

POLICY TITLE: **ROAD CLOSURE PROCEDURES**

VERSION I: Adopted 15 August 2006

Last reviewed: -

OBJECTIVES

To formalise, set out and identify the standard procedures and costs associated with road closure applications.

POLICY STATEMENT

Dungog Council has entered into an agreement with the Department of Lands to undertake road closures on the Departments behalf. The procedure for undertaking the road closures is detailed in Annexure B of this policy.

BACKGROUND

In February 2006 Council adopted the “Provisions of Rural Roads Services” Policy which also included the introduction of a Partnership Agreement between Dungog Shire Council and the Department of Lands. The Department of Lands advised Council that they will still continue to independently process Crown road closure applications whilst assigning higher priority to road closure applications submitted under the partnership agreement, **Annexure A** attached to this report.

The Department of Lands have also prepared for Council's use in the road closing procedures and in association with the partnership Agreement a number of documents to assist with the process:-

- Annexure A -** The Memorandum of Understanding (CC1) between Dungog Shire Council and the Department of Lands outlining the partnership between each organization when dealing with Council Public Road Closures.
- Annexure B -** “Action Check List” (CC2) that steps Council through the procedures for road closures.
- Annexure C -** Road Closure Application Form (CL31-30).
- Annexure D -** Initial covering letter to the applicant outlining the general costs and the expected Deed of Agreement between them and Council.
- Annexure E -** Typical Road Closure Advertisement (CC3).
- Annexure F -** Typical Letter to adjoining owners (CC5).
- Annexure G -** Letter to the Department of Primary Industries – Minerals (CC6).
- Annexure H -** Deed of Agreement between Council and the applicant.

In addition to the Partnership Agreement Council will enter into a formal Road Closure “Deed Agreement” with the applicant/s which in turn protects and outlines Council’s and the applicant’s responsibilities in the road closure process (Annexure G attached to this policy.)

In association with the Partnership Agreement and Council undertaking all the procedures normally undertaken by the Department of Lands, it is estimated that the full cost of the Road Closure for Council to carry out may be in the vicinity of \$9,317.00 including GST.

The detail of the expected costs is tabled below.

Activity		Total cost to applicant	Paid direct to Council	Applicant to meet cost directly
Administration costs (Engineering investigation, preparation of advertisement, typing, checking and placement of advertisement, report to Council, preparation of Deed of Agreement, Application preparation/execution etc)	=	\$1,200.00	\$1,200.00	
Advertising Fee	=	\$ 850.00	\$850.00	
Search Fees (Est.)	=	\$150.00	\$150.00	
LTO & Agency Fees for Caveat	=	\$100.00	\$100.00	
Dept. Of Lands	=	\$770.00	\$770.00	
Survey Fee Road Closure (Est.)	=	\$2,000.00		\$2,000.00
Valuation Fee (Est.)	=	\$800.00	\$800.00	
LTO and Agency Costs Road Closure Plan	=	\$800.00	\$800.00	
Survey Fees Consolidation Plan (Est.)	=	\$1,000.00		\$1,000.00
LTO and Agency Fee Consolidation Plan	=	\$800.00	\$800.00	
Total	=	\$8,470.00	\$5,470.00	\$3,000.00
GST	=	\$847.00	\$547.00	\$300.00
Total	=	\$9,317.00	\$6,017.00	\$3,300.00

Date policy adopted	Minute No	Authority
15 August 2006	33143	Council resolution

ANNEXURE A

CC1- issued 29/9/2004
MD97 A 53

A PROPOSAL FOR PARTNERSHIP COUNCIL ROAD CLOSINGS

MEMORANDUM OF UNDERSTANDING

A proposal for partnership between Dungog Shire Council and the Department of Lands to allow a more efficient and cost effective method of administering proposals to close Council public roads.

The objective of this memorandum of understanding is to allow Dungog Shire Council to undertake certain specified actions as provided by the Roads Act 1993 on behalf of the Minister for Lands hereinafter called the Minister.

The signatories below confirm that the following agreed actions may be undertaken by Dungog Shire Council on behalf of the Minister with regard to applications for the closing of roads for which Dungog Shire Council is the roads authority under the provisions of the Roads Act 1993.

Agreed Delegated Actions:

- (a) The placing of a notice in a local newspaper as provided for in Section 35 of the Roads Act 1993 on behalf of the Minister
- (b) The receipt of submissions to the Minister provided for in Section 36 of the Roads Act 1993

Dungog Shire Council agrees that the placing of a notice as per (a) above, will be undertaken following consultation and the concurrence of the delegate of the Minister at the Maitland office of the Department of Lands for the action to proceed on a case by case basis.

Dungog Shire Council also agrees to serve notice on those parties affected by the road closing as requested by the delegate of the Minister.

All submissions regarding the road closure, received by Dungog Shire Council will be forwarded to the Minister's delegate.

Attachments "a1" & "a2" to this Understanding provide a checklist and flowchart that set out the general protocols for proceeding. The protocols may be open to alteration by mutual agreement between the Minister's delegate and Council from time to time.

This memorandum of understanding will commence upon signature by both parties.

Signed this ... day of2006

Signed this ... day of.....2006

.....
General Manager / Delegated Council Officer

.....
Andrew McAnespie
Regional Manager
Sydney/Hunter
Department of Lands
As a delegate of the Minister for Lands
(Delegation 31D.1.15)

.....
(Name & Position)

Dungog Shire Council

ANNEXURE B

CC2-issued 22/5/2006
D97 A 53

PROPOSED ROAD CLOSING AT COUNCIL PUBLIC ROAD

COUNCIL ACTING AS AGENT FOR DEPT OF LANDS CHECKLIST

(Tick applicable boxes as action is completed)

- ☐ 1. Complete Application Form (CL31-30 – **Annexure C**)
(only page 1 of the application form must be completed at this early stage of Council's investigations).
- ☐ 2. Prepare Diagram showing Road Closing Area.
- ☐ 3. Prepare Draft Advertisement (form **CC3 – Annexure E**).
- ☐ 4. Forward Application Form (Page 1), Diagram and Draft Advertisement together with cheque for \$328.90 (deposit) to the Department of Lands for approval to advertise. An additional approval and gazettal fee will be called for should the road closing proceed to finalisation. See step 22.3.3.
- ☐ 5. Approval to advertise, Reference list (form **CC4 – Annexure D**) and diagram "T" of those to be notified received from the Department of Lands.
- ☐ 6. Obtain copies of titles for relevant adjoining landownership (computer folio's etc).
- ☐ 7. Organise a search into the creation of the road.
(some roads created pre 1920 may not be public roads that can be closed under the Roads Act 1993 / if a previous title existed before the road was created, this information is required for lodgement of a plan of the road closing area).
- ☐ 8. Organise advertisement to be placed in local newspaper
.....Date of Advertisement.....
- ☐ 9. Proof of advertisement from the publisher is essential. Obtain copy of newspaper advertisement when published.
- ☐ 10. Forward copy of advertisement (CC3 – Annexure E) reference letters and diagram to relevant government authorities and affected landowners (see form **CC5 – Annexure F**)
(Reference letters can be sent out when organising advertisement).
- ☐ 11. Forward reference letter (see form **CC6 – Annexure G**), diagram and copy of relevant section of topographic map to the Department of Primary Industries – Minerals (former Department of Mineral Resources). (In most cases the Department of Primary Industries – Minerals has no requirements.).
- ☐ 12. Recommendation to Council.

- ☐ 13. Resolution number and date.
- ☐ 14. If no submissions received / submissions received only from government authorities requesting easements or Council considers objections are without merit go to step 19.
- ☐ 15. *If Submissions / objections received:-*
 - ☐ 16. Undertake Resolution of objections (if objections cannot be resolved go to step 18.).
 - ☐ 17. *Receipt of withdrawal of objections in writing (go to step 19.).*
 - ☐ 18. *Objections cannot be resolved:*
 - ☐ *Either refer to Land Board Hearing for report (Section 260 Roads Act 1993) – then go to step 19. or 21. as required.*
 - OR**
 - ☐ *Withdraw application (go to step 21.).*
- ☐ 19. Prepare submission to the Department of Lands to approve road closing. Submission should address issues such as:
 - Council's agreement to creation of any required easements in the plan of road closure.
 - Address any objections that Council may consider do not have merit.
 - Address resolution of objections.
- ☐ 20. Forward to the Department of Lands:
 - Completed application form including advice regarding construction of the road and intended disposal of the road (vesting in Council or Crown on closure).
 - Submission / letter requesting approval of road closing.
 - Proof of advertising (usually a copy of the advertisement).
 - Copies of all titles and results of search.
 - Copies of letters sent to affected landowners and government authorities.
 - Originals of all submissions / objections received.
 - Originals of letters of withdrawal of objection.
- ☐ 21. Advice sent to the Department of Lands of withdrawal of application due to objections received. Council should also forward:
 - *Proof of advertising.*
 - *Copies of letters sent to affected landowners and government authorities.*
 - *Originals of all submissions / objections.*

GO TO EITHER 22 OR 23:

22. FOR CONSTRUCTED COUNCIL PUBLIC ROADS AFTER APPROVAL ACTION

- ☐ 22.1 Department of Lands has provided advice of approval. Road has been constructed in the past. Survey / plan compilation instruction received from the Department of Lands. Request for further monies owing may be made at this time by the Department of Lands
- ☐ 22.2 Make Section 50 Application to HWC.
- ☐ 22.3.1 Arrange survey / plan compilation.
- ☐ 22.3.2 Forward plan to Department of Lands for signature by approved officer.
- ☐ 22.3.3 Signed plan received from Department of Lands. Letter also received from Department of Lands requesting approval and gazettal fee of \$147.90.
- ☐ 22.3.4 Complete Subdivision Certificate on plan.
- ☐ 22.4 Plan forwarded to Land and Property Information NSW (LPI) for registration.
- ☐ 22.5 Plan registered. Copy of registered plan and fee of \$147.90 called for at step 22.3.3 forwarded to Department of Lands to allow gazettal.
- ☐ 22.6 Advice received of gazettal of road closing and vesting in Council
Gazette.....Folio.....
- ☐ 22.7 Request form and copy of gazette notification forwarded to LPI requesting issue of title and removal of “public road” notification from Second Schedule.
- ☐ 22.8 Title received by Council.

OR

23. FOR UNCONSTRUCTED COUNCIL PUBLIC ROADS AFTER APPROVAL ACTION

- ☐ 23.1 *Department of Lands has provided advice of approval of road closing. Road is unconstructed. Land to vest in Crown on closure. No further action required by Council.*
- ☐ 23.2. *Department of Lands has provided advice that road closure has been gazetted and land has vested in the Crown.*

ANNEXURE C

CL31-30

ROADS ACT 1993
APPLICATION TO CLOSE A PUBLIC ROAD
Please read the attached information sheet prior to completing this application form.



APPLICANT(S) _____
(insert full name(s) of applicant(s) in BLOCK LETTERS)

ADDRESS _____
(insert postal address for receipt of correspondence)

_____ *Town / Suburb* _____ *Postcode* _____ *Phone number* _____ *Fax number*

hereby apply for the closing of the public road described in Section 1 below. The information required in Sections 1 to 4 is provided and an advance of \$ _____, towards application processing costs, is lodged with this application.

SECTION 1 – DESCRIPTION OF PUBLIC ROAD PROPOSED TO BE CLOSED			
Town / Locality _____	Local Govt Area _____	Parish _____	County _____
General text description of road _____ _____ _____			
Supply Diagram road proposed to be closed shown by _____ colour on attached diagram. Area : about _____ sq m / ha Include a copy of any relevant map or sketch to show clearly the locality, the boundaries & dimensions of the road proposed to be closed plus the land title boundaries of adjoining properties. Also show the position and type of any fencing and buildings / structures adjoining the road and any reticulation services (eg. power or telephone lines, water, sewer or gas pipes, drains) within the road boundaries.			
Persons to complete objective Councils refer to Section 5	Objective <input type="radio"/> To close an unnecessary public road.		
	<input type="radio"/> To purchase the whole or part of the road if closed and to offer a price of \$ _____ for the lot or \$ _____ per sq m / ha for the part of the land indicated on the attached diagram (see note below).		
	<input type="radio"/> Other purpose (please specify). _____ _____		
<small>NOTE: This application is primarily for the closing of a public road and is not, in the initial stage, considered as an application for any subsequent actions such as purchase of the land if the road is closed. However, an applicant (other than a Council) should indicate whether purchase of the land is an objective and if so provide an offer of a purchase price (the Department would have regard to the current market price of the land). While the application will be considered on its merits, no guarantee can be given as to its success or otherwise. At this stage, an applicant should not make any future plans or commitments based on the successful closure of road and the purchase of land. Please note that any other adjoining landowners may express an interest in purchasing a fair proportion of a closed road.</small>			
SECTION 2 – DETAILS OF LAND HELD BY APPLICANT IN VICINITY OF ROAD			
Portion or Lot / DP	Title Reference	PARISH	COUNTY

Private applicant, please complete Sections 3 & 4 overleaf. Council applicant, please complete Sections 3, 4 and 5, Section 2 may be unnecessary

I / we understand that the fee lodged with this application is only an advance towards costs and that further costs and information may be called for during the course of the application process.

Signature(s) of _____
 applicant(s)

_____ Date _____

LODGE WITH Department of Lands At the local District Office <i>If any advice is needed in completing this form please contact the District Office. An applicant may provide additional information in a covering letter to further explain and support the application.</i>	OFFICE USE ONLY Basic fee paid \$ _____ Receipt No. _____ Application received _____ Date _____
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If further advice, assistance or information is required please contact the local district office of the Department of Lands.

ANNEXURE D

Date

Dear Mr. ,

Request to Close Part of the Public Road at

I refer to your letter of ***** requesting the part closure of (description of part road closure) adjoining properties owned by you being adjacent to Lot * DP *****.

As a normal caution I advise that a final decision on whether a road may be closed rests with the Minister for Land and Water Conservation and the majority of the road closure process is the responsibility of the Department of Land and Water Conservation (LaWC). Council's roll is to consider traffic and public interest issues from its position as the Roads Authority for this type of road. Council will also be the applicant for road closure, if it decides that action has merit, in accordance with the provisions of the Roads Act 1993.

Experience indicates that road closure may take 6 – 9 months if successful. The eventual requirement is generally that the closed road be amalgamated with adjoining land.

The proponent of road closure needs to accept all associated costs and pay compensation for the land. The full amount of costs varies to the circumstances but as a guide might be considered as being around \$6,017.00. The compensation amount is subject to later assessment.

In order to protect the necessary arrangements the proponent must enter into a Deed with Council. The Deed will also provide that Council accepts no liability if it later decides not to proceed with the road closure or if the Minister fails to approve it.

If you wish to proceed, please indicate who is to be the purchaser of the closed road and forward the above payment. We note that you have provided information sought in Schedules 1 and 2 of the Roads Act form CL29-1. Additionally you will need to provide to Council a legal search establishing the status and ownership of the road.

When these matters are satisfactorily dealt with Council will consider seeking public submissions on the proposal, collect formal staff input and submit a report on all issues to the elected Council for decision. Initial departmental response has been positive thus far to your proposal.

Yours faithfully

DESIGN ASSETS/DEVELOPMENT ENGINEER

ANNEXURE E

CC3-issued 27/1/2004

TO APPEAR UNDER GOVERNMENT NOTICES



Department of Lands



Dungog Shire Council

PROPOSED ROAD CLOSING

Under Section 35 of the Roads Act 1993, notice is given that the Minister for Lands will consider the closing of a road in connection with a road closing application proposed by Council.

Council (acting on behalf of the Minister) will receive submissions regarding the proposal. All submissions received will be referred to the Minister's delegate for a decision regarding the proposed road closing.

The road under consideration comprises Council public road, ***** metres wide / variable width, known as ***** Road, being that part *adjoining / within Lot ***** DP ***** at ******, Parish of ***** , County of ***** . Upon closure of the road Council intends to *sell the land to the adjoining landowner / add the land to the adjoining reserve / the land will vest in the Crown for disposal action to be taken by the Crown.*

All interested persons are invited to make submissions concerning the proposal to the General Manager, Dungog Shire Council, Post Office Box 95, Dungog NSW 2420 within twenty-eight (28) days of the date of this advertisement.

Regarding the provisions of the Freedom of Information Act, information contained in such submissions may, at the discretion of Council and the Department of Lands, be referred to the person(s) who initiated the proposal for appropriate consideration.

Council Ref:

Department of Lands Ref:

Enquiries: Council Officer

Telephone:

GENERAL MANAGER
DUNGOG SHIRE COUNCIL

ANNEXURE F

CC5-issued 29/9/2004

Dear

ROADS ACT 1993

ROAD CLOSING APPLICATION

AT	PARISH	COUNTY
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Notice is hereby given that the Minister for Lands proposes to consider the closing of the road(s) shown on the attached diagram "A" and described in the attached copy of an advertisement which will appear in thenewspaper on

All interested persons are invited to make submissions concerning the proposal to the General Manager, Dungog Shire Council at the address shown above, within 28 days of the date of this letter.

Unless advice is received to the contrary within the period stated above, it will be assumed that you have no objection to the closing of the road specified.

ANNEXURE G

CC6- issued 22/4/2005

Attention: Mr. Cameron Ricketts

Department of Primary Industries – Minerals
Box 344
HUNTER REGION MAIL CENTRE NSW 2310

Dear Sir / Madam,

ROAD CLOSING APPLICATION, ROADS ACT 1993
.....ROAD AT.....
PARISH COUNTY.....

Under Section 35 of the Roads Act 1993, notice is given that the Minister for Lands will consider the closing of a road in connection with a road closing application proposed by Council.

Council, in partnership with the Department of Lands, will receive submissions regarding the proposal. All submissions received will be referred to the Department of Lands for a decision regarding the proposed road closing.

The road under consideration comprises Council public road shown by red colour on the attached diagram "A" and the part of the relevant topographical map.

Would you please advise whether:

- (a) There are any objections so far as mining interests are concerned;
- (b) A depth restriction and subsidence clause should apply.

Yours sincerely,

##

For General Manager
.....Council

Reference to this Department is not required.

.....
Department of Mineral Resources

**The General Manager
Dungog Shire Council
Post Office Box 95
DUNGOG NSW 2420**

ANNEXURE H

This DEED made the _____ day of _____ 2006 BETWEEN DUNGOG SHIRE COUNCIL of Dowling Street, Dungog (hereinafter called “the Council”) of the first part and ***** (hereinafter called “the Owners :) of the second part
WHEREAS

- A The Owners are the registered proprietors of all that piece or parcel of land contained in Certificate of Title Folio Identifier and being Lot **** in Deposited Plan **** at, ***** (hereinafter called “the Owners’ land”).
- B The Council is the Council for the area in which is situated the Owners’ land and an adjoining road shown on the plan annexed hereto and marked with the letter “A” and known as ***** Road (hereinafter called “the road”).
- C The Owners have made application to the Council (hereinafter called “the application”) to close part of the road outlined in red on the plan attached and marked with the letter “A” (hereinafter called “the road closure land”) and the Owners have further requested the Council to support the Owners’ request to transfer ownership of the road closure land to the Owners if so closed.
- D The Council has certain obligations under the provisions of the Road Act, 1993.
- E The Council has agreed to give consideration to the request of the Owners subject to the terms and conditions set out in this Deed.

NOW THIS DEED WITNESSES:

1 DEFINITIONS AND INTERPRETATIONS

1.1 Unless the context otherwise requires:

- (1) “Deed” means this Deed between the Owners and the Council.
- (2) Words expressed in the singular include the plural and words expressed in the plural include the singular.
- (3) A reference to a person includes a reference to a corporation.
- (4) Any reference to his also refers to her or it depending on the circumstances.

- (5) A reference to a statute shall include all statutes modifying, amending, re-enacting, replacing or consolidating the statute referred to.
- (6) The headings in this Deed are for reference purposes only and these are to be read and construed as though they were not part of this Deed.

2 GOVERNING LAW

This Deed is governed by and construed in accordance with the law of the State of New South Wales in force at the date of this Deed.

3 EFFECT OF DEED

In consideration of Council agreeing to consider the application, the Owners do hereby covenant and agree with the Council that, in the event of the Minister for Local Government (hereinafter called “the Minister”) agreeing to the compulsory acquisition of the road closure land as envisaged by this Deed then, except as may otherwise be expressly provided in this Deed, the succeeding clauses of this Deed shall be of full force and effect for the benefit of and enforceable by the Council

4 COUNCIL TO CONSIDER APPLICATION

Upon exchange of this Deed the Council shall process and give consideration to the application and in the event, after due consideration of the various public interests, the Council decides to support the road closure application it shall expeditiously submit to the Minister an application to compulsorily acquire the road closure land.

5 COUNCIL MAY NOT SUPPORT THE APPLICATION

The Owners acknowledge and agree the Council may, in its sole discretion, determine it will not support the application. In such event the Owners hereby undertake to meet all cost expenses and outgoings incurred by the Council in relation to the consideration of the application and shall save the Council harmless for any claim or claims the Owners may have, have had or had against the Council for any expense loss or otherwise incurred by the Owners in relation to the application.

6 ACKNOWLEDGEMENT BY OWNERS

Based on the Owners’ application to Council to close part of the road and request for Council to support the Owners’ request to transfer ownership of the road closure land to the Owners if so closed, then the Owners acknowledge and agree with Council as follows:

- (a) In accordance with Section 188 of the Local Government Act 1993 the Council hereby notifies the Owners, as owners of land adjoining the road closure land, of Council's intention to compulsorily acquire the road closure land. Receipt and acknowledgment of this notice is confirmed by the Owners at the date of this agreement.
- (b) Despite the Land acquisition (Just Terms Compensation) Act 1991 and the decision in *Tanner v Minister for Education and Training* (2003), 128 LGERA 281, the Owners, as owners of land adjoining the road closure land, hereby waive any rights it may have to seek compensation from Council arising from the Council's compulsory acquisition of the road closure land and release the Council from any liability arising from the Owners' inability to access their adjoining land from the road closure land.

7 OWNERS' WARRANTY

The Owners represent and warrant that in entering into this agreement:

- (a) the Owners have not entered into this agreement as a result of any representation, whether oral or in writing, by the Council or anyone on the Council's behalf except as provided in this agreement,
- (b) the Owners have relied entirely on the Owners' own enquiries relating to the road closure land prior to entering into this agreement including the obtaining of independent legal advice and have satisfied themselves as to the obligations and rights of the Owners under this agreement, and
- (c) the Owners specifically warrant that the Owners have not entered into this agreement in reliance on any statement, presentation, promise or warranty made by the Council on its behalf in respect of:
 - (i) the fitness or suitability of the road closure land for use other than the use permitted by Council, or
 - (ii) any financial return or income to be derived from the road closure land.
- (d) the Owners acknowledge that the road closure land is purchased in its present condition. The Owners shall make no objection, requisition or claim for compensation in respect of any latent or patent defect in the road closure land.

8 TRANSFER OF LAND

The Owners covenant and agree with the Council that, should the Minister approve of action to compulsorily acquire the road closure land and Council causes an acquisition notice for the road closure land to appear in the NSW Government Gazette, the Owners will expeditiously proceed to take all necessary action to purchase the land

therein (subject to Clause 9 below) and pay the current market value therefore as determined by a duly qualified registered valuer or as determined by the Minister and if the road closure land is transferred to the Owners then the Owners shall, within 6 months of the date of that transfer, consolidate the road closure land with the title to the Owners' land and will bear all costs in relation to this including but not limited to survey costs, registration costs and legal costs.

FURTHER, Should the Owners not complete the transfer of the road closure land and consolidate it with the title of the Owners' land within 6 months as required, the Council may take all necessary actions to achieve such transfer and consolidation and the Owners undertake and agree to co-operate with the Council in such transfer and consolidation including but not limited to signing all documents, producing all documents at the Land Titles Office to achieve registration and making all and any applications to any mortgagees for required consents, approvals and productions. The Owners further undertake and agree to meet all of the Council's costs and expenses in relation to this.

9 EXPENSES AND RESPONSIBILITY OF THE OWNER

The whole of the costs, expenses, outgoings and disbursements associated with or in any way connected with the closure of the road and transfer of ownership of the road closure land to the Owners shall at all times be the sole and absolute responsibility of the Owners. The Council shall in no way be responsible for any costs associated with these matters.

10 ENTER A CAVEAT

For the purposes of protecting the estate or interest created in favour of the Council by this Deed, the Council shall be entitled to enter a Caveat against the title to the Owners' land and the road closure land and the Owners shall raise no objection to the entry of any such Caveat nor request nor seek the removal of such Caveat unless and until the covenants contained herein on the part of the Owners have been fully complied with PROVIDED THAT in the event of the Owners wishing to have a mortgage registered against the title to the Owners' land the Council, upon written request, shall deliver to the Owners a letter addressed to the Registrar General consenting to the registration of any such mortgage or mortgages.

11 COST OF THIS DEED

The Owners shall meet the Council's reasonable legal costs and disbursements in relation to the preparation, execution and stamping of this Deed and the registration and removal of the Caveat.

12 BINDING ON SUCCESSORS

It is hereby agreed and declared between the parties that this Deed shall be jointly and severally binding upon the Owners and their successors, transferees or assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals and set their hands on the day and year first hereinbefore written.

THE COMMON SEAL of _____ was hereto affixed on _____)
the _____ day of _____) _____
200* and attested to by: _____) Director
_____) _____
Secretary

THE COMMON SEAL of DUNGOG SHIRE)
COUNCIL was hereto affixed on the)
..... day of)200* Mayor
and attested to by:)
) General Manager
)