

Gateway Determination

Planning proposal (Department Ref: PP-2025-2550): *amend Schedule 2 Exempt Development and Part 1 of Schedule 4 Classification and reclassification of public land (no interests changed)*

I, the Director, Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan 2012 to amend Schedule 2 Exempt Development and Part 1 of Schedule 4 Classification and reclassification of public land (no interests changed) should proceed subject to the following.

The LEP should be completed on or before 26 March 2027.

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be updated to:
 - a) include clear and full details to clarify the intent and justification for Objective 1 (amend Schedule 2 Exempt Development to permit the subdivision of public roads as exempt development for the purpose of road closure) within Part 2 and 3 of the planning proposal, including NSW Land Registry Services' requirements and the inability to utilise other provisions under local or state environmental planning instruments
 - b) indicate that the proposed provision under Schedule 2 Exempt development may change in the legal draft process however the intent will not change
 - c) in accordance with *LEP Practice Note PN-16-001 – Classification and Reclassification of Public Land through a Local Environmental Plan* (PN-16-001), address:
 - i. that the reserve status of sites 13, 20, 24, and 25 is not proposed to be changed or removed
 - ii. whether the uses described in Table 3 of the planning proposal are authorised or unauthorised
 - d) correct the address of site 8, 38 Kandos Tip Road, Kandos (Lot 300 DP 821839) to 38 Kandos Tip Road, Rylstone
 - e) correct the Land Reclassification Maps at Appendix D to ensure that Site 5 is included
2. Prior to public exhibition, the updated planning proposal is to be forwarded to the Minister under section 3.34(6) of the Act for review and approval.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that

must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

4. A public hearing is required to be held in accordance with section 29 of the *Local Government Act 1993* and PN-16-001.

Dated 22 April 2026



Chantelle Chow
Director, Southern, Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces