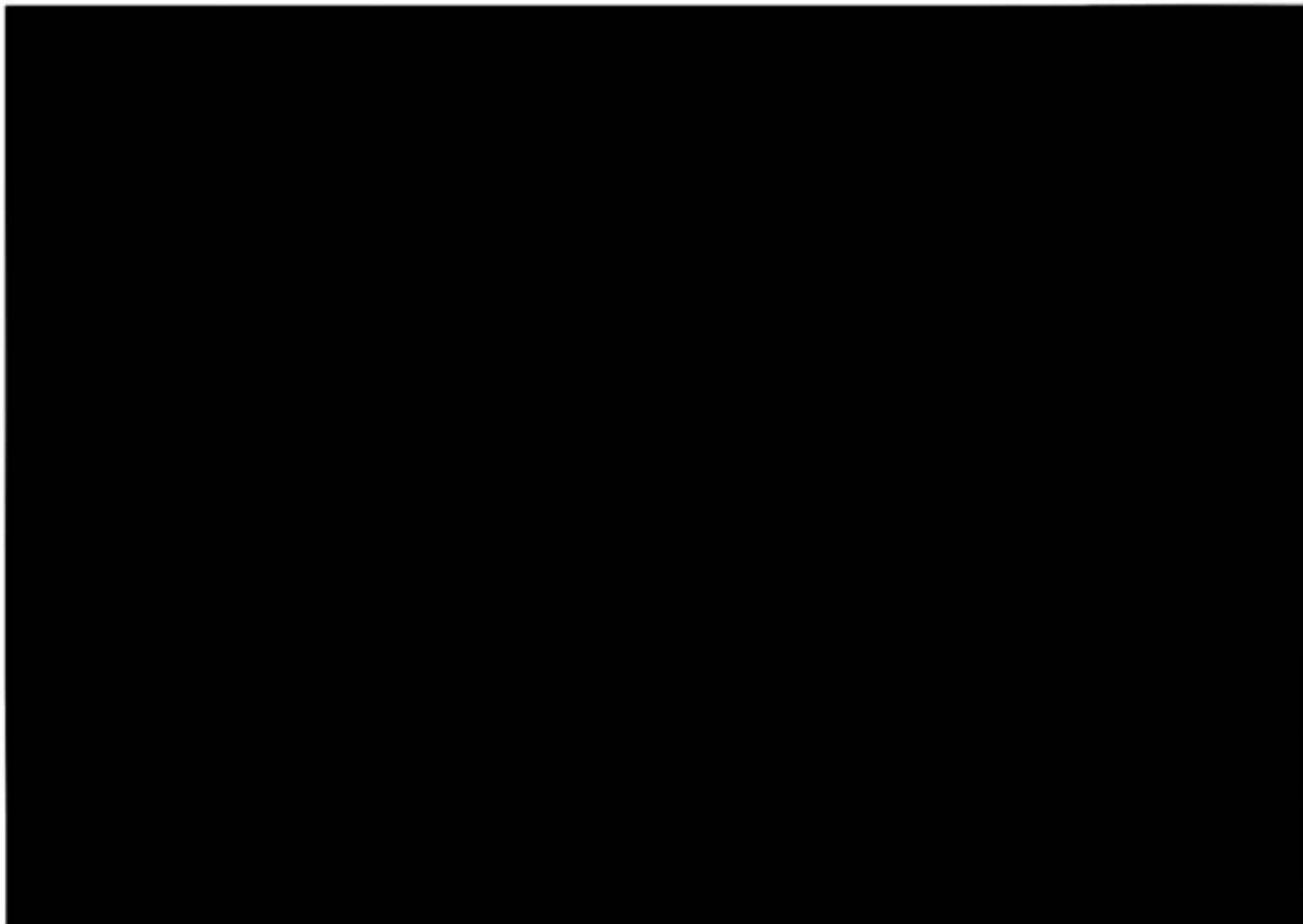
Consequence	Probability				
	A	B	C	D	E
1	25	24	22	19	15
2	23	21	18	14	10
3	20	17	13	9	6
4	16	12	8	5	3
5	11	7	4	2	1

A risk rating of 19-25 would normally be deemed as an unacceptable risk. A risk rating of less than 10 would normally be deemed as an acceptable risk.













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DESIGN · PLAN · MANAGE

Planning Proposal Report

**Subdivision for Road Closure as Exempt Development and
the reclassifying of land (community to operational)**

Client: Mid-Western Regional Council

Site Address: Mid-Western Regional Local Government Area

2 July 2025

Our Reference: 44161-PR01_D

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Client:	Mid-Western Regional Council
Project Number:	44161
Report Reference:	44161-PR01_D
Date:	2 July 2025

Prepared by:	Reviewed by:
	
Josh Eagleton B.Urb.Reg.Planning MPIA Senior Town Planner	Jack Massey B.Urb.Reg.Planning MPIA Senior Town Planner



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1. INTRODUCTION

1.1. Background

The Planning Proposal seeks to under two (2) main objectives. These being:

Objective 1: Amend Schedule 2 Exempt Development

Amend Schedule 2 Exempt Development of the Mid Western Regional Local Environmental Plan by introducing a provision to permit the subdivision of public road as exempt development for the purpose of road closure. The inclusion of Council-owned Road closure within exempt development is sought to ensure the process of road closure is efficient and straightforward, especially for roads located in large lot or rural zones.

Since December 2019, the responsibility of closing roads was transferred from DPE Crown Lands to Council. Council owned roads which need to be closed must be subdivided to create a title for the specific area of road. In zones which have a large Minimum Lot Size, road closures cannot proceed through the Development Application (DA) process because the prospective closure area does not meet the Minimum Lot Size. Council has commenced the road closure process for three different roads, two of these have encountered issues due to their location, zoning and minimum lot size. The third has not due to its location in an area that does not have a large Minimum Lot Size.

Objective 2: Reclassification of Land

To facilitate the reclassification of Council owned land from Community Land to Operation Land and extinguish and encumbrances (where required) to allow for the future long-term lease and use of the land for operational purposes. There are currently twenty-seven (27) sites across the Local Government Area, ranging from car parks, vacant land, dog pounds, quarry and reserves. A number of these will require the adjustment to its reserve status or interests and therefore will need Governor General Approval prior to the completion of the Planning Proposal

1.2. Planning Proposal

The Planning Proposal seeks to under two (2) main objectives. These being:

- Objective 1: Amend Schedule 2 Exempt Development of the Mid Western Regional Local Environmental Plan by introducing a provision to permit the subdivision of public road as exempt development for the purpose of road closure.
- Objective 2: To facilitate the reclassification of Council owned land from Community Land to Operation Land and extinguish and encumbrances (where required) to allow for the future long-term lease and use of the land for operational purposes.

Consistent with the NSW Government Planning & Environment's *Planning Proposals: Local Environmental Plan Making Guideline* (the Guide), this Planning Proposal has been prepared in the following format:

- Part 1 – Objectives or intended outcomes
- Part 2 – Explanation of Provisions
- Part 3 – Justification and strategic and site-specific merit
- Part 4 – Maps



- Part 5 – Community Consultation
- Part 6 – Project Timeline

1.3. Proponent

The proponent for this Planning Proposal is Mid-Western Regional Council, which has been prepared by Barnson Pty Ltd.

1.4. Consultant

Josh Eagleton
Barnson Pty Ltd
Suite 34/361 Harbour Drive
Coffs Harbour NSW 24500

1.5. Supportive Documentation

This Planning Proposal is supported by the following documentation.

Table 1: Appendix

Document	Prepared by	Date	Appendix
Certificate of Title	Land Registry Services	-	Appendix A
Deposited Plan	Land Registry Services	-	Appendix B
Preliminary Assessment "Public Reserve"	Barnson Pty Ltd	11/3/2025	Appendix C
Land Reclassification Maps	Mid-Western Regional Council		Appendix D



2. PLANNING PROPOSAL

2.1. Part 1 – Objectives or Intended Outcomes

The Intention of this Planning Proposal.

The objective of the Planning Proposal is:

1. The Objectives of this Planning Proposal is to amend the Mid-Western Regional LEP to include road closures as an item within Schedule 2 Exempt Development. The amendment will allow Council to efficiently close Council owned road without having to meet the minimum allotment size required to subdivide road as stipulated under Clause 4.1 Minimum Allotment Size of the Mid Western Regional LEP.
2. The objective of this proposal is to facilitate the reclassification of Council owned land from Community Land to Operational Land and extinguish and encumbrances to allow for future development of the land for Council operational purposes.

The Planning Proposal includes comprehensive supporting information

The Planning Proposal is including supporting documentation that supports the proposals:

- Request an amendment to the land classification.
- Request an amendment to the LEP to allow for exempt subdivision when relating to council road closures.
- Address the 'Gateway Determination Assessment' Criteria under Part 3 of the EP&A Act 1979.
- Provide justification for the LEP amendment and demonstrate the net community benefits which follow.
- Demonstrate that the Planning Proposal is consistent with NSW Department of Planning, Industry and Environment and Council broad strategic direction for the locality.

Below is an excerpt of Section 38A of the Road Act 1993, which will be where the direct link leads to.

S38A Roads Act 1993

A council may propose the closure of a council public road for which it is the roads authority if—

- (a) the road is not reasonably required as a road for public use (whether for present or future needs), and
- (b) the road is not required to provide continuity for an existing road network, and
- (c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

Road Closure Example

A meeting with the Mid-Western Regional Council was held on the 27th of May 2024 to discuss the current Development Application/Development currently being held up by the planning anomaly described as Item 1 in this Scoping Report. A summary of examples currently known by council has been provided below.

Example 1: Bylong RFS Shed:

The Rural Fire Service Shed is partially located within the Bylong Valley Way Road Reserve (see **Figure 2**). Proposed Lot 91 does not meet the minimum lot size under RU1 Primary Production (100 Hectares MLS) and MWR Council is unable to consolidate with adjoining Crown Land, not Council owned. The Development Application will not be accepted by Planning for progression.

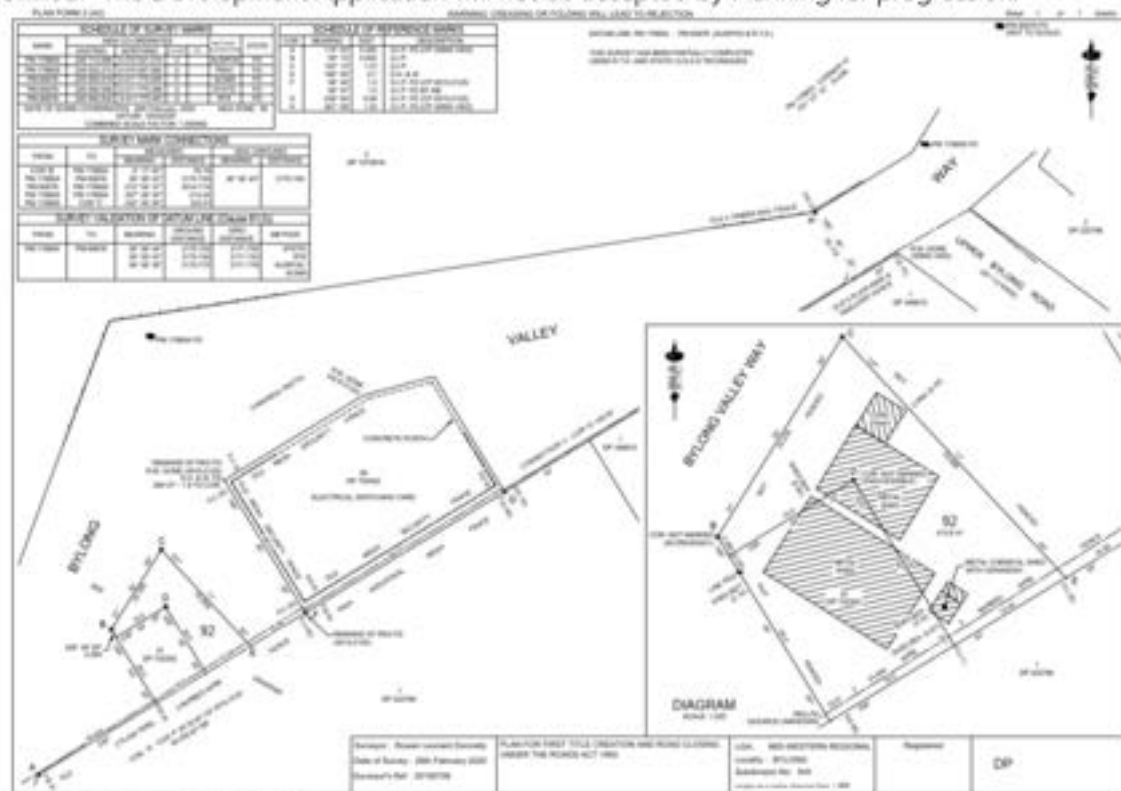


Figure 2: Bylong RFS Shed Example

Source: Mid-Western Regional Local Environmental Plan 2012

Example 2: Cooyal WTS

The proposed Cooyal WTS is partially located in the Kains Flat Road Reserve (see **Figure 3** below). Overall proposed location is on the former road reserve lot which would trigger a Development Application for a subdivision as the proposal cannot demonstrate that the subdivision is to be created for the purposes of 'rectifying an encroachment, creating a public reserve or excising land to be used for public purpose' under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* rectifying it to be exempt.

Furthermore, given the precedent with Bylong Valley Way, a DA could not utilise the MLS variation under Clause 4.6 of the LEP as it would not comply with 4.6(6) and therefore, we could not grant consent to this. The lot created by the subdivision would need to therefore meet the MLS or achieve at least 90 per cent. If the WTS is not relocated a DA could not be progressed for the proposed area.



Figure 3: Cooyal WTS Example

Source: Mid-Western Regional Local Environmental Plan 2012

2.2.2. Site Subject to Planning Proposal

This Planning Proposal seeks to reclassify land relates to twenty-seven (27) sites across the Local Government Area, including car parks, vacant land, dog pounds, quarries, and reserves. Several of these sites will require adjustments to their reserve status or interests, necessitating Governor-General approval prior to finalising the Planning Proposal. Each of them has been described below.

Site 1: 3 Byron Place, Mudgee

Site 1 is situated at 3 Byron Place, Mudgee, and is legally identified as Lot 1 in Deposited Plan 1016484. The site serves as a portion of public parking within the Mudgee town centre, as shown in Figure 4.



Figure 4: 3 Byron Place, Mudgee (Lot 1 in DP1016484)
Source: Sixmaps (accessed 24/1/2025)

Site 2: 3 Byron Place, Mudgee

Site 2 is situated at 3 Byron Place, Mudgee, and is legally identified as Lot 2 in Deposited Plan 1017112. The site serves as public parking within the Mudgee town centre, as shown in Figure 5.



Figure 5: 3 Byron Place, Mudgee (Lot 2 in DP1017112)
Source: Sixmaps (accessed 24/1/2025)

Site 3: 3 Byron Place, Mudgee

Site 3 is situated at 3 Byron Place, Mudgee, and is legally identified as Lot 3 in Deposited Plan 1026343. The site serves as a portion of public parking within the Mudgee town centre, as shown in Figure 6.



Figure 6: 3 Byron Place, Mudgee (Lot 3 in DP1026343)

Source: Sixmaps (accessed 24/1/2025)

Site 4: 3 Byron Place, Mudgee

Site 4 is situated at 3 Byron Place, Mudgee, and is legally identified as Lot 4 in Deposited Plan 1026343. The site serves as a portion of public parking within the Mudgee town centre, as shown in Figure 7.



Figure 7: 3 Byron Place, Mudgee (Lot 4 in DP1026343)

Source: Sixmaps (accessed 24/1/2025)

Site 5: 46 White Street, Gulgong

Site 5 is located at 46 White Street, Gulgong, and is legally described as Lot 13, Section 27, in Deposited Plan 758482. The site contains a shed used for Council operational purposes, as shown in Figure 8.



Figure 8: 46 White Street, Gulgong (Lot 13 in Section 27 in DP758482)

Source: Sixmaps (accessed 24/1/2025)

Site 6: 33-35 Ilford Street, Rylstone

Site 6 is located at 33-35 Ilford Street, Rylstone, and is legally described as Lot 1 in Deposited Plan 1020755. The site contains RFS, and water reservoir as shown in Figure 9



Figure 9: 46 33-35 Ilford Street, Rylstone (Lot 1 in DP1020755)

Source: Sixmaps (accessed 24/1/2025)

Site 7: 3 Dawson Street, Rylstone

Site 7 is located at 3 Dawson Street, Rylstone, and is legally described as Lot 1, Section 28 in Deposited Plan 758891. The site does not contain any structures or buildings as shown in **Figure 10**.



Figure 10: 3 Dawson Street, Rylstone (Lot 1 in DP758891)

Source: Sixmaps (accessed 24/1/2025)

Site 8: 38 Kandos Tip Road, Kandos

Site 8 is located at 38 Kandos Tip Road, Kandos, and is legally described as Lot 300 in Deposited Plan 821839. The site does not contain any structures or buildings as shown in **Figure 11**. The site was former use as pound however now is currently not being used for any purpose.



Figure 11: 38 Kandos Tip Road, Kandos (Lot 300 in DP 821839)

Source: Sixmaps (accessed 24/1/2025)

Site 9: 33E Wenonah Street, Gulgong

Site 9 is located at 33E Wenonah Street, Gulgong, and is legally described as Lot 1 in Deposited Plan 727202. The site forms part of a larger area encompassing Flirtation Hill and accommodates a water reservoir on the land as shown at **Figure 12**.



Figure 12: 33E Wenonah Street, Gulgong (Lot 1 in DP 727202)

Source: Sixmaps (accessed 24/1/2025)

Site 10: 88 Market Street, Mudgee

Site 10 is located at 88 Market Street, Mudgee, and is legally described as Lot 9 in Deposited Plan 824137. The property currently accommodates a building used for offices and ancillary parking as shown at **Figure 13**.



Figure 13: 88 Market Street, Mudgee (Lot 9 in DP824137)

Source: Sixmaps (accessed 24/1/2025)

Site 11: 6916 Ilford Sofala Road, Ilford

Site 11 is located at 6916 Ilford Sofala Road Ilford and is legally described as Lot 1 in Deposited Plan 1145132. The property form part of a quarry site as shown at **Figure 14**.



Figure 14: 6916 Ilford Sofala Road, Ilford (Lot1 in DP T145132)
Source: Sixmaps (accessed 24/1/2025)

Site 12: 49 White Street, Gulgong

Site 12 is located at 49 White Street, Gulgong and is legally described as Lot 1 in Section 80 in Deposited Plan 758482. The site currently has a structure located within its boundaries, as shown in Figure 15 below. The building is used as a café and museum.



Figure 15: White Street, Gulgong (Lot 1 Section 80 in DP758482)
Source: Sixmaps (accessed 24/1/2025)

Site 13: 12 Consadine Grove, Spring Flat

Site 13 is located at 12 Consadine Grove, Spring flat and is legally described as Lot 38 in Deposited Plan 1212812. The site is currently part of a drainage reserve, as shown in Figure 16, but is zoned for residential use under the Mid-Western Regional Local Environmental Plan 2012.



Figure 16: 12 Consadine Grove, Spring Flat (Lot38 in DP 1212812)
Source: Sixmaps (accessed 24/1/2025)

Site 14: 105 Spring Creek Road, Gulgong

Site 14 is located at 105 Spring Creek Road, Gulgong and is legally described as Lot 1 in Deposited Plan1016478. The site forms part of the land accommodating sewer treatment plant structures and associated infrastructure services, as shown in **Figure 17**.



Figure 17: 105 Spring Creek Road, Gulgong (Lot 1 in DP 1016478)
Source: Sixmaps (accessed 24/1/2025)

Site 15: 107 Spring Creek Road, Gulgong

Site 15 is located at 107 Spring Creek Road, Gulgong and is legally described as Lot 2 in Deposited Plan 1016478. The site forms part of the land accommodating sewer treatment plant structures and associated infrastructure services, as shown in **Figure 18**.



Figure 18: 107 Spring Creek Road, Gulgong (Lot 2 in DP 1016478)
Source: Sixmaps (accessed 24/1/2025)

Site 16: 33 Wenonah Street, Gulgong

Site 16 is located at 33 Wenonah Street, Gulgong and is legally described as Lot 1 in Deposited Plan 1141002 as shown in Figure 19. The site forms part of a property accommodating water reservoirs



Figure 19: 33 Wenonah Street, Gulgong (Lot 1 in DP1141002)
Source: Sixmaps (accessed 24/1/2025)

Site 17: 33 Wenonah Street, Gulgong

Site 17 is located at 33 Wenonah Street, Gulgong and is legally described as Lot 2 in Deposited Plan 1141002, as shown in Figure 20. The site forms part of a property accommodating water reservoirs.



Figure 20: 33 Wenonah Street, Gulgong (Lot 2 in DP1141002)
Source: Sixmaps (accessed 24/1/2025)

Site 18: 1A/77 Market Street, Mudgee

Site 18 is located at 1A/77 Market Street, Mudgee and is legally described as Lot 1 in Deposited Plan 1038619 as shown in Figure 21. The site accommodates part of an commercial building in Mudgee town centre.



Figure 21: 1A/77 Market Street, Mudgee (Lot 1 in DP1038619)
Source: Sixmaps (accessed 24/1/2025)

Site 19: 26 Burrundulla Road, Burrundulla

Site 19 is located at 26 Burrundulla Road, Burrundulla and is legally described as Lot 2 Deposited Plan 1104479 as shown in Figure 22. The site forms part of the land accommodating the Water Treatment Plan.



Figure 22: 26 Burrundulla Road, Burrundulla (Lot 2 in DP 1104479)
Source: Sixmaps (accessed 24/1/2025)

Site 20: 9 Barrington Court, Mudgee

Site 20 is located at 9 Barrington Court, Mudgee and is legally described as Lot 8 Deposited Plan 1221711 as shown in **Figure 23**. The site is being used for drainage purposes, however, is zoned R1 under the Mid Western Regional Local Environmental Plan 2012.



Figure 23: 9 Barrington Court, Mudgee (Lot 8 in DP 1221711)
Source: Sixmaps (accessed 24/1/2025)

Site 21: 1 Mill Street, Rylstone

Site 21 is located at 1 Mill Street, Rylstone and is legally described as Lot 1350 Deposited Plan 1091480 as shown in **Figure 24**. The site is part of land uses as a water reservoir.



Figure 24: 91 Mill Street, Rylstone (Lot 1350 in DP1091480)
Source: Sixmaps (accessed 24/1/2025)

Site 22: 32 Russell Road, Kandos

Site 22 is located at 32 Russell Road, Kandos and is legally described as Lot 1 Deposited Plan 786820 as shown in Figure 25. The site is part of land uses as a water reservoir.



Figure 25: 32 Russell Road, Kandos (Lot 1 in DP786820)
Source: Sixmaps (accessed 24/1/2025)

Site 23: 533 Cooper Drive, Clandulla

Site 23 is located at 533 Cooper Drive, Clandulla and is legally described as Lot 1 Deposited Plan 748897 as shown in Figure 26. The site is part of land uses as a water reservoir.



Figure 26: 533 Cooper Drive, Clandulla (Lot1 in DP748897)
Source: Sixmaps (accessed 24/1/2025)

Site 24: 42 Melton Street, Mudgee

Site 24 is located at 42 Melton Street, Mudgee and is legally described as Lot 1 Deposited Plan 1199604 as shown in **Figure 27**. The site is part of land uses as a drainage reserve. Notably, the site is zoned R1 – General Residential under the *Mid-Western Regional Local Environmental Plan 2012*.



Figure 27: 42 Melton Street, Mudgee (Lot1 in DP1199604)
Source: Sixmaps (accessed 24/1/2025)

Site 25: 9A Hughson Avenue, Mudgee

Site 25 is located at 9A Hughson Avenue, Mudgee and is legally described as Lot 10 Deposited Plan 1199604 as shown in **Figure 28**. The site is part of land uses as a drainage reserve. Notably, the site is zoned R1 – General Residential under the *Mid-Western Regional Local Environmental Plan 2012*.



Figure 28: 9A Hughson Avenue, Mudgee (Lot 10 in DP1199604)
Source: Sixmaps (accessed 24/1/2025)

Site 26: 33 Buchanan Street, Kandos

Site 26 is located at 33 Buchanan Street, Kandos and is legally described as Lot 17 in Section 5 in Deposited Plan 8161 as shown in **Figure 29**. The site forms part of the rear access to Kandos library. Notably, the site is zoned RU5 - Village under the *Mid-Western Regional Local Environmental Plan 2012*.



Figure 29: 33 Buchanan Street, Kandos (Lot 17 in Section 5 in DP8161)
Source: Sixmaps (accessed 24/1/2025)

Site 27: 737 Botobolar Road, Botobolar

Site 27 is located at 737 Botobolar Road, Botobolar and is legally described as Lot 2531 in Deposited Plan 1010059 as shown in **Figure 30**. The site is currently being used by the Rural Fire Service.



Figure 30: 737 Botobolar Road, Botobolar (Lot 2531 in DP1010059)

Source: Sixmaps (accessed 24/1/2025)

2.2.3. Reclassification of Community Land

The reclassification of Council-owned land from Community Land to Operational Land is intended to facilitate the removal of encumbrances (where necessary) and enable future long-term leasing and use of the land for operational purposes. There are currently twenty-seven (27) sites across the Local Government Area, including car parks, vacant land, dog pounds, quarries, and reserves. Several of these sites will require adjustments to their reserve status or interests, necessitating Governor-General approval prior to finalising the Planning Proposal.

Table 2 below summarises the sites proposed for reclassification through this Planning Proposal, detailing their address, legal description, and current use. Copies of all titles are provided in **Appendix A**, while **Appendix B** contains copies of the Deposited Plans.

Table 3 outlines any interests affecting these sites, as confirmed by Mid-Western Regional Council, along with their public reserve status. Public reserves are defined under the *Local Government Act 1993*, and the relevant definition is provided below. A preliminary assessment, prepared by Barnson Pty Ltd in collaboration with Council, has been undertaken to determine the public reserve status of each site. This assessment, included in **Appendix C**, considers the provisions of the Act and the definition provided to establish the status of each lot.

public reserve means—

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or

(e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or

(f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*, or

(g) Crown managed land that is dedicated or reserved—

(i) for public recreation or for a public cemetery, or

(ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the *Gazette* by the Minister administering the *Crown Land Management Act 2016*,

being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or

(h) land declared to be a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*, or

(i) land dedicated as a public reserve and placed under the control of a council under section 159 of the *Roads Act 1993*, and includes a public reserve of which a council has the control under section 344 of the *Local Government Act 1919* or section 48, but does not include a common.

Table 2: Lot Summary

Site	Address	Lot and DP	Further Site Details
Site 1	3 Byron Place, Mudgee	Lot 1 DP 1016484	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 2	3 Byron Place, Mudgee	Lot 2 DP 1017112	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 3	3 Byron Place, Mudgee	Lot 3 DP 1026343	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 4	3 Byron Place, Mudgee	Lot 4 DP 1026343	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 5	46 White Street, Gulgong	Lot 13 Section 27 DP 758482	Tenanted on a Monthly basis via Raine & Horne Gulgong, 102 Mayne Street Gulgong NSW 2852.
Site 6	33-35 Ilford Street, Rylstone	Lot 1 DP 1020755	Site accommodates RFS and water reservoir.



Site 7	3 Dawson Street, Rylstone	Lot 8 Section 28 DP 758891	Council proposes to develop land for future requirements.
Site 8	38 Kandos Tip Road, Kandos	Lot 300 DP 821839	Former use as a pound. Zoned Part E4 General Industrial. Not suitable for community land.
Site 9	33E Wenonah Street Gulgong	Lot 1 DP 727202	Part of a larger site encompassing Flirtation Hill. Accommodates water reservoir on the land.
Site 10	88 Market Street, Mudgee	Lot 9 DP 824137	Use as Council office space. Zoned E2 Commercial.
Site 11	6916 Ilford Sofala Road, Ilford	Lot 1 DP 1145132	Quarry Site.
Site 12	49 White Street, Gulgong	Lot 1 Section 80 DP 758482	Current use as a café and museum.
Site 13	12 Consadine Grove, Spring Flat	Lot 38 DP 1212812	Drainage Reserve.
Site 14	105 Spring Creek Road, Gulgong	Lot 1 DP 1016478	Sewer Treatment Plant.
Site 15	107 Spring Creek Road, Gulgong	Lot 2 DP 1016478	Sewer Treatment Plant.
Site 16	33 Wenonah Street, Gulgong	Lot 1 DP 1141002	Water Reservoir.
Site 17	33 Wenonah Street, Gulgong	Lot 2 DP 1141002	Water Reservoir.
Site 18	1A/77 Market Street, Mudgee	Lot 1 DP 1038619	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 - 22 June 2032.
Site 19	26 Burrundulla Road, Burrundulla	Lot 2 DP 1104479	Water Treatment Plant.
Site 20	9 Barrington Court, Mudgee	Lot 8 DP 1221711	Drainage Reserve.
Site 21	1 Mill Street, Rylstone	Lot 1350 DP 1091480	Water Reservoir.

Site 22	32 Russell Road, Kandos	Lot 1 DP 786820	Water Reservoir.
Site 23	533 Cooper Drive, Clandulla	Lot 1 DP 748897	Water Reservoir.
Site 24	42 Melton Street, Mudgee	Lot 1 DP 1199604	Drainage Reserve.
Site 25	9A Hughson Avenue, Mudgee	Lot 10 DP 1199604	Drainage Reserve.
Site 26	33 Buchanan Street, Kandos	Lot 17 Section 5 DP 8161	Rear section of the Kandos Library. Proposed future development (potentially children's playground).
Site 27	737 Botobolar Road, Botobolar	Lot 2531 DP 1010059	Rural Fire Services.

Table 3: Lot Amendments and Acquisition History

Site	Lot and DP	Interest Pertaining to the Land	Public Reserve (Y/N) – Per Local Government Act
Site 1	Lot 1 DP 1016484	<ul style="list-style-type: none"> 1 reservations and conditions in the crown grant(s) 2 dp1016484 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram 3 dp1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in dp1026343 8672800 variation of easement dp1026343 terms varied 	No – Does not meet the definition of "Public Reserve" under the LG Act or those other Acts referenced.
Site 2	Lot 2 DP 1017112	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) DP1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in dp1026343 8672800 variation of easement dp1026343 terms varied 	No – Does not meet the definition of "Public Reserve" under the LG Act or those other Acts referenced.

Site 3	Lot 3 DP 1026343	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) DP1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in dp1026343 8672800 variation of easement dp1026343 terms varied 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 4	Lot 4 DP 1026343	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) DP1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram 8672800 variation of easement dp1026343 terms varied 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 5	Lot 13 Section 27 DP 758482	<ul style="list-style-type: none"> Land excludes minerals and is subject to reservations and conditions in favour of the crown - see memorandum s700000c Excepting any roads and resumed land Subject to the conditions contained in the government gazette dated 9-3-1962 Special lease 1957/23 Mudgee. Subject to the provisions of the crown lands consolidation act, 1913, particularly as regards payment of annual rent and other dues, restrictions on dealings, and restrictions on subdivision - see sections 257 and s 75b 	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve under the LG Act as the land relates to a “Public Park”.
Site 6	Lot 1 DP 1020755	<ul style="list-style-type: none"> Land excludes minerals by the crown grant. Reservations and conditions in the crown grant(s) within the part(s) shown so indicated in the title diagram. 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 7	Lot 8 Section 28 DP 758891	<ul style="list-style-type: none"> Land excludes minerals and is subject to reservations and conditions in favour of the crown – see crown grant(s) 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 8	Lot 300 DP 821839	<ul style="list-style-type: none"> Land excludes minerals (s.171 crown lands act 1989) 	No – Does not meet the definition of “Public Reserve”

		<ul style="list-style-type: none"> DP874289 easement to drain water 3 metres wide appurtenant to the land above described, affecting the part shown so burdened in deposited plan 874289 	under the LG Act or those other Acts referenced.
Site 9	Lot 1 DP 727202	<ul style="list-style-type: none"> Lands excludes minerals and is subject to reservation and conditions in favour of the crown – see memorandum s70000B Excepting land below a depth from the surface of 20 metres 	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve via – Public Recreation - Section 49 of LG Act.
Site 10	Lot 9 DP 824137	<ul style="list-style-type: none"> Land excludes minerals (s.171 crown lands act 1989). NOTE: Revocation of reservation of Crown Land Vide Gov. Gas 5.1.1996 FOL 10 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 11	Lot 1 DP 1145132	<ul style="list-style-type: none"> Land excludes minerals and is subject to reservations and conditions in favour of the crown – see crown grant(s) DP1145132 Restriction(s) on the use of land 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 12	Lot 1 Section 80 DP 758482	<ul style="list-style-type: none"> Land excluded minerals and is subject to reservation and condition in favour of the Crown – See Crown Grant (s) Excepting the land below a depth from the surface of 15.24 metres by the Crown Grant 	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve under the LG Act as the land relates to a “Public Park”.
Site 13	Lot 38 DP 1212812	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) within the part(s) shown so indicated in the title diagram Land excludes minerals (s.171 crown lands act 1989) within the part(s) shown so indicated in the title diagram Qualified title, caution pursuant to section 28j(1) and 28j(1a) of the real property act, 1900. entered 28.1.1988 as regards the part in bk3354 no962 DP1150667 easement for overhead power line(s) varying widths affecting 	Yes- The site is a public reserve via – Public Recreation - Section 49 of LG Act.

		<p>the part(s) shown so burdened in the title diagram</p> <ul style="list-style-type: none"> • DP1206488 positive covenant • The land within described is a drainage reserve 	
Site 14	Lot 1 DP 1016478	<ul style="list-style-type: none"> • 0204579 – Land excludes minerals see crown grant as regards the part(s) shown so burdened in the title diagram • DP1016478 – Right of Carriageway 15 metre(s) wide affecting the part(s) shown burdened in the title diagram. • DP1016478- Right of Carriageway 10 metre(s) wide and 5 metre(s) wide affecting the part(s) shown burdened in the title diagram. • AN230540 – Lease to Danny Gordon Moerkerk Expires 19/12/2022 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 15	Lot 2 DP 1016478	<ul style="list-style-type: none"> • 0204579 land excludes minerals see crown grant • DP1016478 right of carriageway 15 metre(s) wide appurtenant to the land above described • DP1016478 right of carriageway 10 metre(s) wide and 5 metre(s) wide appurtenant to the land above described 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 16	Lot 1 DP 1141002	<ul style="list-style-type: none"> • Limited title. Limited pursuant to Section 28T(4) of the Real Property Act, 1900. The boundaries of the land comprised herein have not been investigated by the registrar general • Land excludes minerals (S.141 Public Works Act, 1912) 	Yes – Land is zoned RE1 – Public Recreation - Section 49 of LG Act.
Site 17	Lot 2 DP 1141002	<ul style="list-style-type: none"> • Limited title. limitation pursuant to section 28t(4) of the real property act, 1900. the boundaries of the land comprised herein have not been investigated by the registrar general. • Land excludes minerals (s.141 public works act, 1912). 	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve via – Public Recreation - Section 49 of LG Act.

Site 18	Lot 1 DP 1038619	<ul style="list-style-type: none"> Reservations and conditions in the Crown Grants(s) The land above described is limited in stratum in the manner described in the title diagram. DP1038619 Right of Footway 0.29 metre(s) wide appurtenant to the land above described. DP1038619 Easement for services 0.29 metre(s) wide appurtenant to the land above described. 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 19	Lot 2 DP 1104479	<ul style="list-style-type: none"> DP1104479 easement to drain water 10 metre(s) wide affecting the part(s) shown so burdened in the title diagram 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 20	Lot 8 DP 1221711	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) The land within described is a drainage reserve DP815010 positive covenant DP815010 restriction(s) on the use of land DP1022765 restriction(s) on the use of land referred to and numbered 1 in the s.88b instrument 	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve via – Public Recreation - Section 49 of LG Act.
Site 21	Lot 1350 DP 1091480	<ul style="list-style-type: none"> W347940 Land excludes minerals of the part shown on designated in the title diagram. 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 22	Lot 1 DP 786820	<ul style="list-style-type: none"> Land excludes minerals and is subject to reservations and conditions in favour of the crown – see crown grant(s) 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 23	Lot 1 DP 748897	<ul style="list-style-type: none"> Land excluded minerals – see memorandum T447400 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 24	Lot 1 DP 1199604	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) The land within described is a drainage reserve 	Yes- The site is a public reserve via – Public Recreation - Section 49 of LG Act.

		<ul style="list-style-type: none"> DP1199604 easement to drain sewage 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram DP1199604 easement for multi-purpose electrical installation 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram 	
Site 25	Lot 10 DP 1199604	<ul style="list-style-type: none"> Reservations and conditions in the crown grant(s) The land within described is a drainage reserve DP1199604 easement for underground powerlines 2 metre(s) wide affecting the part(s) shown so burdened in the title diagram 	Yes- The site is a public reserve via – Public Recreation - Section 49 of LG Act.
Site 26	Lot 17 Section 5 DP 8161	<ul style="list-style-type: none"> AN356399 land excludes minerals (s.141 public works act, 1912) 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.
Site 27	Lot 2531 DP 1010059	<ul style="list-style-type: none"> Land excludes mineral and is subject to reservations and conditions in favour of the crown – see crown grant(s) 	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.

Table 4: Acquisition History

Site	Lot and DP	Land Zoning	Reason for Amendment	Acquisition History
Site 1	Lot 1 DP 1016484	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 6 th of September 2000
Site 2	Lot 2 DP 1017112	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 12 th of May 2000
Site 3	Lot 3 DP 1026343	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 8 th of August 2000
Site 4	Lot 4 DP 1026343	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 8 th of August 2000
Site 5	Lot 13 Section 27 DP 758482	R1 – General Residential	To enable the land to be used for Council operational purposes.	Unknown.



Site 6	Lot 1 DP 1020755	RU5- Village	To enable the land to be used for Council operational purposes.	Resumed for Reservoir Site GG 31 st August 1956
Site 7	Lot 8 Section 28 DP 758891	RU5- Village	To enable the land to be used for Council operational purposes.	Unable to locate details.
Site 8	Lot 300 DP 821839	E4 – General Industrial and RU1 – Primary Production	To enable the land to be used for Council operational purposes.	Transferred to Council on 4 th of October 2001
Site 9	Lot 1 DP 727202	RE1- Public Recreation	To enable the land to be used for Council operational purposes.	Compulsory Acquired for Gulgong Sewerage Augmentation GG 4/10/1988
Site 10	Lot 9 DP 824137	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Acquired for Council operational requirements
Site 11	Lot 1 DP 1145132	RU1 – Primary Production	To enable the land to be used for Council operational purposes.	Settlement occurred 11/12/2009 – for Council quarry.
Site 12	Lot 1 Section 80 DP 758482	RE1 – Public Recreation	To enable the land to be used for Council operational purposes.	Purchased for Council requirements. 27/07/2001
Site 13	Lot 38 DP 1212812	R2- Low Density Residential	To enable the land to be used for Council operational purposes.	Dedicated as drainage reserve on registration of DP1212812 dated 24/11/2015
Site 14	Lot 1 DP 1016478	SP2 - Infrastructure	To enable the land to be used for Council operational purposes.	Acquired for the purposes of the Public Works Act 1912 – GG - 5/05/1995
Site 15	Lot 2 DP 1016478	SP2 - Infrastructure	To enable the land to be used for Council operational purposes.	Acquired for the purposes of the Public Works Act 1912 – GG - 5/05/1995
Site 16	Lot 1 DP 1141002	RE1- Public Recreation	To enable the land to be used for Council operational purposes.	Compulsory Acquired for Gulgong Sewerage Augmentation



GG 4/10/1988				
Site 17	Lot 2 DP 1141002	RE1- Public Recreation	To enable the land to be used for Council operational purposes.	Compulsory Acquired for Gulgong Sewerage Augmentation
GG 4/10/1988				
Site 18	Lot 1 DP 1038619	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Purchased on 6/9/2000
Site 19	Lot 2 DP 1104479	E3 – Productivity Support, SP2 – Infrastructure and E4 – General Industrial	To enable the land to be used for Council operational purposes.	Purchased for Water Treatment Facility. Transfer processed using LGA 1993 Proclamation of 26/5/04
Site 20	Lot 8 DP 1221711	R1 – General Residential	To enable the land to be used for Council operational purposes.	Dedicated as Drainage Reserve on registration of DP1221711 dated 20/7/2016v
Site 21	Lot 1350 DP 1091480	RU1- Primary Production and RU5 - Village	To enable the land to be used for Council operational purposes.	Gazette dated 9 th September 1955 - Land resumed for the purpose of providing, controlling and managing public cattle markets for the sale of animals
Site 22	Lot 1 DP 786820	RU1- Primary Production	To enable the land to be used for Council operational purposes.	Acquisition Date: 27.10.2010- Purpose of Kandos Reservoir
Site 23	Lot 1 DP 748897	RU1- Primary Production	To enable the land to be used for Council operational purposes.	Vesting of Land for Clandulla Water Supply GG 21 December 1990
Site 24	Lot 1 DP 1199604	R1 – General Residential	To enable the land to be used for Council operational purposes.	Dedicated as drainage reserve on registration of DP1199604 as at 18.11.2014
Site 25	Lot 10 DP 1199604	R1 – General Residential	To enable the land to be used for Council operational purposes.	Dedicated as drainage reserve on registration of DP1199604



Site 26	Lot 17 Section 5 DP 8161	RU5 - Village	To enable the land to be used for Council operational purposes.	Gazette dated: 7 th April 1955. Transfer did not occur until 15/05/2018
Site 27	Lot 2531 DP 1010059	RU1- Primary Production	To enable the land to be used for Council operational purposes.	Gifted to Council for RFS facility. 22/2/2000

The outcome of facilitating an amendment to the reclassification of land involves the following:

1. Amend Schedule 4, Part 1: Land Classified, or reclassified, as operational land – no interests changed.
2. Amend Schedule 4, Part 2: Classified, or reclassified, as operational land – interests changed.
3. Update any relevant mapping where required.

Table 5: Schedule of Amendments

Schedule 4 to be Amended	Property Details
Amend Schedule 4, Part 1: Land Classified, or reclassified, as operational land – no interests changed	See below.
Amend Schedule 4, Part 2: Classified, or reclassified, as operational land – interests changed	N/A

Amend Schedule 4, Part 1: Land Classified, or reclassified, as operational land – no interests changed

Column 1	Column 2
Locality	Description
737 Botobolar Road, Botobolar	Lot 2531 DP 1010059
26 Burrundulla Road, Burrundulla	Lot 2 DP 1104479
533 Cooper Drive, Clandulla	Lot 1 DP 748897
33E Wenonah Street, Gulgong	Lot 1 DP 727202
33 Wenonah Street, Gulgong	Lot 1 DP 1141002
33 Wenonah Street, Gulgong	Lot 2 DP 1141002
46 White Street, Gulgong	Lot 13 Section 27 DP 758482
49 White Street, Gulgong	Lot 1 Section 80 DP 758482
105 Spring Creek Road, Gulgong	Lot 1 DP 1016478
107 Spring Creek Road, Gulgong	Lot 2 DP 1016478

6916 Ilford Sofala Road, Ilford	Lot 1 DP 1145132
32 Russell Road, Kandos	Lot 1 DP 786820
33 Buchanan Street, Kandos	Lot 17 Section 5 DP 8161
38 Kandos Tip Road, Kandos	Lot 300 DP 821839
1A/77 Market Street, Mudgee	Lot 1 DP 1038619
3 Byron Place, Mudgee	Lot 1 DP 1016484
3 Byron Place, Mudgee	Lot 2 DP 1017112
3 Byron Place, Mudgee	Lot 3 DP 1026343
3 Byron Place, Mudgee	Lot 4 DP 1026343
9 Barrington Court, Mudgee	Lot 8 DP 1221711
9A Hughson Avenue, Mudgee	Lot 10 DP 1199604
42 Melton Street, Mudgee	Lot 1 DP 1199604
88 Market Street, Mudgee	Lot 9 DP 824137
1 Mill Street, Rylstone	Lot 1350 DP 1091480
3 Dawson Street, Rylstone	Lot 8 Section 28 in DP758891
33-35 Ilford Street, Rylstone	Lot 1 in DP1020755
12 Consadine Grove, Spring Flat	Lot 38 in DP1212812

2.2.4. LEP Practice Notes PN16-001

Table 6 below presents a comprehensive summary of the key considerations raised in LEP Practice Notice PN16-001. It outlines the sites, their public reserve status, proposed reclassification, relevant interests for each parcel, and their current land zoning under the Mid-Western Regional Local Environmental Plan 2012

Table 6: Checklist for Proposal Classifying or Reclassifying Public Land Through the LEP

Requirements	Response
The current and proposed classification of the land	All land is currently classified as <i>community land</i> and is proposed to be reclassified to <i>operational land</i> .
Whether the land is a public reserve (defined in the LG Act)	<p>Please refer to Table 3 above. Several sites have been identified as having public reserve status, this includes:</p> <ul style="list-style-type: none"> • Lot 13 in Section 27 in DP758482, • Lot 1 in DP727202 • Lot 1, Section 80 in DP758482

- Lot 38 in DP121812
- Lot 1 in DP1141002
- Lot 2 in DP 1141002
- Lot 8 in DP 1221711
- Lot 1 in DP 1199604
- Lot 101199604

Please note, Governor-General approval is required when a reclassification proposal seeks to remove public reserve status or alter any existing interests. Therefore, the Governor-General must be consulted regarding the reclassification of the above allotments. [as per PN-16-001].

Please note, **Table 3** has been based on the Preliminary Public Reserve Assessment which has been undertaken by Council and Barnson and summarised at **Appendix C**.

The Strategic and site-specific merits of the reclassification and evidence to support this.

Addressed in section 2.3.2 of the report.

Whether the Planning Proposal is the result of a strategic study or report.

The proposal is not the result of a strategic study or report.

Whether the Planning Proposal is consistent with the Council Community Plan or other Strategic Plan

Please refer to Section 2.3 of the report.

a summary of council's interests in the land, including: how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)

Please refer to **Table 3 and 4** for summary of Council interests in the land and how it was acquired.

2.3. Part 3 – Justification

2.3.1. Section A – Need for the Planning Proposals

Is the planning proposal a result of an endorsed LSPS, strategic study or report?



A summary of both objectives and their strategic endorsement has been described below.

Objective 1: Road Closure

The Planning Proposal is not a result of any strategic study or report. The proposed amendment to the Mid-Western Regional LEP detailed in this Planning Proposal has been identified by Council officers through the applications being submitted to Council. Council has recognised that it is necessary to amend the LEP to ensure council road closures are not held up with the planning anomaly that requires the Minimum Allotment Size to be met when closing a road.

Objective 2: Classification of land.

The Planning proposal is not a result of any strategic study or report. The land identified in Table 1 of the Scoping report all have a classification of "community land" and are land not formally identified in any council adopted strategic plans are forming part of council "community land" strategies. Instead, council seeks to modify the classification of the land in order for the land to be used for other functional uses of the council, that are not able to be pursued under the community land classification.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Objective 1: Road Closure

The proposed amendment to the Mid-Western Regional LEP is considered the most effective approach to establishing a streamlined process for the subdivision and closure of Council-owned roads. By including the subdivision of Council-owned roads in Schedule 2 – Exempt Development, a more efficient road closure process can be implemented. This is particularly significant in areas with large minimum lot sizes, where Council has previously faced challenges in subdividing and closing roads.

Prior to preparing this Planning Proposal, Council consulted with the Department of Planning, Housing and Infrastructure (DPHI) through the pre-lodgement process. A DPHI representative confirmed that site-specific provisions for exempt subdivisions related to road closures can be incorporated into the LEP as proposed, and that the Planning Proposal process is the appropriate mechanism for this amendment. DPHI also noted that several other councils are currently pursuing similar amendments.

Objective 2: Classification of land.

The Planning Proposal is the only means of achieving the objectives and intended outcomes. The reclassification of land is required to meet both the requirements of the Environmental Planning and Assessment Act 1979 and Local Government Act 1993, through the preparation of a Planning Proposal.

2.3.2. Section B – Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Central West and Orana Regional Plan 2041

Central West and Orana Regional Plan 2041 is a 20-year blueprint for the future of the Central West and Orana area and includes five overarching goals. **Table 7** provided a summary of key objectives that the Planning Proposal and scope is consistent with.

Table 7: Central West and Orana Regional Plan 2041

Objective 6 – Support connected and healthy communities.	<p>The Planning Proposal supports Objective 6 – <i>Support Connected and Healthy Communities</i> by facilitating a more efficient process for road closures and land reclassification, ultimately enabling better infrastructure delivery. While the proposal focuses on administrative pathways, these changes will allow Council to manage land more effectively, ensuring resources can be allocated to projects that enhance walking and cycling connections, public spaces, and recreational trails.</p> <p>By streamlining road closures and reclassifying land, the proposal contributes to long-term planning strategies that support active transport networks and improve accessibility, aligning with the broader goal of fostering connected and healthy communities.</p>
Objective 15 – Manage rural residential development	<p>The Planning Proposal supports Objective 15 – <i>Manage Rural Residential Development</i> by ensuring that land use planning is efficient and responsive to infrastructure needs. By facilitating road closures and reclassifying Council-owned land, the proposal enables more strategic land management, allowing Council to allocate land for operational purposes that support sustainable growth.</p> <p>Streamlining these processes ensures that rural residential development is appropriately serviced with infrastructure while minimising fragmented or inefficient land use patterns. This aligns with the objective's goal of managing rural residential development in a way that balances growth with infrastructure capacity and long-term sustainability.</p>
Objective 17 - Coordinate smart and resilient utility infrastructure	<p>The Planning Proposal supports Objective 17 – <i>Coordinate Smart and Resilient Utility Infrastructure</i> by streamlining the process for road closures and land reclassification, enabling more efficient infrastructure planning and delivery. By facilitating the reclassification of Council-owned land for operational purposes, the proposal allows for better coordination of essential services, ensuring that infrastructure can be strategically located and managed to support long-term community needs.</p> <p>Additionally, by removing unnecessary administrative barriers, the proposal helps optimise land use and resource allocation, contributing to a more resilient and adaptable infrastructure network.</p>
Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure.	<p>The Planning Proposal supports Objective 20 – <i>Protect and Leverage the Existing and Future Road, Rail, and Air Transport Networks and Infrastructure</i> by enabling a more efficient process for road closures and land reclassification, ensuring that transport infrastructure is effectively managed and optimised for future needs.</p> <p>By streamlining these processes, the proposal allows Council to reallocate land for operational purposes that support transport and infrastructure planning. This contributes to the long-term protection and enhancement of the road network by ensuring that redundant or underutilised roads can be repurposed efficiently, reducing maintenance costs and improving overall network functionality.</p>

Location – Mid-Western Regional	<p>The Planning Proposal aligns with the Mid-Western Regional Local Government Priorities by supporting efficient land use planning, infrastructure management, and economic sustainability. By streamlining road closures and facilitating land reclassification, the proposal enables Council to optimise land resources and enhance infrastructure planning, ensuring more effective service delivery.</p> <p>This contributes to economic growth by allowing for cost-effective infrastructure investment and future development opportunities. Additionally, the proposal supports improved transport and connectivity by ensuring that redundant or underutilised roads can be repurposed for community benefit, aligning with Council's commitment to maintaining and improving transport infrastructure.</p> <p>By promoting a more coordinated and sustainable approach to land use, the proposal helps minimise land fragmentation and supports strategic growth, reinforcing the region's long-term planning and development goals.</p>
---------------------------------	--

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Mid-Western Regional Local Strategic Planning Statement

Mid-Western Regional Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use planning in the Mid-Western Regional Council Local Government Area. The LSPS outlines land use Planning Priorities and sets short-, medium- and long-term actions to deliver the Planning Priorities for the community.

Each of this Planning Priorities have been detailed below and how the Planning Proposal is consistent with the LSPS and the Planning Priorities.

Table 8: Mid-Western Regional LSPS

Theme 1 Looking After our Community

Planning Priority	Comment
PP4 – Provide Infrastructure and services to cater for the current and future needs of our community.	<p>The Planning Proposal aligns with <i>Planning Priority PP4 – Provide Infrastructure and Services to Cater for the Current and Future Needs of Our Community</i> by enabling a more efficient and strategic approach to land and infrastructure management. By streamlining road closures and reclassifying Council-owned land for operational purposes, the proposal facilitates the effective delivery of essential infrastructure and services.</p> <p>These changes allow Council to better plan for future community needs by ensuring land is available for necessary developments while also reducing delays and administrative constraints. This approach enhances Council's ability to provide well-planned, cost-effective infrastructure that supports both current and long-term community growth.</p>

Theme 2 Protecting our natural Environment

Theme 3 Building a Strong Local Economy

PP8 – Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the Region.

The Planning Proposal supports *Planning Priority PP8 – Provide Leadership on Economic Development Initiatives and Identify Resources and Infrastructure Required to Drive Investment and Economic Growth in the Region* by enabling a more efficient process for road closures and land reclassification, ensuring that land and infrastructure are optimally managed to support future development.

By removing administrative barriers, the proposal allows Council to allocate resources effectively, facilitating infrastructure projects that attract investment and drive economic growth. Streamlining these processes supports a more responsive approach to land use planning, ensuring that essential infrastructure is in place to accommodate business, industry, and community needs, ultimately strengthening the region's economic resilience.

PP9 – Support the expansion of essential infrastructure and services to match business and industry development in the Region

The Planning Proposal supports *Planning Priority PP9 – Support the Expansion of Essential Infrastructure and Services to Match Business and Industry Development in the Region* by streamlining road closures and land reclassification, enabling efficient infrastructure delivery to support business and industry growth.

By improving land management for operational purposes, the proposal ensures essential services keep pace with development, fostering a more responsive and investment-ready region.

Theme 4 Connecting our Region

PP11 – Develop and enhance walking and cycling networks across the Region

The Planning Proposal indirectly supports the *Planning Priority PP11 - Develop and enhance walking and cycling networks across the Region* development and enhancement of walking and cycling networks by streamlining road closures and land reclassification, allowing for more efficient land management and infrastructure planning.

These changes enable Council to better allocate resources for future transport and public space improvements, including pedestrian and cycling pathways that enhance connectivity across the region.

Theme 5 Good Government

PP12 – Improve communications between Council the community and create awareness of Councils roles and responsibilities.

The Planning Proposal aligns with *PP12 – Improve Communications Between Council and the Community and Create Awareness of Council's Roles and Responsibilities* by establishing a clear and transparent process for road closures.

It also enables Council to undertake future works on reclassified land in line with its operational plans, ensuring the community understands how these changes support long-term infrastructure and service delivery.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?



The Planning Proposal is consistent with relevant State and Regional Studies and Strategies. Notably, several councils are currently progressing similar amendments to their LEPs to facilitate the efficient closure of roads.

Mid-Western Region Community Plan 2040

The Planning Proposal aligns with the Mid-Western Region Community Plan 2040 by supporting efficient land use planning and sustainable development. By amending the Mid-Western Regional LEP to allow road closures under Schedule 2 (Exempt Development), the proposal streamlines the process for closing Council-owned roads without being constrained by the minimum allotment size requirements under Clause 4.1. This amendment ensures that land use planning facilitates practical and sustainable outcomes, reducing administrative barriers that could otherwise delay necessary road closures and reconfigurations.

Additionally, the proposal facilitates the reclassification of Council-owned land from Community Land to Operational Land, ensuring that land identified for Council's operational purposes can be efficiently utilised. This reclassification removes encumbrances that may restrict future development, allowing the land to be used for essential Council functions and infrastructure projects. By enhancing Council's ability to manage and develop its land holdings, the proposal supports the broader objectives of the Community Plan, which seeks to optimise land use for the benefit of the region.

The proposal contributes to the Community Plan's overarching goal of improving governance and service delivery by enabling more flexible and strategic land management. Ensuring that Council-owned land can be effectively repurposed for operational needs will support future growth and infrastructure investment. In doing so, this proposal aligns with the strategic direction of the Mid-Western Region Community Plan 2040, which promotes sustainable development, efficient resource management, and the delivery of essential services to the community.

Is the planning proposal consistent with applicable SEPPs

Table 9 on the following pages provides a summary of applicable SEPPs, their relevance and how the proposed Planning Proposal is consistent with the instrument:

Table 9: State Environmental Planning Policies

SEPP	Comments
SEPP (Housing) 2021	The Planning Proposal is not inconsistent with the principles of this SEPP.
SEPP (Planning Systems) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Resource and Energy) 2021	Nothing in this Planning Proposal impacts the operation of this SEPP.

SEPP (Resilience and Hazards) 2021	Chapter 4 Remediation of Land – Whilst this Planning Proposal does not propose any development. It has the potential to create opportunities for development. Therefore, any future Development Application to development land, and to development that has been subdivided due to road closure will need to consider the provisions of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent - SEPP is the primary planning instrument addressing the provision and operation of infrastructure across the State. Referral to the NSW Roads and Maritime Services (RMS) may be required for certain development. SEPP would continue to apply to the site. The Planning Proposal does not include any provisions which impede the operation of this SEPP over the site.
SEPP Biodiversity and Conservation 2021 –	– The Biodiversity and Conservation SEPP aims to encourage the protection of biodiversity values and preservation of amenities in non-rural areas as well as conservation and management of areas of natural vegetation. The Planning Proposal does not contravene the provisions of the SEPP and is therefore consistent with it.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contravene the provisions of the SEPP and is therefore consistent with it.

Is the planning proposal consistent with the applicable Ministerial Directions (Section 9.1)

Table 10 considers the applicable Ministerial Directions that apply to the Planning Proposal.

Table 10: Section 9.1 Directions

Direction	Applicable	Comment
1. Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is found to be consistent with the overall intent of the Central West and Orana Regional Plan 2041.
1.3 approval and Referral Requirements	Yes	Noted.
1.4 Site Specific Provisions	Yes	The Planning Proposal seeks to amend Schedule 2 Exempt Development of the Mid Western Local Environmental Plan by introducing a provision to permit the subdivision of public road as exempt development for the purpose of road closure. The

inclusion of Council-owned Road closure within exempt development is sought to ensure the process of road closure is efficient and straightforward, especially for roads located in large lot or rural zones.

It is considered that any inconsistency with this direction is considered minor as the proposed additional planning control is not restrictive.

2. Focus Area 1: Planning System – Place based

Nothing in this focus area applies to the Planning Proposal.

3. Focus Area 2: Design and Place

This Focus Area was blank when the Directions were made.

4. Focus Area 3: Biodiversity and Conservation

3.1 Conservation Zones	Yes	The Planning Proposal is consistent with this direction. The Planning Proposal does not include any amendments to the protection and conservation of environmentally sensitive land.
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3.2 Heritage Conservation	Yes	The Planning Proposal is consistent with this direction.
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5. Focus Area 4: Resilience and Hazards

Nothing in this focus area applies to the Planning Proposal

5. Focus Area 5 – Transport and Infrastructure

5.2 Reserving land for public purposes	Yes	The Planning Proposal is consistent with Subclause 4 of this direction.
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6. Focus Area 6: Housing

Nothing in this focus area applies to the Planning Proposal

7. Focus Area 7: Industry and Employment

Nothing in this focus area applies to the Planning Proposal

8. Focus Area 8: Resources and Energy

Nothing in this focus area applies to the Planning Proposal

9. Focus Area 9: Primary Production

9.2 Rural Lands	Yes	<p>The Planning Proposal is not in direct conflict with this directive, as it does not alter the existing minimum lot sizes within rural zones. While the amendment will apply across the entire LGA and all zones, it is noted that road closures primarily affect rural land. The inclusion of an exempt subdivision, specifically related to Council Road closures, creates a pathway for lots to be formed on rural land that is already undersized. This approach promotes the orderly and economic development of land by prioritising efforts to minimise rural land fragmentation and reduce the risk of land use conflicts. Additionally, it enables the potential amalgamation of existing rural land parcels with adjacent land, currently part of Council's disused road corridors.</p> <p>The Planning Proposal is not directly inconsistent with any strategic policies.</p>
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2.3.3. Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

There is no possibility that the Planning Proposal will negatively impact critical habitats, threatened species, populations, ecological communities, or their environments.

The Planning Proposal does not seek to rezone any land. Its intent is to establish an exempt pathway to close council-owned roads. While the proposal is intended to apply to all land within the Mid-Western Region LEP, it will only affect council-owned roads and does not involve new development.

Additionally, the Planning Proposal aims to reclassify several parcels of land within the LGA from community land to operational land, allowing these areas to support the operational purposes of the Council.

Consequently, the proposal will not adversely affect critical habitats, threatened species, populations, ecological communities, or their environments.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of the planning proposal as the intent of the planning proposal is to change the classification of land and to establish an exempt pathway to close council owned road. The Planning Proposal does not involve new development; therefore, it will have no environmental effects.

Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have a positive social and economic impact by way of:

Social and Economic Impact

Road Closure

The chief economic effect of this Planning Proposal is the increased efficiency it will bring. Improving the process for road closures will mean less time and resources are utilised to do so. Furthermore, Council will also be able to better maintain its assets through the disposal of redundant parcels of road.

Reclassification.

It is not considered that there would be any substantial social or economic outcomes associated with the outcomes sought by the proposed reclassification. It is noted that the reclassification will allow for greater flexibility with regard to the use of the land by Mid-Western Regional Council, however a future use of the site, including any timeframes for development, have not been established by Council to date.

2.3.4. Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

This is not considered relevant as this Planning Proposal is minor in nature.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Due to the minor nature of the Planning Proposal, consultation with State and Commonwealth public authorities was not undertaken. However, the Department of Planning, Housing and Infrastructure was advised of the proposed through the pre-lodgement process.

If Council support this Planning Proposal and receives a Gateway Determination from the Department of Planning, Housing and Infrastructure, it likely the proposal would be publicly exhibited for **10days** in accordance with the Local Environmental Plan Making Guidelines.

2.4. Part 4 – Mapping

The Planning Proposed includes reclassification maps, which have been included at **Appendix D** of this report.

2.5. Part 5 – Community Consultation

It is expected that the Planning Proposal would not be a Low Impact Proposal and therefore community consultation would be undertaken in accordance with the requirements set out in *Local Environmental Plan Making Guidelines – Basic Planning Proposal*.



Community consultation will be carried out in line with the requirements of the Gateway Determination. This Planning Proposal will be publicly exhibited for a minimum of 10 working days, with notifications provided through the following channels:

- NSW Planning Portal
- Council's Customer Services
- Libraries
- Council's website
- Local newspapers

Consultation with State agencies will not be undertaken by Council.

2.6. Part 6 -Project Timeline

The following indicative project timeline is provided:

Table 11: Indicative Project Timing

Stage	Timing
Consideration by Council	May - July
Council Decisions	July Council Meeting
Gateway Determination	July - August
Pre-exhibition	July - August
Commencement and completion of public exhibition period (28 days)	August - September
28-day notification of Public Hearing	September- October
Public hearing	November
Consideration of submission and preparation of public hearing report	November - December
Post-exhibition review and additional studies	December - January
Council Meeting	February
Submission to Department for finalisation	February - March
Gazettal of LEP amendments.	March - May



3. CONCLUSION

The Planning Proposal seeks approval to:

- Amend Schedule 2 Exempt Development of the Mid Western Local Environmental Plan by introducing a provision to permit the subdivision of public road as exempt development for the purpose of road closure.
- To facilitate the reclassification of Council owned land from Community Land to Operation Land and extinguish and encumbrances (where required) to allow for the future long-term lease and use of the land for operational purposes.

This Planning Proposal has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979*, as well as satisfying the requirements of the NSW Department of Planning, Housing and Infrastructure guidelines – *Local Environmental Plan Making Guidelines*.

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is consistent with the relevant legislative requirements of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*.
- The proposal is consistent with the aims and objectives of relevant state policies and local policies application to the Planning Proposal.
- The proposal is consistent with the strategic planning framework including State, Regional and local planning strategies.

Therefore, the proposed amendment to MWR LEP 2012 is appropriate and well-considered and warrants the support of Council before proceeding to a Gateway Determination.

barnson.

APPENDIX A

Certificate of Title



**LAND
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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/80/758482

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	8/8/2001

LAND

LOT 1 OF SECTION 80 IN DEPOSITED PLAN 758482
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GUNTAWANG COUNTY OF PHILLIP
(FORMERLY KNOWN AS ALLOTMENT 1 OF SECTION 80)
TITLE DIAGRAM CROWN PLAN 200.2089

FIRST SCHEDULE

MUDGEES SHIRE COUNCIL

(T 7838096)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 EXCEPTING THE LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES BY THE CROWN GRANT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

JL A15223

PRINTED ON 12/9/2024

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/727202

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

2

4/10/1988

LAND

LOT 1 IN DEPOSITED PLAN 727202

AT GULGONG

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF GULGONG COUNTY OF PHILLIP

TITLE DIAGRAM DP727202

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF MUDGEE

(T X884146)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000B
- 2 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 20 METRES

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/748897

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	8/11/1990

LAND

LOT 1 IN DEPOSITED PLAN 748897
AT CLANDULLA
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF CLANDULLA COUNTY OF ROXBURGH
TITLE DIAGRAM DP748897

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF RYLSTONE (AP 2450112)

SECOND SCHEDULE (1 NOTIFICATION)

- * 1 LAND EXCLUDES MINERALS -SEE MEMORANDUM T447400

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/786820

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	5/1/2011

LAND

LOT 1 IN DEPOSITED PLAN 786820
AT KANDOS
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP786820

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(RP AF877561)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1016478

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	4	3/4/2018

LAND

LOT 1 IN DEPOSITED PLAN 1016478
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1016478

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(RP AH40372)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 0204579 LAND EXCLUDES MINERALS SEE CROWN GRANT AS REGARDS
THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- DP1016478 RIGHT OF CARRIAGEWAY 15 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- DP1016478 RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE AND 5 METRE(S)
WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE
TITLE DIAGRAM
- AN230540 LEASE TO DANNY GORDON MOERKERK EXPIRES: 19/12/2022.

NOTATIONS

NOTE: THIS FOLIO MAY BE ASSOCIATED WITH A CROWN TENURE WHICH IS
SUBJECT TO PAYMENT OF AN ANNUAL RENT. FOR FURTHER DETAILS CONTACT
CROWN LANDS.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1016484

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	3	12/7/2001

LAND

LOT 1 IN DEPOSITED PLAN 1016484
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1016484

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL (T 7084529)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
 - 2 DP1016484 RIGHT OF CARRIAGEWAY 3 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
 - 3 DP1026343 RIGHT OF CARRIAGEWAY 3 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN DP1026343
- * 8672800 VARIATION OF EASEMENT DP1026343 TERMS VARIED

NOTATIONS

UNREGISTERED DEALINGS: NIL

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1020755

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	30/11/2000

LAND

LOT 1 IN DEPOSITED PLAN 1020755
AT RYLSTONE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP1020755

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF RYLSTONE

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS BY THE CROWN GRANT
- * 2 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) WITHIN THE
PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1038619

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	15/7/2002

LAND

LOT 1 IN DEPOSITED PLAN 1038619
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1038619

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL (T 8772661)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN THE TITLE DIAGRAM
- 3 DP1038619 RIGHT OF FOOTWAY 0.29 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP1038619 EASEMENT FOR SERVICES 0.29 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1141002

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	20/7/2009

LAND

LOT 1 IN DEPOSITED PLAN 1141002
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1141002

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(CA146208)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 2 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

DP1091254 NOTE: PLAN OF ACQUISITION

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1145132

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

2

14/1/2010

LAND

LOT 1 IN DEPOSITED PLAN 1145132

AT ILFORD

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF WARRANGUNIA COUNTY OF ROXBURGH

TITLE DIAGRAM DP1145132

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(T AF247867)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP1145132 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1199604

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	18/11/2014

LAND

LOT 1 IN DEPOSITED PLAN 1199604
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1199604

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE
- 3 DP1199604 EASEMENT TO DRAIN SEWAGE 3 METRE(S) WIDE AFFECTING
THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1199604 EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 3
METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED
IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1016478

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	9/8/2000

LAND

LOT 2 IN DEPOSITED PLAN 1016478
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1016478

FIRST SCHEDULE

MUDGEES SHIRE COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 0204579 LAND EXCLUDES MINERALS SEE CROWN GRANT
- DP1016478 RIGHT OF CARRIAGEWAY 15 METRE(S) WIDE APPURTENANT TO
THE LAND ABOVE DESCRIBED
- DP1016478 RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE AND 5 METRE(S)
WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1017112

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	12/7/2001

LAND

LOT 2 IN DEPOSITED PLAN 1017112

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1017112

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
 - 2 DP1026343 RIGHT OF CARRIAGEWAY 3 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN DP1026343
- * 8672800 VARIATION OF EASEMENT DP1026343 TERMS VARIED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1104479

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

3

16/11/2006

LAND

LOT 2 IN DEPOSITED PLAN 1104479

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1104479

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

1 DP1104479 EASEMENT TO DRAIN WATER 10 METRE(S) WIDE AFFECTING
THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1141002

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	20/7/2009

LAND

LOT 2 IN DEPOSITED PLAN 1141002
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1141002

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(CA146208)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 2 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

DP1091254 NOTE: PLAN OF ACQUISITION

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/1026343

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

2

15/8/2001

LAND

LOT 4 IN DEPOSITED PLAN 1026343

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1026343

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

(T 7853461)

SECOND SCHEDULE (2 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

2 DP1026343 RIGHT OF CARRIAGEWAY 3 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

* 8672800 VARIATION OF EASEMENT DP1026343 TERMS VARIED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 8/28/758891

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	21/9/1994

LAND

LOT 8 OF SECTION 28 IN DEPOSITED PLAN 758891
AT RYLSTONE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
(FORMERLY KNOWN AS ALLOTMENT 8 OF SECTION 28)
TITLE DIAGRAM CROWN PLAN 33.1274

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF RYLSTONE (TS U638995)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 8/1221711

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	20/7/2016

LAND

LOT 8 IN DEPOSITED PLAN 1221711
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1221711

FIRST SCHEDULE

MID WESTERN REGIONAL

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE
- 3 DP815010 POSITIVE COVENANT
- 4 DP815010 RESTRICTION(S) ON THE USE OF LAND
- 5 DP1022765 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED 1 IN THE 5.88B INSTRUMENT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 9/824137

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	13/8/1998

LAND

LOT 9 IN DEPOSITED PLAN 824137
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP824137

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

(T 5196160)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

NOTATIONS

NOTE: REVOCATION OF RESERVATION OF CROWN LAND VIDE GOV. GAZ 5.1.1996
POL 10

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 10/1199604

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

1

18/11/2014

LAND

LOT 10 IN DEPOSITED PLAN 1199604

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1199604

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE
- 3 DP1199604 EASEMENT FOR UNDERGROUND POWERLINES 2 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 13/27/758482

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

-

-

VOL 15448 FOL 146 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 13 OF SECTION 27 IN DEPOSITED PLAN 758482

AT GULGONG

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF GUNTAWANG COUNTY OF PHILLIP

(FORMERLY KNOWN AS ALLOTMENT 13 OF SECTION 27)

TITLE DIAGRAM CROWN PLAN 219.2089

FIRST SCHEDULE

ESTATE: PERPETUAL LEASE

CUDGEGONG SHIRE COUNCIL

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000C
- 2 EXCEPTING ANY ROADS AND RESUMED LAND
- 3 SUBJECT TO THE CONDITIONS CONTAINED IN THE GOVERNMENT GAZETTE DATED 9-3-1962
- 4 SPECIAL LEASE 1957/23 MUDGEE
- 5 SUBJECT TO THE PROVISIONS OF THE CROWN LANDS CONSOLIDATION ACT, 1913 PARTICULARLY AS REGARDS PAYMENT OF ANNUAL RENT AND OTHER DUES, RESTRICTIONS ON DEALINGS AND RESTRICTIONS ON SUBDIVISION - SEE SECTIONS 257 AND S 75B

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 17/5/8161

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	1/6/2018

LAND

LOT 17 OF SECTION 5 IN DEPOSITED PLAN 8161
AT KANDOS
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP8161

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(R AN356399)

SECOND SCHEDULE (1 NOTIFICATION)

1 AN356399 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT,
1912)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 38/1212812

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	2:38 PM	1	24/11/2015

LAND

LOT 38 IN DEPOSITED PLAN 1212812
AT SPRING FLAT
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1212812

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 2 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989) WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 3 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J(1) AND 28J(1A) OF THE REAL PROPERTY ACT, 1900. ENTERED 28.1.1988 AS REGARDS THE PART IN BK3354 NO962
- 4 DP1150667 EASEMENT FOR OVERHEAD POWER LINE(S) VARYING WIDTHS AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1206488 POSITIVE COVENANT
- 6 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 300/821839

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

1

4/10/2001

LAND

LOT 300 IN DEPOSITED PLAN 821839

AT KANDOS

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF RYLSTONE COUNTY OF ROXBURGH

TITLE DIAGRAM DP821839

FIRST SCHEDULE

RYLSTONE SHIRE COUNCIL

(T 7991402)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP874289 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE
LAND ABOVE DESCRIBED AFFECTING THE PART SHOWN SO
BURDENED IN DEPOSITED PLAN 874289

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1350/1091480

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	28/4/2006

LAND

LOT 1350 IN DEPOSITED PLAN 1091480
AT RYLSTONE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP1091480

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(CA97559)

SECOND SCHEDULE (1 NOTIFICATION)

1 W347940 LAND EXCLUDES MINERALS OF THE PART SHOWN SO
DESIGNATED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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LAND
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SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2531/1010059

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	22/2/2000

LAND

LOT 2531 IN DEPOSITED PLAN 1010059
AT BOTOBOLAR
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF BAYLY COUNTY OF PHILLIP
TITLE DIAGRAM DP1010059

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

(T 6583283)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 17/5/8161

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	1/6/2018

LAND

LOT 17 OF SECTION 5 IN DEPOSITED PLAN 8161
AT KANDOS
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP8161

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(R AN356399)

SECOND SCHEDULE (1 NOTIFICATION)

1 AN356399 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 10/1199604

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

1

18/11/2014

LAND

LOT 10 IN DEPOSITED PLAN 1199604

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1199604

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE
- 3 DP1199604 EASEMENT FOR UNDERGROUND POWERLINES 2 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1199604

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	18/11/2014

LAND

LOT 1 IN DEPOSITED PLAN 1199604
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1199604

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE
- 3 DP1199604 EASEMENT TO DRAIN SEWAGE 3 METRE(S) WIDE AFFECTING
THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1199604 EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 3
METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED
IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/748897

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

1

8/11/1990

LAND

LOT 1 IN DEPOSITED PLAN 748897

AT CLANDULLA

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF CLANDULLA COUNTY OF ROXBURGH

TITLE DIAGRAM DP748897

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF RYLSTONE

(AP 2450112)

SECOND SCHEDULE (1 NOTIFICATION)

- * 1 LAND EXCLUDES MINERALS -SEE MEMORANDUM T447400

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/786820

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	5/1/2011

LAND

LOT 1 IN DEPOSITED PLAN 786820
AT KANDOS
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP786820

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(RP AF877561)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1350/1091480

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	28/4/2006

LAND

LOT 1350 IN DEPOSITED PLAN 1091480
AT RYLSTONE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP1091480

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(CA97559)

SECOND SCHEDULE (1 NOTIFICATION)

1 W347940 LAND EXCLUDES MINERALS OF THE PART SHOWN SO
DESIGNATED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 8/1221711

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	20/7/2016

LAND

LOT 8 IN DEPOSITED PLAN 1221711

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1221711

FIRST SCHEDULE

MID WESTERN REGIONAL

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS A DRAINAGE RESERVE
- 3 DP815010 POSITIVE COVENANT
- 4 DP815010 RESTRICTION(S) ON THE USE OF LAND
- 5 DP1022765 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED 1 IN THE 5.88B INSTRUMENT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1104479

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

3

16/11/2006

LAND

LOT 2 IN DEPOSITED PLAN 1104479

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1104479

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

1 DP1104479 EASEMENT TO DRAIN WATER 10 METRE(S) WIDE AFFECTING
THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1038619

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	15/7/2002

LAND

LOT 1 IN DEPOSITED PLAN 1038619

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1038619

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

(T 8772661)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN THE TITLE DIAGRAM
- 3 DP1038619 RIGHT OF FOOTWAY 0.29 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP1038619 EASEMENT FOR SERVICES 0.29 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1141002

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	20/7/2009

LAND

LOT 2 IN DEPOSITED PLAN 1141002
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1141002

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL (CA146208)

SECOND SCHEDULE (2 NOTIFICATIONS)

- LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

DP1091254 NOTE: PLAN OF ACQUISITION

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1141002

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	20/7/2009

LAND

LOT 1 IN DEPOSITED PLAN 1141002
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1141002

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(CA146208)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 2 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

DP1091254 NOTE: PLAN OF ACQUISITION

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1016478

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

1

9/8/2000

LAND

LOT 2 IN DEPOSITED PLAN 1016478

AT GULGONG

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF GULGONG COUNTY OF PHILLIP

TITLE DIAGRAM DP1016478

FIRST SCHEDULE

MUDGEES SHIRE COUNCIL

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 O204579 LAND EXCLUDES MINERALS SEE CROWN GRANT
- 2 DP1016478 RIGHT OF CARRIAGEWAY 15 METRE(S) WIDE APPURTENANT TO
THE LAND ABOVE DESCRIBED
- 3 DP1016478 RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE AND 5 METRE(S)
WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1016478

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	4	3/4/2018

LAND

LOT 1 IN DEPOSITED PLAN 1016478
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP1016478

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL (RP AH40372)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 0204579 LAND EXCLUDES MINERALS SEE CROWN GRANT AS REGARDS
THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- DP1016478 RIGHT OF CARRIAGEWAY 15 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- DP1016478 RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE AND 5 METRE(S)
WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE
TITLE DIAGRAM
- AN230540 LEASE TO DANNY GORDON MOERKERK EXPIRES: 19/12/2022.

NOTATIONS

NOTE: THIS FOLIO MAY BE ASSOCIATED WITH A CROWN TENURE WHICH IS
SUBJECT TO PAYMENT OF AN ANNUAL RENT. FOR FURTHER DETAILS CONTACT
CROWN LANDS.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/80/758482

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	8/8/2001

LAND

LOT 1 OF SECTION 80 IN DEPOSITED PLAN 758482
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GUNTAWANG COUNTY OF PHILLIP
(FORMERLY KNOWN AS ALLOTMENT 1 OF SECTION 80)
TITLE DIAGRAM CROWN PLAN 200.2089

FIRST SCHEDULE

MUDGEES SHIRE COUNCIL

(T 7838096)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 EXCEPTING THE LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES BY THE CROWN GRANT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1145132

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	14/1/2010

LAND

LOT 1 IN DEPOSITED PLAN 1145132

AT ILFORD

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF WARRANGUNIA COUNTY OF ROXBURGH

TITLE DIAGRAM DP1145132

FIRST SCHEDULE

MID-WESTERN REGIONAL COUNCIL

(T AF247867)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP1145132 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 9/824137

SEARCH DATE

TIME

EDITION NO

DATE

12/9/2024

1:36 PM

2

13/8/1998

LAND

LOT 9 IN DEPOSITED PLAN 824137

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP824137

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

(T 5196160)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

NOTATIONS

NOTE: REVOCATION OF RESERVATION OF CROWN LAND VIDE GOV. GAZ 5.1.1996

POL 10

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/727202

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	2	4/10/1988

LAND

LOT 1 IN DEPOSITED PLAN 727202
AT GULGONG
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF GULGONG COUNTY OF PHILLIP
TITLE DIAGRAM DP727202

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF MUDGEE (T X884146)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000B
- 2 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 20 METRES

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 300/821839

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	4/10/2001

LAND

LOT 300 IN DEPOSITED PLAN 821839
AT KANDOS
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
TITLE DIAGRAM DP821839

FIRST SCHEDULE

RYLSTONE SHIRE COUNCIL

(T 7991402)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP874289 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE
LAND ABOVE DESCRIBED AFFECTING THE PART SHOWN SO
BURDENED IN DEPOSITED PLAN 874289

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

JL A15223

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**LAND
REGISTRY
SERVICES**

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 8/28/758891

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	1:36 PM	1	21/9/1994

LAND

LOT 8 OF SECTION 28 IN DEPOSITED PLAN 758891
AT RYLSTONE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF RYLSTONE COUNTY OF ROXBURGH
(FORMERLY KNOWN AS ALLOTMENT 8 OF SECTION 28)
TITLE DIAGRAM CROWN PLAN 33.1274

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF RYLSTONE (TS U638995)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Received: 12/09/2024 13:36:31

From: [John Samsen](#)
To: [John Samsen](#)
Cc: [John Samsen](#)
Subject: MRC Planning Proposal (PMP)
Date: Thursday, 1 September 2024 2:07 PM
Attachments: [PMP01.jpg](#), [PMP02.jpg](#), [PMP03.jpg](#), [PMP04.jpg](#), [PMP05.jpg](#), [PMP06.jpg](#), [PMP07.jpg](#), [PMP08.jpg](#), [PMP09.jpg](#), [PMP10.jpg](#), [PMP11.jpg](#), [PMP12.jpg](#), [PMP13.jpg](#), [PMP14.jpg](#), [PMP15.jpg](#), [PMP16.jpg](#), [PMP17.jpg](#), [PMP18.jpg](#), [PMP19.jpg](#), [PMP20.jpg](#), [PMP21.jpg](#), [PMP22.jpg](#), [PMP23.jpg](#), [PMP24.jpg](#), [PMP25.jpg](#), [PMP26.jpg](#), [PMP27.jpg](#), [PMP28.jpg](#), [PMP29.jpg](#), [PMP30.jpg](#), [PMP31.jpg](#), [PMP32.jpg](#), [PMP33.jpg](#), [PMP34.jpg](#), [PMP35.jpg](#), [PMP36.jpg](#), [PMP37.jpg](#), [PMP38.jpg](#), [PMP39.jpg](#), [PMP40.jpg](#), [PMP41.jpg](#), [PMP42.jpg](#), [PMP43.jpg](#), [PMP44.jpg](#), [PMP45.jpg](#), [PMP46.jpg](#), [PMP47.jpg](#), [PMP48.jpg](#), [PMP49.jpg](#), [PMP50.jpg](#), [PMP51.jpg](#), [PMP52.jpg](#), [PMP53.jpg](#), [PMP54.jpg](#), [PMP55.jpg](#), [PMP56.jpg](#), [PMP57.jpg](#), [PMP58.jpg](#), [PMP59.jpg](#), [PMP60.jpg](#), [PMP61.jpg](#), [PMP62.jpg](#), [PMP63.jpg](#), [PMP64.jpg](#), [PMP65.jpg](#), [PMP66.jpg](#), [PMP67.jpg](#), [PMP68.jpg](#), [PMP69.jpg](#), [PMP70.jpg](#), [PMP71.jpg](#), [PMP72.jpg](#), [PMP73.jpg](#), [PMP74.jpg](#), [PMP75.jpg](#), [PMP76.jpg](#), [PMP77.jpg](#), [PMP78.jpg](#), [PMP79.jpg](#), [PMP80.jpg](#), [PMP81.jpg](#), [PMP82.jpg](#), [PMP83.jpg](#), [PMP84.jpg](#), [PMP85.jpg](#), [PMP86.jpg](#), [PMP87.jpg](#), [PMP88.jpg](#), [PMP89.jpg](#), [PMP90.jpg](#), [PMP91.jpg](#), [PMP92.jpg](#), [PMP93.jpg](#), [PMP94.jpg](#), [PMP95.jpg](#), [PMP96.jpg](#), [PMP97.jpg](#), [PMP98.jpg](#), [PMP99.jpg](#), [PMP100.jpg](#)

Hi Kelly and Sarah,

Please find attached DPH advice in relation to the Planning Proposal.

Please note, I have commenced the preparation of the Planning Proposal. There are a few things I will need from Council. These includes:

1. Copies of all Land Title of all Lot and DPs.
2. Confirmation of interests pertaining to the Lots I suspect that these will be on the title or potentially within Council systems.

Please note:

- Samsen can download the titles from our system, but we would need to charge Council, as downloading typically incur a fee (for each).
- If some lots require the removal of public reserve status and/or discharge of interests, it may be beneficial to split the Planning Proposal to expedite part of the process and avoid the NSW Governor's approval. Once the interests of each lot are confirmed, Samsen can advise on how the lots could be split and pursued under separate Planning Proposals and Council then can decide if this is a pathway they'd like to consider.
- 3. Need for "re-zoning" of land. As DPH have advised, Council should review the lots to be reclassified and ensure that Councils intended purpose aligns with the underlying land zoning. If there are any conflict, the planning proposal should include the alterations to the land zoning.

The Table below is a summary of the lots and details provided to date from Council. Our desktop review has identified a number of Lots being a Public Reserve. Could you confirm with me the highlighted address/Lot and DP is correct? Once the titles are provided and interest, we can fill out the missing columns.

Address	Lot and DP	Further Site Details	Interest Pertaining to the Land (Y/N)	Public Reserve (Y/N)
3 Byron Place, Mudgee	Lot 1 DP 1019486	License with Perpetual Trustees Auct for repair and maintenance 23 June 1962 - 22 June 2032		No
3 Byron Place, Mudgee	Lot 2 DP 1017112	License with Perpetual Trustees Auct for repair and maintenance 23 June 1962 - 22 June 2032		No
3 Byron Place, Mudgee	Lot 3 DP 1026345	License with Perpetual Trustees Auct for repair and maintenance 23 June 1962 - 22 June 2032		No
3 Byron Place, Mudgee	Lot 4 DP 1026343	License with Perpetual Trustees Auct for repair and maintenance 23 June 1962 - 22 June 2032		No
46 White Street, Gulgong	Lot 13 Section 27 DP 758482	Tenanted on a Monthly basis via Raine & Home Gulgong, 102 Mayne Street Gulgong NSW 2853		Yes - Land is zoned RE1 - Public Recreation
33-25 Alfred Street, Bylstone	Lot 1 DP 1020755	Site accommodates RFS and water reservoir		No
3 Dawson Street, Bylstone	Lot 8 Section 28 DP 758891	Council proposes to develop land for future requirements		No
38 Kandoo Top Road, Kandoo	Lot 300 DP 821838	Former use as a gravel. Zoned Part E4 General Industrial. Council proposes to develop the land		No
336 Werrimah Street, Gulgong	Lot 1 DP 727202	Part of a larger site encompassing 17400m ² . Accommodates water reservoir on the land		Yes - Land is zoned RE1 - Public Recreation
88 Market Street, Mudgee	Lot 9 DP 824127	Use as Council office space. Zoned E2 Commercial		No
8916 Strand, Sufala Road, Sufala	Lot 1 DP 1145133	Quarry Site.		No
49 White Street, Gulgong	Lot 1 Section 80 DP 758482	Current use as a cafe and museum.		Yes - Land is zoned RE1 - Public Recreation
13 Creechline Grove, Spring Trail	Lot 38 DP 1383813	Drainage Reserve		RESERVE
105 Spring Creek Road, Gulgong	Lot 1 DP 1018478	Sewer Treatment Plant.		SP2 Land (Not Public Reserve)
107 Spring Creek Road, Gulgong	Lot 2 DP 1018478	Sewer Treatment Plant.		SP2 Land (Not Public Reserve)
33 Werrimah Street, Gulgong	Lot 1 DP 1141002	Water Reservoir		Yes - Land is zoned RE1 - Public Recreation
33 Werrimah Street, Gulgong	Lot 2 DP 1141002	Water Reservoir		Yes - Land is zoned RE1 - Public Recreation
1A/77 Market Street, Mudgee	Lot 1 DP 1038619	License with Perpetual Trustees Auct for repair and maintenance 23 June 1962 - 22 June 2032		No
26 Burrumbulla Road, Burrumbulla	Lot 2 DP 1104479	Water Treatment Plant.		SP2 Land (Not Public Reserve)
9 Barrington Court, Mudgee	Lot 8 DP 1221711	Drainage Reserve		No
1 M6 Street, Bylstone	Lot 1350 DP 1091480	Water Reservoir		No
32 Russell Road, Kandoo	Lot 1 DP 756829	Water Reservoir		No
533 Cooper Drive, Clarendulla	Lot 1 DP 748887	Water Reservoir		No
42 Mallon Street, Mudgee	Lot 1 DP 1189604	Drainage Reserve		No
9A Hughson Avenue, Mudgee	Lot 18 DP 1189604	Drainage Reserve		No
33 Buchanan Street, Kandoo	Lot 17 Section 8 DP 8161	Rear section of the Kandoo Library. Proposed future development		No
737 Berekator Road, Berekator	Lot 2531 DP 1010058	Rural Fire Services		No

If you would like to have a Teams Meeting to discuss DPH comments, please feel free to send out an invite.

JOSH EAGLETON

Senior Planner

jeagleton@mta.com.au

1000 327 476

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 3/1026343

SEARCH DATE

TIME

EDITION NO

DATE

8/4/2025

10:50 AM

2

15/8/2001

LAND

LOT 3 IN DEPOSITED PLAN 1026343

AT MUDGEE

LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL

PARISH OF MUDGEE COUNTY OF WELLINGTON

TITLE DIAGRAM DP1026343

FIRST SCHEDULE

MUDGEE SHIRE COUNCIL

(T 7853639)

SECOND SCHEDULE (2 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

2 DP1026343 RIGHT OF CARRIAGEWAY 3 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

* 8672800 VARIATION OF EASEMENT DP1026343 TERMS VARIED

NOTATIONS

UNREGISTERED DEALINGS: NIL

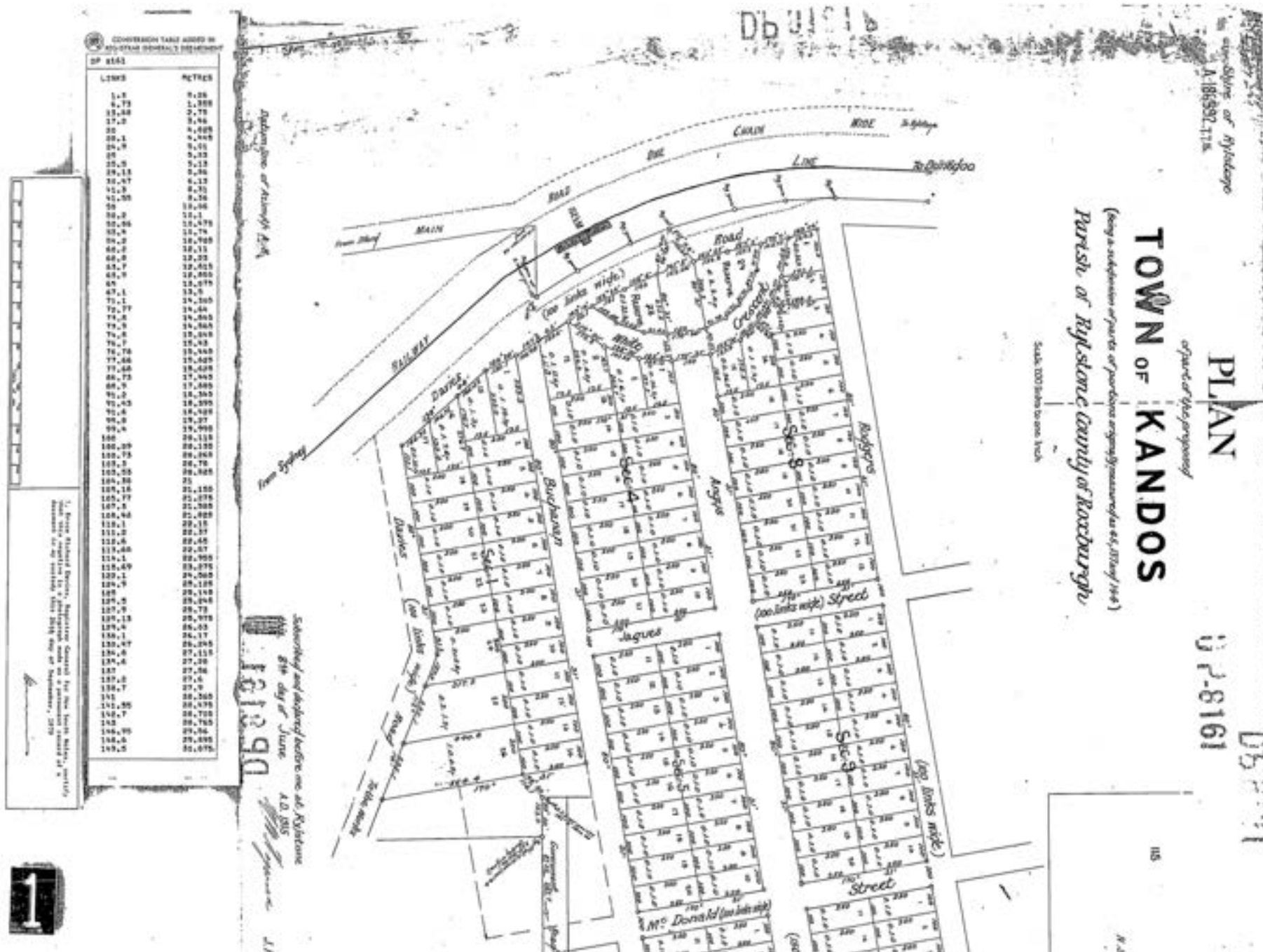
*** END OF SEARCH ***

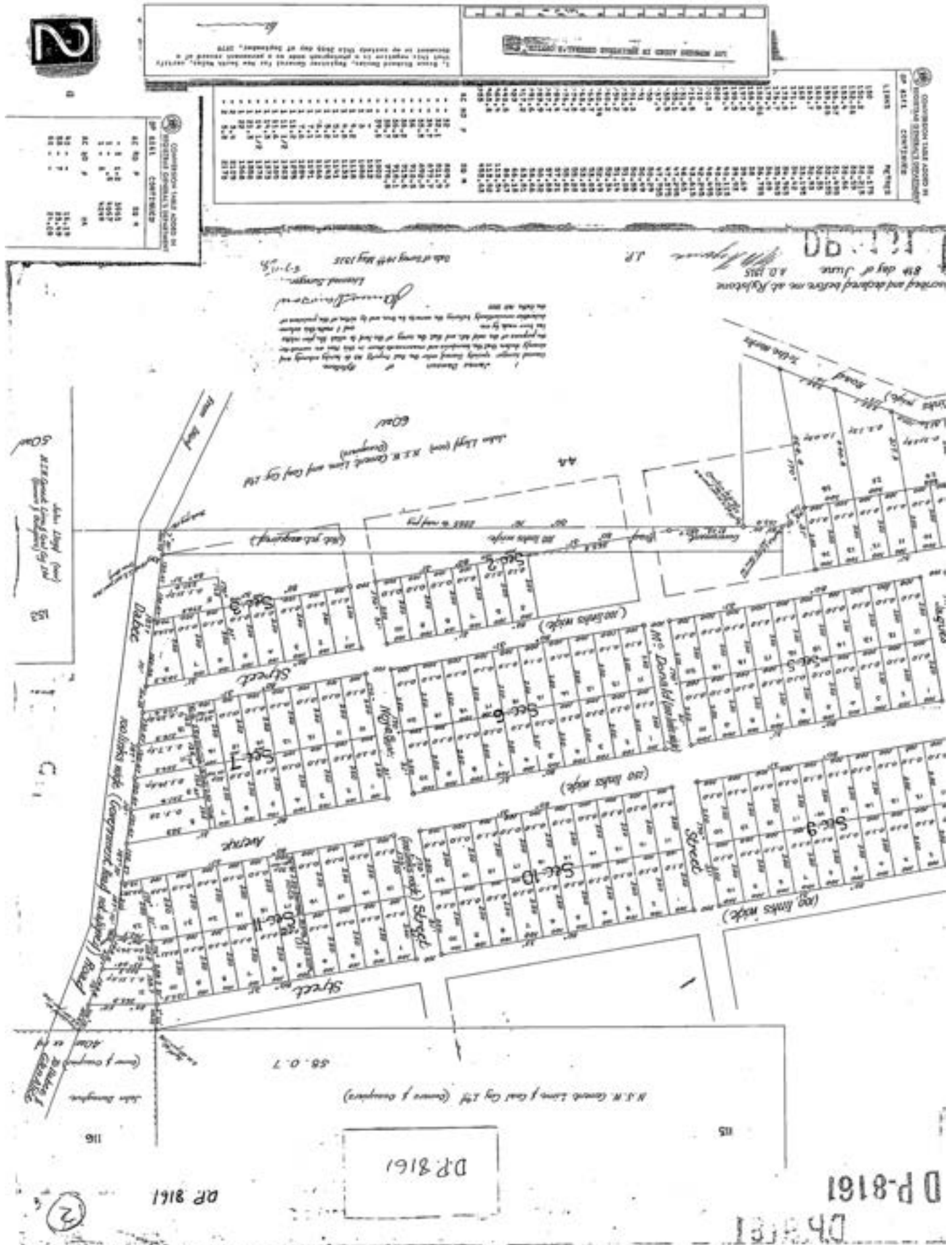
KB Planning Proposal...

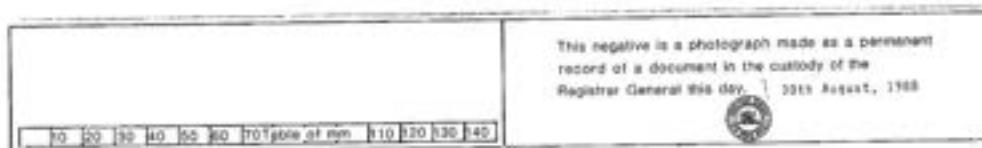
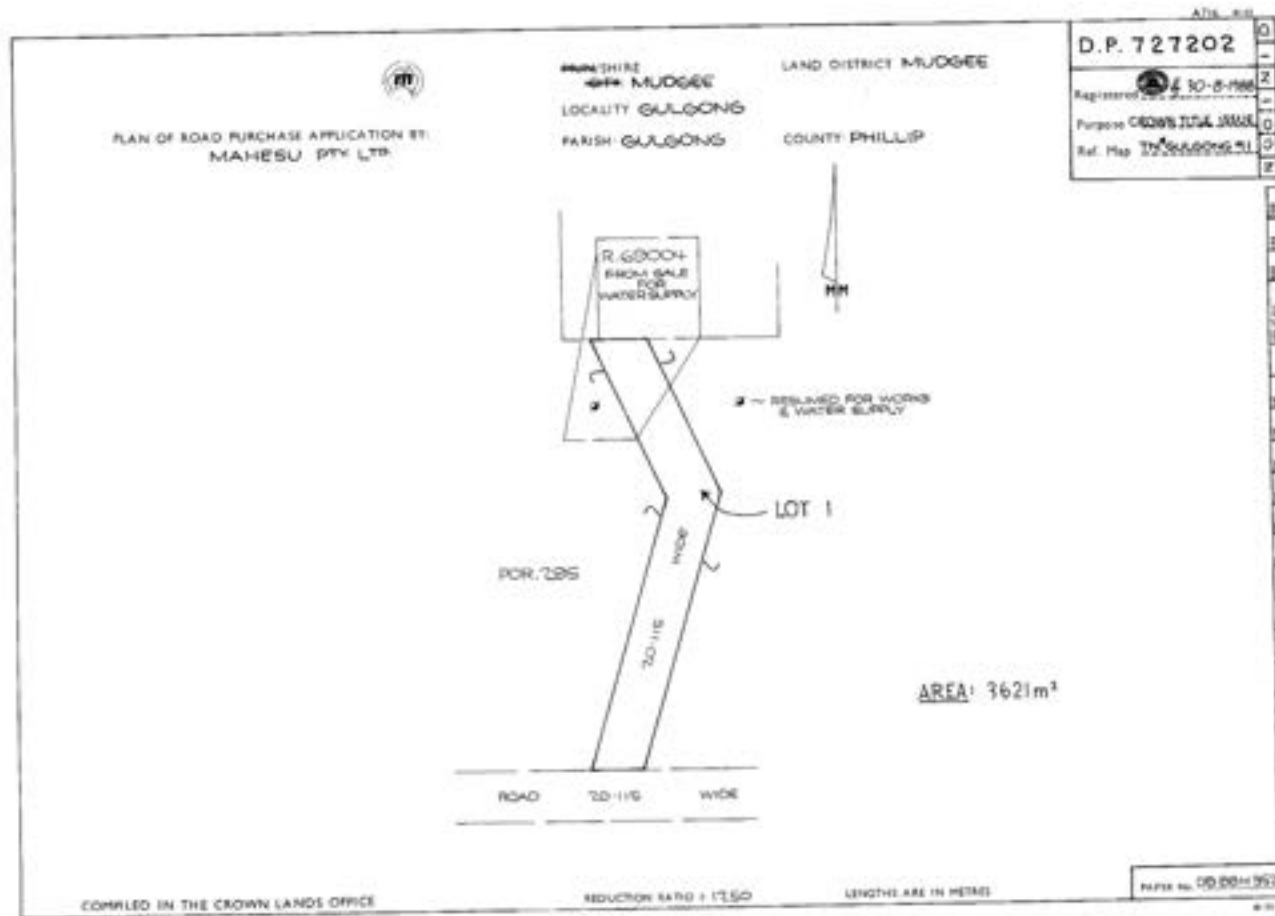
PRINTED ON 8/4/2025

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barnson.**APPENDIX B****Deposited Plan**







PLAN FORM 2	
<p>Approved and sent out:</p> <p>_____ Date: _____</p>	<p>Project Name: _____</p> <p>Location: _____</p> <p>Scale: _____</p> <p>Drawn by: _____</p> <p>Checked by: _____</p> <p>Approved by: _____</p> <p>_____ Date: _____</p>
<p>NOTES:</p> <p>1. PROPOSED EASEMENT OF 10' WIDE & VARIABLE FOR ACCESS, UTILITIES & WATER SUPPLY APPLICABLE TO LOT 1.</p> <p>2. PROPOSED EASEMENT & ACCESS FOR WATER SUPPLY APPLICABLE TO LOT 2.</p> <p>3. PROPOSED EASEMENT 5' WIDE FOR ACCESS TO LOT 2.</p>	
<p>PLAN OF SUBDIVISION OF QUARRY RESERVE, LOT 1 AND PROPOSED EASEMENTS FOR ACCESS, UTILITIES AND WATER SUPPLY APPLICABLE TO LOT 1.</p> <p>Lot 1: _____</p> <p>Lot 2: _____</p> <p>Lot 3: _____</p> <p>Lot 4: _____</p> <p>Lot 5: _____</p> <p>Lot 6: _____</p> <p>Lot 7: _____</p> <p>Lot 8: _____</p> <p>Lot 9: _____</p> <p>Lot 10: _____</p> <p>Lot 11: _____</p> <p>Lot 12: _____</p> <p>Lot 13: _____</p> <p>Lot 14: _____</p> <p>Lot 15: _____</p> <p>Lot 16: _____</p> <p>Lot 17: _____</p> <p>Lot 18: _____</p> <p>Lot 19: _____</p> <p>Lot 20: _____</p> <p>Lot 21: _____</p> <p>Lot 22: _____</p> <p>Lot 23: _____</p> <p>Lot 24: _____</p> <p>Lot 25: _____</p> <p>Lot 26: _____</p> <p>Lot 27: _____</p> <p>Lot 28: _____</p> <p>Lot 29: _____</p> <p>Lot 30: _____</p> <p>Lot 31: _____</p> <p>Lot 32: _____</p> <p>Lot 33: _____</p> <p>Lot 34: _____</p> <p>Lot 35: _____</p> <p>Lot 36: _____</p> <p>Lot 37: _____</p> <p>Lot 38: _____</p> <p>Lot 39: _____</p> <p>Lot 40: _____</p> <p>Lot 41: _____</p> <p>Lot 42: _____</p> <p>Lot 43: _____</p> <p>Lot 44: _____</p> <p>Lot 45: _____</p> <p>Lot 46: _____</p> <p>Lot 47: _____</p> <p>Lot 48: _____</p> <p>Lot 49: _____</p> <p>Lot 50: _____</p> <p>Lot 51: _____</p> <p>Lot 52: _____</p> <p>Lot 53: _____</p> <p>Lot 54: _____</p> <p>Lot 55: _____</p> <p>Lot 56: _____</p> <p>Lot 57: _____</p> <p>Lot 58: _____</p> <p>Lot 59: _____</p> <p>Lot 60: _____</p> <p>Lot 61: _____</p> <p>Lot 62: _____</p> <p>Lot 63: _____</p> <p>Lot 64: _____</p> <p>Lot 65: _____</p> <p>Lot 66: _____</p> <p>Lot 67: _____</p> <p>Lot 68: _____</p> <p>Lot 69: _____</p> <p>Lot 70: _____</p> <p>Lot 71: _____</p> <p>Lot 72: _____</p> <p>Lot 73: _____</p> <p>Lot 74: _____</p> <p>Lot 75: _____</p> <p>Lot 76: _____</p> <p>Lot 77: _____</p> <p>Lot 78: _____</p> <p>Lot 79: _____</p> <p>Lot 80: _____</p> <p>Lot 81: _____</p> <p>Lot 82: _____</p> <p>Lot 83: _____</p> <p>Lot 84: _____</p> <p>Lot 85: _____</p> <p>Lot 86: _____</p> <p>Lot 87: _____</p> <p>Lot 88: _____</p> <p>Lot 89: _____</p> <p>Lot 90: _____</p> <p>Lot 91: _____</p> <p>Lot 92: _____</p> <p>Lot 93: _____</p> <p>Lot 94: _____</p> <p>Lot 95: _____</p> <p>Lot 96: _____</p> <p>Lot 97: _____</p> <p>Lot 98: _____</p> <p>Lot 99: _____</p> <p>Lot 100: _____</p>	

[illegible]

PLAN FORM 2

SIGNATURE AND SEALS ONLY

Plan Drawing only to appear in this space

SYNOPSIS USE ONLY

D.P. 821839

Applicant: **CH R 12-1991**

D.A.:

Title Type: **CROWN LAND**

Project: **ORANGE TOWN**

Ref. No: **CH/1991/1**

Lot Plan: **D.P. 738885**

PLAN OF LOTS 298, 299 & 300 BEING A SUBDIVISION OF LOT 297 D.P. 738885

Length and width: **Notation: 1:1250**

Max. Area: **RYLSTONE**

Locality: **KANDOS**

Parish: **RYLSTONE**

County: **ROXBURGH (19-27)**

This is plan 1 of the plan to: **RYLSTONE**

1. **PHILIP HAROLD SEARL**
P.O. BOX 53 ORANGE 2800

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AMENDMENTS AND/OR ADDITIONS MADE ON
PLAN IN THE LAND TITLES OFFICE

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

10	20	30	40	50	60	721 gms of rrm	10	20	30	40
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Box:MEWG /Doc:DP 1016484 P /Rev:18-Aug-2000 /Sta:OK.0K /Prt:07-Feb-2005 10:51 /Pge:ALL /Seq:1 of 1
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PLAN FORM 2

SHOWING DP 260298 ONLY

John J. Jones
Richard
Alan

THIS PLAN WAS PREPARED BY THE LPI NSW
ON 07 FEB 2005 FOR THE
SUBDIVISION OF THE LAND
IN LOT 1 OF DP 260298
AND THE LPI NSW HAS
NO LIABILITY FOR THE
ACCURACY OF THE
INFORMATION CONTAINED
HEREIN.

Owner: LPI NSW

Author: LPI NSW

Rev: 18-Aug-2000

Scale: 1:1000

Sheet: 1 of 1

Project: DP 260298

Client: LPI NSW

Drawn: LPI NSW

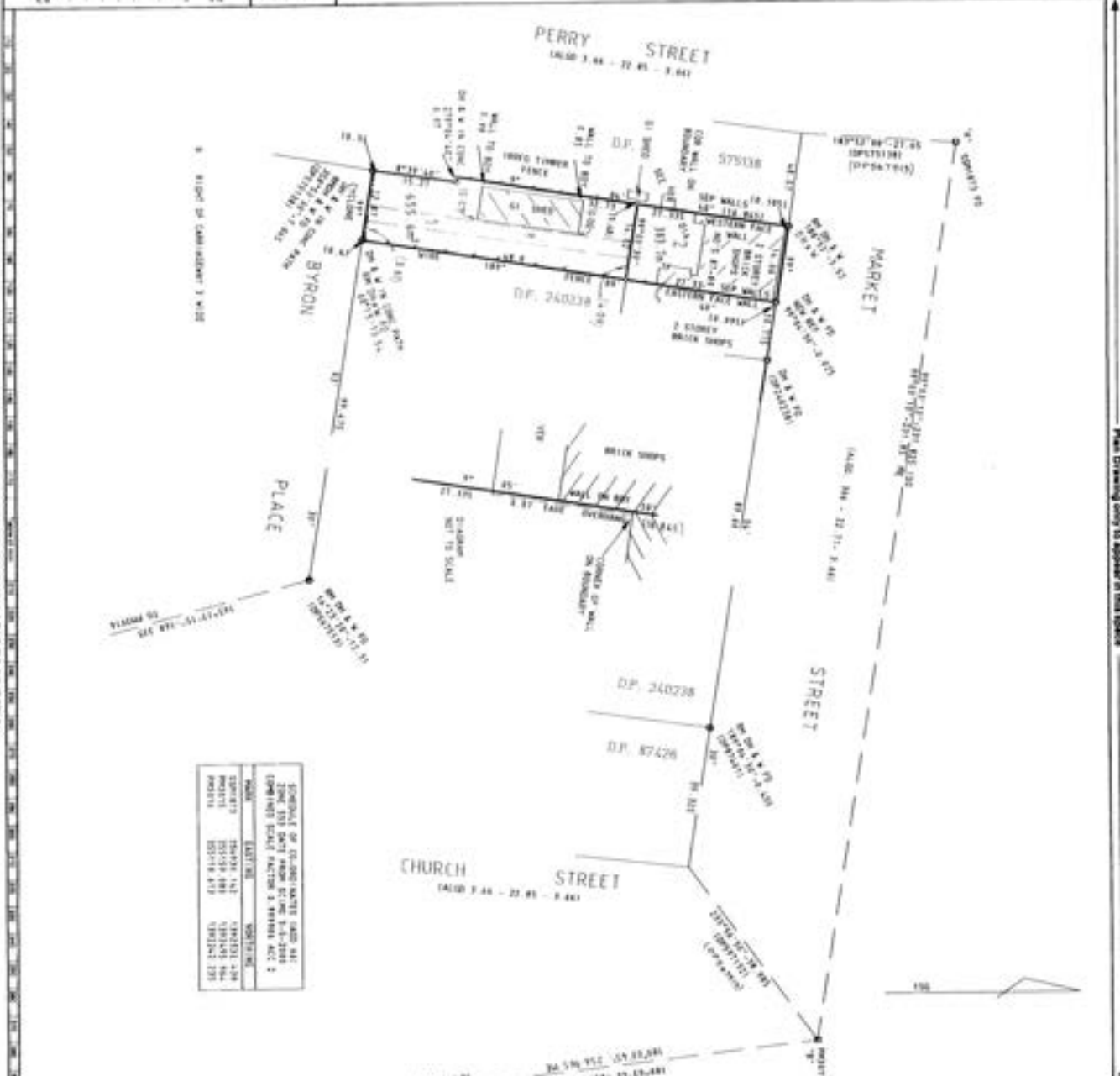
Checked: LPI NSW

Approved: LPI NSW

Issue: 18-Aug-2000

Notes: See also DP 260298

Scale: 1:1000



Plan Drawing only to appear in this space

DP1016484

LA 17-8-2000

LA NP 1460105 OF 28 5-2000

THE TOWNS OF TORRENS

Proposed SUBDIVISION

Lot 1 of DP 260298

Lot 1 of DP 260298

PLAN

DP 260298

LA 17-8-2000

LA NP 1460105 OF 28 5-2000

THE TOWNS OF TORRENS

Proposed SUBDIVISION

Lot 1 of DP 260298

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PLAN

DP 260298

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PLAN

DP 260298

LA 17-8-2000

LA NP 1460105 OF 28 5-2000

THE TOWNS OF TORRENS

Proposed SUBDIVISION

Lot 1 of DP 260298

Lot 1 of DP 260298

[illegible]

PLAN FORM 1

Plan Drawing only to appear in this space

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

BRUCE WAGGETT, MPACR

John Summers
General Manager

Crown Lands Office Approval

PLAN APPROVED _____
 Authorized Officer _____

 Land District _____
 Paper No. _____
 Field Book _____

Council's Certificate

I hereby certify that --

(k) the requirements of the Local Government Act, 1915 (other than the requirements for the registration of plans); and

¹⁰(b) the requirements of Part 3 Division 2 of the Water Board Act 1987, or Part 5 Division 7 of the Hunter Water Board (Corporation) Act 1989.

have been compiled with by the applicant in relation to the

proposed **CONSOLIDATED LOT**
(insert "new road", "subdivision" or "consolidated lot" set out herein)
2341

SubOptimization, Inc.

Date 1 NOVEMBER 2000

Signature:  _____
 Title: Managing Authorized Person

Copyright © 2004

*This part of certificate to be deleted where the application is only for a contemplated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Water Board and the Hunter Water Corporation Ltd.

†Delete if inapplicable

(A) RESERVATION CROWN GRANT

DP1020755

Fragmento:  30 x 11-00

GA

Title System: TORRENS

Purpose:	CONSOLIDATION
----------	---------------

Ref. Map: TOWN

Last Plan:

PLAN OF CONSOLIDATION OF LOTS
8, 9, 10 & 11 SECTION 25 DP 755789

Lengths are in metres. Reduction Ratio 1:800

LGA RYSTONE

Suburb/Locality: RYLSTONE (41)

Partials: RYLSTONE

County: ROXBURGH

Plans used in preparation of ~~1990~~/compilation.
R 34.1274

ROBERT JOHN CROOKS
48 MARKET STREET HUDSEE

A surveyor registered under the Surveyors Act 1828 hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1999 and was completed on: 5.11.1999

The survey results IS COMPILED

(here specify the land actually surveyed, or specify any land shown in the plan that is not the subject of the survey)

Diagnosis

Export Line
Form Submitter/Comments

Surveyor registered under
the Surveyors Act 1929

SURVEYOR'S REFERENCE: 60699 - CIVIL AERONAUTICAL NO 99-494

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Request: ar050223 / Document: dp 1020755 PLAN / Revision: 04-Dec-2000 / Status: OK / Printed: 05-Dec-2000 22:58 / Image: 1

[illegible]

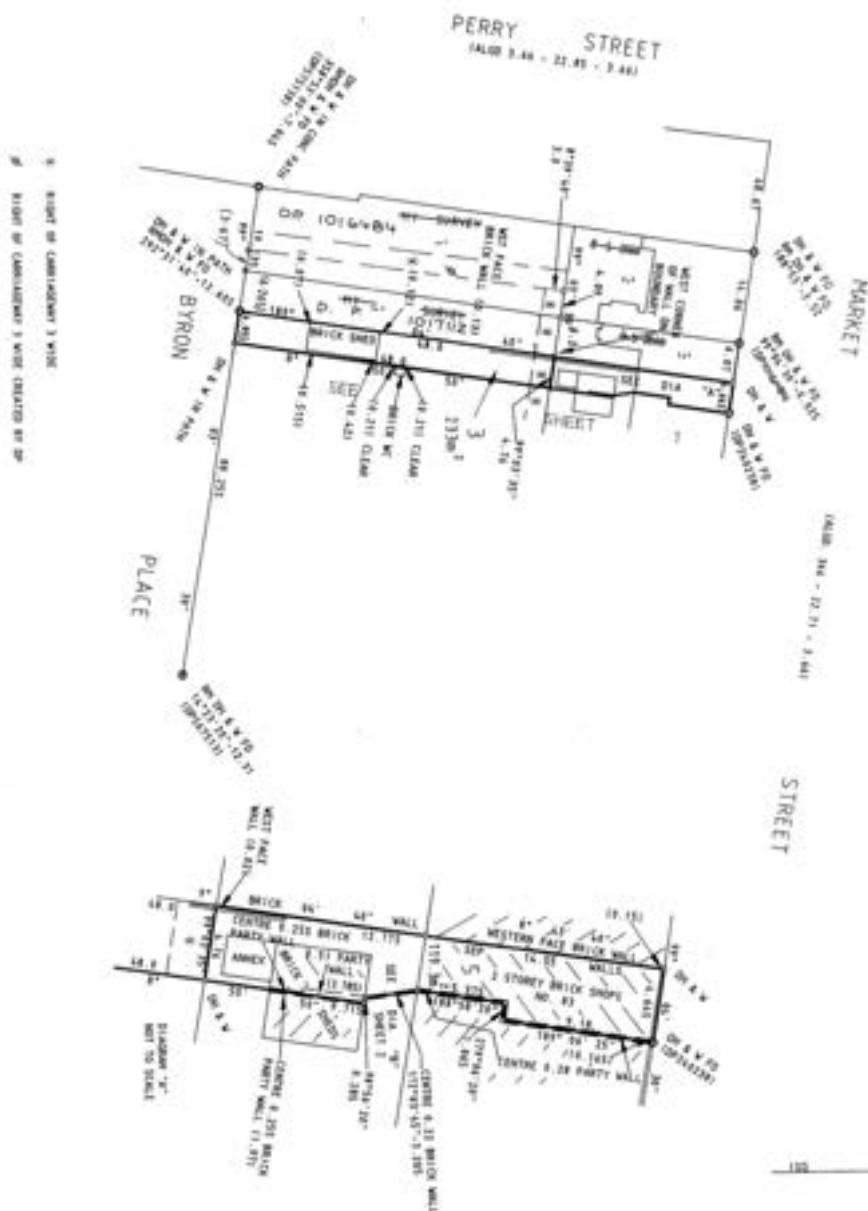
Sex: MDD / Doc: 29 1026343 P / Rev: 17-Jul-2001 / Sta: SC OK / Prt: 07-Feb-2005 19:07 / Pgs: ALL / Seq: 2 of 2
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FIGURE 2

PLAN FORM 3

To be used in conjunction with Form 1041.

WARNING: CRASHING OR FOLDING WILL LEAD TO REACTION



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DP1026343

Polysyllabic



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三

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4

Research Design and Method

22. *What is the purpose of the study?*

WARNER'S CRASHING OR FOLYING WILL LEAD TO REFLECTION

Sex:ME09 /Doc:DP 1026343 0 /Rev:17-Jul-2001 /Sta:SC.0K /Prt:07-Feb-2005 19:07 /Pgs:ALL /Seq:2 of 2
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FIGURE 3

PLAN FORM 3

To be used in conjunction with Form 1041.

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Journal of Maritime Law and Commerce, Vol. 12, No. 4, 1981

DP1026343

Penghargaan

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

biofuels required more resources for their

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0893-3200/00/\$12.00 DOI: 10.1037/0893-3200.14.1.100

Source: The Japan-Bureau Press

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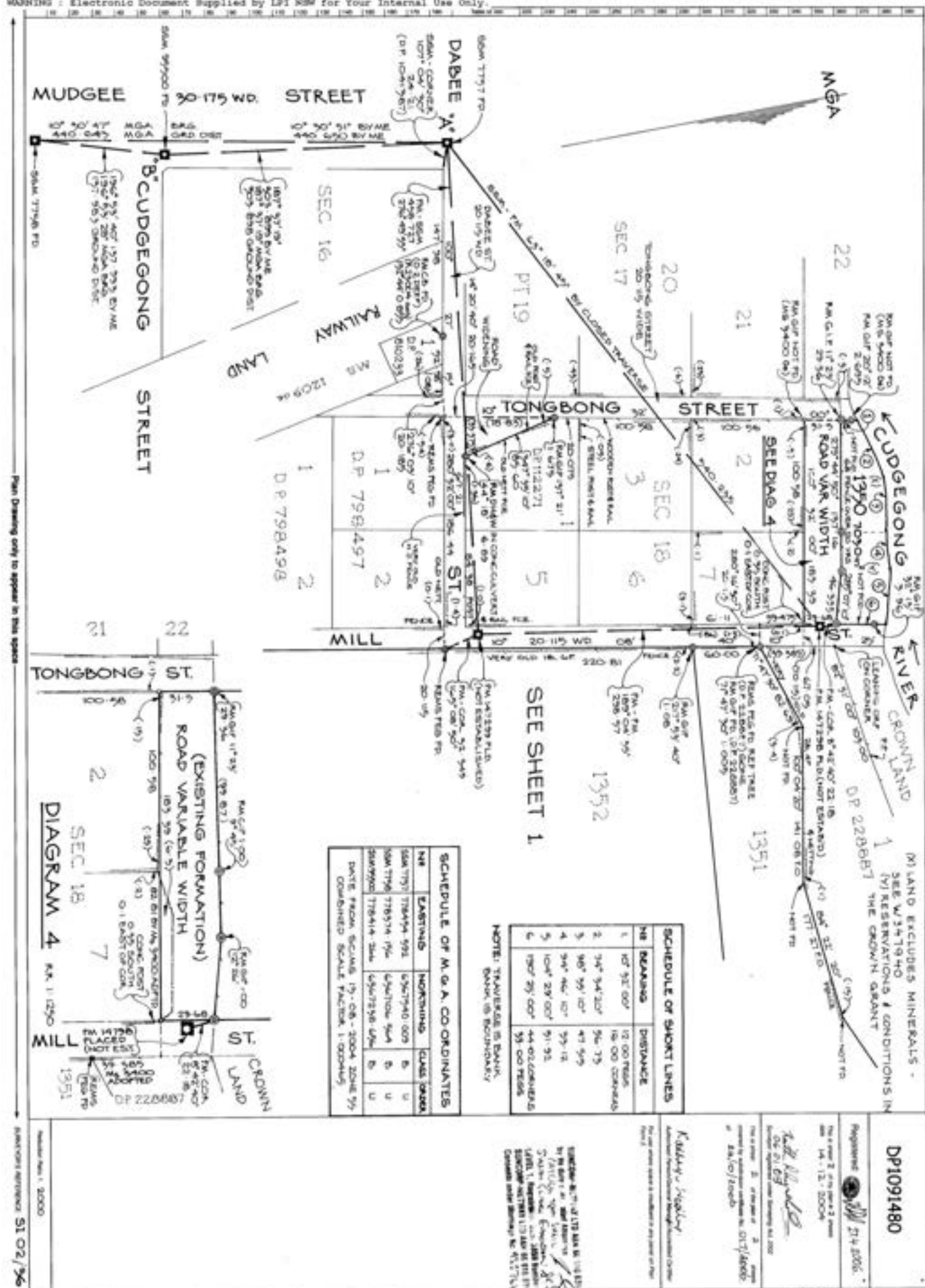
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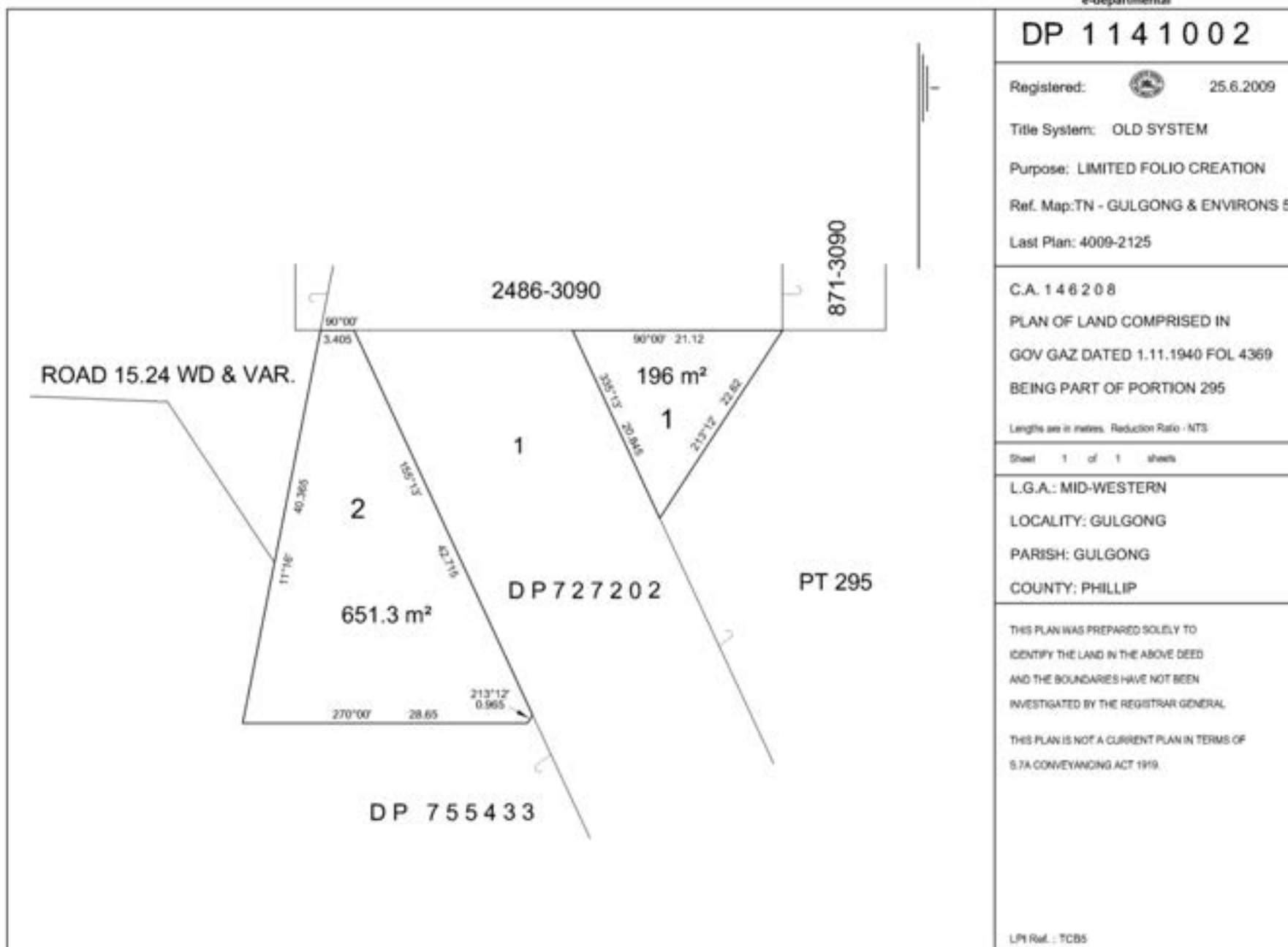
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PLAN FORM 3 (APPROVED FORMS) To be used in conjunction with Plan Form 2

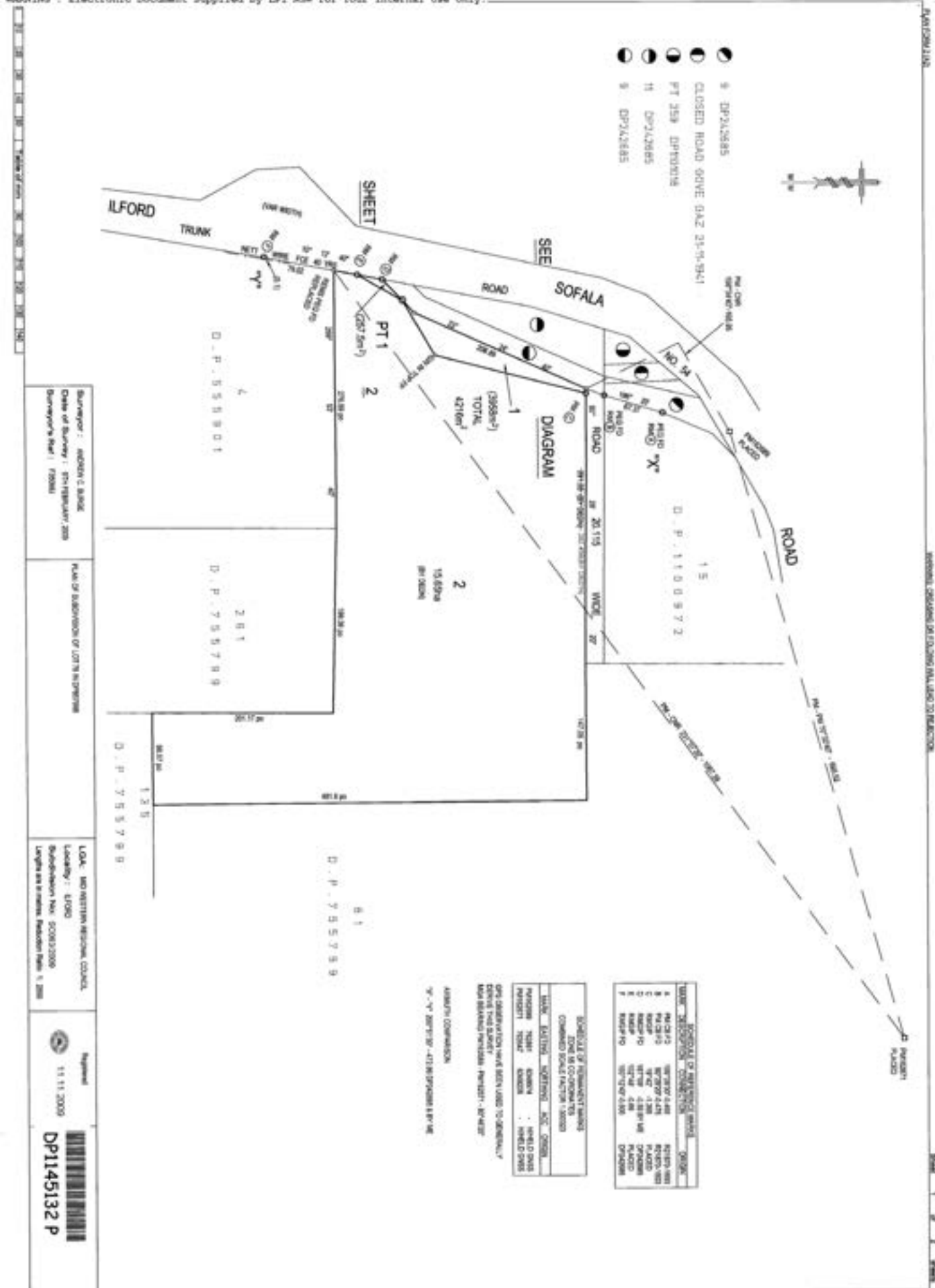
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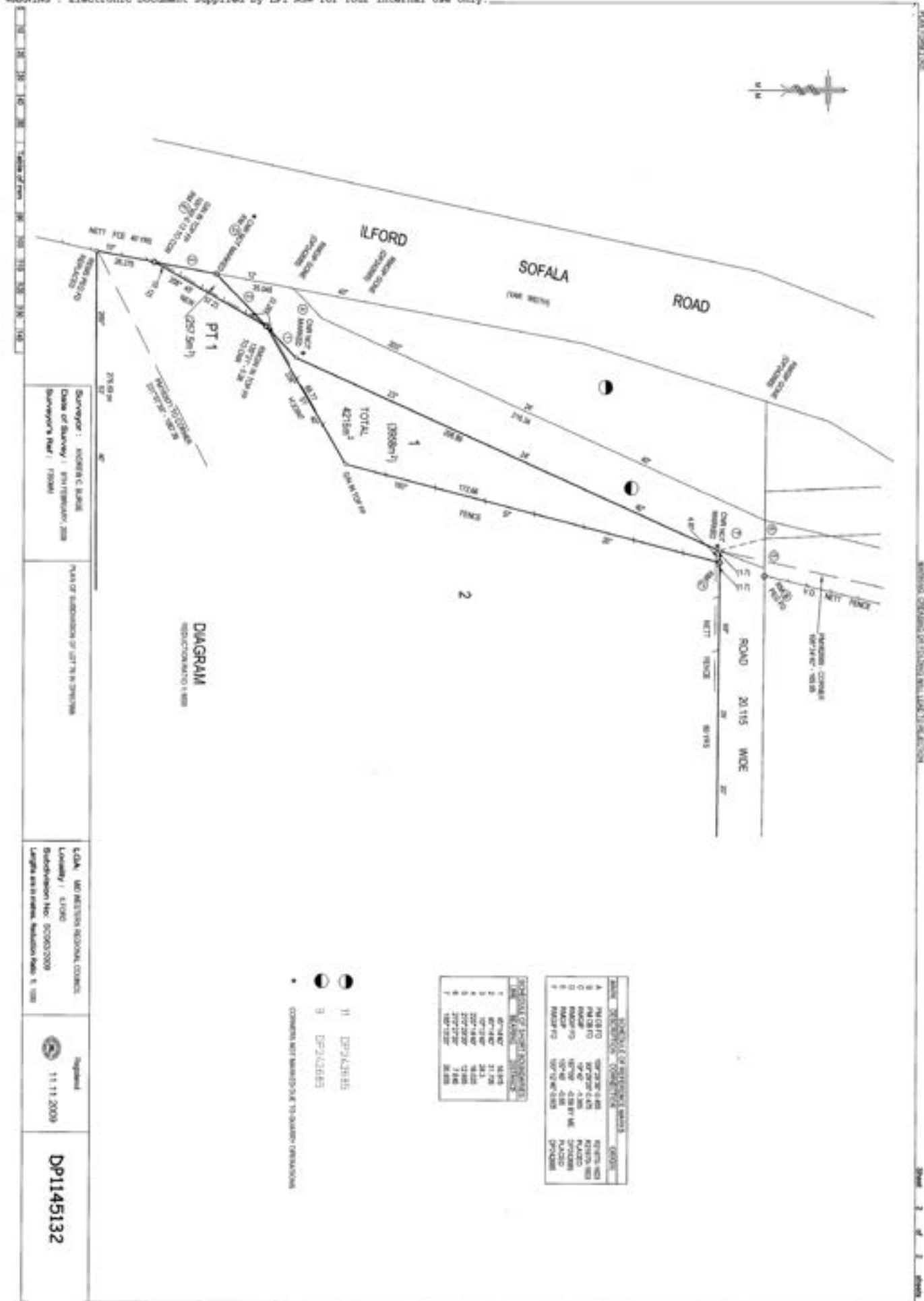


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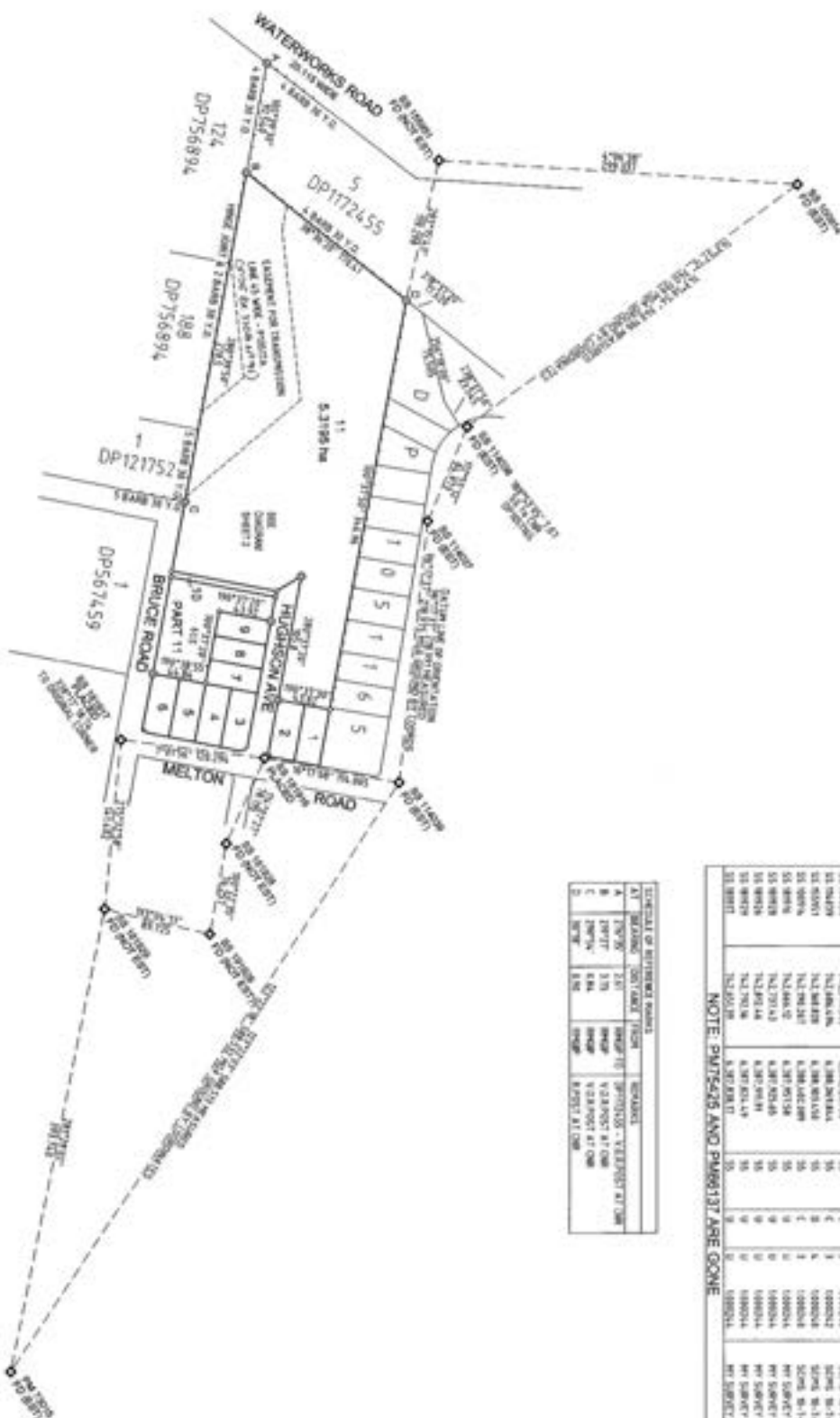


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DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 1 sheet(s)
<p>SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.</p> <p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED IT IS INTENDED TO CREATE:</p> <p>1. RESTRICTION AS TO USER</p> <p><i>N. Nourse</i> <i>Thom</i></p> <p style="text-align: center;">Use PLAN FORM 6A for additional certificates, signatures, seals and statements</p> <p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p>Signature: Date: File Number: Office:</p> <p style="text-align: center;">Subdivision Certificate</p> <p>I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed set out herein (insert 'subdivision' or 'new road')</p> <p style="text-align: center;"><i>[Signature]</i></p> <p>* Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority: <i>Mid-Western Regional Council</i> Date of Endorsement: <i>28/9/09</i> Accreditation no: Subdivision Certificate no: <i>SC063/2009</i> File no: <i>P1576161</i> <i>DA0310/2009</i></p> <p><small>* Delete whichever is inapplicable.</small></p>	<div style="text-align: center;">  DP1145132 S </div> <hr/> <p>Registered:  11.11.2009</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p> <hr/> <p>PLAN OF SUBDIVISION OF LOT 76 IN DP657998</p> <hr/> <p>LGA: MID WESTERN REGIONAL COUNCIL</p> <p>Locality: ILFORD</p> <p>Parish: WARRANGUNIA</p> <p>County: ROXBURGH</p> <hr/> <p style="text-align: center;">Surveying Regulation, 2006</p> <p>I, ANDREW C. BURGE of INSITES PTY LTD T/A R J CROOKS & ASSOC NO. 26 MARKET STREET, MUDGEES NSW 2850 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on: 9TH FEBRUARY, 2009</p> <p>The survey relates to LOT 1 (specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Signature <i>[Signature]</i> Dated: 10/2/2009 <small>Surveyor registered under the Surveying Act, 2002</small></p> <p>Datum Line: "X" – "Y" Type: Rural</p> <hr/> <p>Plans used in the preparation of survey/compilation</p> <p>DP242685; DP555901; DP657998; 1836-1496;</p> <p style="text-align: center;"><small>(if insufficient space use Plan Form 6A annexure sheet)</small></p> <hr/> <p><small>SURVEYOR'S REFERENCE: F350MU (Rev A)</small></p>	

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NOTE: PM/2540 AND PM6037 ARE LOCATIONS

TREATMENT OF INTERFERON RESISTANT		
AT	RESISTANT (207/207)	RESISTANT
A	75/75	2/2
B	10/17	3/3
C	200/204	3/3
D	80/80	3/3

Surveyor: Gregory David Work
Date of Survey: 6th AUGUST 2014
Surveyor's Ref: 19917_L02_C
REPORT - PLAN RUC 190714

PLAN OF SUBDIVISION OF LOT 11 DPM11461

LGA: MID-WESTERN REGIONAL

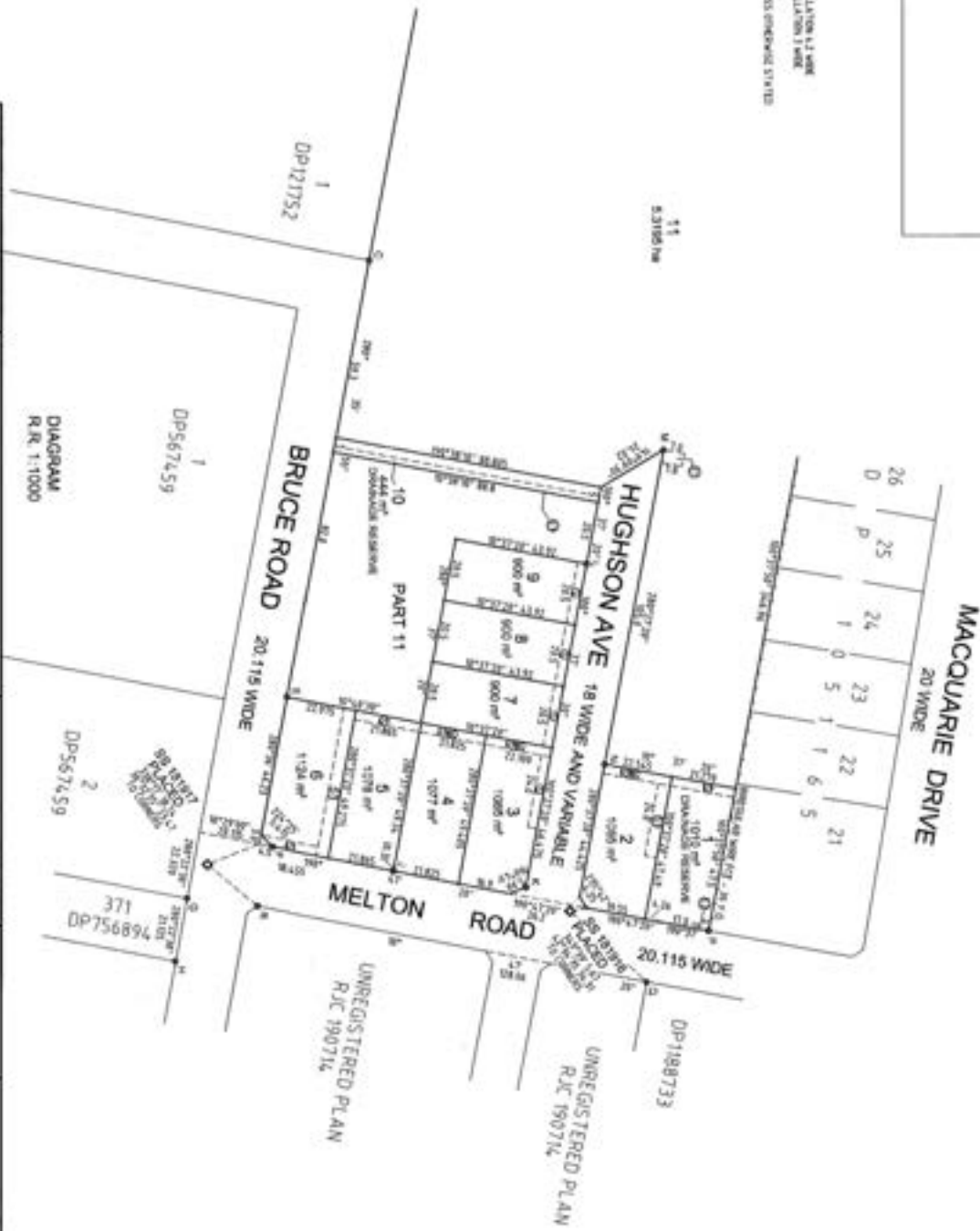
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DP1199604 P

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PLAN 12000/1 LOT		REMARKS	
STATION	DISTANCE	REMARKS	
1	1.00	ROAD	
2	1.00	ROAD	
3	1.00	ROAD	
4	1.00	ROAD	
5	1.00	ROAD	
6	1.00	ROAD	
7	1.00	ROAD	
8	1.00	ROAD	
9	1.00	ROAD	
10	1.00	ROAD	
11	1.00	ROAD	
12	1.00	ROAD	
13	1.00	ROAD	
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15	1.00	ROAD	
16	1.00	ROAD	
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22	1.00	ROAD	
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24	1.00	ROAD	
25	1.00	ROAD	
26	1.00	ROAD	

LEGEND
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Surveyor: Gregory David Munk
Date of Survey: 08 AUGUST 2014
Surveyor's Ref: 18917 LOT C
REPORT: PLAN RJC 190714

PLAN OF SUBDIVISION OF LOT 11 DP841148

LGA: MID-WESTERN REGIONAL
Locality: MUDGEE
Subdivision No: DP1199604
Length and Area: 1.000

Registered
19 11 2014

DP1199604

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PLAN FORM 6 (2012)

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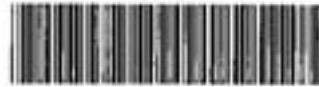
Sheet 1 of 2 sheet(s)

Registered:  18.11.2014

Office Use Only

Title System: TORRENS

Purpose: SUBDIVISION



Office Use Only

DP1199604 S

PLAN OF SUBDIVISION OF LOT 11 DP841146

LGA: MID-WESTERN REGIONAL

Locality: MUDGEES

Parish: MUDGEES

County: WELLINGTON

Crown Lands NSW/Western Lands Office Approval

I, _____ (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.

Signature: _____

Date: _____

File Number: _____

Office: _____

Survey Certificate

I, Gregory David Monk

of Bamson Pty Limited, Mudgee Office

a surveyor registered under the Surveying and Spatial Information Act 2002, certify that:

*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 6th AUGUST 2014

*(b) The part of the land shown in the plan ("being" excluding A _____) was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on _____ the part not surveyed was compiled in accordance with that Regulation.

*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.

Signature:  Dated: 11/8/2014

Surveyor ID: 1356

Datum Line: SS114037 to SS114039

Type: Urban

The terrain is Level-Undulating

*Strike through if inapplicable.

*Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.

Subdivision Certificate

GARY BRUCE

I, _____ "Authorised Person"/General Manager/Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.

Signature:  _____

Accreditation number: _____

Consent Authority: Mid-Western Regional Council

Date of endorsement: 5/9/14

Subdivision Certificate number: SC013/2015

File number: DP0005A/2014

*Strike through if inapplicable.

Statements of intention to dedicate public roads, public reserves and drainage reserves.

IT IS INTENDED TO DEDICATE LOTS 1 AND 10 TO THE PUBLIC AS DRAINAGE RESEVES. IT IS INTENDED TO DEDICATE THE SPLAYED CORNER AND HUGHSON AVENUE TO THE PUBLIC AS ROAD.

Plans used in the preparation of survey.

DP841146

DP1051165

CP 5962-2091

RJC 190714 - UNREGISTERED

If space is insufficient continue on PLAN FORM 6A

Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A

Surveyor's Reference: 19917_L02_C

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PLAN FORM 6A (2012)

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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

Office Use Only
Registered:  18.11.2014

DP1199604

PLAN OF SUBDIVISION OF LOT 11 DP841146

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: SC03/2015
Date of Endorsement: 5/9/14

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
2	44	MELTON	ROAD	MUDGEES
3	46	MELTON	ROAD	MUDGEES
4	48	MELTON	ROAD	MUDGEES
5	50	MELTON	ROAD	MUDGEES
6	52	MELTON	ROAD	MUDGEES
7	3	HUGHSON	AVENUE	MUDGEES
8	5	HUGHSON	AVENUE	MUDGEES
9	7	HUGHSON	AVENUE	MUDGEES

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE:

- 1) EASEMENT TO DRAIN SEWAGE 4 WIDE DENOTED S1
- 2) EASEMENT TO DRAIN SEWAGE 3 WIDE DENOTED S
- 3) EASEMENT TO DRAIN WATER 3 WIDE DENOTED W
- 4) EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE DENOTED E1
- 5) EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 3 WIDE DENOTED E2
- 6) EASEMENT FOR UNDERGROUND POWER LINES 2 WIDE DENOTED E3
- 7) RESTRICTIONS ON USE OF LAND



RICHARD JOHN BAGGETT
SOLE DIRECTOR / SECRETARY
R & J BAGGETT PTY LIMITED
A.C.N. 52 131 393 701

Signed at Sydney the 23rd day of
OCTOBER 2014 For Commonwealth
Bank Of Australia ABN 48 123 123 124 by its
Duty appointed Attorney under Power of
Attorney Book 4297 No 297

Witness


TARA COATES

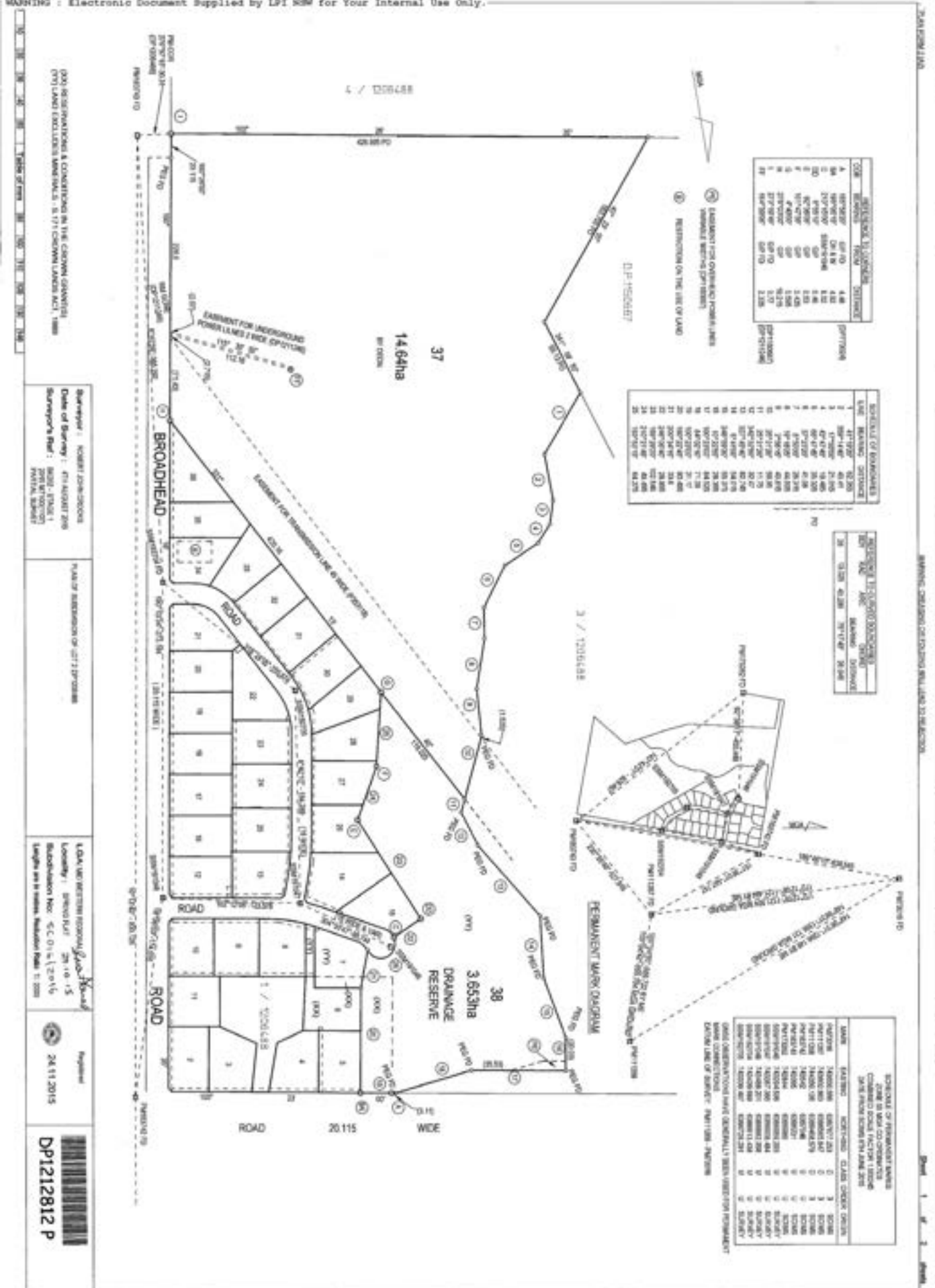
150 George Street Parramatta

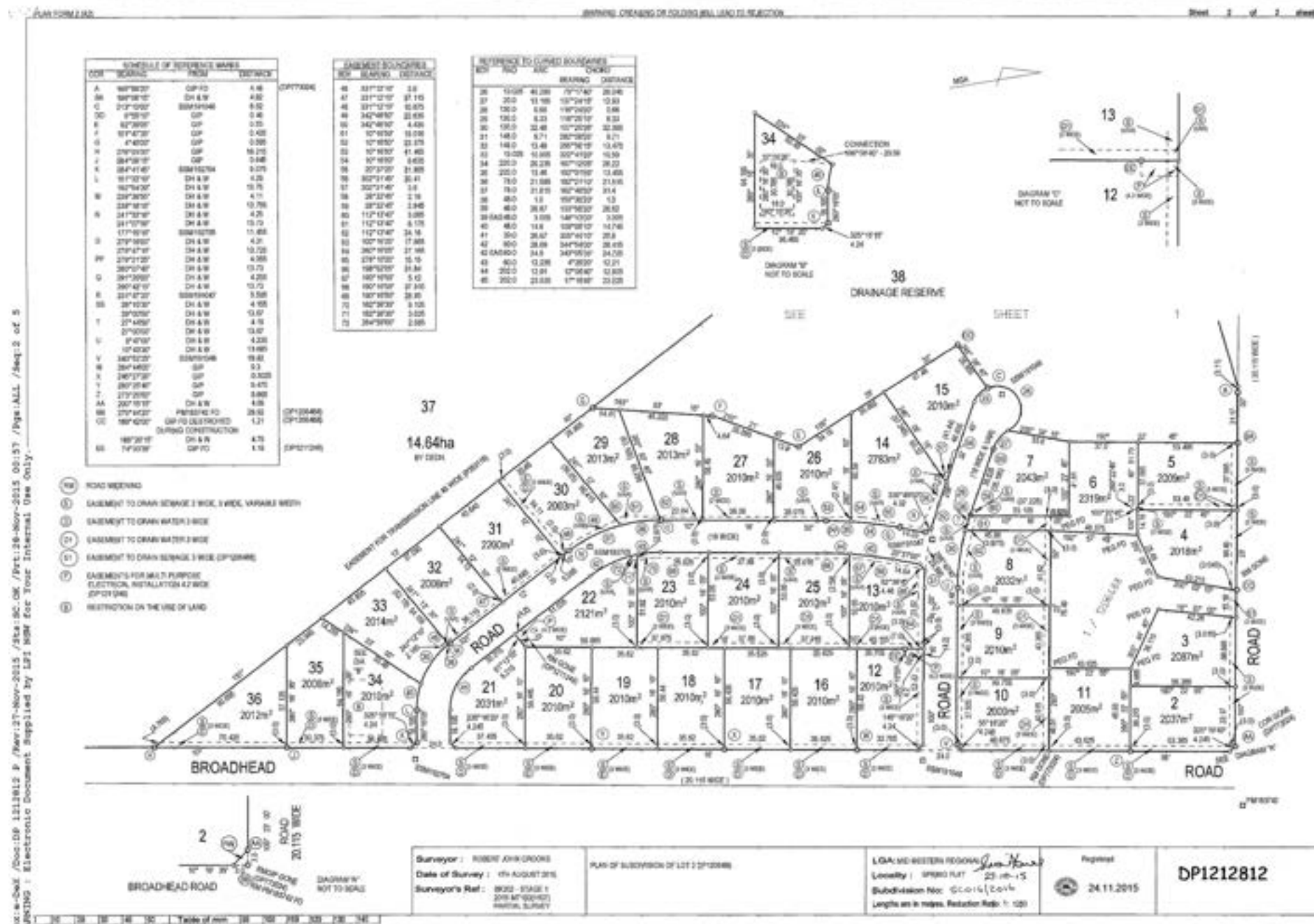

Jodie Franklyn-Smith

If space is insufficient use additional annexure sheet

Surveyor's Reference: 19917_L02_C

Box:s-m-DeK / Doc:DP 1212812 9 / Rev:27-Nov-2015 / Sta:SC OK / Prt:28-Nov-2015 00:57 / Pgs:ALL / Seq:1 of 5
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PLAN FORM 6 (2012)

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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 sheet(s)

Registered:  24.11.2015 Title System: TORRENS Purpose: SUBDIVISION	Office Use Only  DP1212812 S e Use Only
PLAN OF SUBDIVISION OF LOT 2 DP1206488	LGA: MID WESTERN REGIONAL Locality: SPRING FLAT Parish: MUDGEES County: WELLINGTON
<div style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</div> I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:	<div style="text-align: center;">Survey Certificate</div> I, ROBERT JOHN CROOKS of JABEK PTY LTD - 107-125 BELLEVUE ROAD, MUDGEES NSW 2850 a surveyor registered under the Surveying and Spatial Information Act 2002, certify that: *(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on *(b) The part of the land shown in the plan (excluding ^ Boundaries shown as po) was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on, 4TH AUGUST 2015 the part not surveyed was compiled in accordance with that Regulation. *(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012. Signature:  Dated: 6/8/2015 Surveyor ID: 884 Datum Line: PM111268 - PM73016 Type: Urban The terrain is Level-Undulating *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.
<div style="text-align: center;">Subdivision Certificate</div> I, <u>SIMON JONES</u> "Authorised Person"/"General Manager"/"Accredited Certifier", certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature:  Accreditation number: Consent Authority: <u>MIDWESTERN REGIONAL COUNCIL</u> Date of endorsement: <u>29 OCTOBER 2015</u> Subdivision Certificate number: <u>SC016/2016</u> File number: <u>P2068561</u> *Strike through if inapplicable.	Plans used in the preparation of survey/compilation. DP1206488; DP1150667; DP1121246 If space is insufficient continue on PLAN FORM 6A Surveyor's Reference: BX262- STAGE 1-2015M7100(1107)PARTIAL SURVEY
Statements of intention to dedicate public roads, public reserves and drainage reserves. IT IS INTENDED TO DEDICATE THE ROADS SHOWN AS 18 WIDE AND 18 WIDE & VARIABLE AND THE ROAD WIDENING TO THE PUBLIC AS PUBLIC ROAD. IT IS INTENDED TO DEDICATE LOT 38 AS DRAINAGE RESERVE SUBJECT TO AN EASEMENT FOR OVERHEAD POWER LINES VARIABLE WIDTHS (DP1150667)	
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	


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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 sheet(s)

Registered:  24.11.2015

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PLAN OF SUBDIVISION OF LOT 2 DP1206488

DP1212812

Subdivision Certificate number: SC016/2016
Date of Endorsement: 29/10/2015

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.


PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED, IT IS INTENDED TO
CREATE:


1. EASEMENT TO DRAIN SEWAGE 2 WIDE, 3 WIDE, VARIABLE WIDTH
2. EASEMENT TO DRAIN WATER 3 WIDE (D1)
3. EASEMENT TO DRAIN WATER 3 WIDE (D)
4. RESTRICTION ON THE USE OF LAND
5. RESTRICTIONS ON THE USE OF LAND

& RELEASE:

1. EASEMENT FOR POWER SUPPLY 3 WIDE (DP1206488)

SIGNED FOR AND ON BEHALF OF RESILAND PTY LIMITED (ACN 086 161 873) BY ITS
AUTHORISED OFFICERS WHOSE SIGNATURES APPEAR BELOW:


.....
Hugh Gordon Bateman
Director


.....
Cherryl Helen Brayshaw
Director

SIGNED FOR AND ON BEHALF OF DELEKI PTY LIMITED (ACN 001 816 057) BY ITS
AUTHORISED OFFICERS WHOSE SIGNATURES APPEAR BELOW:


.....
Barry Hilton Swords
Director


.....
Robert Bede Swords
Director

SIGNED BY PETER JOHN CONSADINE, MORTGAGEE UNDER MORTGAGE NO: 4534958

SIGNED BY PETER JOHN CONSADINE, REGISTERED PROPRIETOR OF LOT 1 DP1206488

If space is insufficient use additional annexure sheet

Surveyor's Reference: BK202 -STAGE 1-2015M7100(1107)PARTIAL SURVEY


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PLAN FORM 6A (2012)

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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 3 sheet(s)

Office Use Only
Registered:  24.11.2015

Office Use Only

PLAN OF SUBDIVISION OF LOT 2 DP1206488

DP1212812

Subdivision Certificate number: SC016/2016Date of Endorsement: 29/10/2015

This sheet is for the provision of the following information as required:

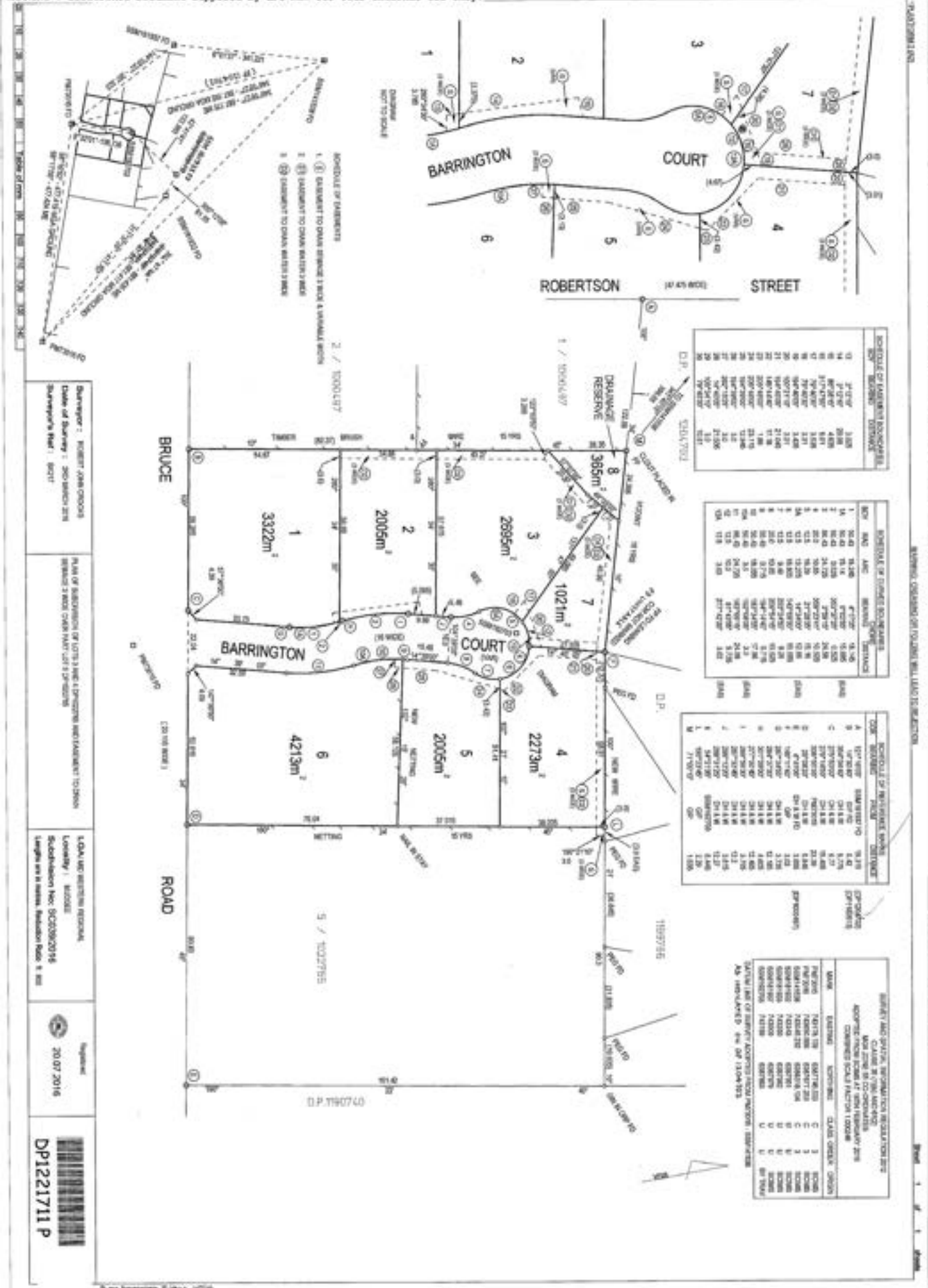
- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals - see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

LOT NO	STREET NO	STREET NAME	STREET TYPE	LOCALITY
2	150	BROADHEAD	ROAD	SPRING FLAT NSW 2850
3		NOT	AVAILABLE	
4		NOT	AVAILABLE	
5		NOT	AVAILABLE	
6		NOT	AVAILABLE	
7		NOT	AVAILABLE	
8		NOT	AVAILABLE	
9		NOT	AVAILABLE	
10	160	BROADHEAD	ROAD	SPRING FLAT NSW 2850
11	154	BROADHEAD	ROAD	SPRING FLAT NSW 2850
12	166	BROADHEAD	ROAD	SPRING FLAT NSW 2850
13		NOT	AVAILABLE	
14		NOT	AVAILABLE	
15		NOT	AVAILABLE	
16	170	BROADHEAD	ROAD	SPRING FLAT NSW 2850
17	174	BROADHEAD	ROAD	SPRING FLAT NSW 2850
18	176	BROADHEAD	ROAD	SPRING FLAT NSW 2850
19	180	BROADHEAD	ROAD	SPRING FLAT NSW 2850
20	184	BROADHEAD	ROAD	SPRING FLAT NSW 2850
21	186	BROADHEAD	ROAD	SPRING FLAT NSW 2850
22		NOT	AVAILABLE	
23		NOT	AVAILABLE	
24		NOT	AVAILABLE	
25		NOT	AVAILABLE	
26		NOT	AVAILABLE	
27		NOT	AVAILABLE	
28		NOT	AVAILABLE	
29		NOT	AVAILABLE	
30		NOT	AVAILABLE	
31		NOT	AVAILABLE	
32		NOT	AVAILABLE	
33		NOT	AVAILABLE	
34	194	BROADHEAD	ROAD	SPRING FLAT NSW 2850
35	198	BROADHEAD	ROAD	SPRING FLAT NSW 2850
36	202	BROADHEAD	ROAD	SPRING FLAT NSW 2850
37	216	BROADHEAD	ROAD	SPRING FLAT NSW 2850
38		NOT	AVAILABLE	

If space is insufficient use additional annexure sheet

Surveyor's Reference: BK202 -STAGE 1-2015M7100(1107)PARTIAL SURVEY

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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 4 sheet(s)

<p>Registered:  20.07.2016</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p>	<p>Office Use Only</p> <p>se Only</p> <p></p> <p>DP1221711 S</p>
<p>PLAN OF SUBDIVISION OF LOTS 3 AND 4 DP1022765 AND EASEMENT TO DRAIN SEWAGE 3 WIDE OVER PART LOT 5 DP1022765</p>	<p>LGA: MID WESTERN REGIONAL</p> <p>Locality: MUDGEES</p> <p>Parish: MUDGEES</p> <p>County: WELLINGTON</p>
<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, _____ (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: _____</p> <p>Date: _____</p> <p>File Number: _____</p> <p>Office: _____</p>	<p>Survey Certificate</p> <p>I, ROBERT JOHN CROOKS of JABEK PTY LTD - 107-125 BELLEVUE ROAD, MUDGEES NSW 2850 a surveyor registered under the Surveying and Spatial Information Act 2002, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 3RD MARCH 2016</p> <p>*(b) The part of the land shown in the plan ("being" excluding [^]_____) _____ was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on _____ the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</p> <p>Signature: _____ Dated: 17/3/2016</p> <p>Surveyor ID: 884</p> <p>Datum Line: PM73015 - SSM141538</p> <p>Type: *URBAN</p> <p>The terrain is Level - Undulating</p> <p>*Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>
<p>Subdivision Certificate</p> <p>I, <u>Lindsay Dunstan</u> "Authorised Person"/General Manager/Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: _____</p> <p>Accreditation number: _____</p> <p>Consent Authority: <u>Mid-Western Regional Council</u></p> <p>Date of endorsement: <u>4th May 2016</u></p> <p>Subdivision Certificate number: <u>SC039/2016</u></p> <p>File number: <u>DA0197/2015</u></p> <p>*Strike through if inapplicable.</p>	<p>Plans used in the preparation of survey/compilation:</p> <p>DP1022765; DP1204702; DP1190740; DP1000497; DP1199766</p> <p>If space is insufficient continue on PLAN FORM 6A</p>
<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p> <p>IT IS INTENDED TO DEDICATE:</p> <p>LOT 8 TO THE PUBLIC AS DRAINAGE RESERVE AND BARRINGTON COURT 16 WIDE AND VARIABLE TO THE PUBLIC AS PUBLIC ROAD</p> <p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Surveyor's Reference: BK217</p>


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Sheet 2 of 4 sheet(s)

Registered:  20.07.2016

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PLAN OF SUBDIVISION OF LOTS 3 AND 4
DP1022765 AND EASEMENT TO DRAIN
SEWAGE 3 WIDE OVER PART LOT 5
DP1022765

DP1221711

Subdivision Certificate number: SC039/2016
Date of Endorsement: 4th May 2016

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SS/ Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED, IT IS INTENDED TO CREATE:

1. S EASEMENT TO DRAIN SEWAGE 3 WIDE & VARIABLE WIDTH
2. D1 EASEMENT TO DRAIN WATER 3 WIDE
3. D2 EASEMENT TO DRAIN WATER 3 WIDE
4. RESTRICTION ON THE USE OF LAND

LOT NO	STREET NO	STREET NAME	STREET TYPE	LOCALITY
1	130	BRUCE	ROAD	MUDGEES
2	3	BARRINGTON	COURT	MUDGEES
3	5	BARRINGTON	COURT	MUDGEES
4	6	BARRINGTON	COURT	MUDGEES
5	4	BARRINGTON	COURT	MUDGEES
6	124	BRUCE	ROAD	MUDGEES
7	7	BARRINGTON	COURT	MUDGEES
8	9	BARRINGTON	COURT	MUDGEES

If space is insufficient use additional annexure sheet

Surveyor's Reference: BK217

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Sheet 3 of 4 sheet(s)

Registered:  20.07.2016

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DP1221711

PLAN OF SUBDIVISION OF LOTS 3 AND 4
DP1022765 AND EASEMENT TO DRAIN
SEWAGE 3 WIDE OVER PART LOT 5
DP1022765

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: SC039/2016
Date of Endorsement: 4th May 2016

THIS SHEET IS TO BE USED FOR SIGNATURES AND SEALS ONLY:








National Australia Bank as Mortgagee under Mortgage no: 9238260

Mortgagee under Mortgage No. 9238260
Signed at ~~Mudgee~~ this 19th day of
May 2016 for National
Australia Bank Limited ABN 12 004 044 937
by STEVEN GREGORY PRIEST
its duly appointed Attorney under Power of
Attorney No. 35 Book 4512

Level 2 Attorney

Witness/Bank Officer TANIA-LEE RUSTEN

64-66 CHURCH STREET MUDGEE NSW

If space is insufficient use additional annexure sheet

Surveyor's Reference: BK217

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Sheet 4 of 4 sheet(s)

Registered:  20.07.2016

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PLAN OF SUBDIVISION OF LOTS 3 AND 4
DP1022765 AND EASEMENT TO DRAIN
SEWAGE 3 WIDE OVER PART LOT 5
DP1022765

DP1221711

Subdivision Certificate number: SC039/2016
Date of Endorsement: 4th May 2016


This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

THIS SHEET IS TO BE USED FOR SIGNATURES AND SEALS ONLY:


Australia and New Zealand Banking Group Limited as Mortgagee under Mortgage No: 7489876

AUSTRALIA AND NEW ZEALAND
BANKING GROUP LIMITED ACN 11 005
357 522 by its Attorney under Power of
Attorney Book No. 4465 No. 246


Sign 
Name Rach O'Brien
Acting/Manager Solicitors



Witnessed by: 

Australia and New Zealand Banking Group Limited as Mortgagee under Mortgage No: AD589416

Sign 
Name Abdunaser Abubaker
4/833 Collins NFC 2873 Bond, 3008

AUSTRALIA AND NEW ZEALAND
BANKING GROUP LIMITED ACN 11 005
357 522 by its Attorney under Power of
Attorney Book No. 4465 No. 246

Sign 
Name Rach O'Brien
Acting/Manager Solicitors

Witnessed by: 
Sign 
Name Abdunaser Abubaker

4/833 Collins NFC 2873 Bond, 3008

If space is insufficient use additional annexure sheet

Surveyor's Reference: BK217

The logo for barnson. is displayed in white lowercase letters on a dark grey background. A small yellow square is positioned at the end of the word.**APPENDIX C****Preliminary Assessment “Public Reserve”**

Assessment: Preliminary Assessment “Public Reserve”

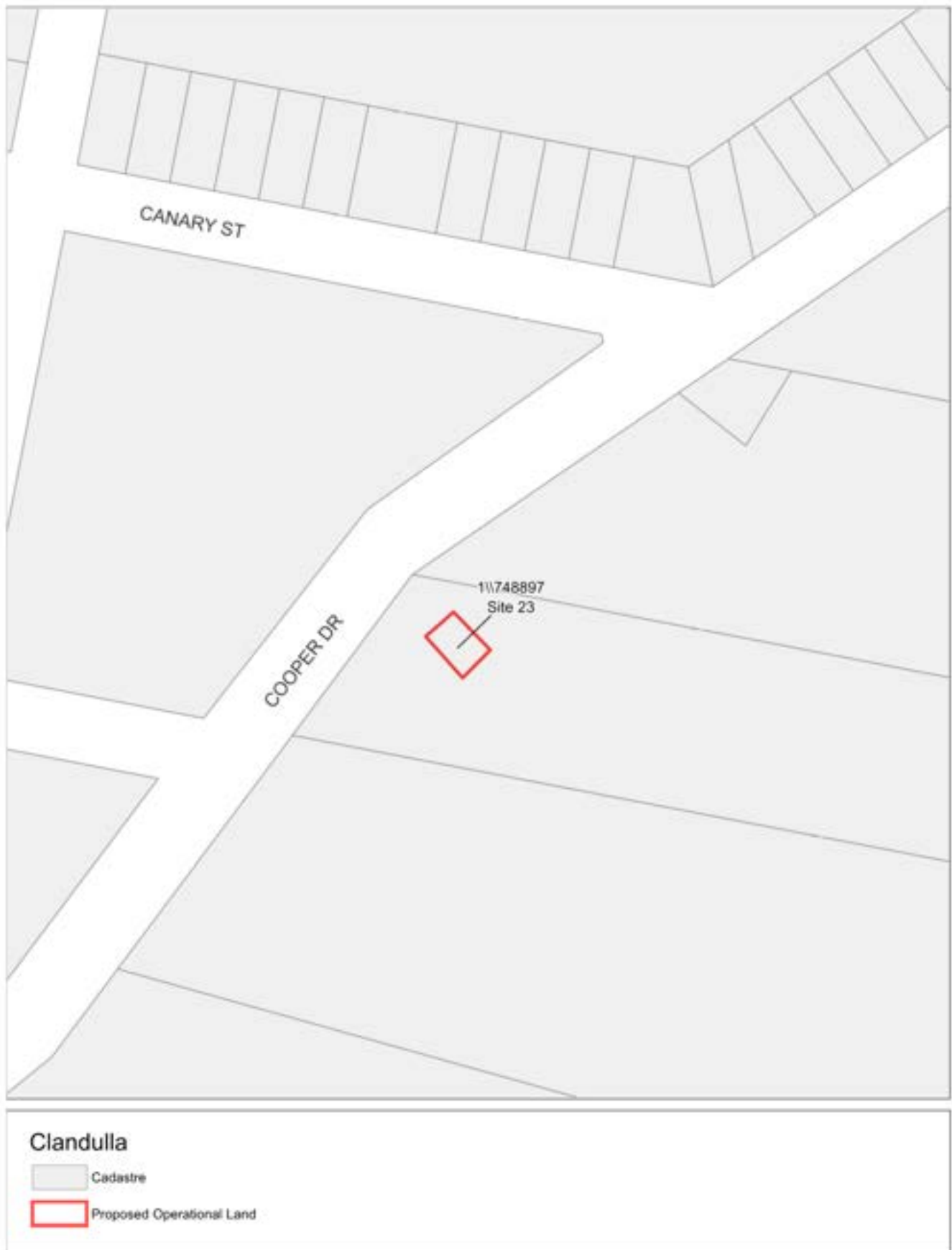
Site	Lot and DP	Public Park	Section 340A of LG 1919	Public Reserve 340C or 340D of LG 1919	Land Dedicated under 49 and 50 of LG 1993	Declared as public reserve under 76 of Crown Land Act 1989	Crown Managed Land that is dedicated or reserved for public recreation or public cemetery or gazetted under the CLM act 2016	Public reserve under Section 52 State Road Act 1986	Control of council under Section 159 Roads Act 1993 and public reserves which council control under S344 or Section 4 of the LG Act 1919
3 Byron Place, Mudgee	Lot 1 DP 1016484	No	No	No	No	No	No	No	No
3 Byron Place, Mudgee	Lot 2 DP 1017112	No	No	No	No	No	No	No	No
3 Byron Place, Mudgee	Lot 3 DP 1026343	No	No	No	No	No	No	No	No
3 Byron Place, Mudgee	Lot 4 DP 1026343	No	No	No	No	No	No	No	No
46 White Street, Gulgong	Lot 13 Section 27 DP 758482	Yes	-	-	-	-	-	-	-
33-35 Ilford Street, Rylstone	Lot 1 DP 1020755	No	No	No	No	No	No	No	No
3 Dawson Street, Rylstone	Lot 8 Section 28 DP 758891	No	No	No	No	No	No	No	No
38 Kandos Tip Road, Kandos	Lot 300 DP 821839	No	No	No	No	No	No	No	No
33E Wenonah Street Gulgong	Lot 1 DP 727202	No	No	No	Yes	No	No	No	No

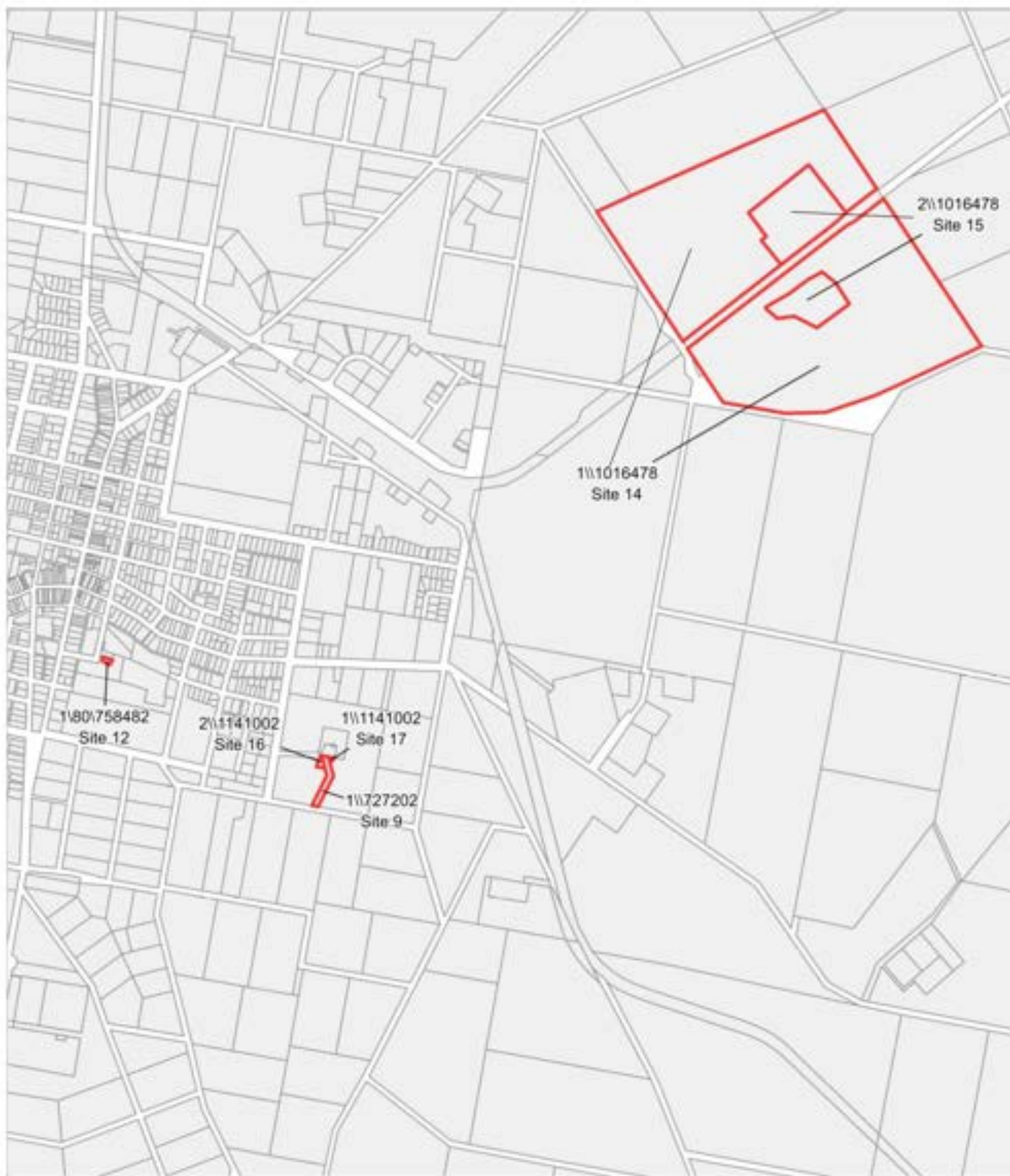
88 Market Street, Mudgee	Lot 9 DP 824137	No	No	No	No	No	No	No	No
6916 Ilford Sofala Road, Ilford	Lot 1 DP 1145132	No	No	No	No	No	No	No	No
49 White Street, Gulgong	Lot 1 Section 80 DP 758482	Yes	-	-	-	-	-	-	-
12 Cosadine Grove, Spring Flat	Lot 38 DP 1282812	No	No	No	Yes	No	No	No	No
105 Spring Creek Road, Gulgong	Lot 1 DP 1016478	No	No	No	No	No	No	No	No
107 Spring Creek Road, Gulgong	Lot 2 DP 1016478	No	No	No	No	No	No	No	No
33 Wenonah Street, Gulgong	Lot 1 DP 1141002	No	No	No	Yes	No	No	No	No
33 Wenonah Street, Gulgong	Lot 2 DP 1141002	No	No	No	Yes	No	No	No	No
1A/77 Market Street, Mudgee	Lot 1 DP 1038619	No	No	No	No	No	No	No	No
26 Burrundulla Road, Burrundulla	Lot 2 DP 1104479	No	No	No	No	No	No	No	No
9 Barrington Court, Mudgee	Lot 8 DP 1221711	No	No	No	Yes	No	No	No	No
1 Mill Street, Rylstone	Lot 1350 DP 1091480	No	No	No	No	No	No	No	No
32 Russell Road, Kandos	Lot 1 DP 786820	No	No	No	No	No	No	No	No
533 Cooper Drive, Clandulla	Lot 1 DP 748897	No	No	No	No	No	No	No	No

42 Melton Street, Mudgee	Lot 1 DP 1199604	No	No	No	Yes	No	No	No	No
9A Hughson Avenue, Mudgee	Lot 10 DP 1199604	No	No	No	Yes	No	No	No	No
33 Buchanan Street, Kandos	Lot 17 Section 5 DP 8161	No	No	No	No	No	No	No	No
737 Botobolar Road, Botobolar	Lot 2531 DP 1010059	No	No	No	No	No	No	No	No

The logo for barnson. is displayed in white text on a dark grey background. The word "barnson" is in a lowercase, sans-serif font, followed by a small yellow square.**APPENDIX D****Land Reclassification Maps**







Gulgong

 Cadastre

 Proposed Operational Land









Rylstone



Cadastre



Proposed Operational Land