



2019

MID-WESTERN REGIONAL COUNCIL
COUNCIL BUSINESS PAPERS

ORDINARY MEETING
WEDNESDAY 18 SEPTEMBER 2019

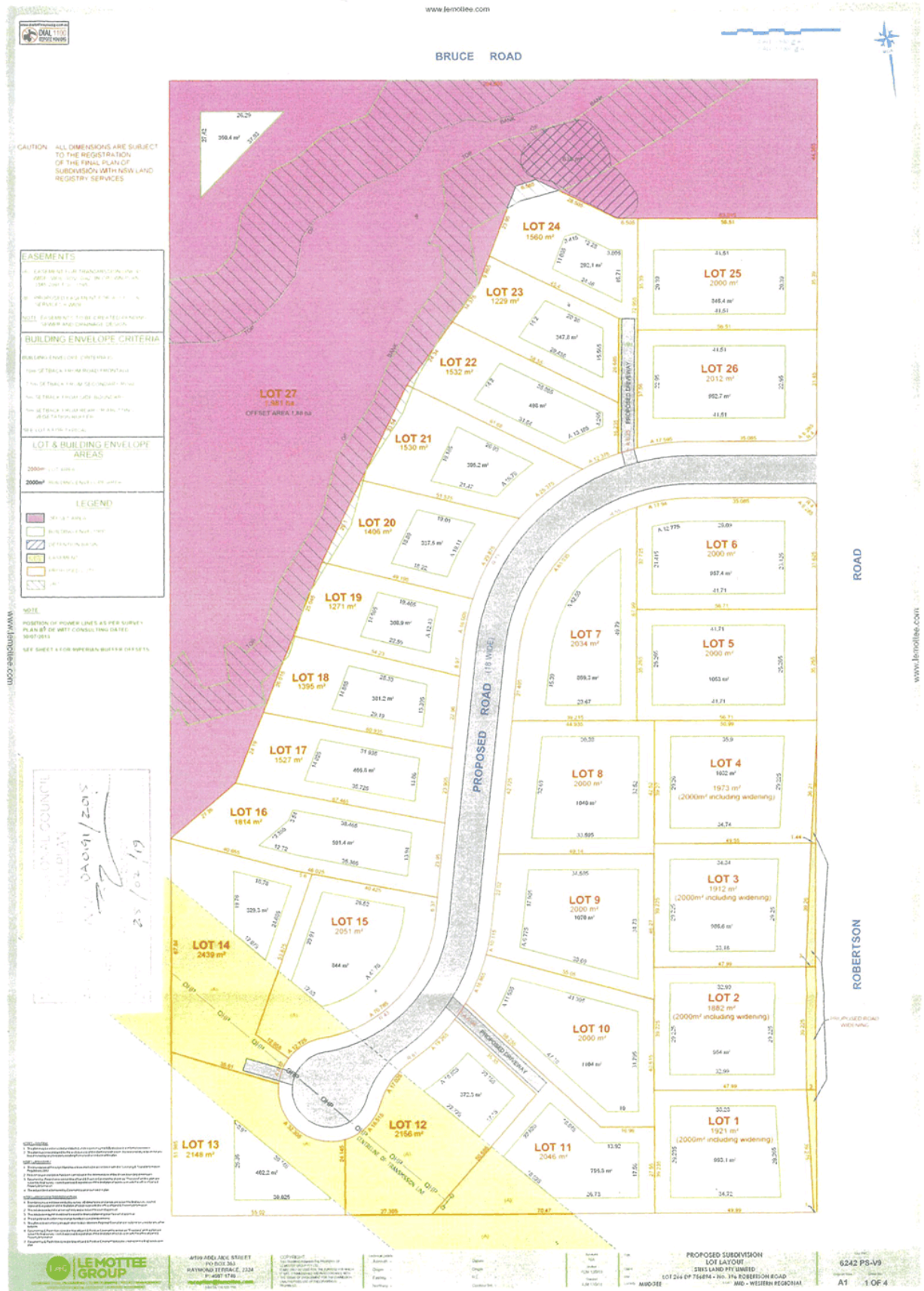
SEPARATELY ATTACHED ATTACHMENTS

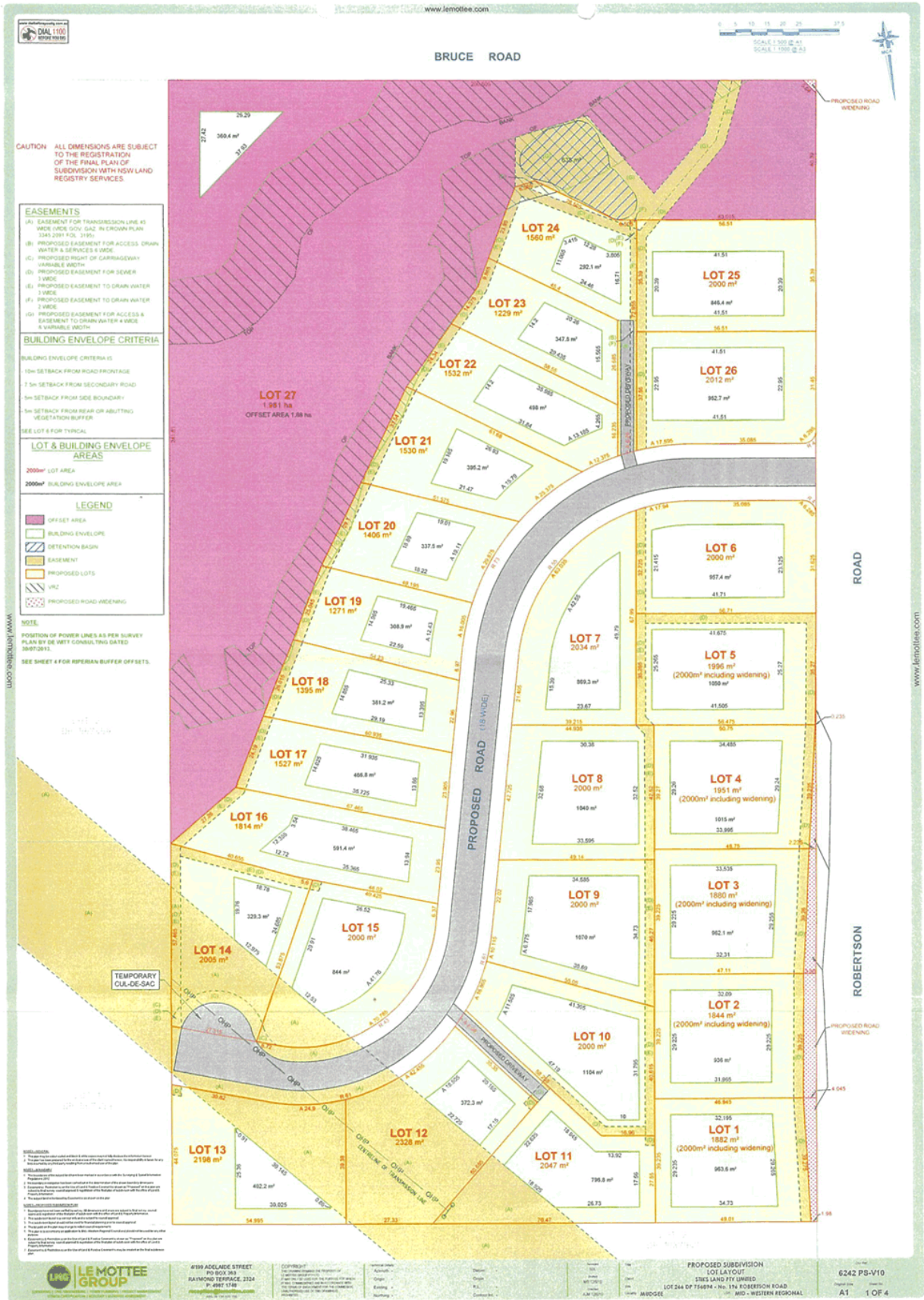


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SCHEDULE A: CONDITIONS

PART 1: DEFERRED COMMENCEMENT CONDITIONS

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
 - a) Submission to and approval by Council of a Water Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced with sufficient volume and pressure of water. The Water Servicing Plan shall demonstrate compliance with *Mid-Western Development Control Plan 2013* and *National Specification – Water Supply Code of Australia*. The Water Servicing Plan shall show:
 - (i) Volume and location of water storage;
 - (ii) Indicative pipe size and location;
 - (iii) Depth of ground cover over underground infrastructure;
 - (iv) Location of fire hydrants;
 - (v) Details and location of any required pump stations;
 - (vi) Indicative easements for water storage and water pump stations, as required; and
 - (vii) Measures to minimise visual impact of water pumps and storage facilities.
 - b) Submission to and approval by Council of a Sewerage Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced by sewerage infrastructure. The Sewerage Servicing Plan shall demonstrate compliance with *Mid-Western Development Control Plan 2013* and *National Specification – Sewerage Code of Australia*. The Sewerage Servicing Plan shall show:
 - (i) Location, size, and gradient of all sewer lines;
 - (ii) Depth of ground cover over underground infrastructure;
 - (iii) Location and details of manholes and rising mains;
 - (iv) Details and location of any sewer pump stations, if required;
 - (v) Indicative easements for sewer lines and sewer pump stations, as required; and
 - (vi) The impact on Endangered Ecological Communities and Threatened Species, if relevant.
 - c) The registration with NSW Land Registry Services of an easement to drain sewer of a minimum 3m wide over the properties that the sewer line for the proposed development will traverse, between the development site and the nearest connection to the reticulated sewerage network. The easement shall burden the lots the sewer line traverses and benefit Mid-Western Regional Council, as per the submitted Sewerage Servicing Plan. The easements shall be over the following properties, or any alternative properties as agreed to by Council should another route be preferable, to achieve a sewer line connection into Council's existing reticulated sewer system:
 - (i) Lot 3 DP1204702;
 - (ii) Lot 1 DP1000497;
 - (iii) Lot 2 DP1000497; and

- (iv) Lot 8 DP1221711.
- d) Where required, the registration with NSW Land Registry Services of any easements over private property (other than the subject site) to accommodate water supply infrastructure, such as pump stations and storage tanks.
- e) An Ecological Assessment Report be prepared by a suitably qualified ecological consultant to identify any threatened species in:
 - (i) the road reserve directly in front of both street frontages of the subject site;
 - (ii) within the area outside of the subject site approved for the sewer line extension; and
 - (iii) within any areas for water line extensions outside of the subject site.

Following the completion and findings of the Ecological Assessment Report, the necessary approvals from other government agencies are to be obtained and a copy provided to Council, to ensure the protection of any Threatened Species. These approvals may include:

- (i) A Controlled Action Approval from the Department of Environment and Energy (DEE); and
- (ii) Concurrence from NSW Office of Environment and Heritage (OEH).
- f) If a Biodiversity Offset site is required to meet the requirements of sub-condition (e.) above, details of the Biodiversity Offset site and any draft terms of restriction or covenants on title are to be submitted to and approved by Council.

Evidence that will sufficiently enable Council to be satisfied as to the compliance of the above matter/s must be submitted to Council within five (5) years of the date of determination.

If sufficient evidence of the satisfaction of the above matter/s is not received by Council within this time-frame, the consent will lapse pursuant to Section 4.53(6) of the *Environmental Planning and Assessment Act 1979*.

If sufficient evidence of the satisfaction of the above matter/s is received by Council within the above nominated time-frame, Council will notify the applicant/developer in writing of the date the development consent has become operative. The consent will become operative subject to the following conditions of consent.

Note: The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*.

PART 2: CONDITIONS OF CONSENT

PARAMETERS OF CONSENT

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions herein and/or any plan notations.

Title/Name	Drawing No/ Document Ref	Revision /Issue	Dated	Prepared by
Proposed Subdivision Lot Layout	6242 PS-V10 Sheet 1 of 4	V10	12/06/19	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay	6242 PS-V10 Sheet 2 of 4	V10	12/06/19	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay (Contours)	6242 PS-V10 Sheet 3 of 4	V10	12/06/19	Le Mottee Group
Proposed Subdivision Lot Layout (APZ and VRZ)	6242 PS-V10 Sheet 4 of 4	V10	12/06/19	Le Mottee Group
Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee	-	-	February 2017	Firebird Ecosultants Pty Ltd

Note: Servicing Strategy plans, as submitted, have not been approved as they require consent and approval for creation of easements.

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2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

GENERAL

Amended Plan Requirements

3. Where required by water supply requirements, as approved as part of Deferred Commencement Condition No 1(a), the plan of proposed subdivision must be amended. The amended plan is to provide for the creation of suitably sized reserves, to be vested in Council free of charge, that will provide for both pump station and storage tanks to ensure adequate volume and pressures to meet all requirements, specifically as related to fire-fighting requirements.
4. Where required by sewer design requiring pump station and rising mains, as approved as part of Deferred Commencement Condition No 1(b). The amended plan of the proposed subdivision must be amended to provide for the creation of a suitably sized reserve, to be vested to Council free of charge, that will provide for both pump station and any rising main requirements.
5. An amended plan of subdivision must be submitted to:
 - a) Create a four (4) metre by four (4) metre corner cut off/splay at the corner of Bruce Road and Robertson Road for road widening purposes; and
 - b) Provide a roll back kerb and gutter return with a radius of 8 metres at the intersection of Bruce and Robertson Roads. The roll back kerb and gutter need

only apply to that part of the intersection adjacent to the north-east corner of the subject site.

6. The approved plan of subdivision shall be amended to increase the length of the internal road so that the edge of the cul-de-sac adjoins the western boundary of the subject site.

Note: This condition is applied to provide for a possibility of a future through road via the adjoining property to the west.

Other

7. The development is to be constructed in 2 stages, as outlined below:
 - a) Stage 1: All lots fronting Robertson Road (ie Lots 1 to 6, 25 and 26 – 8 lots) and residue lot, construction of the stormwater detention basin and any upgrade works required to Robertson Road.
 - b) Stage 2: Lots 7 to 24 and Lot 27 (ie 19 lots). This stage is to include the construction of:
 - (i) The internal road;
 - (ii) The driveways associated with Lots 11, 23 and 24; and
 - (iii) Any upgrade works required within the Bruce Road road reserve.

All servicing is to be undertaken in accordance with the staging.

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8. Proposed Lot 27 shall not be further subdivided by any future development application for subdivision.

Note: Another condition within this development consent will require a restriction on title to be applied to Lot 27, to ensure that proposed Lot 27 is not subdivided.
9. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
10. No earthworks shall be undertaken within offset areas, environmental protection areas or Vegetated Riparian Zones of the creek.
11. The developer is to engage a registered surveyor at their own expense to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation is to be supplied to NSW Land Registry Services and Council.
12. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.
13. All activities on the subject site are to undertaken in accordance with the approved Construction Environmental Management Plan (CEMP) and Plan of Management (PoM).

Note: Conditions 50 and 51 of this development consent require the submission and approval of a CEMP and PoM.

14. As there are known Aboriginal objects within the proposed subdivision, that will be or are likely to be harmed from future residential development, prior to the release of the Subdivision Certificate for any of the lots, an Aboriginal Cultural Heritage Assessment Report must be prepared and submitted to Council for approval.

This report is to be prepared in accordance with the Office of Environment and Heritage's Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW. As per the Guide, the report is required to determine what Aboriginal cultural heritage is in the area, why it is important, what the likely impacts of the development will be, and how the impacts can be avoided, minimised or not avoided.

Where the impacts cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) is to be obtained.

15. Prior to the release of a Construction Certificate, the developer is to obtain a Controlled Activity approval from the NSW's Water Authority.
16. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.
 - b) General Terms of Approval, issued by NSW's Water Authority, for a Controlled Activity Approval in accordance with Section 91 of the *Water Management Act 2000*.
17. The only waste derived fill material that may be received at the development site must be:
- a) Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
18. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
19. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: Prescribed condition pursuant to clause 98E of the *Environmental Planning and Assessment Regulation 2000* and Council requirement to preserve the stability of adjoining roads/public places

20. The developer is to ensure that any defects in the works that become apparent before and within the succeeding six (6) months after the registration of the subdivision plan, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the six (6) month period, less the cost of any rectification works carried out by Council.

Essential Energy

21. Satisfactory arrangements are to be made with Essential Energy for the re-location of any existing electrical infrastructure or for the creation of easements for any existing electrical or new electrical infrastructure.

Note: Refer to Essential Energy's Contestable Work Team for requirements.

22. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property shall be complied with.

Transgrid

23. The design, construction, and restrictions on titles shall be undertaken in accordance with the conditions supplied by Transgrid for the proposed subdivision.

Note: Refer to Attachment D of this Decision Notice for a copy of the Transgrid conditions.

Stormwater

24. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
25. Drainage design must provide for control of runoff from all external upstream catchments.
26. Drainage design must provide for sufficient detention capacity and restricted outlets to limit the rate of runoff from the development to existing un-developed levels for a 1 in 1.5 year ARI storm event. Detention basin capacity must be provided for all large storm events up to and including a 1:100 year ARI storm event. Drainage design for any proposed detention basin must be accompanied by fully detailed runoff calculations certified by a suitably qualified professional engineer.
27. Drainage design must incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
28. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.

29. A minimum of two (2) approved roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries.
30. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1 metre wide shall be created over inter-allotment drainage in favour of upstream allotments.
31. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan and the standards referenced in Appendix B and D.

Water and Sewer Services

32. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
33. Council does not permit other bodies to insert new junctions into "live" sewer and water mains. Please contact Council's Operations Water and Waste Department by calling 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
34. The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the *National Specification – Water Supply Code of Australia*.
35. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the *National Specification – Sewerage Code of Australia*.

Note: The applicant/developer must obtain the necessary consents and approvals for creation of easements prior to the submission of design for Construction approval. Alternatively, a sewer drainage system will require the use of a pump station within the property to pump sewage to a suitable gravity main. The latter option does not require easements over private land.

36. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Note: Council does not permit other bodies to insert new connections into 'live' water mains.

37. In the case of any lots that will be serviced by a water main constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost of \$390 for a 20 mm water meter.

38. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions and risers required to service the proposed lots must be installed by the developer.

Roads

39. The developer is to upgrade Robertson Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5 m (1 x 3.5m travel land with 1 x 2m sealed shoulder)
Footpath Width	1 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

40. The developer is to upgrade Bruce Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5 m (1 x 3.5m travel land with 1 x 2m sealed shoulder)
Footpath Width	1 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Road surface height above creek crossing	Height sufficient for road surface to be above the 100 year ARI storm event flood levels within the creek. Culvert to be of sufficient width to accommodate full width road pavement and provision for future footpaths.

41. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m
Footpath Width	2 x 4.5m

Concrete Footpaths	1 x 1.2m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

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PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE (CIVIL WORKS)

The following conditions must be complied with prior to Council issuing a Construction Certificate for the civil works required for the proposed subdivision.

42. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D. A Construction Certificate is required for but not limited to the following civil works:
- a) Extension, as necessary, of water and sewer mains providing connections to each proposed Lot that may or may not require the developer to obtain consent for the creation of easements and approval to carry out works on private land;
 - b) Stormwater drainage including provision for both detention and water quality improvements to limit the rate of discharge of runoff to pre-development levels for a 1.5 year ARI storm event and detention for a storm event up to 1:100 year ARI;
 - c) Road construction for the new internal road;
 - d) Road pavement including widening and construction of kerb and channel for the entire lengths of the subject land abutting both Bruce Road and Robertson Road;
 - e) Footpath and kerb & gutter; and
 - f) Landscaping of public reserves.

All design is to be supported by fully detailed documentation including investigation reports and calculations (eg geotechnical investigation, stormwater runoff calculations including an assessment of upstream catchments, etc).

Note: No works can commence prior to the issue of the Construction certificate.

43. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate.
44. Details of the internal driveways within the access handles are to be submitted to and approved by the Certifier (ie Council or a private Certifier) as part of the Construction Certificate. The details are to comply with the following:
- a) A 6m wide concrete crossover is to be provided at the entrance (ie first 6m) to the access handles for proposed Lots 23 and 24.
 - b) A 3m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lot 11.

- c) A 6m wide sealed (concrete or bitumen) driveway is to extend for the full length of the right of carriageway to be provided over the access handles for proposed Lots 23 and 24. Alternatively, localised pavement widening to a width of 6 meters and over a length of no less than 6 metres may be provided to allow two vehicles to safely pass. Provision must be made for the control of surface runoff (kerb or dish drain).
- d) A 3m wide sealed (concrete or bitumen) driveway is to extend for the full length of the access handle for proposed Lot 11.
- e) The design of the driveway and crossover is to comply with Aus-Spec #1 and Council's "Access to Properties Policy".
- f) Except where varied by the above conditions, the details are to comply with the relevant provisions of AS2890.1-2004.
- g) Should concrete be used, provide for construction joints and removable panels in the driveway so that the part of the concrete driveway can be removed while maintenance occurs on any underground water, sewer or stormwater infrastructure within the access handle.

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- 45. Prior to the issue of a Construction Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
- 46. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
- 47. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
- 48. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
- 49. Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications design for the subdivision.
- 50. A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by Council and the Department of Environment and Energy, prior to the issue of a Construction Certificate or the commencement of any works/actions on the

site. The CEMP is to include the following measures and/or comply with the following requirements:

- a) The CEMP is to be prepared by a suitably qualified person.
- b) Must provide for the protection of the following during construction:
 - (i) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
 - (ii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
 - (iii) *Acacia Ausfeldii* (Ausfeld's Wattle); and
 - (iv) Vegetated Riparian Zones as identified on the approved subdivision plans.
- c) The CEMP is to satisfy Condition 4 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
- d) The CEMP is to address the relevant Transgrid Conditions provided as Attachment D to this development consent.
- e) The CEMP is to address relevant matters that arise in the Ecological Assessment Report, additional Controlled Activity Approval and any OEH concurrence requirements or comments required by Condition 1 – Deferred Commencement Consent of this development consent.
- f) The CEMP is to include an Erosion and Sediment Control Plan for the development prepared in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater".
- g) The CEMP is to include the means of fencing or similarly marking/delineating:
 - (i) The edge of the riparian buffer zone.
 - (ii) The edge of conservation clumps.
 - (iii) Construction access for the on-site detention basin.
 - (iv) Fencing is to be marked by peg and tape, or similar.
- h) Construction works are not to occur outside of the construction zone or within areas fenced in accordance with the previous sub-condition.
- i) Detailed measures for protecting vegetation within the near vicinity of the proposed on-site detention basin.
- j) Stockpile areas shall be located outside riparian vegetation and at least 10m from native vegetation.
- k) Wash down machinery and vehicles before entering the site and before leaving the site, to limit weed spread.
- l) Areas proposed for disturbance where noxious weeds are present shall be managed according to the weed class.
- m) Traffic management, including details of:
 - (i) Ingress and egress of vehicles to the site;

- (ii) Management of loading and unloading of materials;
 - (iii) The location of heavy vehicle parking off-site; and
 - (iv) Designated routes for vehicles to the site.
- n) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- o) Scour protection, points of construction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the site, are to be suitably protected against scour. Designs of scour protection works are to be based on predicted velocities and scour potential. Methods of construction are to be detailed.
- p) The CEMP must state the responsible person, including their position or status as a separate contractor, for implementation of these aspects of the CEMP.
51. A Plan of Management (PoM) is to be submitted to and approved by Council and the Department of Environment and Energy, prior to the issue of a Construction Certificate or the commencement of any works/actions on the site. The PoM is to include the following measures and/or comply with the following requirements:
- a) The PoM is to be prepared by a suitably qualified person.
 - b) The PoM must specify actions for the protection of the following in perpetuity:
 - (i) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
 - (ii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
 - (iii) *Acacia Ausfeldii* (Ausfeld's Wattle);
 - (iv) Vegetated Riparian Zones as identified on the approved subdivision plans; and
 - (v) Species identified in the Ecological Assessment Report that could potentially use the site.
 - c) The PoM is to satisfy Condition 6 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
 - d) The PoM must address the recommendations of the *Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee* (Firebird Ecosultants P/L, February 2017)
 - e) The PoM is to address relevant matters that arise in the Ecological Assessment Report, additional Controlled Activity Approval and any OEH concurrence requirements or comments required by Condition 1 – Deferred Commencement Consent of this development consent.
 - f) The PoM shall include the following measures, as a minimum:
 - (i) Maintenance of identified Vegetated Riparian Zones (VRZ's) with long grass, groundcovers and mature vegetation, in accordance with the relevant riparian zone guidelines prepared by DPI Water.
 - (ii) Appropriate fencing be erected to protect the ecologically sensitive areas.
 - (iii) A native vegetation restoration strategy be implemented, with a focus on regeneration of Box-Gum Grassy Woodlands and *L. albicans* var. *tricolor*

- (Hoary Sunray). This should involve an integrated approach to weed management and revegetation and should be developed in consultation with the relevant experts in native grassy vegetation restoration.
- (iv) A weed management plan, with a focus on controlling noxious weeds on the site.
 - (v) Artificial nest boxes should be erected within the Box-Gum grassy Woodlands, at the recommended density of 8 nest boxes/ha (a minimum of 9 nest boxes, for 1.2 ha of Box Gum Woodlands). The replacement nest boxes should cater for a range of hollow dependent fauna types, including birds, arboreal mammals and microchiropteran bats. An experienced ecologist is required to install the nest boxes.
 - (vi) A monitoring plan be incorporated to ensure that the requirements of the PoM are being adhered to.
 - (vii) Consideration of the need for burning of the conservation areas and measures to control each burn over the long term. Measures to control each burn are required to stimulate germination of dormant AA seed while minimising damage/attrition rate of existing AA stems. The burning regime is to be determined in consultation with the Office of Environment and Heritage (OEH). It is recommended that any plans for burning areas supporting threatened species be discussed with and approved by OEH prior to each burn being undertaken, as there remains uncertainty regarding the impacts of burning regimes on some species and vegetation communities.
- g) Boundaries of riparian areas and conservation clumps are to be clearly marked.
 - h) Sediment erosion control measures are to be employed to ensure the riparian zones, conservation clumps and large trees are not impacted.
 - i) A monitoring plan, to ensure that the requirements of the PoM are adhered to.
 - j) Provide an indicative list appropriately qualified personnel to undertake monitoring, maintenance, replanting, weeding activities and monitoring/maintenance schedule.
 - k) Provide a draft linen plan and draft terms of restriction to protect and manage protected vegetation, ecological communities and riparian vegetation.
52. Prior to the issue of a Construction Certificate or the commencement of any works/actions on the site, the developer shall register protective covenant/s under Section 88B, 88D or 88E of the *Conveyancing Act 1919*. A draft of the Section 88B, 88D or 88E instrument is to be submitted to and approved by Council, prior to registration. The Section 88B, 88D or 88E instrument is to:
- a) Provide protection for the following in perpetuity:
 - (i) The offset area identified on the approved subdivision plan (coloured pink);
 - (ii) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) conservation areas;
 - (iii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland conservation area;
 - (iv) *Acacia Ausfeldii* (Ausfeld's Wattle) within the biodiversity offset area; and
 - (v) Vegetated Riparian Zones as identified on the approved subdivision plans.

- b) Satisfy Condition 5 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
- c) Link to the Plan of Management (PoM) approved in accordance with the previous condition of this consent.
- d) Include a term to the effect that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practice for NSW, must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.

PRIOR TO THE COMMENCEMENT OF WORKS

- 53. Prior to the commencement of construction of infrastructure, the Developer must obtain a Subdivision Construction Certificate.
- 54. Any necessary alterations to, or relocations of, public utility services are to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- 55. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
- 56. Prior to the commencement of subdivision works, the following actions are to be carried out:
 - a) A site supervisor is to be nominated by the applicant;
 - b) Council is to be provided with two (2) days notice of works commencing; and
 - c) Council is to be notified in writing of any existing damage to Council's infrastructure.

Note: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.
- 57. Runoff and erosion controls shall be installed prior to clearing and incorporate:
 - a) Diversion of uncontaminated upsite runoff around cleared and /or disturbed areas and areas to be cleared and/or disturbed;
 - b) Sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond completion of construction.
- 58. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;

- c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
59. If the work involved in the erection/demolition of the building:
- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) Building involves the enclosure of a public place.
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
60. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
- NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.**

DURING CONSTRUCTION

61. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water and sewer line installation prior to backfilling;
 - c) Establishment of line and level for kerb and gutter placement;
 - d) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - e) Road pavement surfacing;
 - f) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - g) Practical Completion.
62. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.
63. Unless specifically identified in Deferred Commencement or Construction Certificate Approval requirements, no trees on public property (footpaths, road, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
- AMENDED BY MA0007/2020**
64. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.

65. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
66. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
67. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
68. Street trees of a species approved by Council are to be provided at a minimum rate of two trees per allotment.
69. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
70. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
71. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
72. Deleted.
DELETED BY MA0007/2020
73. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
74. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the SafeWork NSW and disposed of at an approved waste facility.

75. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
76. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.
- Note: Such materials cannot be disposed of to landfill unless the facility is specifically licenced by the EPA to receive that type of waste.
77. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be authorised for registration with NSW Land Registry Services.

78. An application for Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
79. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
80. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
- a) road widening;
 - b) provision of stormwater drainage infrastructure for the development; and
 - c) extension and connection of water and sewer services and utilities as necessary to provide for individual service connections for each proposed Lot.
81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

Where lots are nominated to be development in future for dual occupancy development, dual services for water, sewer and stormwater are to be provided for the nominated lots.

82. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- a) PDF; and
- b) Dwg format or “Autocad compatible”

All work-as-executed plans shall bear the Consulting Engineer’s or Consulting Surveyor’s certification stating that all information shown on the plans is accurate.

83. Street trees for the relevant subdivision stage are to be provided in accordance with the approved landscape plan for the subdivision.

Note: Condition 42(f) of this development consent required the submission and approval of a landscape plan for the public areas within the subdivision.

84. Any fencing nominated in the approved Plan of Management (PoM) to be established around areas of vegetation to be protected, are to be erected prior to the issue of a Subdivision Certificate.

85. A sealed, all-weather access driveway is to be provided within the access handles and right of carriageway within proposed Lots 11, 23 and 24.

Note: Detailed plans for driveways were required to be submitted and approved in accordance with Condition 44.

AMENDED BY MA0007/2020

86. The adjustment of existing services or installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
87. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of *Australian Standard AS 2870 – 2011: Residential Slabs and Footings*. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
88. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Subdivision Certificate.

Defects Liability Bond

89. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council.

The defects liability bond will be held by Council for a period of six (6) months from the completion of works, to ensure that any defects that become apparent during that time are remedied by the developer.

For the purposes of defining defects liability period, the works are considered to be completed when the subdivision certificate is registered with NSW Land Registry Services.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

Developer Contributions

90. In accordance with the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
The rates shown below are current up to 30 June 2019		
26 Additional Lots (credit for existing)		
	<i>Per Lot</i>	26 Additional Lots
Mudgee (Catchment 2)		
Transport Management		
Traffic Management	\$1,282.00	\$33,332.00
Open Space		
Local Open Space	\$2,013.00	\$52,338.00
District Open Space	\$2,732.00	\$71,032.00
Community Facilities		
Library Buildings	\$263.00	\$6,838.00
Library Resources	\$316.00	\$8,216.00
Drainage		
Drainage Works	\$0.00	0
Administration		
Plan Administration	\$614.00	\$15,964.00
Total	\$7,220.00	\$187,720.00

Note: The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

Note: Council's *Section 94 Development Contributions Plan 2005-2021* is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

91. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

Certificate of Compliance

92. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council.

Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

93. In the case where any Subdivision Certificate is sought prior to the commencement of any works or actions on the site, the developer shall register protective covenant/s under Section 88B, 88D or 88E of the *Conveyancing Act 1919*. A draft of the Section 88B, 88D or 88E instrument is to be submitted to and approved by Council, prior to registration. The Section 88B, 88D or 88E instrument is to:

- a) Provide protection for the following in perpetuity:
 - (i) The offset area identified on the approved subdivision plan (coloured pink);
 - (ii) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) conservation areas;
 - (iii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland conservation area;
 - (iv) *Acacia Ausfeldii* (Ausfeld's Wattle) within the biodiversity offset area; and
 - (v) Vegetated Riparian Zones as identified on the approved subdivision plans.
- b) Satisfy Condition 5 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
- c) Link to the Plan of Management (PoM) approved in accordance with the previous condition of this consent.
- d) Include a term to the effect that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practice for NSW, must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.

Note: Condition 51 requires the matters addressed in this condition to be satisfied prior to the issue of a Construction Certificate. Should a Construction Certificate be issued prior to the application for a Subdivision Certificate, then the matters addressed in this condition may already be satisfied.

94. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.
95. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 27, as identified in the approved plans, a drainage easement with an access handle to a public road, over land not containing threatened species, is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve. The instrument shall identify Council as the sole party to vary the restriction.

AMENDED BY MA0007/2020

96. Easements not less than 1 metre wide shall be created over any inter-allotment drainage in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
97. A Section 88B instrument, providing a reciprocal right of carriageway over the access handles for proposed Lots 23 and 24, for the benefit of Lots 23 and 24, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The reciprocal right of carriageway (ROW) is to comply with the following:
 - a) The reciprocal right of carriageway is to be in accordance with the approved plan of subdivision.
 - b) The location of the reciprocal right of carriageway is to be shown on the linen plans submitted with the application for Subdivision Certificate.
 - c) The terms of the reciprocal right of carriageway are to include the following:
 - (i) State that both the burdened/ benefitted lots are to pay an equal share of the maintenance costs of any works, including driveway surfacing, within the right of carriageway.
98. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any required electricity easements or restrictions on title required to imposed by electricity authorities/suppliers.

Note: Refer to Attachment D for a copy of the conditions supplied by Transgrid.
99. An instrument providing restrictions on title limiting the erection of dwellings, outbuildings and swimming pools to the locations identified in approved amended subdivision plan, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The instrument shall identify Council as the sole party to vary the restriction.
100. An instrument providing any necessary easements or restrictions to ensure compliance with the "General Terms of Approval" issued by the NSW Rural Fire Service, attached to this development consent. The instrument shall burden proposed allotments as is appropriate, to the satisfaction of Council. The instrument shall identify Council as the sole party to vary the restriction.
101. For any stage that creates proposed Lot 27 or leaves it as a residue lot, an instrument providing restrictions on title preventing any further subdivision of proposed Lot 27 is to be submitted to Council, prior to the issue of a Subdivision Certificate. The instrument shall identify Council as the sole party to vary the restriction.

Road Dedication

102. The owner must dedicate for road purposes, free of cost to Council, a road widening along the site frontage to Robertson Road, to be detailed in a plan of subdivision/consolidation of the land. This road widening shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

103. The proposed road within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
104. The owner must dedicate for road purposes, free of cost to Council, a 4m by 4m splay at the intersection of Bruce Road and Robertson Road, to be detailed in a plan of subdivision/consolidation of the land.

Electricity and Telecommunication Certificates

105. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
 - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.
106. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an underground electricity supply.

SCHEDULE B: STATEMENT OF REASONS

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. Sufficient justification has been provided for the Clause 4.6 variation to the minimum lot size requirement in Clause 4.1 of *Mid-Western Local Environmental Plan 2012*, on the basis that an over-sized lot will be created to accommodate the biodiversity conservation obligations for the whole subdivision.
3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

4. The proposed development satisfactorily addresses the issues raised by the electricity providers, Transgrid and Essential Energy.
5. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.

SCHEDULE C: ADVISORY NOTES

Mid-Western Regional Council

- 1 Deleted.
DELETED BY MA0007/2020
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
- 7 The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:
www.water.nsw.gov.au > [Water Licensing](#) > [Approvals](#).

- 8 This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable). The contributions amount to be paid will be the pro-rata amount for the relevant stage or number of lots to be created.

Section 64 Contributions				
The rates shown below are current up to 30 June 2019				
26 Additional Lots (credit for existing)				
	<i>ET/Unit</i>	<i>Value</i>	<i>Per Lot</i>	<i>26 Additional Lots</i>
Water Headworks	1.5	\$8,407.00	\$12,610.50	\$327,873.00
Sewer Headworks	1.05	\$3,838.00	\$4,029.90	\$104,777.40
Total Headworks				\$432,650.40

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

- 9 Any future development application lodged within this subdivision under section 79BA of the *Environmental Planning and Assessment Act 1979* will be subject to requirements as set out in *Planning for Bush Fire Protection 2006* and the *Australian Standard AS3959 - Construction of buildings in bushfire prone areas*.
- 10 Proposed residential Lot 27 include patches of:
- *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) – an endangered species under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – a critically endangered ecological community (EEC) under the EPBC Act; and
 - *Acacia Ausfeldii* (Ausfeld's Wattle) – threatened species under the *Threatened Species Conservation Act 1995* (TSC Act).

These areas on the lots are precluded from any form of development or earthworks. It is an offence to harm the threatened species. These identified areas are to be protected and maintained in accordance with the approved Plan of Management for the subdivision.

Advice from Essential Energy

- 11 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- 12 Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
- 13 Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
- 14 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

Mid-Western Regional Council

Attn: Councillor Peter Shelley

Re: Proposal for a tribute to the late Joseph "John" (Hawky) Hawkins of 7 Short Street, Rylstone

Dear Councillor Shelley,

I am writing to you as the proud grandson of the late Joseph "John" Hawkins and would like to submit a proposal to council to have a tribute named in his honour within the township.

Rylstone is my home, but it is not the town in itself to which I have such fond memories and sentimentality. When I think of Rylstone, I think of my Pop. He was Rylstone personified. I am sure this is not only true for myself and my family, but the many people who were lucky enough to cross paths with Hawky, from near and far.

Pop was steeped in local history. His knowledge of the district and contribution to the town was remarkable. His grandchildren and great grandchildren have many warm memories of listening to the stories of his life around town – a life so different to ours. He was quite the story teller:

Pop was born at 7 Short Street in 1927 and the house remained his place of residence up until his final months, where he was placed into aged care at Rylstone Hospital. At his passing, Pop was the oldest born Rylstone male.

Pop's grandfather, Charles Howe, built the Church of England on Mudgee Street, where he and the family celebrated life in its many forms – baptisms, weddings and sadly farewells.

Pop worked his whole life at the Quarry, starting out as a young lad his first pay check read Blacksmith. Upon his retirement at 65, his final pay check read Consulting Engineer.

Pop also worked at Coomber and if you head out to Kona and drive along the Boulevard of Poplars; he planted those too.

Pop was an active member of and contributor to the local community. He played tennis, cricket, golf and of course lawn bowls where he represented Rylstone all over the state.

Pop was a founding member of the Rylstone Club and Rylstone Bowling Club. He had the original documents granting the land for the Rylstone Golf Course to the community. So you can understand why "The Club" was a place he held dear to his heart.

With the naming of Jack Tindale park in honour of Mr Tindale's contribution, I would like to propose for a tribute to the late Joseph "John" Hawkins. Are you able to assist me to understand what is required in order to submit a formal request to council for their consideration to have the bridge at the end of Louee Street (as you are heading in to / out of town towards Mudgee) renamed in honour of my grandfather's legacy.

Best regards,

Thomas Joseph Hawkins

Mid-Western Regional Council

11th July 2019

It is with respect that I write to you to ask for my father's name, John Hawkins, to be considered for the naming of the Rylstone bridge. My father passed away last year and ended approximately one hundred & forty years of his family living in Short Street Rylstone.

Dad was a direct descendant of Robert Howe, grandson of George Howe, who was the first government printer of the gazette, and Sarah Bloodworth, granddaughter of James Bloodworth, first government builder of NSW. Both are buried in the Rylstone Cemetery and were among the founding families of Rylstone/Dabee.

Up until dad became ill, he still slept in the same bedroom that he was born in at 7 Short Street, across the road from the home his grandfather Charles Howe. Charles was a stonemason and was involved in the building of the Church of England church in Rylstone, Wollar and Cassilis.

For a short while dad was in respite care in Mudgee and asked to go back to Rylstone quoting "I am Rylstone", and he certainly was. At the time of his passing dad was the oldest Rylstone- born male still living in town. Dad was a Rylstone icon. He was born with a hair lip and cleft palate and had a speech impediment, but this did not define him as a man. Once after his retirement, an ear nose and throat specialist offered to repair dad's palate, but dad's response was "if it doesn't worry me, why does it worry you?". Dad taught us that everyone is of value and to be compassionate to those with a disability, but also to not let physical impediments define you.

Dad attended Rylstone Primary School, but left at a young age, because in those days boys were expected to go to work to help support the family. This limited formal education helped dad to become very good at math and also instilled in him a love of reading that lasted throughout his life.

Dad's first job was at Coomber with the Evans family and he was always treated with respect by the family, and Tracey and Stephen were always amazed by the history and knowledge that dad had of their property. As a young man dad also worked at Kona and planted the boulevard of poplar trees that lead to the homestead.

Dad's first official job was as a blacksmith, a trade that was taught to him by his uncles Joe, Jack and Norman Howe, all renowned blacksmiths in Rylstone, at the Kandos quarry. His last payslip from Ray Odgers Engineering read 'consultant engineer'. Not bad! On his retirement, dad was one of the longest employees at the quarry, along with George Ford and Gordon Cole. Dad was the last employee to have his wages paid into his bank account, believing that a worker deserved to be paid cash in the hand at the end of the week. A fair days pay for a fair days work.

Dad was one of the founding members of the Rylstone Club and Rylstone Bowling Club. He travelled long distances for a good game of bowls and was well known in the area. A joke in the family was that dad would have been happy to be buried under the bowling green in Rylstone. He played tennis and cricket in his younger years and we were able to donate score books from the early 1940s to the Rylstone museum. Dad held the original deeds to the Rylstone Golf Club and didn't mind a game on the sand greens. For years dad organised eeling expeditions down the Goulburn River with men and boys from the town. This was always held on the 26th December. No women were allowed and the

universal rule was what happened on the Goulburn, stayed on the Goulburn! Just ask any men of a certain age around town, as they have many tales to tell.

Dad helped to raise six children and we never went without and never went to bed hungry. He taught us to be proud of who we were and where we came from. Even today we still say we are from Rylstone with pride. My sister Monica and I still live in the town. Dad was proud of each and every one of his children and celebrated all of our achievements, big or small. He taught us that we can be anything we want and do anything we want, the only limit to our achievements was ourselves.

As we grew up and took partners, dad's house was like the United Nations, with aboriginal, Indonesian, Fijian, Lebanese, Maori and Slovenian nationalities. Dad didn't care as long as you were a decent person on the inside. The advent of grandchildren changed dad and he would often be heard at the club bragging about their achievement and their life experiences in a fast-changing world. However the grandchildren were also proud of their pop.

An expanding family with great grandchildren enabled dad to retell stories from our childhood to make sure our family history in Rylstone is not forgotten. There is more to tell you about our dad, but this is a testimonial not a novel, and in my dad's words "he was Rylstone", ask any of the locals. And so I ask for your consideration in the aforementioned request, as fitting to a local man.

Thank you

Christine Isrin





andrew hawkins
[EXTERNAL] joseph Hawkins bridge

Council

Thu 9:17 AM



Hi
My name is Andrew Hawkins
Son of Joseph Hawkins
And I don't want his name on any bridge
Andrew hawkins
Sent from [Mail](#) for Windows 10

From: andrew hawkins
Sent: Monday, 12 August 2019 4:03 PM
To: Carolyn Atkins
Subject: RE: [EXTERNAL] joseph Hawkins bridge

What ever you want

On 12 Aug. 2019 3:54 pm, Carolyn Atkins

wrote:

Good Afternoon Mr Hawkins,

Would it be possible to clarify your objection to a bridge being named after your father? We have submissions supporting the bridge being named Joseph Hawkins Bridge from other members of your family so would like to avoid the matter causing any issues.

Regards,
Carolyn

Ms Kianey Harland

Rylstone NSW 2849

5th August 2019

John Hawkins Bridge Submission

To the General Manager,
Mid Western Regional Council.

Dear Mr Brad Cam,

It is in my opinion that the Bridge over the Cudgegong River in the township of Rylstone would indeed be very fitting to be named after one of Rylstone's most iconic residents Mr Joseph Hawkins (dec), Aka John, Johnny Hawkins, Hawkey, & even bloody Old Hawkey, whenever John would attend one of the local business houses, looking to strike up a good old yarn with someone, who would then be delayed going about their daily business. However, no matter which name any of the locals referred to John by, it was always said with sincerity and respect as John was considered to be an old school Gentleman, with the utmost honesty and integrity!

I was delighted to write this Submission, as I had spoken with John many times over the past 15 yrs before his death, and it was not until the day of his funeral that I would come to realise and appreciate the wealth of local knowledge that John obtained and just how much John had contributed to both Rylstone & surrounding Communities, and Family overall, as John was truly an incredibly interesting, man.

Many locals attended Johnny Hawkins very large funeral, at the Rylstone Catholic Church, which was actually built by John's Grandfather, (dec) who was a Carpenter & StoneMason, so naturally this church would also be where John was Christened, and where he later Married his wife Hazel (dec) and also where his funeral was held.

Although John, certainly had his fair share of difficulties growing up it was evident during his eulogy that John had been very much loved by all his family members from his birth and even after his death as I believe the bridge proposal indicates. A year after Johns funeral a story I shall never forget and a woman I remain in absolute

awe of was (John's mum) whom by her own account was an incredibly intelligent and remarkable woman of her time and era, and an absolute testament of just what a mothers love, and sheer determination could overcome and achieve in evidently what was the harshest of unmodernised times in Rural NSW.

The following are not my stories to tell, so therefore are examples "only" of my depictions, views & interpretations of these stories shared with myself. Where I see Johns actions, humanity and acts of kindness throughout his lifetime as indeed impressionable and inspirational for those who bothered to listen and those who had been fortunate enough to cross the same paths with John, e.g... 1) A poet wrote about Johns early life as a renowned and remarkable Blacksmith in the Rylstone district,..... 2) A 10yr old girl writes an amazing story about her Grandfather John and wins at State level against the best of the best in a school writing competition encouraging her to be a Journalist.... 3) A simple jester by John ever week was to give a second hand news article to a young Rylstone colleague who received the news article with great enthusiasm, inspiring this young lad, to then leave Rylstone, work, serve in WWII, & work abroad only to return to Australia and accomplish so much during the 1970 80's, forever changing history, the working conditions and lives for so many blue collar Aussies. Hence marking one of Sydney's biggest ever funerals 2011 when John's mate died, where a lifetime mate ship between the two men was formed due to John regularly sharing a simple news article.

Sadly Rylstone & Kandos have been dead and buried for many years now. However when John died Rylstone lost its tree of knowledge, and its local history regarding the Cudgegong waterways, railway, infrastructure, Coomber Station, hidden past treasures, Rylstone's pioneers and the atrocities perpetrated against the local Wiradjuri people, that are now gone forever. Although Johns, children & grandchildren remain informative due to many stories shared to them by their Parents over the years, there will forever be a void of the real essence of how & why Rylstone came to be the splendour it is today.

So therefore I wholeheartedly support and agree that Mr Joseph Hawkins a true and authentic Rylstone Legend is undoubtedly the most deserving, (passed) resident to have his name bestowed upon the Rylstone Bridge, as John most certainly served his lifelong township & Community of Rylstone and his family friends proudly indeed!

Yours Sincerely

Kianey Harland

Begin forwarded message:

From: Kianey Harland
Date: 8 August 2019 at 20:45:39 AEST
To: council@midwestern.nsw.gov.au
Subject: Joseph Hawkins Bridge Submission

To General Manager,
Midwestern Regional Council.

Dear Mr Cam,

I Mr Col Farrar, of Kandos NSW, hereby strongly support the proposed application by Mrs Christene Isram, to have the unnamed Rylstone bridge named after her late father Mr Joseph Hawkins (John) as such an honour is undeniably warranted for such a renowned Rylstone Icon as John Hawkins, was his entire life, and also incredibly deserving for his family !

John Hawkins was undoubtedly a true Gentleman, who could and would turn his hand to anything, and both John and his wife Hazel, would always be ready to help anyone out, although John had been born with a severe speech impediment it never stopped him from talking the legs of a table, or most importantly going into to bat for anyone or any subject that he was passionate about where there were certainly never be any grey area's with John, and it was guaranteed that John would always have the last word as was the the hilarious case involving a Sydney Judge during the 1970's.

Besides being Rylstone's biggest and best know character, John Hawkins, was also Rylstone's most knowledgeable man where I personally used to always say, Council should build a Tourist Information Centre in Rylstone and employ Old Hawkey to run it, as Hawkey had more knowledge of the local land & area than what the Rylstone Shire Council Chambers, would even have on record.

Several years ago now Old Hawkey, shared a couple of Rylstone's secrets with me and one such secret was in close proximity to the unnamed Rylstone Bridge so therefore, I can think of no other person or persons more worthy to have the Rylstone Bridge named in their honour than Mr Joseph Hawkins.

Regards

Col Farrar

Support
We vote for
J Hawkins name for
the bridge
Jenny + Eddie Large
Rylstone
2. 9.8.19

MID-WESTERN REGIONAL COUNCIL
RECEIVED - RYLSTONE
9 AUG 2019
CUSTOMER SERVICE CENTRE

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
13 AUG 2019
 SCANNED
 REGISTERED

MID-WESTERN REGIONAL COUNCIL
RECEIVED - RYLSTONE
9 AUG 2019
CUSTOMER SERVICE CENTRE

Diane Page

Rylstone 2849.
8/8/2019

The General Manager.
Dear Sir.

Regarding: the unnamed bridge in
Rylstone:

I wish to make a submission
in support of naming the bridge
after Joseph Hawkins. Joseph made
substantial contributions to the local
community and this naming would
be a fitting tribute in his memory.

Yours sincerely
Diane Page.



NANCY CHAPMAN

Bridges

22.7.19

General Manager
Mid Western Regional Council



Dear Sir,

In response to your request for submissions for the proposed bridge name for Lee's bridge, I would like to suggest MIKE CHAPMAN. (1934-2004)

Bridges boy Mike, was born and educated in Bridges. After his marriage he settled on a property (Inverway - part of Warrungupah) at Ilford, and raised a large family, all of whom are in good careers in health and horticulture.

During his farming life (1955 - 1974) he occupied voluntary positions of Bushfire Captain, Parish Leader, Shire Councillor (Kylstone) and Kylstone Shire President (1968 - '71).

He moved his family to ⁽¹⁹⁷¹⁾ Bredgegong to help his aging parents receive their property "Little Plain" pre Windanah ban. He formed a Property Rights Assn. to help neighbouring property owners realise how to prepare for resumption of their land and to gain maximum compensation. He often went to Sydney to contact politicians and to research maps in the Water Conservation office.

1974 he moved his family to Sydney where he did ~~land work~~ and worked for Grain Handling Authority at Globe Island.

On retirement, he and his wife moved quietly to Gulbong. In 2002 he answered a plea for volunteers to help in East Timor, after the Indonesian oppressors were ousted. He spent 2 years there, working hard and teaching Timorese men and women all the skills he'd learned on the land. He would be a worthy candidate for his name on the bridge.

Yours faithfully Nancy Chapman



Founded 9th February, 1949
ROTARY CLUB OF RYLSTONE-KANDOS INC.
No. 17991, District 9670
ABN 17 970 027 357
Registered No: CFN 13644

President: Klaus Keck

Address all correspondence to: The Secretary,

Secretary: Graham Jose

RYLSTONE NSW 2849

The General Manager
Mid-Western Regional Council
PO Box 156
Mudgee
NSW 2850

Dear Sir

Thank you for the opportunity by expressions of interest for the naming of the bridge over the Cudgegong River in Rylstone.

The Rotary Club of Rylstone – Kandos after careful consideration at our recent meeting wish to submit the following three names for your consideration.

The Graham Wainwright Bridge or The Wainwright Bridge

Dependent on Councils deliberations - please see attached supporting documentation.

The Bill Staff Bridge

Please see attached supporting documentation.

Rotary Bridge

Supporting evidence:

- The Rotary Club of Rylstone – Kandos has served this Community continually for just over 75 years.
- The park adjacent to the bridge is Rotary Park – yet to be sign posted.
- The Rotary Club has invested over \$10000 into seating, shade areas and plants within the adjacent park for community and travellers comfort.
- The Rotary Club represents the best interests of the community through support for local community events; sponsoring/supporting youth of the local area in various activities inclusive of NYSF, RYPEN, Youth Exchange, Honeywell Engineering School and financial support through scholarships; has an outstanding membership over the 75 years of local leaders within the community.
- At the conclusion of the 2021-22 financial year the Rotary Club of Rylstone-Kandos would have three of its members elected to the position of District Governor of Rotary District 9670 which covers the area from Newcastle to Murrurundi across to Rylstone/Mudgee/Wellington to Dubbo and Cobar/Bourke. This is a substantial contribution and commitment from such a small and dynamic club to substantiate the claim: Rotary – People of Action.

Please accept our recommendations for your consideration.

David Roach
Executive Secretary
The Rotary Club of Rylstone Kandos

Graham Wainwright Bridge or The Wainwright Bridge

Please find below a brief outline of the life of Graham Wainwright and the Wainwright family and their influence on the Rylstone/Kandos community over many years.

Graham Leslie Wainwright was born and grew up in Coventry, England in 1927. After leaving school, he joined the British Army and served in the Royal Engineers. He was deployed to Egypt and met Alice who was a civilian shorthand-typist for the British Army. They married in Egypt in 1946 and had a son, Michael in 1947. In 1948, Graham was demobbed and the young family moved to England where Graham became an engineering inspector.

In 1959, Graham Alice and Michael boarded the ship Strathnaver in Liverpool as “10 pound Pom” immigrants to start a new life in Australia. They arrived in Sydney in January 1960 and lived at East Hills Immigrant Hostel. Their daughter Mary was born two months after their arrival in Australia and their daughter Helen was born two years later in 1962. It was around that time that Graham felt the call to join the ministry and studied Theology at Moore College in Newtown. Following his studies, Graham was ordained priest in The Anglican Church of Australia. He started his ministry in Sydney Diocese and in 1970, was persuaded to move out to the Diocese of Bathurst. Graham loved moving out west and served as Rector in Dunedoo, Gilgandra and West Dubbo. In 1988, the Parish of Rylstone/ Kandos became vacant and as their youngest daughter Helen had recently been posted to Kandos High School in her first position as an English/History teacher, they decided to take the opportunity to move closer to her. Graham was inducted as Rector of Rylstone/Kandos Parish in September 1988 and lived in the beautiful old sandstone Rectory next to St. James’ Church in Mudgee Street. Helen taught in Kandos from 1986 to 1992 until she moved to the Illawarra. Mary and her daughter Melinda joined Graham & Alice in Rylstone in 1988 and was fortunate enough to be able to transfer from Nowra to Rylstone with the Westpac Bank. Mary worked at the Westpac Bank Rylstone Branch until it’s closure in 2000 and then was officer in charge of the Westpac Agency for proprietors Neil & Maureen Brodie. Mary was also treasurer of Rylstone/Kandos Anglican Parish for many years and enjoyed many seasons with Twin Town Players amateur theatre. Mary’s daughter Melinda gained employment at the Kandos Pharmacy when she finished her schooling at Kandos High School.

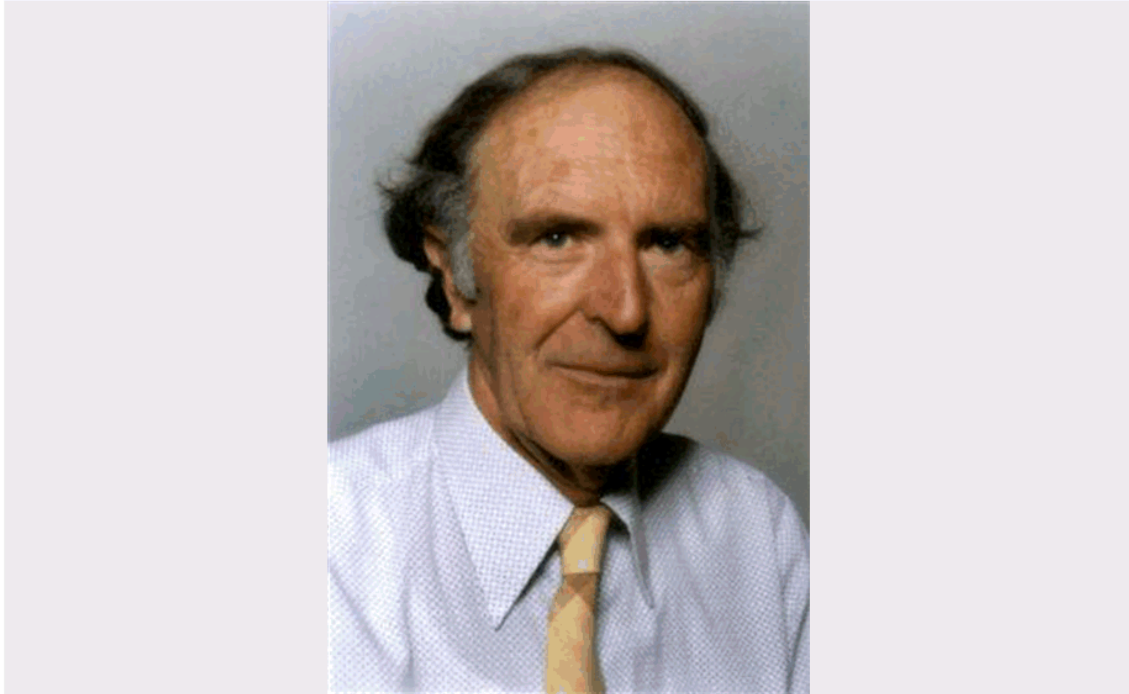
Graham and his family decided to build their home and stay in Rylstone when he retired in 1994. They built just over the bridge from town and named it “Petra” – 2653 Bylong Valley Way. They had a beautiful view of the Cudgegong River, the hills surrounding Rylstone and the bridge into town and loved watching the traffic go by and establishing their large garden.

Sadly, in 2007, Alice passed away and 7 years later in 2014, Graham also passed away. They are both buried in the Rylstone Cemetery.

After travelling all around the world, Rylstone became their beloved home and they felt loved and enfolded by this beautiful and amazing community.

Bill Staff (1918-2011)

Renaissance man's love for small country town



Bill Staff ... was honoured with a Medal of the Order of Australia for his contribution to Rylstone.

Bill Staff had a lifelong passion for the people of Rylstone and published six books about the small country town.

He was a teacher but the endlessly energetic family man was also an admired historian, classically-trained musician, keen dramatist, mentor and generous community contributor.

William Francis Staff was born in Rylstone on February 6, 1918, the son of Frank Staff and his wife, Mary (nee Foodey). He was delivered in the bedroom of the family's Mudgee Street home and was an only child, after his older sister, Mary, died in infancy.



Bill Staff on holiday in New Zealand in 2005. Photo: Steven Loxley

The fifth generation Australian became vice-captain and dux of Kandos High School. He also represented the school in tennis. He was a keen learner and an avid reader from a young age and was awarded a full academic scholarship to Armidale Teachers College.

The college had an impressive collection of original artwork donated by the businessman Howard Hinton, which sparked Staff's lifelong love of art. He also became infatuated with the extensive library and read obsessively.

His first teaching appointment was at Charbon, 10 minutes south of Rylstone, in 1939 and in 1942 he was transferred to Curryall Public School. It was at Yearinan near Coonabarabran, where he taught from 1945, that he met Mary Redden at a Catholic youth group. The two connected through a mutual love of poetry and married in 1953.

Staff had returned to Rylstone in 1952, and became principal of Kandos Primary School, which is just 7 kilometres out of town, where he taught from 1958. A decade later, he became principal at Rylstone Public School, where he remained until retiring in 1981.

Outside of his formal work, Staff avidly traced the history of his beloved community and in 1963 he established the Rylstone District Historical Society, of which he served as president for 36 years. He hand-wrote and published six books about the town.

He also founded the local dramatic society and produced plays for the locals for more than 40 years. Gilbert and Sullivan's operettas were among his favourites. He was appointed to the St Vincent de Paul Society and spent decades on the Catholic parish and diocesan councils. In 2002, he was honoured with a Medal of the Order of Australia for his contribution to Rylstone.

Staff was a man of deep faith and a devout Catholic. He played the organ and led the choir at Sunday Mass at St Malachy's Catholic Church, assuming the role from his mother when she died in 1952. Until entering an aged care facility in his later years, he claimed to have missed Sunday Mass only once in his life. His loyalty to the

faith and commitment to the local church was acknowledged in 2007 when he and Mary were awarded the Cross of Honour papal medals.

Staff was a Renaissance man, educated in classical music, poetry and literature. He was a gifted musician and could confidently deliver a tune on a flute, piano, guitar, accordion or almost any instrument. He taught music to local students and tutored piano until he was 85. He spread his love of poetry to anyone who would listen and many of his grandchildren can recite Banjo Paterson.

He also had a great sense of humour and many will remember his eclectic vernacular, which included the expressions “wacko” and “hokey smokes”.

Bill Staff is survived by Mary, children Conrad, Michael, Corinne, Genevieve and Fleur and 13 grandchildren.

Amy McNeilage

Source: Sydney Morning Herald, obituary, <http://www.smh.com.au/comment/obituaries/renaissance-mans-love-for-small-country-town-20120520-1yyys.html>, accessed 26 November 2015.



Carolyn Atkins

From: Roslyn Jeffrey ·
Sent: Friday, 9 August 2019 5:45 PM
To: Council
Subject: [EXTERNAL] Urgent Submission re Naming of Rylstone Bridge

I am hoping i get this submission in by the close of today, however, I was not aware this was happening until just this minute when read9our local community capers. While Mr Hawkins was a reputable member of our community, I would like to submit the name William (Bill) Staff Bridge or W F Staff bridge

The Staffs have lived in Rylstone for 4 generations, with Bill Staff having taught many local Rylstone Kandos residents starting at Charbon School, Kandos and ended up as principal of both Kandos and Rylstone public schools. As well as teaching in schools, he taught many locals going way back music in his home (one of the lovely stone buildings in Rylstone Mudgee Street). He worked hard to get grants for Rylstone Historical Society having been president for many years. He also was a founding member of the Rylstone Theatrical Society, now known as twin town players. Bill died at a young age in his mid 90s having been born and bred here in Rylstone.

Bill Staff is also the author of several history books noting the Rylstone area and the original families. You can talk to lots of people and many will recall Bill Staff as having taught them at school, having taught them how to play a musical instrument or just being an outstanding citizen in the Rylstone Community having lived just up the road from the Rylstone Bridge.

Regards

Roslyn Jeffrey

From: Conrad Staff <conrad@midwesternregionalcouncil.com.au>
Date: 9 August 2019 at 8:56:33 pm AEST
To: Roslyn Jeffrey <roslyn.jeffrey@midwesternregionalcouncil.com.au>
Subject: Re: Urgent Submission re Naming of Rylstone Bridge

Congratulations Ros very succinct submission. I agree no comparison to other person than Dad . He was Mr Rylstone in every sense . It is a no brainer but politics always plays a part in these decisions. Recognised in Australian honours with his OAM and also by Mudgee Council as a resident of distinction in the shire . His photo is on the wall in the Mudgee library.
Fingers crossed .
Conrad

Sent from my iPhone

On 9 Aug 2019, at 5:46 pm, Roslyn Jeffrey <roslyn.jeffrey@midwesternregionalcouncil.com.au>

From: Conrad Staff <conrad@midwesternregionalcouncil.com.au>
Sent: Tuesday, 13 August 2019 8:58 PM
To: Carolyn Atkins <carolyn@midwesternregionalcouncil.com.au>
Subject: [EXTERNAL] Re: Submission re the naming of the bridge over the Cudgegong River at Rylstone

Dear Carolyn .

Thank you for your email . I was not aware of the invitation to the local community to suggest the names of persons who should be considered as appropriate to have the bridge named after them .

I , of course , am more than happy for my email to Roslyn to be included in the overall consideration of naming the bridge after my father. I thought it was appropriate to remind her that Dad had received an OAM and had his photo in the Mudgee library . I was unaware that she had forwarded her letter supporting my father to you which did not include this information.

Kind Regards
Conrad

Sent from my iPhone



5th August, 2019

TO WHOM IT MAY CONCERN
Mid Western Regional Council,
Email: council@midwestern.nsw.gov.au

Nomination for naming of bridge – Cudgegong River, Rylstone

“PEGGY LAMBERT”

North East Wiradjuri Co Ltd wish to nominate Peggy Lambert as the person that the above bridge be named after.

Peggy Lambert was a survivor of one of the massacres that occurred in the area at the time of white settlement. Her and her partner Jimmy were the only known survivors of this massacre.

Peggy was well respected in the area and at the time of her death she was living at her camp site on the banks of the Cudgegong River.

We believe that Peggy Lambert deserves this recognition.

Yours in Indigenous Spirit,



Lyn Syme
Co Secretary / Director.

., Kandos. NSW, 2848
Kandos NSW 2848
ABN: 18125329526

Mid-Western Regional Council

General Manager

August 5, 2019

Regarding submissions for naming the bridge over the Cudgegong River at Rylstone.

Dear Sir, We would like to submit the name Peggy Lambert for the unnamed bridge at Rylstone.

Peggy Lambert, who was known as Queen Peggy was a full-blood Aboriginal woman born in the early 1800s and was one of the Dabee Tribe within the bigger Wiradjuri group of people. She survived some very rough colonial times and was eventually taken in by a local white family and formed a relationship with an Irish teamster, Mr. Rose. She had two girls with him and when Mr. Rose died, married Jimmy Lambert, a full-blood Aboriginal man, who helped rear her two girls. They were employed as shepherds by Norman McLeod and were well respected in the community.

Jimmy died in May 1882 and was buried in country. Peggy, who was living by the Cudgegong River near Rylstone died in August 1885, at the river, and was buried in the Aboriginal section of Rylstone cemetery. By then, her two girls were already married and had children of their own, so there are many descendants. Many of them still living in the Rylstone-Kandos area.

Peggy and Jimmy Lambert were immortalised in a mural painted on the wall of the Kandos Museum by artist Djon Mundine and helpers (some of them descendants) during the Cementa Arts Festival in 2015. The fact that Peggy Lambert lived on the Cudgegong River (an aboriginal name) not far from the bridge makes the naming of the bridge after her even more appropriate.

From all accounts Peggy and her husband were highly respected locally. She has many descendants living across the region who would be thrilled by this recognition. In this age of reconciliation we believe it to be very appropriate at this time.

Yours sincerely

Friends of Peggy Lambert and families in the Rylstone-Kandos district.





Rylstone and District Historical Society Inc.

ABN 69 040 337 724

Rylstone NSW 2849

General Manager
Mid-Western Regional Council
P O Box 156
Mudgee NSW 2850

9 August 2019

Submission re Name for Bridge over the Cudgegong River in Rylstone

Rylstone and District Historical Society Inc would like to put forward the following suggestions for the name of the bridge. These are:

- 1) Tongbong Bridge
- 2) Athol Kirkland Bridge
- 3) John Purvis Bridge
- 4) Goody Hall Bridge

- 1) Tong Bong or Tongbong The name of the mountain directly northwest of Rylstone, a significant local geographic feature on the horizon from Rylstone.

In 1842 the local townsfolk put forward the name Tong Bong to Governor Gipps for the village. So this is a name with 177 years of association with the area. Governor Gipps declined the suggestion and decided on 'Rylstone' instead.

According to some sources, the name also means 'platypus' (although a recent check of the Wiradjuri language app does not include Tongbong as a word for platypus). Platypus do still live in the Cudgegong River at Rylstone, and this is precious as they are an increasingly rare and endangered species. Locals, and visitors, go platypus spotting along the river between the bridge and the Showground with reasonable success.

Tong Bong Creek joins the Cudgegong just above the bridge. There is a small causeway bridge over the creek, but it is unlikely that people would be confused if the major bridge over the Cudgegong bore that name.

This name was the first preference of the RDHS Committee. An alternative would be to determine the most accurate Wiradjuri name for platypus and use that.

- 2) Athol Kirkland Bridge Athol Goodwin Kirkland was born in 1895 at Pinnacle Swamp, Rylstone to Andrew and Mary Clara, nee Pickett. The family later moved to the property 'Oakborough' on the Cudgegong Road west of Rylstone when he was small. As a young man,

Athol would have regularly used the last of the timber bridges over the Cudgegong at Rylstone, known as the “White Bridge”.

Athol joined the Australian Army on the 25th of July 1916 and was killed in action on 3rd of April 1918 age 23 at the first battle of Villiers Bretonneaux. His was an ‘unknown’ grave in Crucifix Corner Cemetery in the Somme until investigative work undertaken in 2015 identified his remains. His grave then received a new stone with his name and the words “I once was lost but now am found” and a wreath was laid by then Prime Minister Tony Abbott.

- 3) John Purvis Bridge John Purvis was a stonemason born in London, a convict who arrived in Sydney in 1836, assigned to Samuel Marsden in Parramatta. He gained his freedom in 1842 and went to Hartley continuing his trade. A few years later he came to the Rylstone area when asked by Robert Fitzgerald to build the fine stone homestead at ‘Dabee’, where Purvis and family resided from 1846. From 1850 he resided at the property ‘Carwell’ where he built the Carwell homestead. Both stone buildings are acknowledged as significant by the National Trust of Australia and are heritage listed on the local LEP. In 1855 he moved to Rylstone. In 1858 he built St James Anglican Church, the first stone church over the Blue Mountains, another LEP listed building. In 1872 he built the four-storey (now two-storey) stone flour mill in Louee Street Rylstone and in 1875 he built two two-storey stone stores in Louee Street Rylstone for his two sons Gabrioleo and William. He died in 1882.

The suggestion to honour this man is to acknowledge the significant historical stone buildings in the district constructed by him that contribute much to the character of Rylstone town and district.

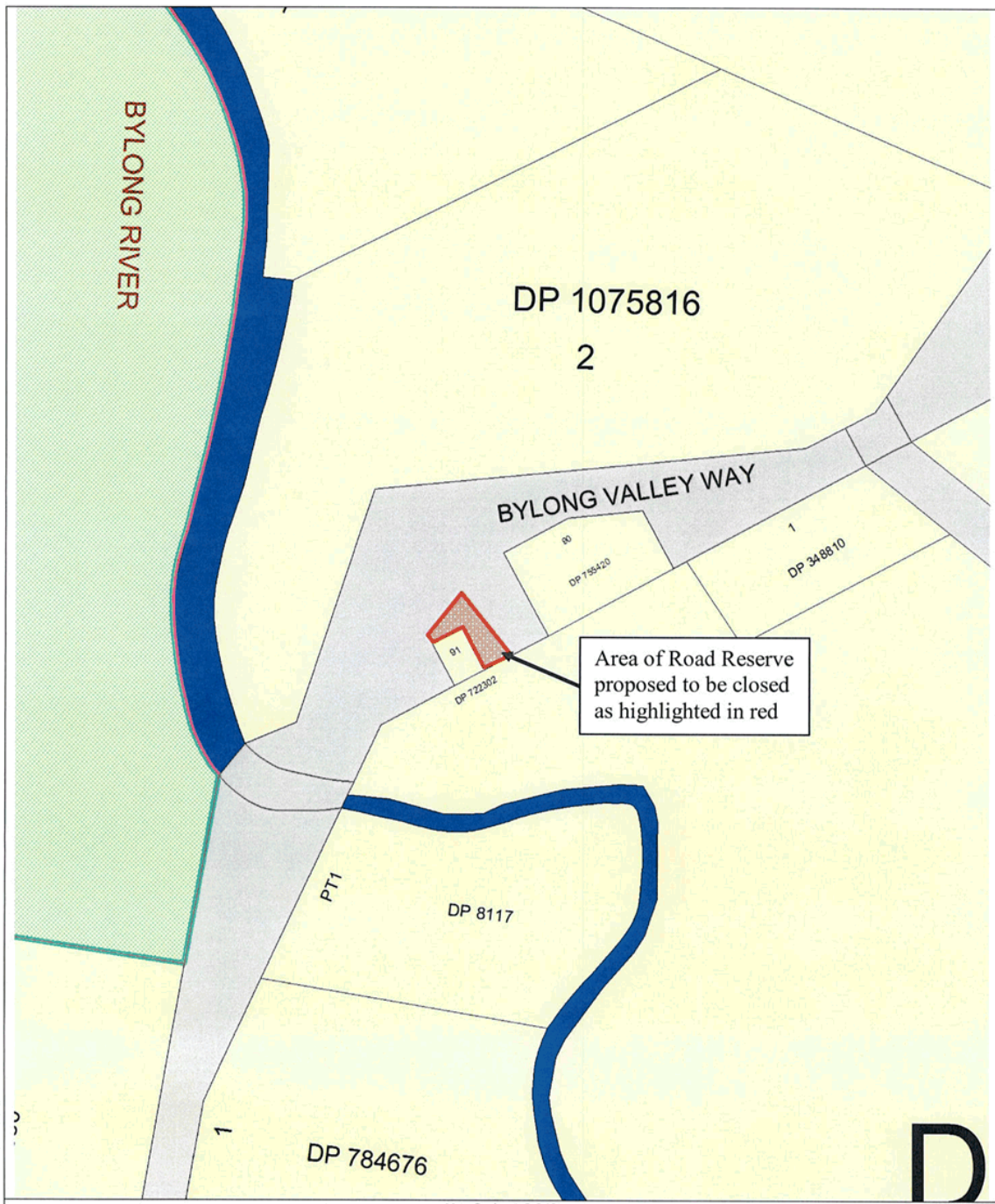
- 4) Goody Hall Bridge Goodwin Spires Hall was the nephew of Goodwin Spires Hall who was responsible for the Bridge Hotel (now called Bridge View Inn) in Rylstone. He seems to have been known by everyone as ‘Goody’ perhaps to distinguish him from his uncle. Goody Hall was a town identity, a keen sports supporter. An injury to one of his legs prevented him from active sportsmanship himself. He became a newsagent and his shop was on ‘Hall’s Corner’ (corner of Dabee Street and Louee Street) in one of the two late 1860’s era cottages attributable to the Hall families after their arrival from the Sofala on the Turon River. He operated the newsagency between 1900 (and perhaps before) and 1915. In later years he was fond of sitting on the front verandah of the cottage on Louee Street sitting in the sun, and is remembered by many locals as a genial man who conversed with all the children and adults passers-by. He died in 1951.

General comment: It was noted by members of the Historical Society, that any name given to the bridge, especially if of an individual, needs explanation by way of a heritage plaque. When sports fields, bridges, etc. are named after people subsequent generations rarely understand or appreciate it without some contextual information being provided.

Yours faithfully,

Virginia Hollister
Secretary, on behalf of Rylstone and District Historical Society





Map Scale: 1:2,249

Disclaimer

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

Legend



Parcel



Crown Land



Railway



Parish



Localities



LGA Boundary

NORTH



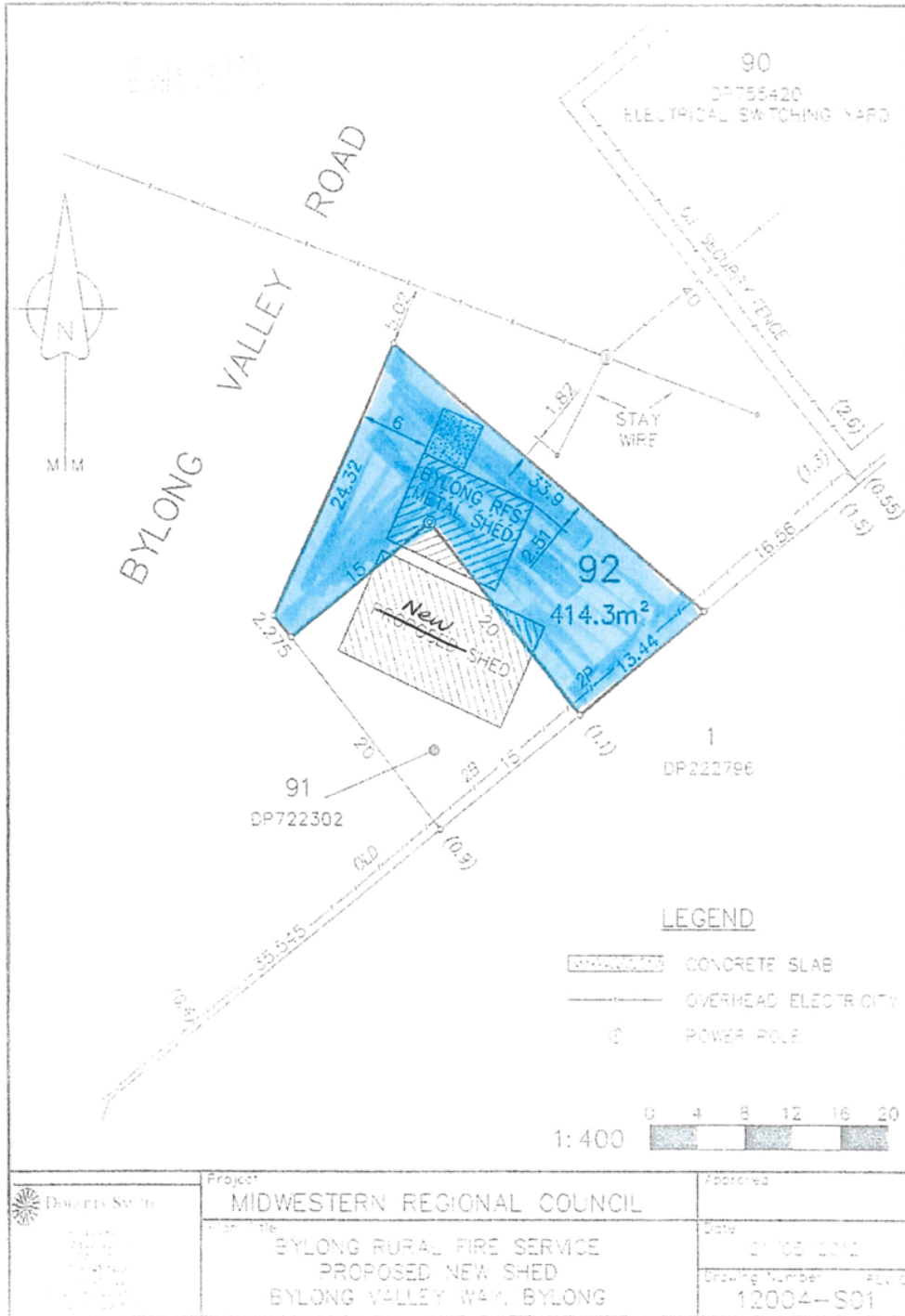
Road

State Forest

Waterway



Printed on Tuesday, 11 September 2018



Report to Council Meeting – 1 February 2012

ATTACHMEN

All communications to be addressed to:

Cudgegong Rural Fire District
NSW Rural Fire Service
P.O. Box 1155
MUDGEES NSW 2850

Cudgegong Rural Fire District
NSW Rural Fire Service
Depot Rd
MUDGEES NSW 2850

Telephone: (02) 6372 4434

Facsimile: (02) 6372 6874

e-mail: mike.fratturo@rfs.nsw.gov.au



Mid Western Regional Council

PO Box 156
Mudgee
NSW 2850
2850



Your Ref:
Our
Ref:FX022

Att: Kelly Barnes

29 September 2011

Dear Kelly,

The RFS would like to build an extra two bay shed next to the existing Bylong fire station, as you know this would be vested in Council, as is the one presently on site.

Unfortunately the shed will not fit on the existing block which is Lot 91 so MWRC would need to obtain more land in the public road reserve P30855.

What are our options for achieving this?

I have enclosed a plan of the proposal and Lot 91.

If you could expedite this it would be much appreciated as the money is in budget for this project for a limited time only.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mike Fratturo'.

Mike Fratturo
Operations Officer
Cudgegong District

**MID-WESTERN REGIONAL COUNCIL****Council Meeting Extract
Council Meeting: 1 February 2012**

6.2.13 BYLONG RURAL FIRE SERVICE

A0100055, P1419511

17/12

MOTION: Shelley/Holden**That:**

1. the report by the Manager Revenue and Property on the Bylong Rural Fire Service shed extension and proposed road closure be received;
2. Council apply to the Department of Primary Industries to close the section of unformed road reserve adjoining Lot 91 DP722302 for the purpose of extending the existing Bylong Rural Fire Service facilities;
3. The Common Seal of Council be affixed to all necessary documentation for the closing of the road reserve, and the registration of the new survey plan;
4. Council classify the road reserve as Operational land upon closure.

The motion was put and carried.

Report to Council Meeting – 1 February 2012

BYLONG RURAL FIRE SERVICE

REPORT BY MANAGER REVENUE AND PROPERTY
Bylong RFS Extension
A0100055, P1419511

RECOMMENDATION

That:

1. **the report by the Manager Revenue and Property on the Bylong Rural Fire Service shed extension and proposed road closure be received;**
2. **Council apply to the Department of Primary Industries to close the section of unformed road reserve adjoining Lot 91 DP722302 for the purpose of extending the existing Bylong Rural Fire Service facilities**
3. **The Common Seal of Council be affixed to all necessary documentation for the closing of the road reserve, and the registration of the new survey plan**
5. **Council classify the road reserve as Operational land upon closure**

EXECUTIVE SUMMARY

This report is seeking formal Council approval to close 135sqm of unformed Council road reserve to allow for construction of a 9m x 15m two bay fire shed for extension of the existing Bylong Rural Fire Service facilities at Bylong Valley Way, Bylong.

DETAILED REPORT

The Rural Fire Service (RFS) has received grant funding to extend their existing Rural Fire Service facilities at Bylong. The existing Bylong Rural Fire Service site is located at 7704 Bylong Valley Way Bylong and identified as Lot 91 DP722302.

A Development Application was lodged with Council by the RFS seeking formal Council approval to allow construction of a 9m x15m two bay fire shed as an addition to the existing facilities. Consent was issued by Council on 12 January 2012.

As the existing site is not large enough to accommodate the proposed new shed, the RFS have requested for Council to approve the closure of a small section of an adjoining Council road reserve for the new shed location.

On approval, Council will then be required to make a formal application to the Department of Primary Industries to close the section of road reserve required for the RFS development. It is anticipated that upon closure the land will vest into the ownership of Council, with no cost attached to purchase the land due to Council's ongoing maintenance of the unformed road reserve.

Report to Council Meeting – 1 February 2012

FINANCIAL IMPLICATIONS

All costs are to be met by the Rural Fire Service through grant funding.

STRATEGIC OR POLICY IMPLICATIONS

Under the Rural Fire Act it is the responsibility of Council to provide appropriate accommodation for the service.

DIANNE SAWYERS
MANAGER REVENUE & PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE &
ADMINISTRATION

17 January 2012

Attachments: 1. Letter of request received from the Rural Fire Service
2. Map showing area of Council road reserve proposed to be closed
3. Photos of the existing Bylong Rural Fire Service Shed

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER







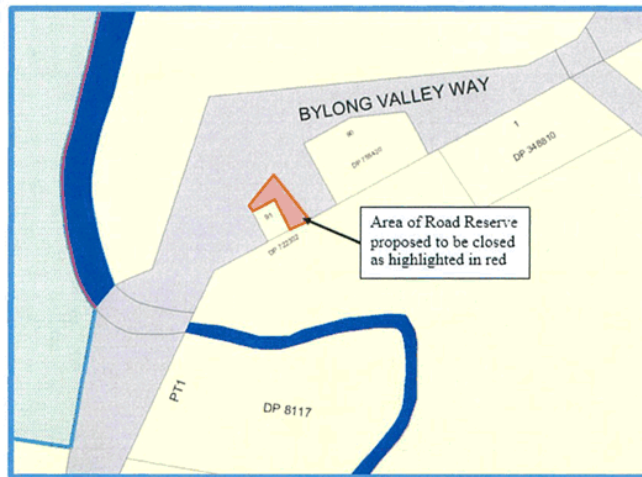


PROPOSED ROAD CLOSING UNDER SECTION 38B ROADS ACT 1993

In pursuance of the provisions of the *Roads Act 1993*, notice is hereby given that Mid-Western Regional Council proposes to close the Council public road listed in Schedule 1.

Schedule 1:

- Part Bylong Valley Way, Bylong as depicted in red:-



Upon closure of the road, Council intends to retain the land for community purposes.

All interested persons are hereby invited to make written submissions concerning the proposal to the General Manager, Mid-Western Regional Council, PO Box 156 MUDGEES NSW 2850, by 4.30pm on Friday 8 March 2019. Please note that under the provisions of the *Government Information (Public Access) Act 2009*, such submissions may be referred to third parties for consideration.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions before deciding whether to continue with the road closure proposal.

Council Ref: P1419511

Enquiries: Manager Revenue & Property

Telephone: 02 63782850

General Manager, Mid-Western Regional Council

Mid-Western Regional Council WEEKLY ADVERTISEMENTS

WESTFUND CHARITY SHIELD
Saturday 2 March 2019 | 7.30pm
GLEN WILLOW STADIUM



TICKETS ON SALE AT TICKETEK.COM.AU

PROPOSED ROAD CLOSING UNDER SECTION 38B ROADS ACT 1993

In pursuance of the provisions of the Roads Act 1993, notice is hereby given that Mid-Western Regional Council proposes to close the Council public road listed in Schedule 1.

Schedule 1: Part Bylong Valley Way, Bylong as depicted in red:-

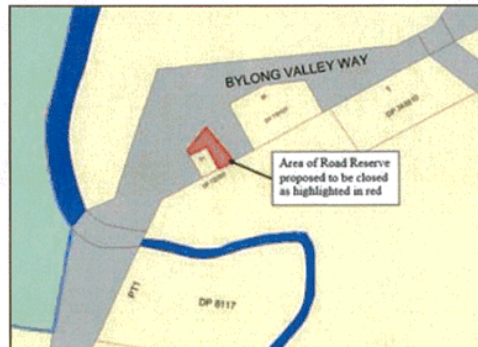
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All interested persons are hereby invited to make written submissions concerning the proposal to the General Manager, Mid-Western Regional Council, PO Box 156 MUDGEE NSW 2850, by 4.30pm on Friday 8 March 2019. Please note that under the provisions of the Government Information (Public Access) Act 2009, such submissions may be referred to third parties for consideration.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions before deciding whether to continue with the road closure proposal.

Enquiries should be directed to Council's Manager Revenue & Property on 1300 765 002 or (02) 6378 2850.

NOTE: SUBMISSIONS RECEIVED MAY BE MADE PUBLICLY AVAILABLE UNLESS YOU REQUEST THAT PERSONAL DETAILS BE SUPPRESSED



Kelly Barnes

From: Nicole Cassidy
Sent: Wednesday, 3 April 2019 8:56 AM
To: Kelly Barnes
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Kelly,

Roads have no issues with this road closure.

Cheers

Nicole Cassidy
Roads Administration Assistant
Mid-Western Regional Council



t 02 6378 2858 | e nicole.cassidy@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850
w www.midwestern.nsw.gov.au
facebook | twitter | youtube



From: Michelle Neilsen On Behalf Of Operations Assistant
Sent: Tuesday, 2 April 2019 11:34 AM
To: Nicole Cassidy <Nicole.Cassidy@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

From: Kelly Barnes
Sent: Tuesday, 2 April 2019 11:00 AM
To: Operations Assistant <Operations.Assistant@midwestern.nsw.gov.au>; Planning and Development Admin <P&DAdmin@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi All,

We need a written formal response from Planning, Roads, and Sewer & Water on this matter please. To date we have not received anything.

Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Kelly Barnes

Sent: Tuesday, 5 February 2019 1:10 PM

To: Operations Assistant <Operations.Assistant@midwestern.nsw.gov.au>; Planning and Development Admin <P&DAdmin@midwestern.nsw.gov.au>
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,

Kelly Barnes
Property Officer
Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 |

e kelly.barnes@midwestern.nsw.gov.au

a 86 Market Street | PO Box 156 Mudgee
NSW 2850

w www.midwestern.nsw.gov.au

facebook | twitter | youtube

Confidentiality notice: This email may contain confidential and/or private information. If you received this in error please delete and notify sender.



Kelly Barnes

From: Kelly Barnes
Sent: Thursday, 4 April 2019 12:22 PM
To: Cameron Amos
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Thanks for that.

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Cameron Amos
Sent: Thursday, 4 April 2019 12:17 PM
To: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

In essence, as the subdivision is exempt under the Codes SEPP 2008, this qualifies as support. There are no known developments that would be impacted by this closure. Planning has no objections

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Sent: Thursday, 4 April 2019 12:08 PM
To: Cameron Amos <Cameron.Amos@midwestern.nsw.gov.au>
Cc: Lindsay Dunstan <Lindsay.Dunstan@midwestern.nsw.gov.au>
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Thanks Cameron,

Property is required to canvass specific Council departments in respect to proposed road closures, in this instance I am after an indication of support or objection from Planning. An objection would apply if there is a development currently under consideration by Planning that would be affected by the proposal to close the road.

If you could please provide comment in this regard it would be appreciated.

Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Cameron Amos
Sent: Thursday, 4 April 2019 12:03 PM
To: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Cc: Lindsay Dunstan <Lindsay.Dunstan@midwestern.nsw.gov.au>
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Kelly,

The proposal involves closing part of a road, creating a new lot to be dedicated as a public reserve. Therefore, the subdivision may be undertaken without consent under Subdivision 38 Subdivision cl. 2.75(e) Specified development of SEPP (Exempt and Complying Development Codes) 2008:

<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div1/subDiv38/cl2.75>

Thanks
Cameron

From: Lindsay Dunstan <Lindsay.Dunstan@midwestern.nsw.gov.au>
Sent: Thursday, 4 April 2019 9:46 AM
To: Cameron Amos <Cameron.Amos@midwestern.nsw.gov.au>
Cc: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Can you have a look at this one, and respond accordingly.

From: Sarah Palmer
Sent: Tuesday, 2 April 2019 11:04 AM
To: Lindsay Dunstan <Lindsay.Dunstan@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Sent: Tuesday, 2 April 2019 11:00 AM
To: Operations Assistant <Operations.Assistant@midwestern.nsw.gov.au>; Planning and Development Admin <P&DAdmin@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi All,

We need a written formal response from Planning, Roads, and Sewer & Water on this matter please. To date we have not received anything.

Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Kelly Barnes
Sent: Tuesday, 5 February 2019 1:10 PM
To: Operations Assistant <Operations.Assistant@midwestern.nsw.gov.au>; Planning and Development Admin <P&DAdmin@midwestern.nsw.gov.au>
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,

Kelly Barnes
Property Officer
Mid-Western Regional Council

Kelly Barnes

From: Michelle Neilsen
Sent: Tuesday, 2 April 2019 12:44 PM
To: Kelly Barnes
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Kelly

Please see response below from Tom in relations to Bylong Valley Way part closure.

Regards

Michelle

From: Tom Baldwin
Sent: Tuesday, 2 April 2019 11:42 AM
To: Michelle Neilsen <Michelle.Neilsen@midwestern.nsw.gov.au>
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Michelle,

Council has no Water or Sewer infrastructure in that area.

Thanks
Tom

From: Michelle Neilsen
Sent: Tuesday, 2 April 2019 11:36 AM
To: Tom Baldwin <Tom.Baldwin@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Tom

What needs to be done with regards to this?

Thanks

Michelle

From: Kelly Barnes
Sent: Tuesday, 2 April 2019 11:00 AM
To: Operations Assistant <Operations.Assistant@midwestern.nsw.gov.au>; Planning and Development Admin <P&DAdmin@midwestern.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi All,

We need a written formal response from Planning, Roads, and Sewer & Water on this matter please. To date we have not received anything.

Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Kelly Barnes
Sent: Tuesday, 5 February 2019 1:10 PM
To: Operations Assistant <Operations.Assistant@midwestern.nsw.gov.au>; Planning and Development Admin <P&DAdmin@midwestern.nsw.gov.au>
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,

Kelly Barnes
Property Officer
Mid-Western Regional Council



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB | Ref: P1419511

5 February 2019

Mid-Western Regional Council
Att: Roads, Planning, Water & Sewer

By email: Council@midwestern.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council – Property Department within the specified 28-day period or advise Council within that period if you require additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: Jamie Sleiman <Jamie.Sleiman@transgrid.com.au> on behalf of AM_Property <AM_Property@transgrid.com.au>
Sent: Monday, 11 February 2019 8:52 AM
To: Council
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY BYLONG
Attachments: Newspaper notification 5 February 2019.docx; Transgrid 5 Feb 2019.docx

Hi Kelly

RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY BYLONG

Thank you for your attached letter to TransGrid regarding the abovementioned matter.

TransGrid can confirm that TransGrid's infrastructure is not affected by this proposed road closure, nor is the road utilised to access TransGrid infrastructure.

Should you wish to discuss this further, please do not hesitate to contact me.

Kind Regards

Jamie Sleiman
Property Officer | Network Planning and Operations

T: [\(02\) 9620 0291](tel:(02)96200291)
E: Jamie.Sleiman@transgrid.com.au **W:** www.transgrid.com.au

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au> **On Behalf Of** Council
Sent: Tuesday, 5 February 2019 11:00 AM
To: AM_Property <AM_Property@transgrid.com.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY BYLONG

Please find attached correct newspaper advert, apologies.



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB Ref: P1419511

5 February 2019

Transgrid
By e-mail; AM_Property@transgrid.com.

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes. The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Transgrid requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability. If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in dark ink, appearing to read "D. Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: RoadClosures <roadclosures@essentialenergy.com.au>
Sent: Tuesday, 19 February 2019 2:31 PM
To: Kelly Barnes
Subject: RE: PROPOSAL TO CLOSE A COUNCIL ROAD - PART BYLONG VALLEY WAY

Further to your below letter.

Essential Energy has no objections to the proposal.

If you have any questions, please do not hesitate to contact me.

Rebecca Edwards
Property Enquiry Officer
Governance and Corporate Services



T: 02 6589 8060 | rebecca.edwards@essentialenergy.com.au
PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Sent: Tuesday, 5 February 2019 11:01 AM
To: RoadClosures <roadclosures@essentialenergy.com.au>
Subject: PROPOSAL TO CLOSE A COUNCIL ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB REF: P1419511

5 February 2019

Essential-Energy
By e-mail: roadclosures@essentialenergy.com.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:

Post: PO Box 156 MUDGEE NSW 2850

Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Essential Energy requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D. Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

File Ref: KB: P1419511 BYLONG RFS

Mid-Western Regional Council
PO Box 156, Mudgee NSW 2850

Comments on proposed road closure

Dear Sir/Madam

I/We, Endeavour Energy wish to provide my/our opinion in relation to the proposed road closures.

I/We:

- Are in favour of the road closure

OR

- Object to closure of the following roads for the reasons noted below.

SIGNED:
If signing on behalf of a company, please add your name and company title (for example, Director)
ACN/Company seal

DATE:

Contact details:

Home:

Mobile:

**PLEASE RETURN THIS PAGE TO MID-WESTERN REGIONAL COUNCIL WITHIN
28 DAYS**

Kelly Barnes

From: Road Closures <Road.Closures@endeavourenergy.com.au>
Sent: Thursday, 7 February 2019 1:31 PM
To: Council
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD – PART BYLONG VALLEY WAY
Attachments: Endeavour Energy letter.pdf; MWRC letter.pdf

Good Afternoon Kelly,

EE Ref: RC3756

Endeavour Energy has previously received a road closure application for this land and allocated the number RC3756.

You may remember correspondence from 2012 relating to this matter. I attach a copy of Endeavour's letter dated 25 June 2012, and council's reply dated 18 July 2012, having reference KB: (R0790175).

In that letter Council advised that it will be the future owner of the land, and also agreed that no new structures or further development of the site will take place closer to the existing transmission line than the existing metal shed on the site.

Endeavour advises that it hereby removes its objection to the road closure proposal, subject to the undertakings provided by Council in its letter dated 18 July 2012.

An easement for overhead power lines will NOT be required over the northern portion of Lot 92 as originally advised by Endeavour.

Thank you.

LOREN VINCENT
Network Property Support Officer
Property Services
D: 9853 7895



KB: (R0790175)
Your Ref: RC3756

PO BOX 156
MUDGEES NSW 2850

86 Market Street MUDGEES
109 Herbert Street GULGONG
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

18 July 2012

Mr. Ian Cousin
Network Property Project Manager
Endeavour Energy
PO Box 6366
BLACKTOWN NSW2148

Dear Mr. Cousin,

RE: PROPOSED ROAD CLOSURE OF PART OF BYLONG VALLEY WAY BYLONG

I refer to your correspondence dated 25 June 2012 in respect to Council's proposed part closure of Bylong Valley Way Bylong to accommodate for the existing Rural Fire Service Shed.

Thank you for providing written confirmation that Endeavour Energy would be agreeable to consenting to the proposed closure of part Bylong Valley Way Bylong, as per draft Doherty Smith Drawing No. 12004-S01 (Revision C) dated 21/05/12, on the provision no further development is allowed to proceed within closer proximity of the existing transmission line.

I wish to advise that on closure, the former road reserve land parcel will vest into the ownership of Mid-Western Regional Council. It would therefore be a requirement as the owner to authorise any future development applications submitted for this site. I can therefore confirm on that basis, Council will not allow any further development within closer proximity of the existing transmission line at this site.

I hope this meets your requirements, but should you require any further information please do not hesitate to contact Kelly Barnes on (02) 6378 2850.

Yours faithfully

A handwritten signature in black ink, appearing to read "D Sawyers".

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

CC: Cudgegong Rural Fire Service Headquarters – Attention: Garry Barrett



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KBRef: P1419511

5 February 2019

Endeavour Energy
By e-mail: Road.Closures@endeavourenergy.com.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes. The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Endeavour Energy requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink that reads "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: Nikki Allen <Nikki.Allen@planning.nsw.gov.au> on behalf of DPE PSVC Western Region Mailbox <westernregion@planning.nsw.gov.au>
Sent: Monday, 11 February 2019 11:32 AM
To: Council
Subject: Closure of unformed road reserve in Bylong

Good morning Kelly,

Thank you for your email on 5 February 2019 regarding the proposed closure of a section of Bylong Valley Way, Bylong, near Lot 91 DP722302.

I advise that the Department of Planning and Environment, Western Region office does not have any interests in the proposed road closure. Council should consider legal and physical access to adjoining and surrounding land in its assessment and determination of this matter.

Should you have any further enquiries, please contact the Department's Western Region Office on 02 5852 6800.

Regards,

Nikki Allen
Planning Officer
Western Region
Department of Planning & Environment
PO Box 58 | DUBBO NSW 2830
T 02 5852 6800
F 02 5852 6890
E Nikki.Allen@planning.nsw.gov.au



PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB | Ref: P1419511

5 February 2019

The Secretary of the NSW Department of Planning and Environment
By e-mail: information@planning.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period. NSW Planning requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: DRG GSNSW Landuse Minerals Mailbox <landuse.minerals@geoscience.nsw.gov.au>
Sent: Tuesday, 2 April 2019 12:37 PM
To: Kelly Barnes
Subject: RE: PROPOSED CLOSURE OF COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Kelly,
No resource access issues were identified for this proposal, thus we have no issues with the proposal and did not respond.

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Sent: Tuesday, 2 April 2019 11:11 AM
To: DRG GSNSW Landuse Minerals Mailbox <landuse.minerals@geoscience.nsw.gov.au>
Subject: FW: PROPOSED CLOSURE OF COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Our records indicate that we have not received a formal response to the attached matter.

It would be appreciated if you could please respond to Council as soon as possible.

Kind Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Kelly Barnes On Behalf Of Council
Sent: Tuesday, 5 February 2019 11:04 AM
To: landuse.minerals@geoscience.nsw.gov.au <landuse.minerals@geoscience.nsw.gov.au>
Subject: PROPOSED CLOSURE OF COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY



MID-WESTERN REGIONAL COUNCIL
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86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB | Ref: P1419511

5 February 2019

The Secretary of NSW Department of Planning and Environment
Resources & Energy

By email: landuse.minerals@geoscience.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Resources and Energy requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: council.roadclosures@crowland.nsw.gov.au
Sent: Tuesday, 26 March 2019 2:07 PM
To: Kelly Barnes
Subject: RE: 10053 - proposed road closure - Bylong Valley Way at Bylong
Attachments: Part Bylong Valley Way - No objection.pdf

Hi Kelly

Thank you for providing the department will an extension to respond to council's proposal.

The department has no objection to council's proposal. Please our formal response in the attached letter.

Kind regards
Ronnie

Ronnie Watts | Senior Business Services Officer
Newcastle Business Centre
NSW Department of Industry | Lands & Water Division | Crown Lands
437 Hunter St Newcastle NSW | Mail: PO Box 2215 Dangar NSW 2309
T: 02 4920 5043 | F: 02 4925 3517
E: ronnie.watts@crowland.nsw.gov.au
W: www.industry.nsw.gov.au/lands

From: Kelly Barnes [mailto:Kelly.Barnes@midwestern.nsw.gov.au]
Sent: Tuesday, 12 March 2019 8:33 AM
To: Council RoadClosures
Subject: RE: 10053 - proposed road closure - Bylong Valley Way at Bylong

Hi Good Morning Carolyn,

Yes that would be fine.

Kind Regards,

Kelly Barnes | Property Officer

Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au

a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: carolyn.connell@crowntland.nsw.gov.au [mailto:carolyn.connell@crowntland.nsw.gov.au] **On Behalf Of** Council RoadClosures

Sent: Monday, 11 March 2019 8:39 AM

To: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>

Subject: 10053 - proposed road closure - Bylong Valley Way at Bylong

Good morning Kelly

Your ref: KB: P1419511

I refer to my email of 5 February 2019 regarding the proposed closure of part Bylong Valley Way at Bylong.

The Department requests a further 14 days in which to respond to this application. Your confirmation of this extension of time would be appreciated.

Kind regards

Carolyn (for)

Council Road Closure Team | Business Centre, Newcastle

NSW Department of Industry - Crown Lands & Water

Level 3 | 437 Hunter St Newcastle NSW 2300

Mail: PO Box 2215, Dangar NSW 2309

Direct: T: (02) 4925 4104 | F: 02 4925 3517 | E: council.roadclosures@crowntland.nsw.gov.au

W: <https://www.industry.nsw.gov.au/lands>

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PO Box 2215, DANGAR NSW 2309
Phone: 1300 886 235 (Option 2)
Fax: (02) 4925 3517
roads.newcastle@crowland.nsw.gov.au
www.crownland.nsw.gov.au

25/03/2019

Mid-Western Regional Council
Attn: Kelly Barnes

Via email: Kelly.barnes@midwestern.nsw.gov.au

Road: part Bylong Valley Way, Bylong
Council Ref: KB: P1419511
Crown Ref: 19/00376#02 **Proposal No:** 10053

RE: Mid-Western Regional Council – Notification of proposal to close council public road

Dear Kelly

Thank you for notifying the NSW Department of Industry – Crown Lands (the department) of council's above mentioned road closure proposal.

The department has assessed council's proposal and has no objection to Council's proposal to:

- close the council public road, and
- vest the land in council upon closure.

Enquiries regarding the above matter may be directed to the Crown Lands - Roads Team at council.roadclosures@crowland.nsw.gov.au.

Kind regards

A handwritten signature in black ink that reads 'Ronnie Watts'.

Ronnie Watts
Senior Business Services Officer
NSW Department of Industry – Crown Lands



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

FEBRUARY 2019

File Ref: KB: P1419511

Contact:	Property	Department
Phone:		63782850
Email:	council@midwestern.nsw.gov.au	

Business Centre—Roads
NSW Department of Industry—Lands & Water
By email: council.roadclosures@crowland.nsw.gov.au

PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG

Dear Sir/Madam,

Mid-Western Regional Council is currently considering the closure of the council public road being part Bylong Valley Way as identified on the attached diagram. Closure of the road is proposed in order to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 08/02/2019. A copy of the advertisement is attached for your information.

Road status

Mid-Western Regional Council acknowledges that it has the power to close council public roads only.

Council's attached status report confirms that the road under proposal is a council road.

Proposed vesting upon closure

Council declares that the council road proposed for closure is maintained by Council.

Departmental response required

Mid-Western Regional requests formal departmental response to the road closure proposal within 28 days of this notice.

Please advise Mid-Western Regional Council within the 28-day period if the department requires additional time to consider its position. Council is aware that the department will respond to all council road closure notifications.

What happens next?

Once the submission period is completed, Mid-Western Regional Council will consider all submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Council's Property Department on (02) 6378 2850.

Yours sincerely



DIANE SAWYERS
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: trent.alexander@dpi.nsw.gov.au on behalf of RecFishingPolicy Administration <recfishingpolicy.administration@dpi.nsw.gov.au>
Sent: Tuesday, 12 February 2019 3:57 PM
To: Council
Subject: Re: PROPOSAL TO CLOSE COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hello Kelly,

DPI Fisheries has no issues with the proposed closure of the marked road as it will not limit access to a waterway.

Cheers,
Trent

On Tue, 5 Feb 2019 at 11:06, Council <Council@midwestern.nsw.gov.au> wrote:

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,

Kelly Barnes
Property Officer



KB P1419511

5 February 2019

NSW Department of Primary Industries - Fisheries
By e-mail: RecFishingPolicy.Administration@dpi.nsw.gov.au

MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
FORMED ROAD RESERVE IN THE LOCALITY OF WOLLAR**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if NSW Department of Primary Industries - Fisheries requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: csp.servicecentre@industry.nsw.gov.au
Sent: Wednesday, 6 February 2019 9:18 AM
To: Council
Subject: Update on call - CSP612137 - PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY
Attachments: Newspaper notification 5 February 2019.docx; NSW DPI land and water 5 Feb 19.docx



Dear Council

The Department of Industry Property Services Team has no objections to the advised proposed road closure, except in cases whereby access to any land owned by or in Trust by the Water Administration Ministerial Corporation (WAMC) or its predecessors being the Water Resources Commission and the Water Conservation and Irrigation Commission is affected.

From the information you have provided and the list of land we hold, I have been unable to identify any WAMC land as being involved or affected by this proposed road closure.

I have cc'd Peter Beard from WaterNSW in to this reply as WaterNSW also manage WAMC land and may hold more accurate records of WAMC land.

Regards,

Tim Leach
Property Services
Department of Industry

Call Details
PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY
Hi Good Morning,

Please find attached correspondence in respect to the above matter.



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB Ref: P1419511

5 February 2019

The Secretary of the NSW Department of Primary Industries
Lands & Water Division

By e-mail: property.management@industry.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

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What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Lands & Water Division requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY



Transport
for NSW

Council Ref: P1419511

General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Attn: D Sawyers

Dear Madam/Sir,

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Thank you for your correspondence dated 5 February 2019 requesting Transport for NSW (TfNSW) provide advice regarding the subject road closure.

The proposed road closure has been referred to TfNSW, as a notifiable authority, under Part 4 of the Roads Act 1993.

Council is proposing closure of the road to retain the land for community purposes. In this regard, the relevant information has been reviewed and TfNSW raises no objections to the proposed road closure.

Please note for future reference; Transport for NSW requests any further correspondence concerning this project be sent to development@transport.nsw.gov.au referencing **CD19/01171** in the subject line.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mark Ozinga".

4/3/2019

Mark Ozinga
Principal Manager, Land Use Planning & Development
Freight, Strategy & Planning

CD19/01171



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB: P1419511

5 February 2019

Transport for NSW
Land Use Planning & Development
By e-mail: development@transport.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Transport for NSW requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: Egwin Herbert <Egwin_Herbert@sta.nsw.gov.au>
Sent: Tuesday, 2 April 2019 5:52 AM
To: Kelly Barnes; Patrick Wu; Tony Moujalli
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD

Hi Kelly,

STA has no services in this area, could you please take my colleagues and myself off this mailing list.

Regards

Egwin Herbert
Traffic and Service Manager
Northern & Western Region
P: 9941 6885 | F: 9941 6871 | M: 0400 185 292
Email: egwin_herbert@sta.nsw.gov.au



From: Kelly Barnes [mailto:Kelly.Barnes@midwestern.nsw.gov.au]
Sent: Monday, 1 April 2019 3:19 PM
To: Patrick Wu; Tony Moujalli; Egwin Herbert
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD

Hi Good Afternoon,

Council has no record of having received a formal response from the State Rail Authority in regards to the matter attached.

Your earliest attention to this matter would be appreciated.

Kind Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB | Ref: P1419511

5 February 2019

The State Transit Authority –Northern & Western Region
By e-mails ; Egwin_Herbert@sta.nsw.gov.au , Patrick_Wu@sta.nsw.gov.au,
Tony_Moujalli@nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if The State Transit Authority requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY



KB : Ref: P1419511
SF2014/153149

2 April 2019

The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Dear Sir

MR215 – Proposal to Close a Council Public Road at Bylong

I refer to Mid-Western Regional Council's letter of 5 February 2019 regarding the partial closure of Main Road 215, Bylong Valley Way, at Bylong. Roads and Maritime Services consents to the proposed closure of part MR215 in accordance with section 37 of the *Roads Act, 1993*. A copy of the Roads and Maritime approval memo is attached for your information.

For further information, please contact me on 02 6861 1463 or Gordon Nixon on 02 6861 1433.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'J. Maddison'.

John Maddison
Senior Property Officer
Property and Acquisition Western



Transport
Roads & Maritime
Services

MEMO

To: Director Property and Acquisition	Date: 20/02/2019
From: John Maddison	Pages: 5
Subject: MR215 – Bylong Valley Way. Partial Road Closure to Relieve Encroachment by Rural fire Service Facility	Reference: SF2014/153149

Issue

Mid Western Regional Council notified Roads and Maritime Services of their intention to close part of Main Road 215, Bylong Valley Way, and retain the land for community purposes. Closure of a classified road must be approved by Roads and Maritime Services under section 37 of the *Roads Act, 1993* (in accordance with delegation P 3440).

Background

Mid Western Regional Council advised of their intention to close part of Main Road 215 at Bylong, 51.68 km north of Rylstone. There is a Rural Fire Service (RFS) facility at this location and the closure would relieve the encroachment of the sheds on the road corridor. The older shed has been at the site since (prior to) 2010 with a second shed built between 2010 and 2012. The attached sketches show the approximate position of the proposed new boundary.

Comment

The road closure proposal is to relieve encroachments by existing structures, being (RFS) sheds. The proposed new boundary would be about 17 metres from the current road centreline at the closest point. The proposed closure is on a curve coming off the bridge over Bylong Creek at Bylong. The RFS facility is within a 50 speed zone, based on information in ArcGIS.



Transport
Roads & Maritime
Services

Recommendation

It is recommended that the area of road shown in the attached sketches and shown as Lot 92 in the draft plan be approved for closure.

John Maddison
Senior Property Officer
Property and Acquisition Western

Gordon Nixon
Property and Acquisition Manager, Western

25 February 2019

Supported / Not Supported

Dane Hendry
Senior Manager
Regional Customer Services, Western

26/2/19

Supported / ~~Not Supported~~

Peter Stitt
Senior Manager
Regional Infrastructure Services, Western

27/2/19

Supported / Not Supported

Bernard Mills
2-4-19
Director Property and Acquisition

Approved / Not approved



MID-WESTERN REGIONAL COUNCIL
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E council@midwestern.nsw.gov.au

KBI Ref: P1419511

5 February 2019

Roads & Maritime Services - Parkes
By e-mail; John.Maddison@rms.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 5/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Roads & Maritime Services - Parkes requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink that reads "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

Kelly Barnes

From: Brett Jackson <Brett.Jackson@fire.nsw.gov.au>
Sent: Thursday, 4 April 2019 3:11 PM
To: Kelly Barnes
Cc: Michael Johnstone
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Kelly,
FRNSW has no objection to this road closure.
Regards,
Brett



SUPERINTENDENT BRETT JACKSON JP
Zone Commander Central West & Upper Hunter
Region West 2 Bathurst | Fire and Rescue NSW
T: (02) 6331 6372 | M: 0429 826 464
Unit 2 / 114 Piper St, Bathurst, NSW 2795

PREPARED FOR ANYTHING.

www.fire.nsw.gov.au



From: RW2 Admin <RW2Admin@fire.nsw.gov.au>
Sent: Tuesday, 2 April 2019 11:56 AM
To: Brett Jackson <Brett.Jackson@fire.nsw.gov.au>; Michael Johnstone <Michael.Johnstone@fire.nsw.gov.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY



MID-WESTERN REGIONAL COUNCIL
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E council@midwestern.nsw.gov.au

KB: P1419511

5 February 2019

The Commissioner of Fire and Rescue NSW
By e-mail; info@fire.nsw.gov.au ; State.Operations@rfs.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Commissioner of Fire and Rescue NSW requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

From: [Christopher Eastaugh](#)
To: [Kelly Barnes](#)
Subject: [EXTERNAL] FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY
Date: Tuesday, 14 May 2019 1:19:46 PM
Attachments: [image001.jpg](#)
[Newspaper notification 5 February 2019.docx](#)
[Forestry Corporation 5 Feb 19.docx](#)
Importance: High

Hi Kelly,

No concerns from Forestry regarding the attached closure.

Chris

Chris Eastaugh | Information and Resources Specialist
Forestry Corporation of NSW | Western Branch
Cnr Monash & Chelmsford Streets | Dubbo NSW 2830
PO Box 865 | Dubbo NSW 2830
T: 0401 298 274 02 6841 4207 | F: 02 6884 4771 | E: christopher.eastaugh@fcnsw.com.au | W:
www.forestrycorporation.com.au

From: Crown Road Closures
Sent: Friday, 12 April 2019 5:18 PM
To: Christopher Eastaugh <Christopher.Eastaugh@fcnsw.com.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY
Importance: High

Hi Chris

The Council is waiting on a formal response from us.

Would you please assess the proposal and reply to Kelly as soon as possible.

Thanks
Dott

Dorothy Denshire | Estates Administrator
Forestry Corporation of NSW
T: 02 6640 1656

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>
Sent: Tuesday, 2 April 2019 11:10 AM
To: Crown Road Closures <CrownRoadClosures@fcnsw.com.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Our records indicate that we have not received a formal response to the attached matter.

It would be appreciated if you could please respond to Council as soon as possible.

Kind Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Kelly Barnes **On Behalf Of** Council
Sent: Tuesday, 5 February 2019 11:17 AM
To: 'CrownRoadClosures@fcnsw.com.au' <CrownRoadClosures@fcnsw.com.au>
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD - PART BYLONG VALLEY WAY

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,

Kelly Barnes
Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 |
ekelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW
2850
w www.midwestern.nsw.gov.au
[facebook](#) | [twitter](#) | [youtube](#)



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PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB Ref: P1419511

5 February 2019

Forestry Corporation
By e-mail: CrownRoadClosures@fcnsw.com.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Forestry Corporation requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in dark ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

**Central Tablelands Local Land Services**112 Market Street
Mudgee NSW 2850<https://centraltablelands.lls.nsw.gov.au/>

Ref: CM9 19/96674

11 July 2019

Kelly Barnes
Property Officer
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850By email to: Kelly.Barnes@midwestern.nsw.gov.au

Dear Kelly,

Re: Proposed Road Closure – Part Bylong Valley Way

Thank you for providing Central Tablelands Local Land Services (CT-LLS) the opportunity to provide comment into this proposal.

CT-LLS are responsible for managing Travelling Stock Routes (TSRs) within our region. Our records indicate that there are no TSRs within the area of the proposed road closure. Therefore, CT-LLS have no objection to the proposed road closure.

If you require further information in relation to this matter, please do not hesitate to contact the undersigned.

Yours sincerely,

Clare Hamilton
Manager – Biosecurity
Central Tablelands Local Land Services**Local Land
Services**www.lls.nsw.gov.au

We help secure the future of agriculture and the environment for NSW communities.



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB Ref: P1419511

5 February 2019

Local Land Services Central Tablelands
By e-mail: admin.centrraltablelands@lls.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if Local Land Services Central Tablelands requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY



Our ref: DOC19/91477
Contact: Regena Medhurst

Mid-Western Regional Council

PO Box 156
Mudgee NSW 2850

07 February 2019

Dear D Sawyers,

Roads Act 1993 ROAD CLOSING APPLICATION

<u>Application number</u>	<u>Your Ref</u>
part Bylong Valley Way, Bylong	P1419511

Thank you for your email dated 5/02/2019 regarding the above mentioned proposed road closure application. The National Parks & Wildlife Service (NPWS) has no objection to these proposed road closures.

If you have any questions regarding this matter please contact me.

Yours sincerely

A handwritten signature in black ink that reads "R Medhurst".

Regena Medhurst



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

KB Ref: P1419511

5 February 2019

National Parks and Wildlife Service. Office of Environment & Heritage
By e-mail: OEH.Roads@environment.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
PART 4 DIVISION 3 ROADS ACT 1993
FORMED ROAD RESERVE IN THE LOCALITY OF WOLLAR**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being part Bylong Valley Way, as identified on the attached diagram. Council is proposing closure of the road to retain the land for community purposes.

The proposal to close the road will be advertised in the Mudgee Guardian on 8/02/2019. A copy of the advertisement is attached for your information.

What should you do now?

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:
Post: PO Box 156 MUDGEE NSW 2850
Email: council@midwestern.nsw.gov.au

What happens next?

Please provide your reply to Mid-Western Regional Council within the specified 28-day period or advise Council within that period if National Parks and Wildlife Service - Office of Environment & Heritage requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers
MANAGER REVENUE & PROPERTY

File Ref: KB: P1419511 BYLONG RFS

Mid-Western Regional Council
PO Box 156, Mudgee NSW 2850



Comments on proposed road closure

Dear Sir/Madam

I/We, David George wish to provide my/our opinion in relation to the proposed road closures.

I/We:

- Are in favour of the road closure

OR

- Object to closure of the following roads for the reasons noted below.

SIGNED: *David George*
If signing on behalf of a company, please add your name and company title (for example, Director)
ACN/Company seal

DATE: *13.2.19*

Contact details:

Home: *VICTORIA TOWER'S* ^{*10-1102*} ~~*1102*~~ */34* SCARBOROUGH ST
MOBILE: *0412 996 794* SOUTHPORT QLD. 4215

**PLEASE RETURN THIS PAGE TO MID-WESTERN REGIONAL COUNCIL WITHIN
28 DAYS**



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

FEBRUARY 2019

File Ref: KB: P1419511

Contact: Property Department
Phone: 63782850
Email: council@midwestern.nsw.gov.au

Mr. David George
Victoria Towers
Unit 1102/34 Scarborough Street
SOUTHPORT QLD 4215

PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD UNFORMED ROAD RESERVE IN THE LOCALITY OF BYLONG

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of a council public road near your property.

The attached diagram identifies the council public road proposed for closure.

Who knows about the proposed closure?

Similar letters have been forwarded to all land owners adjoining the road or considered to be affected by the proposed road closure. Council is also consulting with notifiable authorities and any additional authorities with affected infrastructure.

The proposal to close the road/s will also be advertised in the Mudgee Guardian on 8/02/2019, providing a 28-day period for interested parties to make submissions.

What should you do now?

Please forward any comments you have on the proposed road closure within 28 days.

What happens next?

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Council's Property Department.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

DIANE SAWYERS
MANAGER REVENUE & PROPERTY

From: [Survey/Ausgrid](#)
To: [Kelly Barnes](#)
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
Date: Tuesday, 5 March 2019 9:29:48 AM
Attachments: [image004.jpg](#)
[image001.png](#)

Hi Kelly,

The area covered by Mid-Western Regional Council is outside Ausgrids network area. Your network provider is Essential Energy so check you have a response from them.

Matthew Riddell

Principal Surveyor | Program Delivery
<cid:image001.png@01D4B326.4D344F70>



02 9272 3747
Level 2, 570 George Street, Sydney NSW 2000
mriddell@ausgrid.com.au

Please consider the environment before printing this email

From: Kelly Barnes [<mailto:Kelly.Barnes@midwestern.nsw.gov.au>]
Sent: Monday, 4 March 2019 11:14 AM
To: Survey/Ausgrid <survey@ausgrid.com.au>
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD

Hi Good Morning,

Please refer to below email and attached documents.

Council has yet to receive any comment from your office. Can you please attend to this as soon as possible?

Kind Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

From: Kelly Barnes **On Behalf Of** Council
Sent: Tuesday, 15 January 2019 9:18 AM
To: 'survey@ausgrid.com.au' <survey@ausgrid.com.au>
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

From: [Shayne Kneen](#)
To: [Kelly Barnes](#)
Cc: [DRG GSNSW Landuse Minerals Mailbox](#)
Subject: [EXTERNAL] RE: REF - R0112001 - COUNCIL PROPOSED ROAD CLOSURE - GSNSW Response (DOC19/630965)
Date: Wednesday, 24 July 2019 2:04:20 PM
Attachments: [image010.jpg](#)
[image003.jpg](#)
[image005.jpg](#)
[image007.jpg](#)
[image009.jpg](#)
[Resources & Energy 13 May 19.docx](#)

Dear Kelly,

Thank you for the opportunity to provide advice on the above matter.

The Division of Resources and Geoscience – Geological Survey of NSW (GSNSW) has no concerns regarding the proposed Road Closure at Bara (Council Ref KB:R0183001).

Please be advised that for all future Road Closure Proposals referred to GSNSW, if a response is not received within 28 days, Council can assume GSNSW has no objection to the proposal.

Regards

Shayne Kneen
Geoscientist - Land Use

Geological Survey of NSW | Division of Resources and Geoscience
NSW Department of Planning, Industry and Environment

T: 02 4063 6755 | E: Shayne.kneen@planning.nsw.gov.au

516 High Street - Maitland NSW 2320 - PO Box 344 - Hunter Regional Mail Centre NSW 2310

www.dpie.nsw.gov.au



 [Subscribe to our newsletter](#)

I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present

From: Kelly Barnes <Kelly.Barnes@midwestern.nsw.gov.au>

Sent: Monday, 8 July 2019 2:56 PM

To: DRG GSNSW Landuse Minerals Mailbox <landuse.minerals@geoscience.nsw.gov.au>

Subject: FW: REF - R0112001 - COUNCIL PROPOSED ROAD CLOSURE

Hi Good Afternoon,

I refer to the attached information and note that Council has yet to receive a formal response from your office.

If you could please reply as soon as possible it would be appreciated.

Kind Regards,

From: [Patrick Wu](#)
To: [Kelly Barnes](#); [Tony Moujalli](#); [Egwin Herbert](#)
Subject: RE: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD
Date: Tuesday, 2 April 2019 11:03:04 AM
Attachments: [image001.jpg](#)

Hi Kelly,

State Transit Authority has no services in your LGA. Please take our emails off your mail list.

thanks

Patrick Wu
Customer Operations Manager
Brookvale Depot
State Transit Authority
Ph: 9941 5864
Mob: 0429994138
www.sydneybuses.info

From: Kelly Barnes [mailto:Kelly.Barnes@midwestern.nsw.gov.au]
Sent: Monday, 1 April 2019 3:19 PM
To: Patrick Wu; Tony Moujalli; Egwin Herbert
Subject: FW: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD

Hi Good Afternoon,

Council has no record of having received a formal response from the State Rail Authority in regards to the matter attached.

Your earliest attention to this matter would be appreciated.

Kind Regards,

Kelly Barnes | Property Officer
Mid-Western Regional Council
t 02 6378 2850 |
f 02 6378 2815 | e kelly.barnes@midwestern.nsw.gov.au
a 86 Market Street | PO Box 156 Mudgee NSW 2850

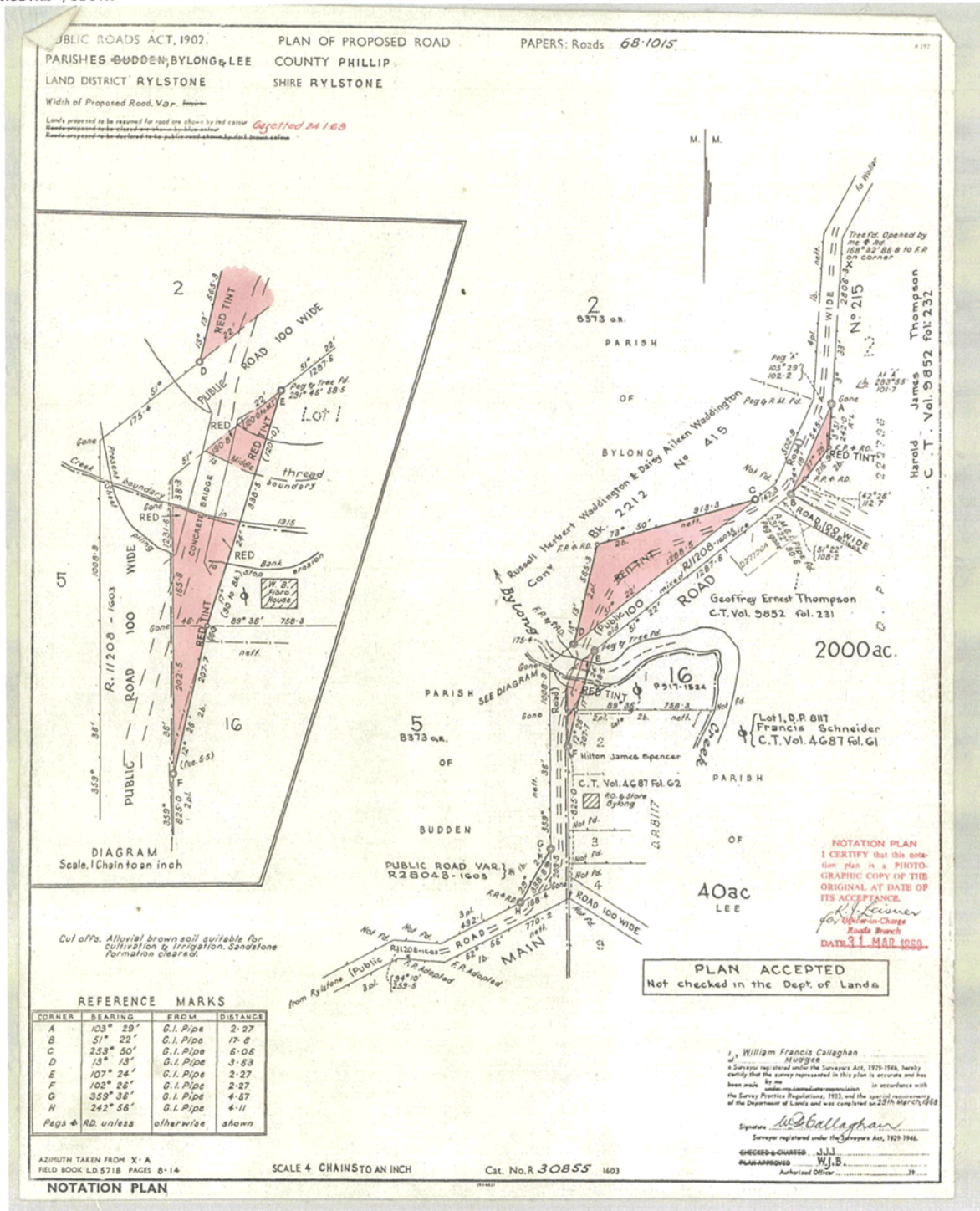
From: Kelly Barnes **On Behalf Of** Council
Sent: Tuesday, 15 January 2019 9:49 AM
To: 'Patrick_Wu@sta.nsw.gov.au' <Patrick_Wu@sta.nsw.gov.au>;
'Tony_Moujalli@sta.nsw.gov.au' <Tony_Moujalli@sta.nsw.gov.au>;
'Egwin_Herbert@sta.nsw.gov.au' <Egwin_Herbert@sta.nsw.gov.au>
Subject: PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD

Hi Good Morning,

Please find attached correspondence in respect to the above matter.

Kind Regards,

Req:R563270 /Doc:CP 30855-1603 p /Rev:28-Nov-2012 /Sts:OK.OK /Prt:12-Nov-2018 09:43 /Seq:1 of 1
 Ref:kb /Src:M



Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 24 January 1969

(190)

Sydney, 24th January, 1969.

**NOTIFICATION UNDER THE PUBLIC ROADS ACT,
1902, OF RESUMPTIONS AND WITHDRAWALS OF
LANDS FOR ROADS, RESUMPTIONS AND WITH-
DRAWALS OF SEVERED LANDS, OF DECLARA-
TION OF ROADS TO BE PUBLIC ROADS, AND OF
CLOSING OF ROADS**

IN pursuance of the provisions of the Public Roads Act, 1902, as amended, it is hereby notified that the lands hereunder described, which are needed for the roads hereunder specified, are hereby resumed and/or withdrawn for the roads referred to; that such roads and the additional roads particularized hereunder are hereby declared to be public roads and dedicated to the public accordingly (except where otherwise stated); that the lands hereunder described are resumed and/or withdrawn as severed lands; and that the roads hereunder specified are hereby closed.

T. L. LEWIS, Minister for Lands.

Descriptions

*Parish Brougham, County Durham, Land District
Muswellbrook, Shire Denman*

Opening of road 100 links wide within portion 2, vide plan R. 30984-1603. Rds 68-1444.

Andrew Jonas Lofberg and Lorna May Lofberg

Resumed land 1 rood, part C.T., vol. 10789, fol. 174, being part lot 1, D.P. 30438, and being part portion 2 (subdivided).

Neville Ashbury Halliday, Edward Campbell Humphries, and Clifford Valentine Parkinson (executors of the will of Edward Hunter Bowman)

Resumed land 1 rood, part C.T., vol. 6797, fol. 95, mines and deposits only, being part lot 1, D.P. 30438, and part portion 2 (subdivided).

NOTE: Declaration is limited to the surface and to a depth of 50 feet below thereof.

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 24 January 1969

*Parish Timbreebongie, County Narromine, Land District Dubbo,
Shire Timbreebongie*

Deviation for 150 links wide at Mungeribar of part of road from Nevertire to Narromine, vide plan R. 31113-1603R. (Council's reference R9.) Rds 68-2367.

David Berryman

Resumed land 3 acres 3 roods 20 perches, part C.T., vol. 10375, fol. 138, being part lot 312, D.P. 230290, and being part portion 30 (subdivided).

Resumed land 2 roods, resumed as "severed land", part C.T., vol. 10375, fol. 138, being part lot 312, D.P. 230290, and being part portion 30 (subdivided).

NOTE: The area resumed as "severed land" is not declared to be public road.

Part public road northeast of portion 30 rendered unnecessary by the new road is closed.

*Parishes Lee and Bylong, County Phillip, Land District and
Shire Rylstone*

Widening of part of Main Road No. 215 from Rylstone to Wollar, vide plan R. 30855-1603. (Council's reference C.15-3.) Rds 68-1015.

Harold James Thompson

Resumed land 38 perches, part C.T., vol. 9852, fol. 232, and being part portion 2 (subdivided) (part lot 2, D.P. 222796), Parish Bylong.

Geoffrey Ernest Thompson

Resumed land 8 perches, part C.T., vol. 9852, fol. 231, and being part portion 2 (subdivided) (part lot 1, D.P. 222796), Parish Bylong.

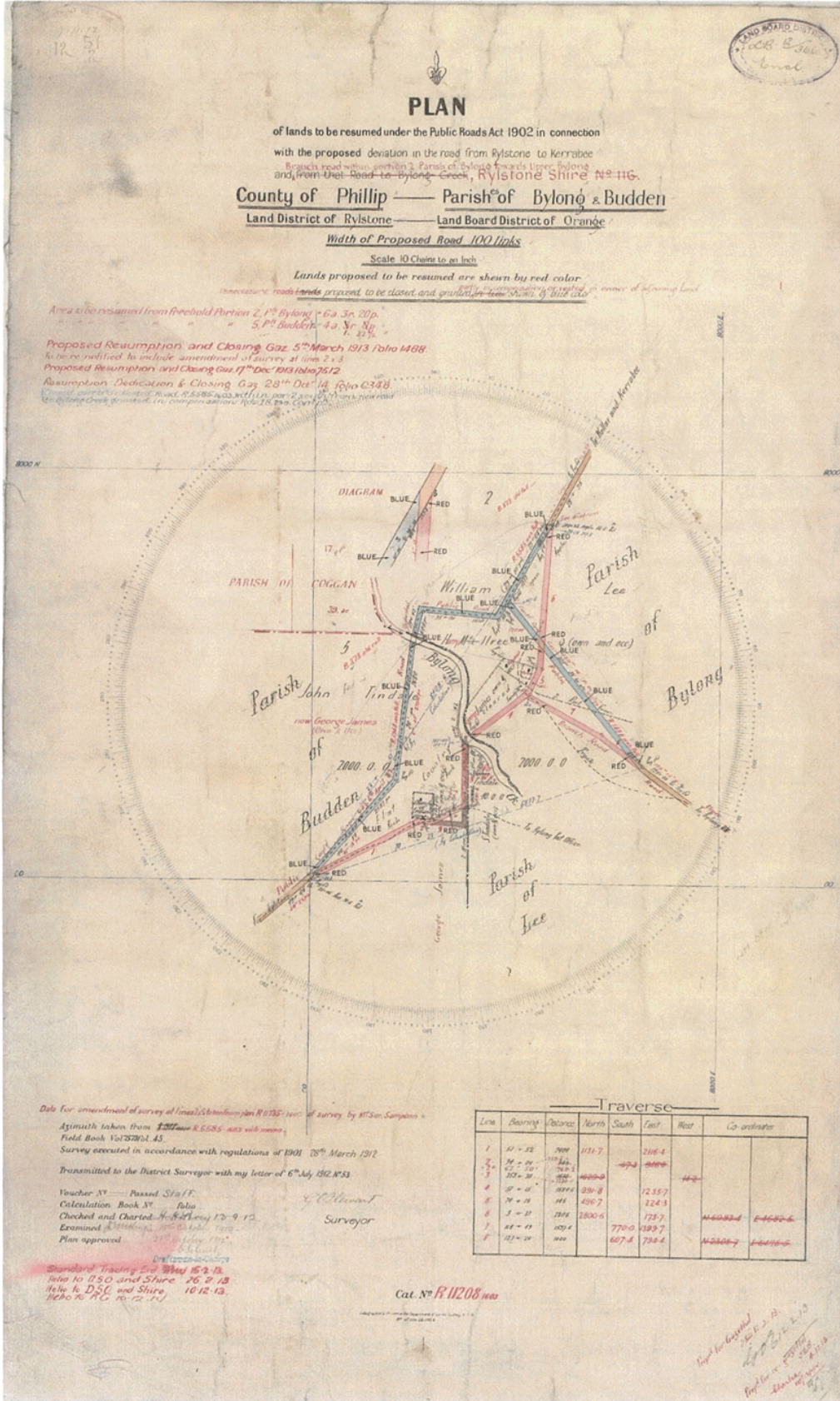
Russell Herbert Waddington and Daisy Aileen Waddington

Resumed land 2 acres 1 rood 5 perches, part Conveyance, Book 2212, No. 415, and being part portion 2 (subdivided), Parish Bylong.

Francis Schneider

Resumed land 19 perches, part C.T., vol. 4687, fol. 61,

Req:R210751 /Doc:CP 11208-1603 p /Rev:29-Nov-2012 /Sts:OK,OK /Prt:05-Sep-2018 12:17 /Seq:1 of 1
Ref:KB Bylong /Src:M



Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Wednesday 28 October

[2595]		Department of Lands, Sydney, 28th October, 1914.						
<p>NOTIFICATION, UNDER THE PUBLIC ROADS ACT, 1902, OF RESUMPTION AND DEDICATION OF LANDS FOR ROADS, AND OF THE CLOSING OF ROADS OR PARTS OF ROADS DEEMED TO BE UNNECESSARY, AND ROADS DECLARED TO BE PUBLIC ROADS.</p> <p>HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the Public Roads Act, 1902, the lands hereunder described (in respect of which lands notice of proposal to resume the same has duly been given) shall be and are hereby resumed for the several roads hereunder specified, and that the said lands shall be and are hereby dedicated as roads; also, that the roads or parts of roads hereunder specified, which are deemed to be unnecessary (in respect of which notice of proposal to close the same has duly been given), shall be and are hereby closed.</p> <p style="text-align: right;">J. L. TREPLÉ,</p> <p>DESCRIPTION OF ROADS OPENED:—Part of road from road on east boundary of portion 218 to the main North Coast Road and branch road within portion 221, parish of Lansdowne, county of Macquarie, Manning Shire.</p> <p>[Registration No. of Papers—Roads 1912-517-16; Catalogue No. of Plan—B. 11,664-1,603.]</p> <p>DESCRIPTION of lands now resumed for the road specified above, and dedicated as a public road, and of roads or parts of roads deemed to be unnecessary, which are now closed.</p> <p>A proposal to resume the lands referred to for the road in question, and to close the roads or parts of roads deemed to be unnecessary, was published in the Government Gazette of 6th August, 1914, folio 4511.</p>								
LAND DISTRICT OF TAEER.								
Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Roads or parts of Roads closed, &c., and parts of Road declared to be Public Road.
210	a. r. p. 60 0 0	Lansdowne	John Stinson	J. C. Ruprecht	C.L. 1907-135.	100 links	1 2 11	Unnecessary part of reserved road within portion 211, south of new road, is closed and added to portion 210; the area thereof and of C.L. 1907-135 remains as 60 acres.
207	60 0 0	Do	do	do	C.P.1913-54	100 "	0 3 0	
195	80 0 0	Do	do	do	C.P.1904-10	100 links & variable.	3 3 0	Unnecessary reserved road through portion 214, also unnecessary boundary road separating that portion from portion 207 are closed and added to portion 210; the area thereof and of C.L. 1908-16 being increased to 122 acres 2 rods.
221	40 1 0	Do	William Ward	William Ward	C.P.1909-86	do	1 3 0 (includes branch road).	Unnecessary parts of reserved road within portion 221, south of new road, and unnecessary small part of boundary road at eastern end of new road, within this portion, are closed and added to portion 221; the area thereof and C.P.1909-86 being reduced to 39 acres 2 rods.
200	150 0 0	Do	City Bank of Sydney.	G. E. Bird	C.P.1911-94	do	2 0 0	Unnecessary parts of reserved road within portion 200, north and south of new road, are closed and added to portion 200; the area thereof and C.P.1911-94 being reduced to 149 acres 2 rods.
198	40 0 0	Do	do	do	C.P.1904-96	do	1 0 20	Unnecessary parts of reserved road within portion 198, east and west of new road, are closed and added to portion 198; the area thereof and C.P.1904-96 being reduced to 40 acres 2 rods.
Parts of roads included in survey, and in continuity of new road, ex parts already public roads, are declared to be public road and dedicated to the public accordingly.								
<p>DESCRIPTION OF ROAD OPENED:—Deviation of part of road from Lismore to Casino, via Bugden's, parish of South Gundurimba, county of Rous, Gundurimba Shire.</p> <p>[Registration No. of Papers—Roads 1912-219-18; Catalogue No. of Plan—R. 11,781-1,603.]</p> <p>DESCRIPTION of lands now resumed for the road specified above, and dedicated as a public road, and of roads or parts of roads deemed to be unnecessary, which are now closed.</p> <p>A proposal to resume the lands referred to for the road in question, and to close the roads or parts of roads deemed to be unnecessary, was published in the Government Gazette of 22nd July, 1914, folio 4246.</p>								
LAND DISTRICT OF LISMORE.								
Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Roads or parts of Roads closed, &c., and part of Road declared to be Public Road.
110 new subdivided. Sold road. 124	a. r. p. 80 0 0 2 0 24 6 3 0 0	South Gundurimba.	Lewis Wearne	Samuel Maxwell	Freehold	Variable	a. r. p. 0 0 4 0 0 24 2 3 4	The unnecessary boundary road separating portion 124 from portion 121, also the unnecessary dedicated road (H. 2,620-1,600) within portion 124, are closed, and, together with the 6 perches "severed land" previously resumed from portion 121, and the closed road west of this "severed land" (gazetted 31st December, 1907), are to be

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Wednesday 28 October

146	50 0 0	Do	Samuel Maxwell.	do	do	100	0 2 24	124, and the closed road west of this "severed land" (gazetted 31st December, 1907), are to be granted in compensation. The unnecessary part of dedicated road (R. 8,825-1,603) within portion 145, south-west of new road, is closed and is to be granted in compensation. The unnecessary part of road (R. 8,820-1,603) within water reserve 453 is closed. Part of existing boundary road included in survey and in continuity of new road is declared to be a public road and dedicated to the public accordingly.
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NOTIFICATION OF RESUMPTION AND DEDICATION OF LANDS FOR ROADS, &c.—continued.

DESCRIPTION OF ROAD OPENED:—Deviations in parts of road from the Ourimbah-Wamberal road to portion 106, parish of Tuggerah; county of Northumberland, Erina Shire.
[Registration No. of Papers—Roads 1912-715-17; Catalogue No. of Plan—R. 11,690-1,603.]

DESCRIPTION of land now resumed for the road specified above, and dedicated as a public road, and of parts of road deemed to be unnecessary, which are now closed.

A proposal to resume the lands referred to for the road in question, and to close the parts of road deemed to be unnecessary, was published in the Government Gazette of 18th March, 1914, folio 1813.

LAND DISTRICT OF GOSFORD.

Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Parts of road closed, &c.
24	a. r. p. 876 0 0	Tuggerah	Elizabeth Hargreaves	-----	Freehold	100 links	a. r. p. 2 0 0	The unnecessary parts of dedicated road (R. 8,802-1,603) within this portion (24), are closed and are to be granted in compensation.

DESCRIPTION OF ROAD OPENED:—Part of road to Garah Railway Station to Moree, via Talmoi, parish of Talmoi, county of Courralie, Berrima Shire.
[Registration No. of Papers—Roads 1912-413-16; Catalogue No. of Plan—R. 11,592-1,603.]

DESCRIPTION of the lands now resumed for the road specified above, and dedicated as a public road, and of roads deemed to be unnecessary, which are now closed.

A proposal to resume the lands referred to for the road in question, and to close the roads deemed to be unnecessary, was published in the Government Gazette of 6th May, 1914, folio 3765.

LAND DISTRICT OF MOREE.

Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Roads closed, &c., and parts of Roads declared to be a Public Road.
14	a. r. p. 202 2 0	Talmoi	The New Zealand and Australian Land Co. (Ltd.).	New Zealand and Australian Land Co. (Ltd.), and track in use.	Freehold	300 links	a. r. p. 7 3 29	The following unnecessary boundary roads are closed and part thereof to be granted in compensation:—Parish Talmoi, county Courralie, separating portion 13 from portion 14, exclusive of that part required for continuity of new road; separating portions 15 and 20 from portions 16 and 1; separating portion 100 from portions 16 and 21; separating portion 18 from portion 17; separating portion 17 from portion 30; separating portions 22 and 30 from portion 3 and its southerly continuation as reserved road through portion 30, exclusive of that part required for continuity of new road; separating portion 30 from portion 31; reserved road 2 chains wide through portions 77 and 84, exclusive of that part required for continuity of new road. Parish Baronsa, county Benarba, separating portion 12 from portions 1 and 11; parish Tillaloo, county Benarba, separating portion 16 from portions 1 and 15; parish Boonooma, county Benarba, separating portion 4 from portion 8 and its westerly continuation as reserved road through portion 4; separating portion 24 from portion 40; separating portions 55, 56, and 59 from 54, 52, and 53, including a cross road separating portions 52 and 33 from 25 and 26. Parish Moorina, county Benarba, separating part of portion 19 from part of 7 and its southerly continuation as reserved road through portions 22 and 23, extending from the south-eastern side of a new road to Garah (plan R. 11,579-1,603) to the south boundary of portion 23. Parish Goorara, county Staplyton, separating portion 34 from portion 28. Parts of existing roads included in survey and necessary to preserve continuity of new road are declared to be public road and dedicated to the public accordingly, thus withdrawing 1 acre and 1½ acres from Mulkin Resumed Areas Nos. 459A and 458 respectively.
13	228 1 0	Do	do	do	do	300	16 1 31	
15	217 2 0	Do	do	do	do	300	10 2 14	
30	306 0 0	Do	do	do	do	300	8 1 29	
22	66 0 0	Do	do	do	do	300	3 3 28	
3	300 0 0	Do	do	do	do	300	12 1 33	
23	68 0 0	Do	do	do	do	300	4 0 30	
100	517 1 0	Do	do	do	do	Variable	0 0 9	
81	107 1 0	Do	do	do	do	300 links	12 1 19	
90	210 2 0	Do	do	do	do	300	12 2 10	
10	310 0 0	Do	do	do	do	300	12 0 24	
11	313 3 0	Do	do	do	do	300	12 2 0	
12	316 0 0	Do	do	do	do	300	12 3 27	
84	324 2 0	Do	do	do	do	300	8 0 30	
77	1,920 0 0	Do	do	do	do	300	19 0 0	

DESCRIPTION OF ROADS OPENED:—Deviation in part of road from Rylstone to Kerrabee, and branch road within portion 2, parish of Bylong, towards Upper Bylong, parishes of Budden and Bylong, county of Phillip, Rylstone Shire.
[Registration No. of Papers—Roads 1912-51-23; Catalogue No. of Plan—R. 11,808-1,603.]

DESCRIPTION of lands now resumed for the road specified above, and dedicated as a public road, and of parts of roads deemed to be unnecessary, which are now closed.

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Wednesday 28 October

RESUMPTION OF LANDS NOW RESUMED FOR THE ROAD SPECIFIED ABOVE, AND DEDICATED AS A PUBLIC ROAD, AND OF PARTS OF ROADS DEEMED TO BE UNNECESSARY, WHICH ARE NOW CLOSED.

A proposal to resume the lands referred to for the road in question, and to close the parts of roads deemed to be unnecessary, was published in the Government Gazette of 17th December, 1913, folio 7512.

LAND DISTRICT OF RYLSTONE.

Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Parts of Roads closed, &c.
5	a. r. p. 2,000 0 0	Budden	George James	George James	Freehold	100 links	a. r. p. 4 1 32	The unnecessary part of confirmed road (R. 1,948-1,603) within portion 5, north from southern end of new road, is closed, and thus vested in the owner of adjoining land.
2	a. r. p. 2,000 0 0	Bylong	Harry McIlree	H. McIlree	do	10	6 3 20 (includes branch road).	The unnecessary part of dedicated road (R. 5,555-1,603) within portion 2, south from northern end of new road, and the unnecessary parts of confirmed road (R. 1,488-1,603), north-west from south-eastern end of new branch road, are closed. The part of dedicated road is to be granted partly in compensation, and the parts of confirmed road vests in the owner of adjoining land.

NOTIFICATION OF RESUMPTION AND DEDICATION OF LANDS FOR ROADS, &c.—continued.

DESCRIPTION OF ROAD OPENED:—Part of road from Burra to Wambidgee, parish of Bongongalong, county of Harden, Adjungbilly Shire.
 [Registration No. of Papers—Roads 1913-360-18; Catalogue No. of Plan—R. 11,769-1,603.]

DESCRIPTION of land now resumed for the road specified above, and dedicated as a public road, and of part of road deemed to be unnecessary, which is now closed.

A proposal to resume the land referred to for the road in question, and to close the part of road deemed to be unnecessary was published in the Government Gazette of 1st July, 1914, folio 3826.

LAND DISTRICT OF GUNDAGAL.

Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Parts of Road closed, &c.
115	a. r. p. 120 0 0	Bongongalong	Mrs. H. K. Kierman	Mrs. H. K. Kierman	Freehold	100 links	a. r. p. 2 2 27	Unnecessary part of boundary road separating portion 115 from portion 124, west from new road, is closed, and is to be granted in compensation.

DESCRIPTION OF ROAD OPENED:—Road known as Schaeffer's road, through portions 414 and 420, parish of Armidale, county of Sandon, Dumaresq Shire.
 [Registration No. of Papers—Roads 1913-563-12; Catalogue No. of Plan—R. 11,870-1,603.]

DESCRIPTION of lands now resumed for the road specified above, and dedicated as a public road, and of road deemed to be unnecessary, which is now closed.

A proposal to resume the lands referred to for the road in question, and to close the road deemed to be unnecessary, was published in the Government Gazette of 8th July, 1914, folio 4000.

LAND DISTRICT OF ARMIDALE.

Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Road closed, &c.
414 420	a. r. p. 166 0 0 55 3 0	Armidale Do	Thomas Schaefer do	Thomas Schaefer do	Freehold do	1 chain 1 "	a. r. p. 1 0 0 2 3 24	Unnecessary boundary road separating portion 412 from portion 414 is closed and is to be granted in compensation.

DESCRIPTION OF ROAD OPENED:—Part of road from road on north boundary of portion 143 to the Lismore-Tweed road, parish of Dunoon, county of Ross, Tarnania Shire.
 [Registration No. of Papers—Roads 1913-800-12; Catalogue No. of Plan—R. 11,947-1,603.]

DESCRIPTION of land now resumed for the road specified above, and dedicated as a public road, and of part of road deemed to be unnecessary, which is now closed.

A proposal to resume the land referred to for the road in question, and to close the part of road deemed to be unnecessary, was published in the Government Gazette of 12th August 1914, folio 4746.

LAND DISTRICT OF LISMORE.

Parish No.	Area.	Parish Name.	Reputed Owner.	Occupier.	Character of Holding.	Width of Land Resumed and Dedicated.	Area Resumed and Dedicated.	Part of Road closed, &c., and part of Road declared to be a Public Road.
143	a. r. p. 71 0 0	Dunoon	Bank of New South Wales	George Arthur Kendall	C.P. 94-14	1 chain	a. r. p. 1 0 0	The unnecessary part of boundary road separating portion 143 from portions 145 (parish Dunoon) and 36 (parish Whian Whian), north and west of new road, is closed and added to portion 143:

	POLICY	ADOPTED C/M 7/5/14 Minute No. 172/14 REVIEW: May 16 FILE No. A0110003
	Conflicts of Interests	

OBJECTIVE:

To provide a framework for Councillors, staff, delegates and advisers to recognise and deal with conflicts of interest.

INTRODUCTION:

As an organisation we must be impartial and fair in our dealings with ratepayers, residents, suppliers and the general public in order to retain their trust, confidence and support. To do this it is essential that all possible conflicts of interest are appropriately handled.

Councillors, staff, delegates and advisers must ensure that opportunities do not exist for their interests, or those of people close to them, to conflict with the impartial performance of their Council duties.

Any potential, real or perceived conflict between an individual's interests and those of the Council must be resolved in favour of the Council.

RECOGNISING A CONFLICT OF INTEREST

A conflict of interest would exist where:

- you have a personal interest that could lead you to be influenced in the way that you carry out your Council work or duties;
- you have a personal interest that could lead a fair person to think that you could be influenced in the way that you carry out your Council work or duties; or
- a family member, relative, friend, associate or anybody close to you has a personal interest that could lead you to be influenced in the way that you carry out your Council work or duties, or could lead a fair person to think that you could be influenced.

Conflicts of interest include both pecuniary interests and non-pecuniary interests. Non-pecuniary conflicts of interests are just as important as pecuniary conflicts of interests.

The Local Government Act, 1993 imposes requirements for Councillors, designated persons and advisers to declare any pecuniary interests they might have. The Act should be referred to in all matters concerning possible pecuniary interests.

WHAT IS THE DIFFERENCE BETWEEN PECUNIARY AND NON PECUNIARY CONFLICTS OF INTERESTS**(A) PECUNIARY CONFLICTS OF INTERESTS**

A pecuniary conflict of interest, as defined in Section 442 of the Act "...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".

As provided by Section 443 of the Act, you have a pecuniary conflict of interest in a matter if:

- you have a pecuniary interest;
- your spouse, de facto partner, relative, partner or employer has a pecuniary interest;
- a company or other body of which you, or a nominee, partner or employer is a member has a pecuniary interest.

As provided by Section 442 of the Act, a person does not have a pecuniary conflict of interest in a matter if the matter 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 Section 448.

Section 441 of the Act defines designated persons to include:

- the General Manager
- other senior staff; and
- people holding positions or committee memberships that the Council considers makes them designated persons.

The Act provides opportunities for pecuniary conflicts of interests to be disclosed both in writing and verbally (at meetings).

(i) Written Disclosures

If you are a Councillor or a designated person you must, as provided by Section 449 of the Act, complete and lodge a return in the form of Schedule 3 of the Local Government (General) Regulation 2005, with the General Manager:

- within 3 months after becoming a Councillor or designated person. You do not need to lodge a return within this period if you lodged a return in the previous year, or if you ceased to be a Councillor or designated person within the 3 month period; or
- within 3 months of 30 June in any year if you held your position at 30 June.

As provided by Section 454 of the Act, a general notice given to the General Manager in writing by a Councillor or a member of a Council committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is;

- a member, or in the employment, of a specified company or other body, or
- a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or 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 this notice.

As provided by Section 459 of the Act, if you are a designated person you must disclose in writing to the General Manager any pecuniary interest you have in any Council matter with which you are dealing.

(ii) Verbal Disclosures

As provided by Section 451 of the Act, if you are a Councillor or a member of a Council committee and you have pecuniary conflict of interest you must:

- if you are present at the meeting disclose your conflict of interest to the meeting as soon as practicable (usually at the start of the meeting but always prior to the matter actually being considered);

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- not be present at, or in sight of, the meeting;
 - not take part in any consideration or discussion of the matter; and
 - not vote on any question relating to the matter.

As provided by Section 446 of the Act, the above requirement does not apply if you are a member of a Council committee that is wholly advisory.

A disclosure made at the meeting must be recorded in the minutes of the meeting as provided by Section 453 of the Act.

(iii) **General**

As provided by Section 456 of the Act, if you are giving advice to the Council or a Council committee you must disclose any pecuniary conflict of interest that you have in the matter to the meeting at the time that you give the advice.

(B) NON PECUNIARY CONFLICTS OF INTERESTS

What is a non-pecuniary conflict of interests?

Non-pecuniary conflicts of interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The matter of a report to Council from the conduct review committee/reviewer relates to the public duty of a Councillor or the General Manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interests in such a matter.

The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

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. This disclosure constitutes disclosure in writing for the purposes of clause 7.13 of the Code of Conduct.

How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- (a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- (b) other relationships 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

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- (c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

If you are a council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- (a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- (b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

If you are a member of staff of Council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

Despite clause 7.17(b) of the Code of Conduct, a Councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate Council's decision-making role to Council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) of the Code.

Political donations exceeding \$1,000

Councillors should note that matters before Council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, Councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the Election Funding Act 1981) that directly benefit their election campaign.

Where a Councillor or the Councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the Election Funding Act 1981 exceeding \$1,000 which directly benefit their campaign:

- (a) from a political or campaign donor or related entity in the previous four years; and
 - (b) where the political or campaign donor or related entity has a matter before Council,
- then the Councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b) of the Code.

Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

If a Councillor has received a donation of the kind referred to in clause 7.23 of the Code of Conduct that Councillor is not prevented from participating in a decision to delegate Council's decision-making role to Council staff or appointing another person or body to make the decision in accordance with the law.

Note: In the case of both pecuniary and non pecuniary conflicts of interest, you are encouraged to err on the side of caution by declaring your interest and, as necessary, by not participating in discussion or in decision making, if there is any doubt.

CONFLICTS OF INTEREST - EXAMPLES

Examples of situations that may give rise to conflicts of interest include:

- a staff member having the responsibility for hiring a consultant where one of the applicants is a good friend;
- a staff member having responsibility for assessing a tender for the supply of equipment, where a close friend has submitted a bid;
- a councillor being very active, although not holding office, in the running of a club that has any form of application or request before Council;
- a councillor being involved in the decision making in relation to a matter involving the personal affairs of a close friend;
- a town planner lives near a site for which a development application has been submitted to Council for the construction of a block of flats and the town planner is involved in the processing of the application;
- a councillor participating in the decision making process of a development application submitted by a relative;
- a councillor making a decision about a club where one spends a great deal of one's time; and
- a staff member conducting a health inspection of a premises in which one has a financial interest.

Note: These examples are not necessarily actual instances and are not intended to be exhaustive. They are merely a sample of situations which could arise from time to time and are provided for the express purpose of helping Councillors, staff and delegates understand what could constitute a conflict of interest.

Some particular areas of concern which have been identified by the Division of Local Government and ICAC, where amplification may be useful, are set out below:

(i) Gifts and Benefits

For comment on how you should deal with situations where you are offered a gift or benefit, please refer to the Council's Code of Conduct, Gifts and Benefits policy and Statement of Business Ethics.

(ii) Travel

Trips funded by suppliers or business associates of the Council, may only be accepted:

- if the purpose of the trip is to carry out Council activities, for example inspecting goods, production facilities or other sites in connection with a potential purchase; and
- with the written permission of the General Manager for staff or the written permission of the Mayor or a resolution of the Council for Councillors, the General Manager or delegates.

(iii) Club Membership

Councillors, staff, delegates and advisers, who are members of clubs should seriously consider whether their club memberships could give rise to conflicts of interests in Council matters that may affect the clubs.

The greater your involvement with the club, the greater likelihood of a real or perceived conflict of interest.

Factors that should be considered include:

- whether or not you hold any positions of office in the club;

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- whether or not you take on the role of an office holder even though you do not formally hold a position at the club;
 - whether or not you previously held significant positions in the club, or are likely to in future;
 - how much fundraising or organising you do for the club;
 - how much time you spend at the club; and
 - how involved your spouse, children and others close to you are with the club.

HOW DO YOU DETERMINE IF A CONFLICT EXISTS?

QUESTIONS TO CONSIDER

The following questions may help you decide whether a conflict of interest exists or whether your behaviour could create the impression that it does:

- Do I, a relative, friend or associate stand to gain or lose financially from Council's decision or action on the matter?
- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action?
- Have I contributed in a private capacity in any way to the matter before Council?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?
- Is the person an election campaign donor or someone who helped during my election campaign?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- If I do participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
- Do I need to seek advice or discuss this matter with an objective party?
- Am I confident of my ability to act impartially and in the public interest?
- Do I understand the possible penalties if I go on with my action?

Note: The references to "before Council", Council's consideration", etc, also refer to issues to be dealt with under delegated authority by Council officers.

PERCEPTIONS

Not only must our actions be free of any conflicts, we must ensure that they are clearly seen to be free of any conflicts.

It is therefore important that you consider what other people might think of the situation. This should include, for example, unsuccessful tenderers, other potential suppliers, other businesses, clients, ratepayers, residents and members of the public, other Councillors and staff members.

RESPONSIBILITY

If you have a conflict of interest, or you think it is likely that you might have a conflict you must notify either:

- the General Manager or Mayor in writing; or
- the relevant Council or Committee meeting.

The objective of notification is to protect both yourself and the Council.

In many cases, only you will be aware of the potential for a conflict of interest. The onus for notification is therefore on you.

If a conflict arises during a meeting, such as a Council or Committee Meeting, or a meeting of an external body/committee to which the Council has appointed you, you should inform the meeting of the interest, preferably at the start of the meeting. Depending on the nature of the conflict, it may be appropriate not to vote on the matter. Unless this conflict has been assessed as being only of a minor nature, you must leave the meeting and not participate in discussions on the matter. The disclosure and subsequent actions will be recorded in the minutes of the meeting and in the case of Council meetings will be recorded in the Council's Register of Disclosures.

If you are uncertain as to whether or not you may have a conflict of interest in a particular matter, you should obtain independent legal advice.

ADVICE

During meetings, the General Manager may advise if he considers that a Councillor, staff member, delegate or adviser has a conflict of interest in a matter before the meeting.

At other times, the General Manager may convey this advice to a Councillor, staff member, delegate or adviser personally, either verbally or in writing. In doing so, the General Manager shall invite the Councillor, staff member, delegate or adviser to comment.

Ultimately, the onus for resolving conflicts of interest rests with the individual.

However, it is anticipated that once provided with advice that the perception of a conflict of interest exists;

- the Councillor or delegate should seriously consider whether he or she should continue to participate in decision making in relation to the subject matter; or
- the staff member or adviser must immediately disqualify himself or herself from reporting or providing advice to the Council in relation to the subject matter. Failing this the General Manager may arrange for another staff member to report or advise the Council or arrange for advice to be sought from another source.

WHO SHOULD REPORT CONFLICTS OF INTEREST

THE INDIVIDUAL WHO HAS OR MAY HAVE THE CONFLICT

As provided by this policy, the onus rests with the individual to report any conflicts of interest that he or she may have.

OTHERS

Where a Councillor or staff member believes that a colleague, delegate or adviser has a conflict of interest, or where a member of the public believes that a Councillor, staff member, delegate or adviser has a conflict of interest, this may be reported (in writing) to the Mayor or General Manager.

While proof of a conflict is not required, the person reporting the conflict must have reasonable grounds for believing that the conflict exists. Frivolous or vexatious complaints, or complaints made solely or substantially with the aim of avoiding dismissal or other disciplinary action will not be tolerated.

If a conflict involves corrupt conduct, maladministration or serious and substantial waste of public money the report may be protected by the Public Interest Disclosures Act, 1994. In this instance, the matter will be dealt with in accordance with Council's Public Interest Disclosure Internal Reporting Policy.

Where a complaint concerns a failure to disclose a pecuniary conflict of interest in contravention with the Local Government Act, 1993, it may be made to the Director General of the Division of Local Government (Section 460).

In all cases, the identity of the complainant will be treated as confidential and will be not revealed.

DEALING WITH CONFLICTS OF INTEREST

WHERE A VOLUNTARY DISCLOSURE IS MADE

(A) PECUNIARY CONFLICT OF INTEREST


If a pecuniary conflict of interest is disclosed, the person with the interest must not be involved in consideration or discussion of the matter in which they have the interest and must not vote on any question relating to the matter in accordance with the Act and Council's Code of Meeting Practice.

(B) NON PECUNIARY CONFLICT OF INTEREST

If a non-pecuniary conflict of interest is disclosed, there are a range of options available to deal with the conflict, depending on the circumstances of the matter and objective assessment of it. These options are outlined in this policy as well as Council's Code of Conduct.

WHERE A CONFLICT IS NOT DISCLOSED AND/OR WHERE A COMPLAINT IS RECEIVED

Complaint handling procedures and sanctions in relation to this policy will be in accordance with Section 12 of the Code of Conduct.

	POLICY	ADOPTED C/M 20 Aug 2014 Minute No. 329/14
	GIFTS and BENEFITS	REVIEW: Aug 2015 FILE No. GOV400007

PURPOSE

The purpose of this policy is to provide guidance to Councillors, employees and volunteers regarding the issue of receiving or being offered gifts or benefits and to ensure that in dealing with any gifts, benefits or the offer of gifts or benefits, Councillors, employees and volunteers are not influenced in the performance of their duties and that there is no perception of undue influence due to these offers.

SCOPE

This policy applies to the Mayor and Councillors and to all employees and volunteers of Mid-Western Regional Council when carrying out their Council duties.

OBJECTIVES

Council is committed to preventing corruption in all its forms. One form of corruption that can seriously damage the credibility of an organisation is bribery.

Councillors, employees and volunteers need to be aware that gifts and benefits may be specifically offered to influence the attitudes or decisions of the recipients in favour of the giver. In this case, the gifts or benefits must be regarded as bribes and the giving and acceptance of them is a criminal offence.

This Policy aims to provide guidelines for Councillors, Council employees and volunteers when acting in their official capacity in dealing with offers of gifts, benefits and bribes.

GIFTS AND BENEFITS

There is a difference between token gifts and benefits and other gifts and benefits.

Generally speaking, token gifts and benefits will always be under \$20 value (from one source per year) and may include:

- a) Free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. The discussion of official business
 - ii. Council work related events such as training, education sessions and workshops
 - iii. Conferences

- iv. Council functions or events, Council-sponsored events or events where the individual is representing Council in an official capacity
- v. Social functions organised by groups, such as council committees and community organisations
- b) Invitations to and attendance at local social, cultural and sporting events
- c) Ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- d) Prizes of token value.
- e) Offers of cakes, non-alcoholic beverages or the like.

Gifts and benefits that **cannot** be viewed as token gifts and benefits include, but are not limited to:

- (a) Money and gift cards;
- (b) Alcohol;
- (c) Corporate hospitality at a corporate facility at major sporting events;
- (d) Free or discounted products and services for personal use;
- (e) The use of facilities such as gyms, use of holiday homes, free or discounted travel.

POLICY STATEMENT

Duties and Responsibilities

A Councillor, employee or volunteer must not:

- Accept a gift or benefit that is not a token gift or benefit;
- Seek or accept a bribe or other inducement;
- By virtue of his or her position, acquire a personal profit or advantage which has a monetary value;
- Seek or accept any payment, gift or benefit intended or likely to influence, or that could reasonably be perceived by an impartial observer as intended or likely to influence the Councillor, employee or volunteer to:
 - act in a particular way (including making a particular decision);
 - to fail to act in a particular circumstance; or
 - to otherwise deviate from the proper exercise of his or her official duties.

A Councillor, employee or volunteer must never accept an offer of money, regardless of the amount.

Regulatory and Procurement functions

Some Council officials have discretionary roles in regulatory and procurement functions. These include building inspections and certifications as well as specific decisions regarding Council procurement from existing or potential suppliers of goods and services.

These Council officials have significant discretion to impact on the livelihood of private individuals or companies. These individuals or companies may seek to influence the outcome of regulatory or approval processes by offering gifts or benefits to the Council official.

The offer of a gift or benefit of any value in circumstances where the person is seeking to influence the exercise of Council's decision making process should be avoided in all circumstances. Therefore the following areas of Council are specifically required to refuse any gift or benefit (including token gifts or benefits) and must record all offers of gifts or benefits in the Register:

- Planners
- Health & Building Inspectors
- Rangers
- Tendering, Procurement and Stores

What do I do if I am offered a gift or benefit?

In a circumstance where a Councillor, employee or volunteer is offered a token gift or benefit it can be accepted or politely refused. It is up to the individual whether the acceptance or refusal of a token gift or benefit is recorded in Council's Gifts and Benefits Register.

In a circumstance where a Councillor, employee or volunteer is offered a gift or benefit that is of greater than token value, the gift or benefit must be politely refused.

The fact that you have been offered a gift or benefit which is greater than token value and has been refused must be recorded in Council's Gifts and Benefits Register by completing the disclosure form attached.

Figure 1 on the next page provides a flowchart outlining the appropriate response to an offer of a gift or benefit.

What do I do if I receive a gift or benefit through the post?

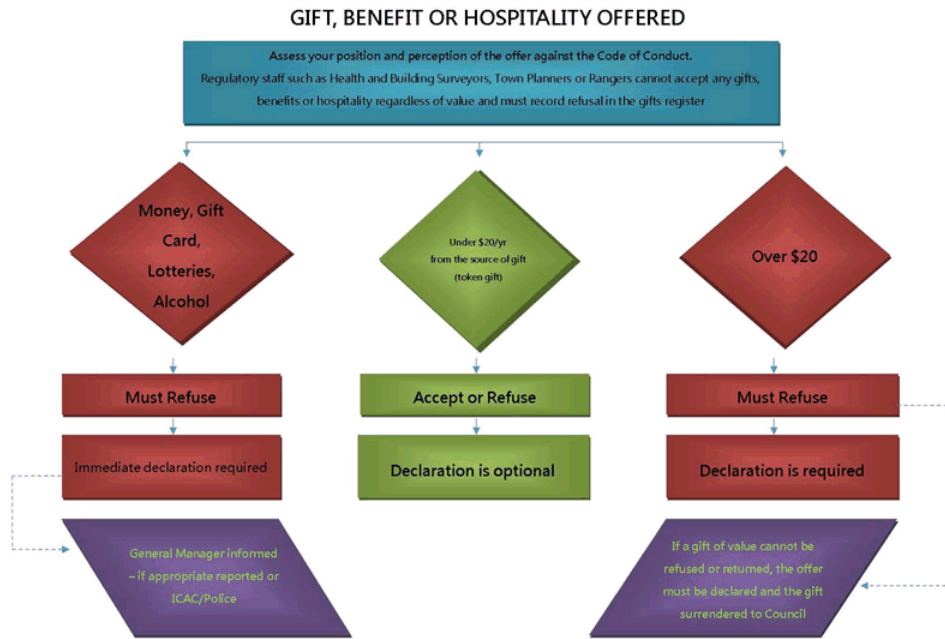
In such situations the gift or benefit must be returned to the giver with a letter explaining that you are not permitted to accept such gift or benefit. However, where the cost effectiveness of returning this gift is inefficient then the gift shall be placed in the corporate stationery cupboard.

What do I do if I am offered a gift or benefit that cannot be reasonably refused?

It is recognised that there may be occasions where an offer or a gift or benefit is made that cannot be readily refused without causing offence to the giver – for example from a visiting overseas delegation. In many foreign cultures the giving of gifts is an accepted way of doing business.

Where this occurs, you must:

- promptly notify your Manager, Director, General Manager or the Mayor;



- complete the Gifts and Benefits Register disclosure form attached; and
- surrender the gift or benefit received to the Council. The Mayor and General Manager will determine whether the gift or benefit can be readily returned or should be kept by the Council for appropriate display (usually in those cases where the gift or benefit is from an overseas visiting delegation in recognition of that visit). If neither is considered appropriate the gift or benefit may be auctioned with the proceeds being donated to a nominated charity.

What other situations should I avoid?

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts or benefits or hospitality of any kind, is attempting to secure favourable treatment from you or the Council.

You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment from you or the Council. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and Undue Influence

You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or somebody else. A Councillor will not be in breach of this policy where they seek to influence other Councillors through the exercise of their representative functions.

You must not take advantage (or seek to take advantage) of your status or position with Council or functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

What do I do if I win a prize at an official function I am attending? The Gifts and Benefits Register must be used to record and manage gifts or benefits offered as a prize or incentive.

BRIBERY

A bribe is defined as a "gift or benefit offered to or solicited by a public official to influence that person to act in a particular way". Bribery includes offences committed under Section 294B and associated Sections of the Crimes Act 1900 (NSW).

Offering or accepting a bribe is a serious offence with severe consequences.

If a Councillor, employee or volunteer is offered a gift or money or other gift or benefit, which could be considered a bribe, that person must immediately notify his or her supervisor, Manager or Director or the General Manager or Mayor providing full details.

The General Manager has a duty under the Independent Commission Against Corruption (ICAC) Act to inform the ICAC about any matter that he suspects or reasonable grounds concerns or may concern corrupt conduct. This includes bribery. Council recognises that it may not always be successful in its efforts to prevent bribery. Council encourages employees and members of the public to report incidences where they believe that bribery has occurred.

This situation is covered by Council's Public Interest Disclosure Internal Reporting policy. In general, the process of reporting bribery is the same as for other corrupt conduct.

FURTHER INFORMATION

If you wish to obtain further information or have any questions regarding how you manage a situation where you are offered a gift or benefit please contact either the Manager Governance, your Director or the General Manager.

Further information, definition or key terms and concepts and processes for dealing with gifts and benefits can also be obtained from the ICAC website and in their publication *Managing Gifts and Benefits in the Public Sector – Toolkit*.

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.

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:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
- 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.

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

*Good
Government*

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) a political donation for the purposes of the Electoral Funding Act 2018
 - b) 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
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value 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.
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- 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.
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- 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.
- 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

Personal 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 \$50. 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 \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 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 \$50, 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 \$50 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.

“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.