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Planning Proposal Report

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

Client: Mid-Western Regional Council

Site Address: Mid-Western Regional Local Government Area

17 June 2026

Our Reference: 44161-PR01_D

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1. INTRODUCTION

1.1. Background

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

Objective 1: Amend Schedule 2 Exempt Development

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

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

Objective 2: Reclassification of Land

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

1.2. Planning Proposal

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

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

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

- Part 1 – Objectives or intended outcomes
- Part 2 – Explanation of Provisions
- Part 3 – Justification and strategic and site-specific merit
- Part 4 – Maps
- Part 5 – Community Consultation
- Part 6 – Project Timeline

1.3. Proponent

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

1.4. Consultant

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

1.5. Supportive Documentation

This Planning Proposal is supported by the following documentation.

Table 1: Appendices

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

2. PLANNING PROPOSAL

2.1. Part 1 – Objectives or Intended Outcomes

The objectives and intended outcomes of this Planning Proposal.

There are two objectives of this Planning Proposal:

Objective 1: amend Schedule 2 Exempt Development to introduce a provision to permit the subdivision of public roads as exempt development for the purpose of road closure.

The intended outcome is to allow the efficient closure and subdivision of Council owned roads which do not meet the minimum lot size for subdivision under Clause 4.1 of the Mid-Western Regional LEP. Importantly, this will only relate to land comprising a council public road proposed for closure under the Roads Act 1993, Part 4, Division 3.

Note: the final wording of this provision will ultimately be determined through the legal drafting process, however, the intent of the planning proposal will remain.

Objective 2: amend Schedule 4 – Part 1 to reclassify Council owned land from Community to Operational (no interests changed).

The intended outcome is to allow for future development of the land for operational purposes. This Planning Proposal does not propose to extinguish any easements, encumbrances, or interests on any of the sites specified within this report.

The Planning Proposal includes comprehensive supporting information

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

- Request an amendment to the land classification.
- Request an amendment to the LEP to allow for exempt subdivision when relating to council road closures.
- Address the 'Gateway Determination Assessment' Criteria under Part 3 of the EP&A Act 1979.
- Provide justification for the LEP amendment and demonstrate the net community benefits which follow.
- Demonstrate that the Planning Proposal is consistent with NSW Department of Planning, Industry and Environment and Council broad strategic direction for the locality.
- Demonstrates that this Planning Proposal has been prepared in accordance with PN 16-001 'Classification and reclassification of public land through a local environmental plan'.

2.2. Part 2 – Explanation of Provisions

The following section of this Planning Proposal outlines the proposed changes required to achieve the objectives detailed in the earlier sections of this report.

2.2.1. Road Closure

The Planning Proposal will be implemented through an amendment to Schedule 2 – Exempt Development of the Mid-Western Regional LEP. Importantly, no mapping modifications will be required, as the proposal will apply to the entire Local Government Area, as shown in **Figure 1 – LEP Land Application Map**.

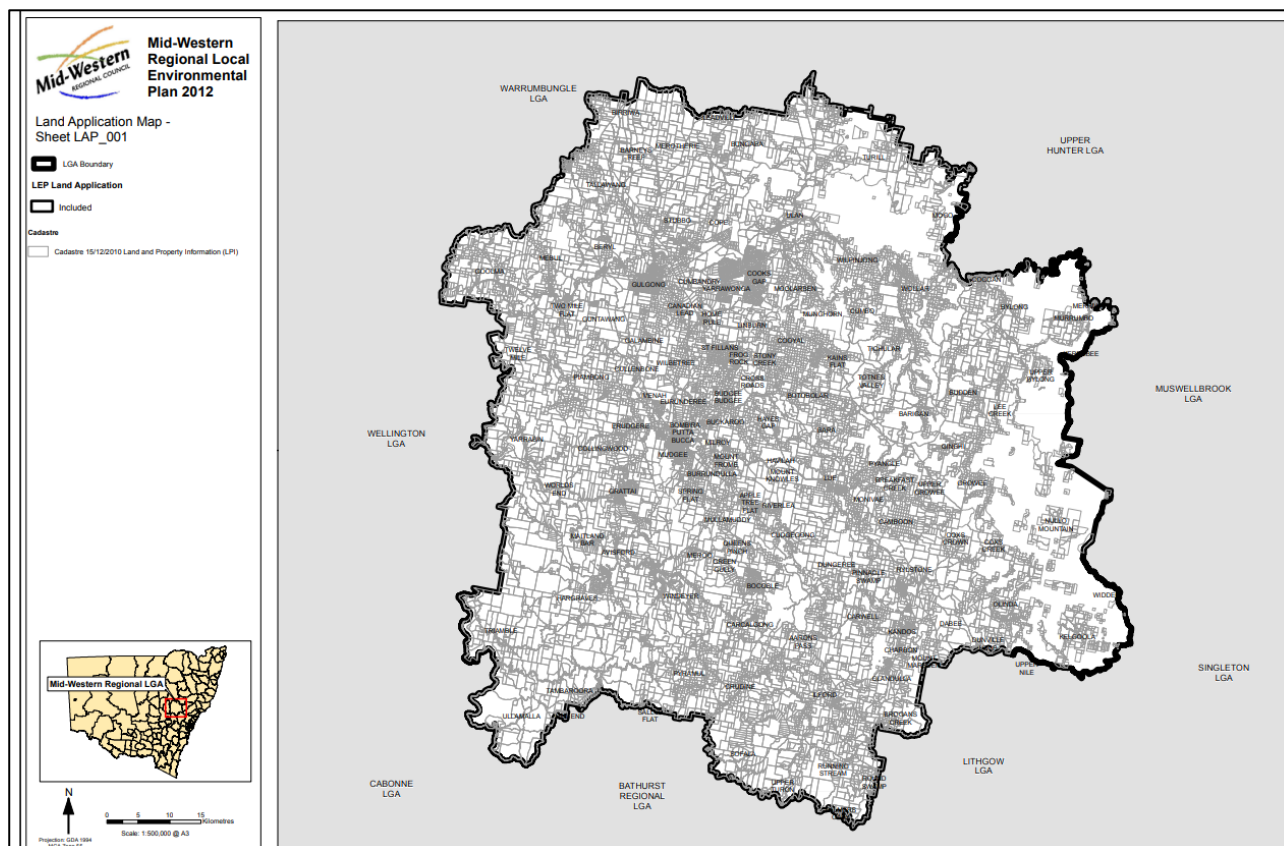


Figure 1: LEP Land Application

Source: Mid-Western Regional Local Environmental Plan 2012

Amendment 1: Closure of Council owned Roads

The Planning Proposal recommends that Mid-Western Regional LEP 2012 is amended by adding Closure of Council owned roads that are the subject of a closure into Schedule 2 Exempt Development (an example is provided below, noting that the final wording of this provision will be determined through the legal drafting process). This will also include a direct link to Section 38A of the Roads Act 1993 which sets out the requirements for when Council proposes a closure of a Council public road. This would remove the anomaly where Council cannot close roads that fail to meet the minimum lot size, as these lots are unable to be subdivided into a single lot, which is required by the Land Registry Service when closing a road vested in the Council.

Schedule 2 Exempt development

Subdivision of Council public roads

Must relate to land comprising a council public road proposed for closure under the Roads Act 1993, Part 4, Division 3

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

S38A Roads Act 1993

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

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

Road Closure Example

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

Example 1: Bylong RFS Shed:

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

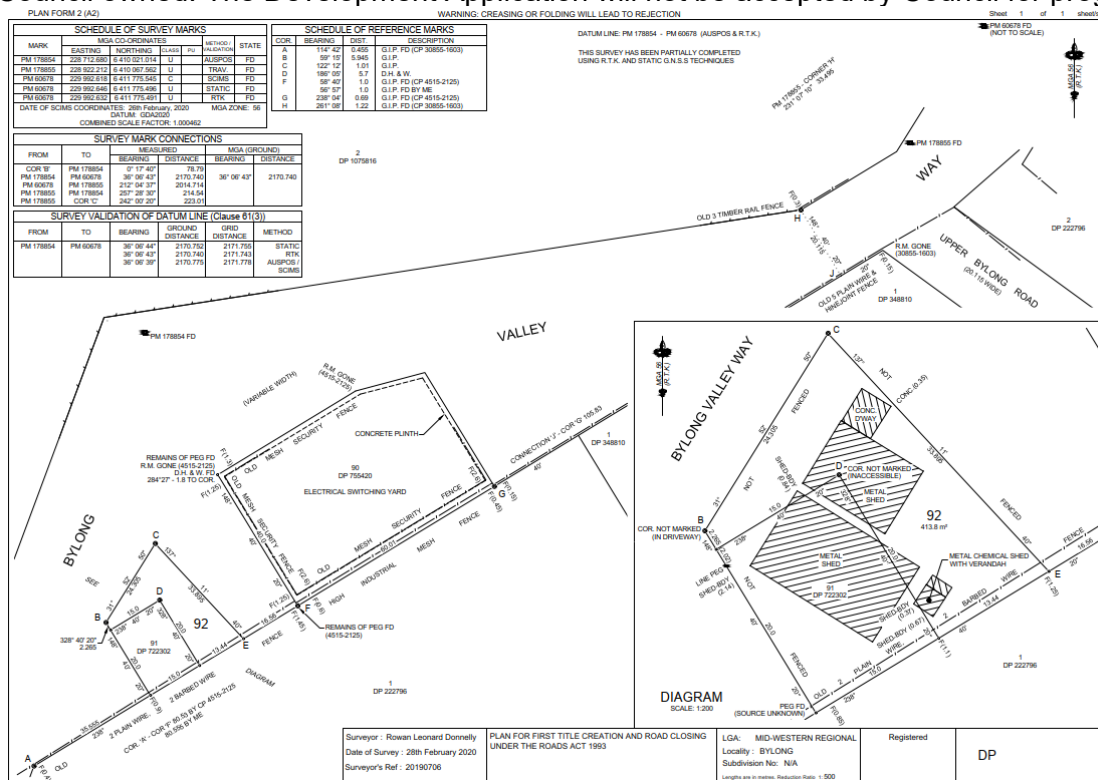


Figure 2: Bylong RFS Shed Example

Source: Mid-Western Regional Local Environmental Plan 2012

Example 2: Cooyal Waste Transfer Station (WTS)

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

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

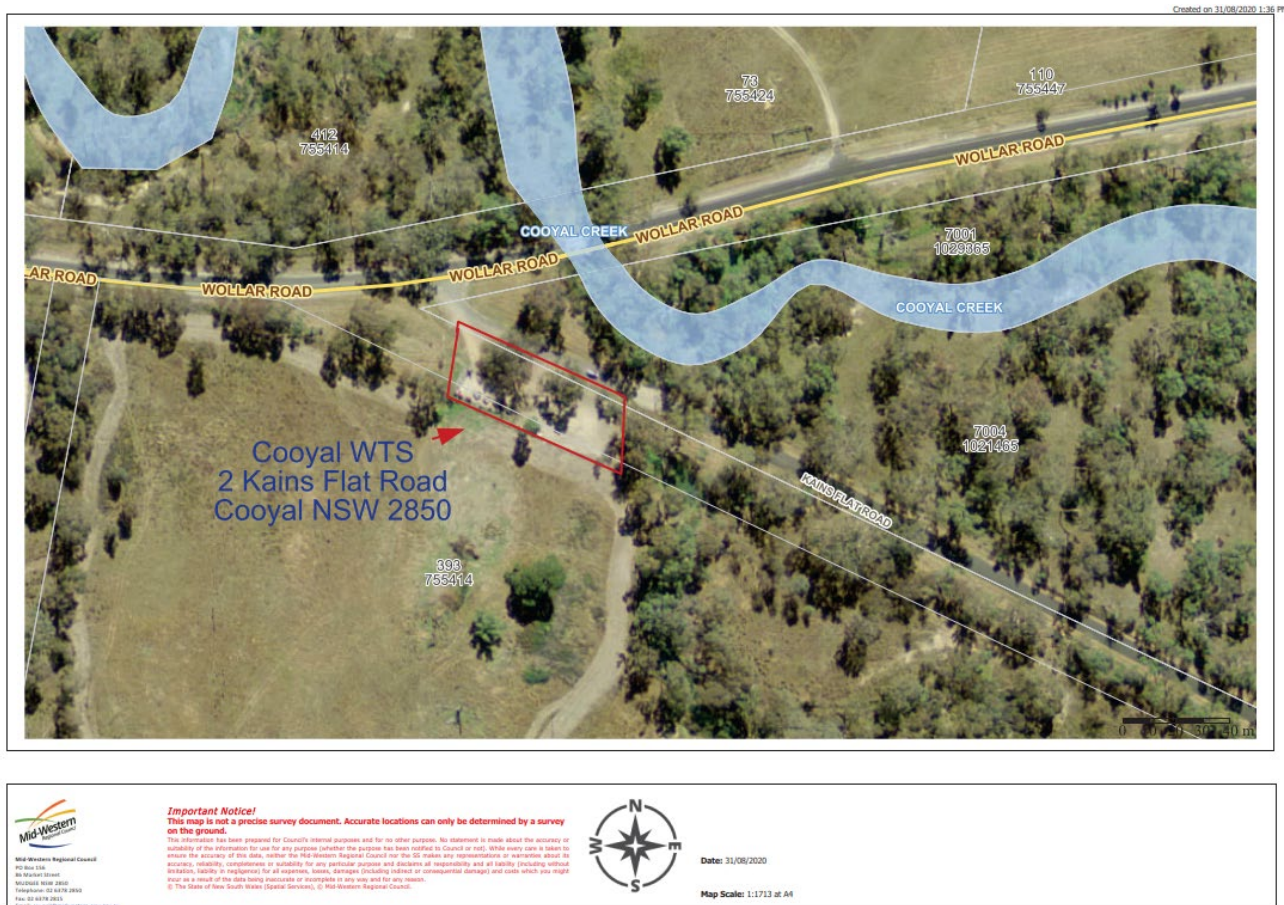


Figure 3: Cooyal WTS Example

Source: Mid-Western Regional Local Environmental Plan 2012

2.2.2. Site Subject to Planning Proposal

This Planning Proposal seeks to reclassify land relates to twenty-seven (27) sites across the Local Government Area, including car parks, vacant land, dog pounds, quarries, and reserves. Each of these sites has been described below.

Site 1: 3 Byron Place, Mudgee

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



Figure 4: 3 Byron Place, Mudgee (Lot 1 in DP1016484)

Source: Sixmaps (accessed 24/1/2025)

Site 2: 3 Byron Place, Mudgee

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

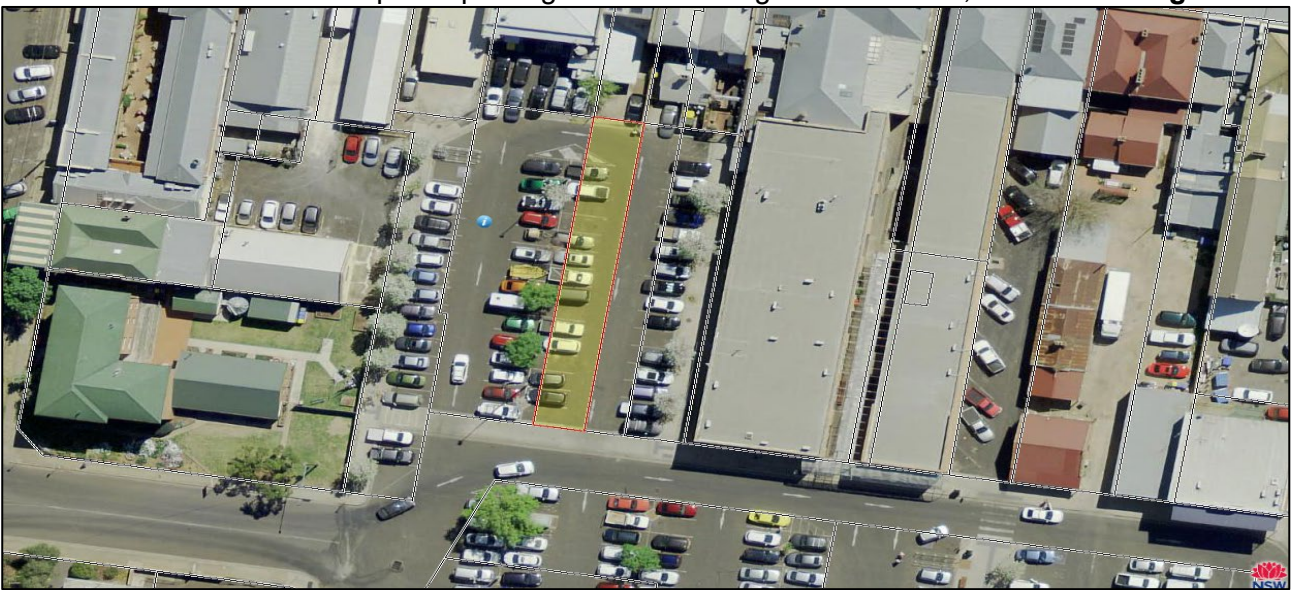


Figure 5: 3 Byron Place, Mudgee (Lot 2 in DP1017112)

Source: Sixmaps (accessed 24/1/2025)

Site 3: 3 Byron Place, Mudgee

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

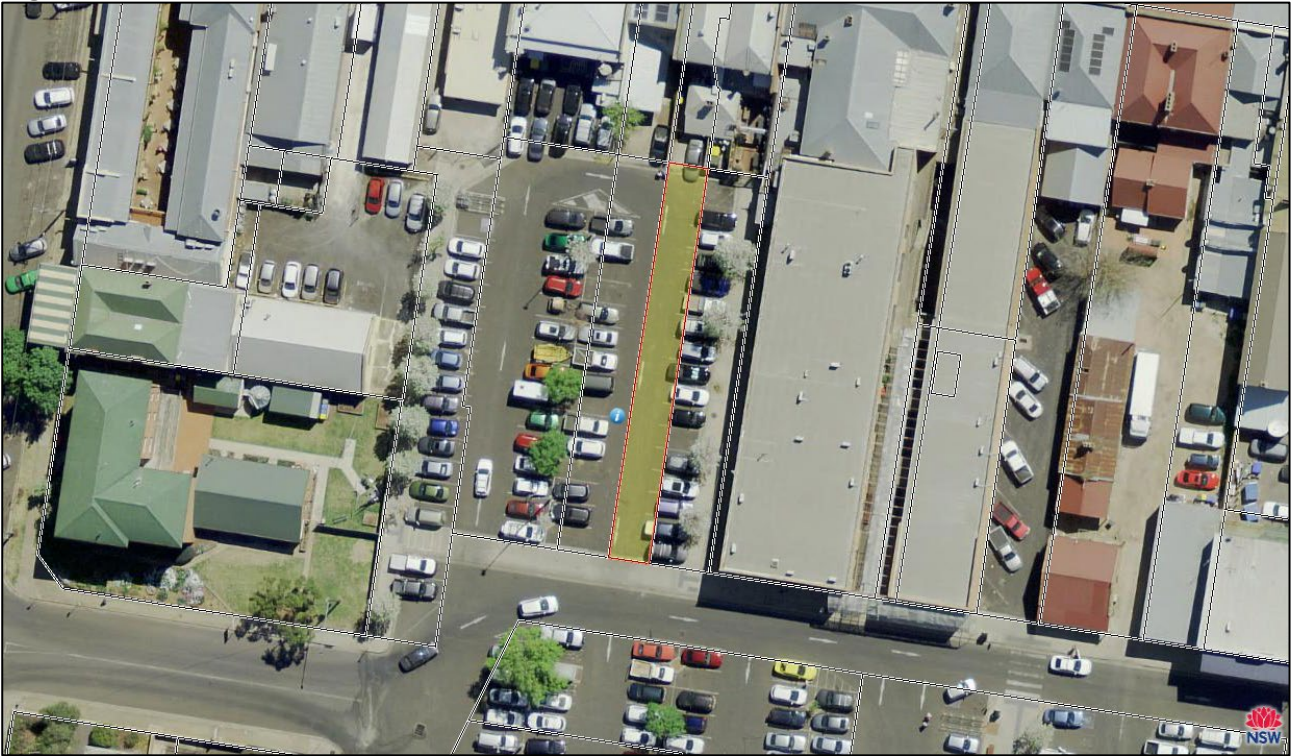


Figure 6: 3 Byron Place, Mudgee (Lot 3 in DP1026343)

Source: Sixmaps (accessed 24/1/2025)

Site 4: 3 Byron Place, Mudgee

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



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

Source: Sixmaps (accessed 24/1/2025)

Site 5: 46 White Street, Gulgong

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



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

Source: Sixmaps (accessed 24/1/2025)

Site 6: 33-35 Ilford Street, Rylstone

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



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

Source: Sixmaps (accessed 24/1/2025)

Site 7: 3 Dawson Street, Rylstone

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



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

Source: Sixmaps (accessed 24/1/2025)

Site 8: 38 Kandos Tip Road, Rylstone

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



Figure 11: 33 Kandos Tip Road, Rylstone (Lot 300 in DP 821839)

Source: Sixmaps (accessed 24/1/2025)

Site 9: 33E Wenonah Street, Gulgong

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



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

Source: Sixmaps (accessed 24/1/2025)

Site 10: 88 Market Street, Mudgee

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



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

Source: Sixmaps (accessed 24/1/2025)

Site 11: 6916 Ilford Sofala Road, Ilford

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



Figure 14: 6916 Ilford Sofala Road, Ilford (Lot1 in DP 1145132)

Source: Sixmaps (accessed 24/1/2025)

Site 12: 49 White Street, Gulgong

Site 12 is located at 49 White Street, Gulgong and is legally described as Lot 501 in DP 1321510. The site currently has a structure located within its boundaries, as shown in **Figure 15** below. The building is used as a café and museum.



Figure 15: 49 White Street, Gulgong (Lot 501 in DP 1321510)

Source: Mid-Western Regional Council (accessed 24/11/2025)

Site 13: 12 Consadine Grove, Spring Flat

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



Figure 16: 12 Consadine Grove, Spring Flat (Lot 38 in DP 1212812)
Source: Sixmaps (accessed 24/1/2025)

Site 14: 105 Spring Creek Road, Gulgong

Site 14 is located at 105 Spring Creek Road, Gulgong and is legally described as Lot 1 in Deposited Plan 1016478. The site forms part of the land accommodating sewer treatment plant structures and associated infrastructure services, as shown in **Figure 17**.



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

Site 15: 107 Spring Creek Road, Gulgong

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



Figure 18: 107 Spring Creek Road, Gulgong (Lot 2 in DP 1016478)

Source: Sixmaps (accessed 24/1/2025)

Site 16: 33 Wenonah Street, Gulgong

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



Figure 19: 33 Wenonah Street, Gulgong (Lot 1 in DP1141002)

Source: Sixmaps (accessed 24/1/2025)

Site 17: 33 Wenonah Street, Gulgong

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



Figure 20: 33 Wenonah Street, Gulgong (Lot 2 in DP1141002)

Source: Sixmaps (accessed 24/1/2025)

Site 18: 1A/77 Market Street, Mudgee

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

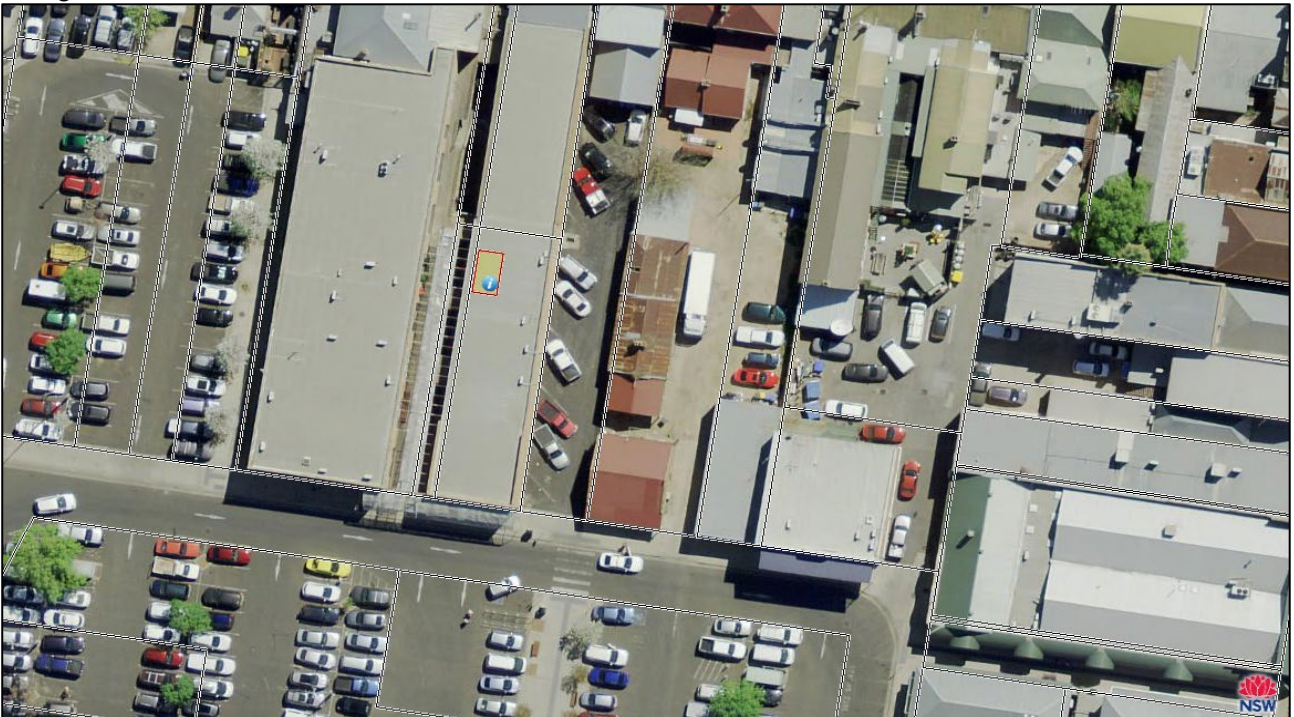


Figure 21: 1A/77 Market Street, Mudgee (Lot 1 in DP1038619)

Source: Sixmaps (accessed 24/1/2025)

Site 19: 26 Burrundulla Road, Burrundulla

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



Figure 22: 26 Burrundulla Road, Burrundulla (Lot 2 in DP 1104479)

Source: Sixmaps (accessed 24/1/2025)

Site 20: 9 Barrington Court, Mudgee

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



Figure 23: 9 Barrington Court, Mudgee (Lot 8 in DP 1221711)

Source: Sixmaps (accessed 24/1/2025)

Site 21: 1 Mill Street, Rylstone

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



Figure 24: 91 Mill Street, Rylstone (Lot 1350 in DP1091480)

Source: Sixmaps (accessed 24/1/2025)

Site 22: 32 Russell Road, Kandos

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



Figure 25: 32 Russell Road, Kandos (Lot 1 in DP786820)

Source: Sixmaps (accessed 24/1/2025)

Site 23: 533 Cooper Drive, Clandulla

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



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

Site 24: 42 Melton Street, Mudgee

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



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

Site 25: 9A Hughson Avenue, Mudgee

Site 25 is located at 9A Hughson Avenue, Mudgee and is legally described as Lot 10 Deposited Plan 1199604 as shown in **Figure 28**. The site is part of land uses as a drainage reserve. Notably, the

site is zoned R1 – General Residential under the *Mid-Western Regional Local Environmental Plan 2012*.



Figure 28: 9A Hughson Avenue, Mudgee (Lot 10 in DP1199604)

Source: Sixmaps (accessed 24/1/2025)

Site 26: 33 Buchanan Street, Kandos

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



Figure 29: 33 Buchanan Street, Kandos (Lot 17 in Section 5 in DP8161)

Source: Sixmaps (accessed 24/1/2025)

Site 27: 737 Botobolar Road, Botobolar

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



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

Source: Sixmaps (accessed 24/1/2025)

2.2.3. Reclassification of Community Land

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

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

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

public reserve means—

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or

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

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

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

(ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Land Management Act 2016*, being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or

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

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

Table 2: Lot Summary

Site	Address	Lot and DP	Further Site Details
Site 1	3 Byron Place, Mudgee	Lot 1 DP 1016484	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 2	3 Byron Place, Mudgee	Lot 2 DP 1017112	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 3	3 Byron Place, Mudgee	Lot 3 DP 1026343	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 4	3 Byron Place, Mudgee	Lot 4 DP 1026343	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 -22 June 2032.
Site 5	46 White Street, Gulgong	Lot 13 Section 27 DP 758482	Tenanted on a Monthly basis via Raine & Horne Gulgong, 102 Mayne Street Gulgong NSW 2852.
Site 6	33-35 Ilford Street, Rylstone	Lot 1 DP 1020755	Site accommodates RFS and water reservoir.
Site 7	3 Dawson Street, Rylstone	Lot 8 Section 28 DP 758891	Council proposes to develop land for future requirements.

Site 8	38 Kandos Tip Road, Rylstone	Lot 300 DP 821839	Former use as a pound. Zoned Part E4 General Industrial. Not suitable for community land.
Site 9	33E Wenonah Street Gulgong	Lot 1 DP 727202	Part of a larger site encompassing Flirtation Hill. Accommodates water reservoir on the land.
Site 10	88 Market Street, Mudgee	Lot 9 DP 824137	Use as Council office space. Zoned E2 Commercial.
Site 11	6916 Ilford Sofala Road, Ilford	Lot 1 DP 1145132	Quarry Site.
Site 12	49 White Street, Gulgong	Lot 501 DP 1321510	Current use as a café and museum.
Site 13	12 Consadine Grove, Spring Flat	Lot 38 DP 1212812	Drainage Reserve.
Site 14	105 Spring Creek Road, Gulgong	Lot 1 DP 1016478	Sewer Treatment Plant.
Site 15	107 Spring Creek Road, Gulgong	Lot 2 DP 1016478	Sewer Treatment Plant.
Site 16	33 Wenonah Street, Gulgong	Lot 1 DP 1141002	Water Reservoir.
Site 17	33 Wenonah Street, Gulgong	Lot 2 DP 1141002	Water Reservoir.
Site 18	1A/77 Market Street, Mudgee	Lot 1 DP 1038619	License with Perpetual Trustees Aust for repair and maintenance 23 June 1982 - 22 June 2032.
Site 19	26 Burrundulla Road, Burrundulla	Lot 2 DP 1104479	Water Treatment Plant.
Site 20	9 Barrington Court, Mudgee	Lot 8 DP 1221711	Drainage Reserve.
Site 21	1 Mill Street, Rylstone	Lot 1350 DP 1091480	Water Reservoir.
Site 22	32 Russell Road, Kandos	Lot 1 DP 786820	Water Reservoir.

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

Table 3: Lot Amendments and Acquisition History

Site	Lot and DP	Interest Pertaining to the Land	Public Reserve (Y/N) – Per Local Government Act	Authorised / Unauthorised
Site 1	Lot 1 DP 1016484	1 reservations and conditions in the crown grant(s) 2 dp1016484 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram 3 dp1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in dp1026343 8672800 variation of easement dp1026343 terms varied	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 2	Lot 2 DP 1017112	- Reservations and conditions in the crown grant(s) - DP1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in dp1026343	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised

		8672800 variation of easement dp1026343 terms varied		
Site 3	Lot 3 DP 1026343	- Reservations and conditions in the crown grant(s) - DP1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in dp1026343 8672800 variation of easement dp1026343 terms varied	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 4	Lot 4 DP 1026343	- Reservations and conditions in the crown grant(s) - DP1026343 right of carriageway 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram 8672800 variation of easement dp1026343 terms varied	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 5	Lot 13 Section 27 DP 758482	- Land excludes minerals and is subject to reservations and conditions in favour of the crown - see memorandum s700000c - Excepting any roads and resumed land - Subject to the conditions contained in the government gazette dated 9-3-1962 - Special lease 1957/23 Mudgee. - Subject to the provisions of the crown lands consolidation act, 1913, particularly as regards payment of annual rent and other dues, restrictions on dealings, and restrictions	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve under the LG Act as the land relates to a “Public Park”.	Unauthorised

on subdivision - see
sections 257 and s 75b

Site 6	Lot 1 DP 1020755	- Land excludes minerals by the crown grant. - Reservations and conditions in the crown grant(s) within the part(s) shown so indicated in the title diagram.	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 7	Lot 8 Section 28 DP 758891	Land excludes minerals and is subject to reservations and conditions in favour of the crown – see crown grant(s)	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 8	Lot 300 DP 821839	- Land excludes minerals (s.171 crown lands act 1989) - DP874289 easement to drain water 3 metres wide appurtenant to the land above described, affecting the part shown so burdened in deposited plan 874289	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 9	Lot 1 DP 727202	- Lands excludes minerals and is subject to reservation and conditions in favour of the crown – see memorandum s70000B - Excepting land below a depth from the surface of 20 metres	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve via – Public Recreation - Section 49 of LG Act.	Unauthorised
Site 10	Lot 9 DP 824137	- Land excludes minerals (s.171 crown lands act 1989). - NOTE: Revocation of reservation of Crown Land Vide Gov. Gas 5.1.1996 FOL 10	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 11	Lot 1 DP 1145132	Land excludes minerals and is subject to reservations and conditions	No – Does not meet the definition of “Public Reserve”	Unauthorised

in favour of the crown – see crown grant(s) under the LG Act or those other Acts referenced.

- DP1145132 Restriction(s) on the use of land

Site 12	Lot 501 DP 1321510	• Land excluded minerals and is subject to reservation and condition in favour of the Crown – See Crown Grant (s) • Excepting the land below a depth from the surface of 15.24 metres by the Crown Grant	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve under the LG Act as the land relates to a “Public Park”.	Unauthorised
Site 13	Lot 38 DP 1212812	• Reservations and conditions in the crown grant(s) within the part(s) shown so indicated in the title diagram • Land excludes minerals (s.171 crown lands act 1989) within the part(s) shown so indicated in the title diagram • Qualified title. caution pursuant to section 28j(1) and 28j(1a) of the real property act, 1900. entered 28.1.1988 as regards the part in bk3354 no962 • DP1150667 easement for overhead power line(s) varying widths affecting the part(s) shown so burdened in the title diagram • DP1206488 positive covenant • The land within described is a drainage reserve	Yes- The site is a public reserve via – Public Recreation - Section 49 of LG Act. NOTE: the reserve status of this site is not proposed to be changed or removed.	Unauthorised
Site 14	Lot 1 DP 1016478	• 0204579 – Land excludes minerals see crown grant as regards the part(s) shown so burdened in the title diagram • DP1016478 – Right of Carriageway 15 metre(s)	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised

		wide affecting the part(s) shown burdened in the title diagram. - DP1016478- Right of Carriageway 10 metre(s) wide and 5 metre(s) wide affecting the part(s) shown burdened in the title diagram. - AN230540 – Lease to Danny Gordon Moerkerk Expires 19/12/2022		
Site 15	Lot 2 DP 1016478	- O204579 land excludes minerals see crown grant - DP1016478 right of carriageway 15 metre(s) wide appurtenant to the land above described - DP1016478 right of carriageway 10 metre(s) wide and 5 metre(s) wide appurtenant to the land above described	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 16	Lot 1 DP 1141002	- Limited title. Limited pursuant to Section 28T(4) of the Real Property Act, 1900. The boundaries of the land comprised herein have not been investigated by the registrar general - Land excludes minerals (S.141 Public Works Act, 1912)	Yes – Land is zoned RE1 – Public Recreation - Section 49 of LG Act.	Unauthorised
Site 17	Lot 2 DP 1141002	- Limited title. limitation pursuant to section 28t(4) of the real property act, 1900. the boundaries of the land comprised herein have not been investigated by the registrar general. - Land excludes minerals (s.141 public works act, 1912).	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve via – Public Recreation - Section 49 of LG Act.	Unauthorised

Site 18	Lot 1 DP 1038619	• Reservations and conditions in the Crown Grants(s) • The land above described is limited in stratum in the manner described in the title diagram. • DP1038619 Right of Footway 0.29 metre(s) wide appurtenant to the land above described. • DP1038619 Easement for services 0.29 metre(s) wide appurtenant to the land above described.	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 19	Lot 2 DP 1104479	• DP1104479 easement to drain water 10 metre(s) wide affecting the part(s) shown so burdened in the title diagram	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 20	Lot 8 DP 1221711	• Reservations and conditions in the crown grant(s) • The land within described is a drainage reserve • DP815010 positive covenant • DP815010 restriction(s) on the use of land • DP1022765 restriction(s) on the use of land referred to and numbered 1 in the s.88b instrument	Yes – The land is zoned RE1 – Public Recreation under the Mid-Western LEP 2012. The site is a public reserve via – Public Recreation - Section 49 of LG Act. NOTE: the reserve status of this site is not proposed to be changed or removed.	Unauthorised
Site 21	Lot 1350 DP 1091480	• W347940 Land excludes minerals of the part shown on designated in the title diagram.	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 22	Lot 1 DP 786820	• Land excludes minerals and is subject to reservations and conditions in favour of the crown – see crown grant(s)	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised

Site 23	Lot 1 DP 748897	Land excluded minerals – see memorandum T447400	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 24	Lot 1 DP 1199604	- Reservations and conditions in the crown grant(s) - The land within described is a drainage reserve - DP1199604 easement to drain sewage 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram - DP1199604 easement for multi-purpose electrical installation 3 metre(s) wide affecting the part(s) shown so burdened in the title diagram	Yes- The site is a public reserve via – Public Recreation - Section 49 of LG Act. NOTE: the reserve status of this site is not proposed to be changed or removed.	Unauthorised
Site 25	Lot 10 DP 1199604	- Reservations and conditions in the crown grant(s) - The land within described is a drainage reserve - DP1199604 easement for underground powerlines 2 metre(s) wide affecting the part(s) shown so burdened in the title diagram	Yes- The site is a public reserve via – Public Recreation - Section 49 of LG Act. NOTE: the reserve status of this site is not proposed to be changed or removed.	Unauthorised
Site 26	Lot 17 Section 5 DP 8161	AN356399 land excludes minerals (s.141 public works act, 1912)	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised
Site 27	Lot 2531 DP 1010059	Land excludes mineral and is subject to reservations and conditions in favour of the crown – see crown grant(s)	No – Does not meet the definition of “Public Reserve” under the LG Act or those other Acts referenced.	Unauthorised

Table 4: Acquisition History

Site	Lot and DP	Land Zoning	Reason for Amendment	Acquisition History
Site 1	Lot 1 DP 1016484	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 6 th of September 2000
Site 2	Lot 2 DP 1017112	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 12 th of May 2000
Site 3	Lot 3 DP 1026343	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 8 th of August 2000
Site 4	Lot 4 DP 1026343	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Transferred to Council on the 8 th of August 2000
Site 5	Lot 13 Section 27 DP 758482	R1 – General Residential	To enable the land to be used for Council operational purposes.	Unknown.
Site 6	Lot 1 DP 1020755	RU5- Village	To enable the land to be used for Council operational purposes.	Resumed for Reservoir Site GG 31 st August 1956
Site 7	Lot 8 Section 28 DP 758891	RU5- Village	To enable the land to be used for Council operational purposes.	Unable to locate details.
Site 8	Lot 300 DP 821839	E4 – General Industrial and RU1 – Primary Production	To enable the land to be used for Council operational purposes.	Transferred to Council on 4 th of October 2001
Site 9	Lot 1 DP 727202	RE1- Public Recreation	To enable the land to be used for Council operational purposes.	Compulsory Acquired for Gulgong Sewerage Augmentation GG 4/10/1988
Site 10	Lot 9 DP 824137	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Acquired for Council operational requirements
Site 11	Lot 1 DP 1145132	RU1 – Primary Production	To enable the land to be used for Council operational purposes.	Settlement occurred 11/12/2009 – for Council quarry.
Site 12	Lot 501 DP 1321510	RE1 – Public Recreation	To enable the land to be used for Council operational purposes.	Purchased for Council requirements. 27/07/2001

Site 13	Lot 38 DP 1212812	R2- Low Density Residential	To enable the land to be used for Council operational purposes.	Dedicated as drainage reserve on registration of DP1212812 dated 24/11/2015
Site 14	Lot 1 DP 1016478	SP2 - Infrastructure	To enable the land to be used for Council operational purposes.	Acquired for the purposes of the Public Works Act 1912 – GG - 5/05/1995
Site 15	Lot 2 DP 1016478	SP2 - Infrastructure	To enable the land to be used for Council operational purposes.	Acquired for the purposes of the Public Works Act 1912 – GG - 5/05/1995
Site 16	Lot 1 DP 1141002	RE1- Public Recreation	To enable the land to be used for Council operational purposes.	Compulsory Acquired for Gulgong Sewerage Augmentation GG 4/10/1988
Site 17	Lot 2 DP 1141002	RE1- Public Recreation	To enable the land to be used for Council operational purposes.	Compulsory Acquired for Gulgong Sewerage Augmentation GG 4/10/1988
Site 18	Lot 1 DP 1038619	E2 – Commercial Centre	To enable the land to be used for Council operational purposes.	Purchased on 6/9/2000
Site 19	Lot 2 DP 1104479	E3 – Productivity Support, SP2 – Infrastructure and E4 – General Industrial	To enable the land to be used for Council operational purposes.	Purchased for Water Treatment Facility. Transfer processed using LGA 1993 Proclamation of 26/5/04
Site 20	Lot 8 DP 1221711	R1 – General Residential	To enable the land to be used for Council operational purposes.	Dedicated as Drainage Reserve on registration of DP1221711 dated 20/7/2016v
Site 21	Lot 1350 DP 1091480	RU1- Primary Production and RU5 - Village	To enable the land to be used for Council operational purposes.	Gazette dated 9 th September 1955 - Land resumed for the purpose of providing, controlling and managing public cattle markets for the sale of animals

Site 22	Lot 1 DP 786820	RU1- Primary Production	To enable the land to be used for Council operational purposes.	Acquisition Date: 27.10.2010- Purpose of Kandos Reservoir
Site 23	Lot 1 DP 748897	RU1- Primary Production	To enable the land to be used for Council operational purposes.	Vesting of Land for Clandulla Water Supply GG 21 December 1990
Site 24	Lot 1 DP 1199604	R1 – General Residential	To enable the land to be used for Council operational purposes.	Dedicated as drainage reserve on registration of DP1199604 as at 18.11.2014
Site 25	Lot 10 DP 1199604	R1 – General Residential	To enable the land to be used for Council operational purposes.	Dedicated as drainage reserve on registration of DP1199604
Site 26	Lot 17 Section 5 DP 8161	RU5 - Village	To enable the land to be used for Council operational purposes.	Gazette dated: 7 th April 1955. Transfer did not occur until 15/05/2018
Site 27	Lot 2531 DP 1010059	RU1- Primary Production	To enable the land to be used for Council operational purposes.	Gifted to Council for RFS facility. 22/2/2000

Table 5: Schedule of Amendments

Schedule 4 to be Amended	Property Details
Amend Schedule 4, Part 1: Land Classified, or reclassified, as operational land – no interests changed	See below.
Amend Schedule 4, Part 2: Classified, or reclassified, as operational land – interests changed	N/A – there are no interests proposed to be changed, therefore no amendment to this section is required.

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

Column 1	Column 2
Locality	Description
737 Botobolar Road, Botobolar	Lot 2531 DP 1010059
26 Burrundulla Road, Burrundulla	Lot 2 DP 1104479

533 Cooper Drive, Clandulla	Lot 1 DP 748897
33E Wenonah Street, Gulgong	Lot 1 DP 727202
33 Wenonah Street, Gulgong	Lot 1 DP 1141002
33 Wenonah Street, Gulgong	Lot 2 DP 1141002
46 White Street, Gulgong	Lot 13 Section 27 DP 758482
49 White Street, Gulgong	Lot 501 DP 1321510
105 Spring Creek Road, Gulgong	Lot 1 DP 1016478
107 Spring Creek Road, Gulgong	Lot 2 DP 1016478
6916 Ilford Sofala Road, Ilford	Lot 1 DP 1145132
32 Russell Road, Kandos	Lot 1 DP 786820
33 Buchanan Street, Kandos	Lot 17 Section 5 DP 8161
38 Kandos Tip Road, Rylstone	Lot 300 DP 821839
1A/77 Market Street, Mudgee	Lot 1 DP 1038619
3 Byron Place, Mudgee	Lot 1 DP 1016484
3 Byron Place, Mudgee	Lot 2 DP 1017112
3 Byron Place, Mudgee	Lot 3 DP 1026343
3 Byron Place, Mudgee	Lot 4 DP 1026343
9 Barrington Court, Mudgee	Lot 8 DP 1221711
9A Hughson Avenue, Mudgee	Lot 10 DP 1199604
42 Melton Street, Mudgee	Lot 1 DP 1199604
88 Market Street, Mudgee	Lot 9 DP 824137
1 Mill Street, Rylstone	Lot 1350 DP 1091480
3 Dawson Street, Rylstone	Lot 8 Section 28 in DP758891
33-35 Ilford Street, Rylstone	Lot 1 in DP1020755
12 Consadine Grove, Spring Flat	Lot 38 in DP1212812

2.2.4. LEP Practice Notes PN16-001

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

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

Requirements	Response
The current and proposed classification of the land	All land is currently classified as <i>community land</i> and is proposed to be reclassified to <i>operational land</i> .
Whether the land is a public reserve (defined in the LG Act)	Please refer to Table 3 above. Several sites have been identified as having public reserve status, this includes: • Lot 13 in Section 27 in DP758482, • Lot 1 in DP727202 • Lot 501 DP 1321510 • Lot 38 in DP121812 • Lot 1 in DP1141002 • Lot 2 in DP 1141002 • Lot 8 in DP 1221711 • Lot 1 in DP 1199604 • Lot 101199604 Please note, Governor-General approval is required when a reclassification proposal seeks to remove public reserve status or alter any existing interests. Therefore, the Governor-General must be consulted regarding the reclassification of the above allotments. [as per PN-16-001]. Please note, Table 3 has been based on the Preliminary Public Reserve Assessment which has been undertaken by Council and Barnson and summarised at Appendix C.
The Strategic and site-specific merits of the reclassification and evidence to support this.	Addressed in section 2.3.2 of the report.
Whether the Planning Proposal is the result of a strategic study or report.	The proposal is not the result of a strategic study or report.
Whether the Planning Proposal is consistent with the Council Community Plan or other Strategic Plan	Please refer to Section 2.3 of the report.
a summary of council's interests in the land, including: how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other	Please refer to Table 3 and 4 for summary of Council interests in the land and how it was acquired.

purpose, or a developer contribution)

2.3. Part 3 – Justification

2.3.1. Section A – Need for the Planning Proposals

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

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

Objective 1: Road Closure

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

Objective 2: Classification of land.

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

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

Objective 1: Road Closure

The proposed amendment to the Mid-Western Regional LEP is considered the most effective approach to establishing a streamlined process for the subdivision and closure of Council-owned roads. By adding 'subdivision of Council owned roads' as an item within Schedule 2 Exempt Development, a standard process for road closures is able to be established. This is especially important for the closure of roads in areas where a large Minimum Lot Size, where Council has been unable to subdivide and close the roads.

Council has explored all other avenues for closing undersized roads, including:

1. Utilising Clause 2.6 of the Mid-Western LEP – noting this cannot occur as the resultant lot must meet the minimum lot size prescribed by the LEP.
2. Utilising Clause 2.75 of the Codes SEPP allows subdivision to be carried out as exempt development – this cannot be utilised as the resultant lot will be less than the minimum lot size under the LEP allows.

Further, Council has consider advice from the Land Registry Service (LRS) which requires a deposited plan showing the closed road as a single lot or as multiple lots (plus easements) in accordance with a proposed disposal. There are instances where Council cannot create the

single/multiple lots in accordance with the disposal if the size of the portion of the road to be closed does not meet the minimum lot size.

Therefore, Council need to explore other options to closing a Council owned road, as provided below:

1. Amend the Mid-Western LEP 2012 to rezone the land or change the applicable minimum lot size for the portion of the road being closed.
2. Utilise a mechanism under the *Land Acquisition (Just Terms Compensation) Act 1991* which allows Council to acquire land which it already owns. The division of the land that is caused by this is not subdivision for the purpose of the *Environmental Planning & Assessment Act 1979* and therefore will not need development consent.
3. Amend the Mid-Western LEP 2012 to make subdivision of a road exempt development.

Option 3 is considered the most appropriate and effective as amending the LEP to make subdivision of a road exempt development as it creates a streamlined, reusable pathway. Options 1 and 2 require separate processes each time, both of which are timely and costly to Council and the community.

Council consulted with the Department of Planning, Housing and Infrastructure (DPHI) through the pre-lodgement process about Option 3. A DPHI representative confirmed that site-specific provisions for exempt subdivisions related to road closures can be incorporated into the LEP as proposed, and that the Planning Proposal process is the appropriate mechanism for this amendment. DPHI also noted that several other councils are currently pursuing similar amendments. By including the subdivision of Council-owned roads in Schedule 2 – Exempt Development, a more efficient road closure process can be implemented. This is particularly significant in areas with large minimum lot sizes, where Council has previously faced challenges in subdividing and closing roads.

Objective 2: Classification of land.

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

2.3.2. Section B – Relationship to the strategic planning framework

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

Central West and Orana Regional Plan 2041

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

Table 7: Central West and Orana Regional Plan 2041

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

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

Mid-Western Regional Local Strategic Planning Statement

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

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

Table 8: Mid-Western Regional LSPS

Theme 1 Looking After our Community	
Planning Priority	Comment
PP4 – Provide Infrastructure and services to cater for the current and future needs of our community.	The Planning Proposal aligns with <i>Planning Priority PP4 – Provide Infrastructure and Services to Cater for the Current and Future Needs of Our Community</i> by enabling a more efficient and strategic approach to land and infrastructure management. By streamlining road closures and reclassifying Council-owned land for operational purposes, the proposal facilitates the effective delivery of essential infrastructure and services. These changes allow Council to better plan for future community needs by ensuring land is available for necessary developments while also reducing delays and administrative constraints. This approach enhances Council's ability to provide well-planned, cost-effective infrastructure that supports both current and long-term community growth.
Theme 2 Protecting our natural Environment	
Theme 3 Building a Strong Local Economy	
PP8 – Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the Region.	The Planning Proposal supports <i>Planning Priority PP8 – Provide Leadership on Economic Development Initiatives and Identify Resources and Infrastructure Required to Drive Investment and Economic Growth in the Region</i> by enabling a more efficient process for road closures and land reclassification, ensuring that land and infrastructure are optimally managed to support future development. By removing administrative barriers, the proposal allows Council to allocate resources effectively, facilitating infrastructure projects that attract investment and drive economic growth. Streamlining these processes supports a more responsive approach to land use planning, ensuring that essential infrastructure is in place to accommodate business, industry, and community needs, ultimately strengthening the region's economic resilience.
PP9 – Support the expansion of essential infrastructure and services to match business and	The Planning Proposal supports <i>Planning Priority PP9 – Support the Expansion of Essential Infrastructure and Services to Match Business and Industry Development in the Region</i> by

industry development in the Region	streamlining road closures and land reclassification, enabling efficient infrastructure delivery to support business and industry growth. By improving land management for operational purposes, the proposal ensures essential services keep pace with development, fostering a more responsive and investment-ready region.
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Theme 4 Connecting our Region

PP11 – Develop and enhance walking and cycling networks across the Region	The Planning Proposal indirectly supports the <i>Planning Priority PP11 - Develop and enhance walking and cycling networks across the Region</i> development and enhancement of walking and cycling networks by streamlining road closures and land reclassification, allowing for more efficient land management and infrastructure planning. These changes enable Council to better allocate resources for future transport and public space improvements, including pedestrian and cycling pathways that enhance connectivity across the region.
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Theme 5 Good Government

PP12 – Improve communications between Council the community and create awareness of Councils roles and responsibilities.	The Planning Proposal aligns with <i>PP12 – Improve Communications Between Council and the Community and Create Awareness of Council's Roles and Responsibilities</i> by establishing a clear and transparent process for road closures. It also enables Council to undertake future works on reclassified land in line with its operational plans, ensuring the community understands how these changes support long-term infrastructure and service delivery.
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Is the planning proposal consistent with any other applicable State and regional studies or strategies?

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

Mid-Western Region Community Plan 2040

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

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

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

Is the planning proposal consistent with applicable SEPPs

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

Table 9: State Environmental Planning Policies

SEPP	Comments
SEPP (Housing) 2021	The Planning Proposal is not inconsistent with the principles of this SEPP.
SEPP (Planning Systems) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
SEPP (Resource and Energy) 2021)	Nothing in this Planning Proposal impacts the operation of this SEPP.
SEPP (Resilience and Hazards) 2021	Chapter 4 Remediation of Land – Whilst this Planning Proposal does not propose any development. It has the potential to create opportunities for development. Therefore, any future Development Application to development land, and to development that has been subdivided due to road closure will need to consider the provisions of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent - SEPP is the primary planning instrument addressing the provision and operation of infrastructure across the State. Referral to the NSW Roads and Maritime Services (RMS) may be required for certain development. SEPP would continue to apply to the site. The Planning Proposal does not include any provisions which impede the operation of this SEPP over the site.
SEPP Biodiversity and Conservation 2021 –	– The Biodiversity and Conservation SEPP aims to encourage the protection of biodiversity values and preservation of amenities in non-rural areas as well as conservation and management of areas of natural vegetation. The Planning Proposal does not contravene the provisions of the SEPP and is therefore consistent with it.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contravene the provisions of the SEPP and is therefore consistent with it.

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

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

Table 10: Section 9.1 Directions

Direction	Applicable	Comment
1. Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is found to be consistent with the overall intent of the Central West and Orana Regional Plan 2041.
1.3 approval and Referral Requirements	Yes	Noted.
1.4 Site Specific Provisions	Yes	The Planning Proposal seeks to amend Schedule 2 Exempt Development of the Mid Western Local Environmental Plan by introducing a provision to permit the subdivision of public road as exempt development for the purpose of road closure. The inclusion of Council-owned Road closure within exempt development is sought to ensure the process of road closure is efficient and straightforward, especially for roads located in large lot or rural zones. It is considered that any inconsistency with this direction is considered minor as the proposed additional planning control is not restrictive.
2. Focus Area 1: Planning System – Place based		
Nothing in this focus area applies to the Planning Proposal.		
3. Focus Area 2: Design and Place		
This Focus Area was blank when the Directions were made.		
4.Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Yes	The Planning Proposal is consistent with this direction. The Planning Proposal does not include any amendments to the protection and conservation of environmentally sensitive land.

3.2 Heritage Conservation	Yes	The Planning Proposal is consistent with this direction.
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5. Focus Area 4: Resilience and Hazards

Nothing in this focus area applies to the Planning Proposal

5. Focus Area 5 – Transport and Infrastructure

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

Nothing in this focus area applies to the Planning Proposal

7. Focus Area 7: Industry and Employment

Nothing in this focus area applies to the Planning Proposal

8. Focus Area 8: Resources and Energy

Nothing in this focus area applies to the Planning Proposal

9. Focus Area 9: Primary Production

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

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

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

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

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

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

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

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

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

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

Social and Economic Impact

Road Closure

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

Reclassification.

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

2.3.4. Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

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

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

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

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

2.4. Part 4 – Mapping

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

2.5. Part 5 – Community Consultation

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

Community consultation will be carried out in line with the requirements of the Gateway Determination. This Planning Proposal will be publicly exhibited for 30 working days, with notifications provided through the following channels:

- NSW Planning Portal
- Council's Customer Services

No consultation with state agencies is required per the Gateway Determination.

2.6. Part 6 -Project Timeline

The following indicative project timeline is provided:

Table 11: Indicative Project Timing

Stage	Timing
Consideration by Council	July 2026
Council Decisions	July Council meeting 2025
Gateway Determination	April 2026
Pre-exhibition	June - July 2026

Commencement and completion of public exhibition period July – August 2026
(30 working days)

28-day notification of Public Hearing	August – September 2026
Public hearing	September – October 2026
Consideration of submission and preparation of public hearing report	October – November 2026
Post-exhibition review and additional studies	November 2026
Council Meeting	December 2026
Submission to Department for finalisation	December 2026
Gazettal of LEP amendments.	December 2026

3. CONCLUSION

The Planning Proposal seeks to achieve the following objectives

Objective 1: amend Schedule 2 Exempt Development to introduce a provision to permit the subdivision of public roads as exempt development for the purpose of road closure.

The intended outcome is to allow the efficient closure and subdivision of Council owned roads which do not meet the minimum lot size for subdivision under Clause 4.1 of the Mid-Western Regional LEP. Importantly, this will only relate to land comprising a council public road proposed for closure under the Roads Act 1993, Part 4, Division 3.

Note: the final wording of this provision will ultimately be determined through the legal drafting process, however, the intent of the planning proposal will remain.

Objective 2: amend Schedule 4 – Part 1 to reclassify Council owned land from Community to Operational (no interests changed).

The intended outcome is to allow for future development of the land for operational purposes. This Planning Proposal does not propose to extinguish any easements, encumbrances, or interests on any of the sites specified within this report.

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

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

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

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

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