



## MEDIA RELEASE

25 June 2025

# Update on Millthorpe Footpath Legal Proceedings

Council wishes to provide an update to the community in relation to legal proceedings commenced by the owner of the Grand Western Lodge (the Lodge) in the NSW Land and Environment Court (Court).

In April 2025, the owner of the Lodge commenced proceedings against Council in Court. Those proceedings related to the proposed footpath resurfacing works outside of the Lodge.

In summary the proceedings sought orders from the Court that Council not undertake such works, as a consequence of an alleged failure to obtain approvals under the *Environmental Planning and Assessment Act 1979* and/or the *Heritage Act 1977*.

As part of an upgrade to the [Millthorpe CBD](#), Council intended to resurface the footpath adjacent to the Lodge with asphalt, as a like for like renewal of the current footpath surface – which has been bitumen for over 70 years. The footpath works component of the project did not commence given the legal proceedings.

The legal proceedings were recently discontinued by the owner of the Lodge. Council consented to the discontinuance.

Council could only see further time and significant legal fees being incurred on this matter, for no tangible outcome or benefit to the wider community. As such Council agreed to the discontinuance.

Disappointingly, for the time being the footpath surface will remain in its current condition. At this stage the budget allocated for the project will carry over to the 2025/26 financial year.

Frustratingly, these legal proceedings have cost Council (and the community) more than \$30,000. Additionally, this matter has consumed more than 150 hours of staff time, which could have been utilised on a number of other matters and projects throughout the shire.

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### Contact

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