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PLANNING PROPOSAL

Reclassify Land from Community to Operational

40 Calga Street & 34 – 46 Hickey Street Coonamble

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# PRELIMINARY

## Introduction

The purpose of this planning proposal is to reclassify certain Council owned land from ‘community’ to ‘operational’ land under the *Local Government Act 1993* (LG Act). The reclassification is required to facilitate the development of new housing in Coonamble.

The parcels of land proposed for reclassification are located at 40 Calga Street, and 34-46 Hickey Street, Coonamble as shown below in Table 1. Lot 1 DP1118478 is a closed road that was previously part of Calga Street. The land has frontage to Limerick Street, with Lot 1 DP1118478 dissecting the land as shown in Figure 1, 2 and 3.

|  |  |  |
| --- | --- | --- |
| **Table 1: Parcels Subject to Planning Proposal** | | |
| **40 Calga Street, Coonamble** | | |
| Lot 10 DP238281 | Lot 11 DP238281 | Lot 1 DP4230 |
| Lot 2 DP4230 | Lot 3 DP4230 | Lot 4 DP4230 |
| Lot 5 DP4230 | Lot 6 DP4230 | Lot 7 DP4230 |
| Lot 8 DP4230 | Lot 9 DP4230 | Lot 10 DP4230 |
| Lot 11 DP4230 |  |  |
| **34-46 Hickey Street, Coonamble** | | |
| Lot 4 DP4918 | Lot 5 DP4918 | Lot 6 DP4918 |
| Lot 7 DP4918 | Lot 10 DP4918 | Lot 11 DP4918 |
| Lot 14 DP4918 | Lot 15 DP4918 |  |
| **Closed Road** | | |
| Lot 1 DP1118478 |  |  |

The land covers an area of approximately 4.2 hectares and is currently zoned R1 General Residential under the *Coonamble Local Environmental Plan 2011* (CLEP 2011).

The planning proposal does not seek changes to existing zoning or minimum lot size and has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**Figure 1: Land Proposed to be reclassified – 20-40 Calga Street, Coonamble**

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**Figure 2: Aerial View of Land to be reclassified – 20-40 Calga Street, Coonamble**

**A map of land with red lines

AI-generated content may be incorrect.**

**Figure 3: Zoning of Land to be reclassified**

**A map of a neighborhood

AI-generated content may be incorrect.**

# PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to facilitate the residential development on the land and provide homeownership opportunities to the local community.

The land is currently vacant, and Coonamble Shire Council is the owner of the land.

# PART 2: EXPLANATION OF PROVISIONS

Coonamble Shire Council purchased 20-40 Calga Street, Coonamble on 19 December 2023 and the classification of the site defaulted to ‘community’ land under the *Local Government Act 1993* (LG Act).

The planning proposal seeks to reclassify the subject land from ‘community’ to ‘operational’ to allow for future development and sale of the land. This will be achieved by amending *Coonamble Local Environmental Plan 2011* to include the subject land in Part 1 of Schedule 4 (no interests changed) of the plan. The proposal does not seek to change any trusts, estates, interests, dedications, conditions, restrictions, or covenants on the land.

Consistent with the provisions of clause 5.2(2) of the CLEP 2011, this will have the effect of reclassifying the land as intended.

# PART 3: JUSTIFICATION STRATEGIC AND SITE-SPECFICI MERIT

## Section A: Need for the Planning Proposal

### Is the planning proposal a result of an endorsed local strategic planning statement (LSPS), strategic study or report?

No. The planning proposal is considered to be of local significance only and will require both exhibition under the LG Act and the EP&A Act.

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

In accordance, with Section 31 (2) and (2A) of the LG Act, the Council may resolve to classify acquired land as ‘community’ or ‘operational’ either prior to or within three months after acquisition. Land that remains unclassified after this period is automatically deemed to be classified as ‘community’ under the LEP. Council in this instance did not resolve to classify the land in the required timeframe.

Accordingly, this planning proposal to amend the LEP is the only mechanism that allows for reclassifying the subject land from ‘community’ to ‘operational’.

## Section B: Relationship to 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)?

The planning proposal aligns with Objective 14 of the *Central West Orana Regional Plan 2041*, which aims to plan for diverse, affordable, resilient and inclusive housing. The planning proposal is the first step in developing the land for future housing needs.

#### NSW Government’s Framework – LEP Practice Note

The Department of Planning, Housing and Infrastructure (DPHI) has also previously published *LEP Practice Note PN 16-001: Classification and Reclassification of public land through a local environmental plan*. This practice note provides guidance on additional matters to be addressed in planning proposals that seek to classify or reclassify public land.

The table below addresses these matters and identifies where matters are addressed in the planning proposal.

|  |  |  |
| --- | --- | --- |
| **No** | **Requirement** | **Comment** |
| 1 | The current and proposed classification of the land. | The subject land is currently classified as community land and is proposed to be reclassified to operational land under the provisions of the *Local Government Act 1993*. |
| 2 | Whether the land is a ‘public reserve’ (defined in LG Act). | The site is not identified as a ‘public reserve’ under the provisions of the *Local Government Act 1993*. The property came into Council’s ownership on 19 December 2023 following Council’s purchase of the land from a private landowner.  Following Council’s acquisition of the subject land, it should have been classified as ‘operational’ land within three months, however, this was an oversight at the time and the site was classified as ‘community’ land by default. |
| 3 | The strategic and site specific merits of the reclassification and evidence to support this | The planning proposal to is to address the one-off reclassification of the land. The reclassification will allow for future development of the land. |
| 4 | Whether the planning proposal is the result of a strategic study or report. | The planning proposal is not a result of strategic study or report. |
| 5 | Whether the planning proposal is consistent with Council’s community plan or any other local strategic plan. | The planning proposal is not inconsistent with Council’s community strategic plan or any other local strategic plan. |
| 6 | A summary of Council’s interest 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 purposes, or a developer contribution) * If Council does not own the land, the landowner’s consent * The nature of any trusts, dedications etc | The subject parcels of land were purchased from a private landowner by Council on 19 December 2023 (settlement date). The land is currently still owned by Council.  There are no known trusts, dedications, or interests that existing on the land. |
| 7 | Whether an interest in the land is proposed to be discharged, and if so, an explanation of the reason why. | There are no interests attached to the land. |
| 8 | The effect of the reclassification (including, the loss of open public space, the land ceases to be a public reserve or particular interests will be discharged). | The reclassification will allow for future sale of the land for residential development. |
| 9 | Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in Government Gazette, trust document). | The subject land does not have public reserve status. The title and deposited plans are attached in Appendix A. |
| 10 | Current use(s) of the land, and whether uses are authorised or unauthorised. | The current use of the land is vacant residential land. |
| 11 | Current or proposed lease or agreements applying to the land, together with their duration, terms and controls. | There is no current or proposed lease on the land. It is Council owned land. |
| 12 | Current or proposed business dealings, (e.g. agreements for the sale or lease of the land, the basic details of any such agreement and if relevant, when Council intends to release its assets, either immediately after rezoning/reclassification or at a later time) | Council intends to provide a parcel of land to for the construction of a core and cluster development to provide support to victims of domestic violence. This is to occur immediately after reclassification. |
| 13 | Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy) | The planning proposal does not propose to rezone the subject land. |
| 14 | How Council may or will benefit financially, and how these funds will be used. | Initially, Council will not benefit financially. Future sale of the land may generate additional revenue. |
| 15 | How will Council ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal. | This planning proposal does not commit funds to any proposed open space or specific improvements. |
| 16 | A Land Reclassification (part lots) Map, in accordance with the standard technical requirements for special datasets and maps, if land to be reclassified does not apply to the whole lot. | Not relevant. The reclassification will apply to the whole of each lot. |
| 17 | Preliminary comments by the relevant government agency, including any agency that dedicated the land to Council, if applicable. | The land is owned by Council. No formal consultation has been undertaken at this stage. However, consultation will be undertaken with State and Commonwealth agencies in accordance with the Gateway determination, if required. |
| 18 | The concurrence of the land owner must be obtained, where the land is not owned by the Planning Proposal Authority (PPA) | The land is owned by the Planning Proposal Authority (Coonamble Shire Council). |
| 19 | Does the planning proposal deliver a public benefit? | The planning proposal seeks to provide land that will provide a service to the community and provide a future supply of residential land. |
| 20 | Have the implications for the open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space? | The implications for open space in Coonamble have been considered. The site is not defined as a ‘public reserve’ under the provisions of the *Local Government Act 1993.* The proposal does not affect the current and future open space. |

### Is the planning proposal consistent with a Council Local Strategic Planning Statement (LSPS) that has been endorsed by the Planning Secretary or Greater Sydney Commission (GSC), or another local strategy or strategic plan?

The Coonamble Local Strategic Planning Statement (LSPS) together with the Community Strategic Plan have identified the need for additional residential land that can provide a diverse range of housing types. It is considered that the location of the land in an existing residential area makes it suitable for further development. The land is zoned R1 General Residential which supports a range of housing types.

Priority 2 is relevant to this planning proposal:

*Encourage a connected, active and healthy community that gives effect to Planning Policy 3 -Encourage a range of housing options, including affordable housing, housing for older people and family housing.*

Goal 11 of the Coonamble Community Strategic Plan is relevant to the planning proposal:

*Our community has confidence in our strategic land use planning framework that strengthen the balance of competing land use interests and minimises risks to our community including the availability of suitable residential land and adequate affordable housing.*

### Is the planning proposal consistent with any other applicable State and Regional Studies or Strategies?

|  |  |
| --- | --- |
| **State or regional study or strategy** | **Comment** |
| Future Transport Strategy 2056 | The proposal is consistent with the strategy |
| Net Zero Plan | The proposal is consistent with the plan |
| Water Resource Plans | The proposal is consistent with the plans |
| State Infrastructure Strategy | The proposal is consistent with the strategy |
| A 20 year Economic Vision for Regional NSW | The proposal is consistent with the vision |

### Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The following Statement Environmental Planning Instruments (EPI) have been considered in the preparation of this planning proposal.

|  |  |  |
| --- | --- | --- |
| **SEPP** | **Relevant** | **Comments** |
| State Environmental Planning Policy (Biodiversity and Conservation) 2021 | No | The SEPP applies to Coonamble Shire Council (CSC). The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Housing) 2021 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Industry and Employment) 2021 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Planning Systems) 2021 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Precincts – Central River City) 2021 | No | This SEPP is not applicable to CSC. |
| State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 | No | This SEPP is not applicable to CSC. |
| State Environmental Planning Policy (Precincts – Regional) 2021 | No | This SEPP is not applicable to CSC. |
| State Environmental Planning Policy (Western Parkland City) 2021 | No | This SEPP is not applicable to CSC. |
| State Environmental Planning Policy (Primary Production) 2021 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Resilience and Hazards) 2021 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Resources and Energy) 2021 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Sustainable Buildings) 2022 | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |
| State Environmental Planning Policy (Transport and Infrastructure) 2021. | No | The SEPP applies to CSC. The planning proposal will not affect the operation of this SEPP. |

### Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following relevant Local Planning Directions under Section 9.1 have been considered in the preparation of this planning proposal:

|  |  |  |
| --- | --- | --- |
| **Direction** | | **Planning Proposal Consistency** |
| Focus Area 1: Planning Systems | | |
| 1.1 | Implementation of Regional Plans | This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning. The planning proposal must be consistent with this regional plan. Coonamble falls under the Central West Orana Regional Plan 2041 Regional Plan. As outlined above in this section of the report, the planning proposal is consistent with the intent of the regional plan, the overall vision, goals, directions and actions. |
| 1.2 | Development of Aboriginal Land Council Land | This direction applies to all land identified on the Land Application Map in chapter 3 of the SEPP (Planning Systems) 2021. There are no areas in the Coonamble LGA mapped on the Aboriginal Cultural Significance Map. |
| 1.3 | Approval and Referral Requirements | This direction applies to planning proposals and aims to ensure LEP provisions encourage the efficient and appropriate assessment of development. The direction requires consent authorities minimise the requirement for concurrence, consultation or referral of development applications to a minister or public authority. The anticipated impacts resulting from the Planning Proposal are considered to be of minor significance. |
| 1.4 | Site Specific Provisions | This direction requires that a planning proposal must not contain or refer to drawings that show details of the proposed development. It is considered that this planning proposal is consistent with this direction. |
| 1.4A | Exclusion of Development Standards from Variation | The aim of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application Clause 4.6 of a Standard Instrument Local Environmental Plan. The Planning Proposal does not seek to introduce or alter an existing exclusion to Clause 4.6. |
| Focus Area 1: Planning Systems – Place-based | | |
| 1.5 | Parramatta Road Corridor Urban Transformation Strategy | Not applicable to Coonamble LGA. |
| 1.6 | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not applicable to Coonamble LGA. |
| 1.7 | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable to Coonamble LGA. |
| 1.8 | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable to Coonamble LGA. |
| 1.9 | Implementation of Glenfield to Macarthur Urban Renewal Corridor | Not applicable to Coonamble LGA. |
| 1.10 | Implementation of the Western Sydney Aerotropolis Plan | Not applicable to Coonamble LGA. |
| 1.11 | Implementation of Bayside West Precincts 2036 Plan | Not applicable to Coonamble LGA. |
| 1.12 | Implementation of planning principles for the Cooks Cove Precinct | Not applicable to Coonamble LGA. |
| 1.13 | Implementation of St Leonards and Crows Nest 2036 Plan | Not applicable to Coonamble LGA. |
| 1.14 | Implementation of Greater Macarthur 2040 | Not applicable to Coonamble LGA. |
| 1.15 | Implementation of the Pyrmont Peninsula Place Strategy | Not applicable to Coonamble LGA. |
| 1.16 | North West Rail Link Corridor Strategy | Not applicable to Coonamble LGA. |
| 1.17 | Implementation of the Bays West Place Strategy | Not applicable to Coonamble LGA. |
| 1.18 | Implementation of the Macquarie Park Innovation Precinct | Not applicable to Coonamble LGA. |
| 1.19 | Implementation of the Westmead Place Strategy | Not applicable to Coonamble LGA. |
| 1.20 | Implementation of the Cameillia-Rosehill Place Strategy | Not applicable to Coonamble LGA. |
| 1.21 | Implementation of South West Growth Area Structure Plan | Not applicable to Coonamble LGA. |
| 1.22 | Implementation of the Cherrybrook Station Place Strategy | Not applicable to Coonamble LGA. |
| Focus Area 2: Design and Place | | |
| At the time of writing this focus area was blank. | | |
| Focus Area 3: Biodiversity and Conservation | | |
| 3.1 | Conservation Zones | The subject land is not located in an environmentally sensitive area or environmental protection zone and therefore this direction is not applicable to the planning proposal. |
| 3.2 | Heritage Conservation | This direction aims to conserve items, areas, objects and places of environmental or indigenous heritage. As outlined in this report there are no items of cultural heritage significance on the subject site or in the vicinity listed under the CLEP 2011 and there are no objects or places of Aboriginal heritage identified in an AHIMS search for the subject site. Accordingly, it is considered that it is unlikely that the planning proposal will impact on items, areas, objects, or places of environmental, cultural or Indigenous heritage. The proposal is consistent with this direction. |
| 3.3 | Sydney Drinking Water Catchments | This direction is not applicable to the Coonamble Shire Council LGA. |
| 3.4 | Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | The subject site is not zoned C2 or C3 and therefore this direction is not applicable. |
| 3.5 | Recreation Vehicle Areas | The subject site is not located within a conservation area, near a beach or dune area. The proposal is consistent with this direction. |
| 3.6 | Strategic Conservation Planning | This direction applies to areas of high biodiversity value that are mapped as avoided land or land that is within a strategic conservation area in *State Environmental Planning Policy (Biodiversity and Conservation 2021*. The subject land is not mapped as avoided land and is not within a strategic conservation area. Therefore this direction is not applicable. |
| 3.7 | Public Bushland | This direction does not apply to the Coonamble LGA. |
| 3.8 | Willandra Lakes Region | This direction does not apply to the Coonamble LGA. |
| 3.9 | Sydney Harbour Foreshores and Waterways Area | This direction does not apply to the Coonamble LGA. |
| 3.10 | Water Catchment Protection | The subject site is not located in a drinking water catchment area, accordingly this direction does not apply. |
| Focus Area 4: Resilience and Hazards | | |
| 4.1 | Flooding | Flood modelling completed as part of the West Coonamble Floodplain Risk Management Study and Plan (Jacobs 2021) indicates that part of the subject land may be flood affected. The proposal to reclassify the land is not inconsistent with the direction as future development can be designed to meet the requirements of the *Floodplain Development Manual 2005*. |
| 4.2 | Coastal Management | The subject site is not in a coastal zone. |
| 4.3 | Planning for Bushfire Protection | The subject site is not mapped as bushfire prone land in the Coonamble Shire. |
| 4.4 | Remediation of Contaminated Land | The subject site is not identified as contaminated land. |
| 4.5 | Acid Sulfate Soils | There are no Acid Sulfate Soils in the Coonamble LGA. |
| 4.6 | Mine Subsidence and Unstable Land | The subject land is not located in mine subsidence area within the meaning of the *Coal Mine Subsidence Compensation Act 2017*. |
| Focus Area 5: Transport and Infrastructure | | |
| 5.1 | Integrating Land Use and Transport | This direction requires all planning proposals which will create, alter or remove a provision relating to urban land including land zoned for employment uses. This direction requires consistency to the aims, objectives and principles of:   1. Improving Transport Choices – Guidelines for planning and development 2. The Right Place for Business and Services – Planning Policy   The planning proposal is consistent with this direction. |
| 5.2 | Reserving Land for Public Purpose | The land is not defined as a public reserve. |
| 5.3 | Development Near Regulated Airports and Defence Airfields | No relevant to the proposal. |
| 5.4 | Shooting Ranges | There are no shooting ranges located in proximity to the subject land. |
| Focus Area 6: Housing | | |
| 6.1 | Residential Zones | The subject land is currently zoned R1 General Residential and it is not proposed to rezone the land . |
| 6.2 | Caravan Parks and Manufactured Home Estates | The proposal does seek to amend provisions relating to caravan parks or manufactured home estates (MHEs). Caravan Parks and MHEs are prohibited in the E4 General Industrial zone. |
| Focus Area 7: Industry and Employment | | |
| 7.1 | Employment Zones | This direction requires all planning proposals which will affect land within and existing or proposed employment zone. The planning proposal does not seek to rezone land. |
| 7.2 | Reduction in non-hosted short-term rental accommodation period | This direction is only applicable to Byron Shire Council. |
| 7.3 | Commercial and Retail Development along the Pacific Highway, North Coast | This direction applies to land within North Coast LGAs that are traversed by the Pacific Highway. |
| Focus Area 8: Resources and Energy | | |
| 8.1 | Mining, Petroleum Production and Extractive Industries | Not relevant to this proposal. |
| Focus Area 9: Primary Production | | |
| 9.1 | Rural Zones | Not relevant to this proposal. |
| 9.2 | Rural Lands | This direction is not relevant to the planning proposal. |
| 9.3 | Oyster Aquaculture | The Coonamble LGA is not located within a ‘Priority Oyster Aquaculture Area’. |
| 9.4 | Farmland of State and Regional Significance on the NSW Far North Coast | This direction is not applicable to the Coonamble LGA. |

## 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?

The land subject to the planning proposal has not been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Flood modelling completed as part of the West Coonamble Floodplain Risk Management Study and Plan (Jacobs 2021) indicates that part of the subject land may be flood affected. As such, any proposed development should consider the requirements of the Department of Climate Change, Energy, the Environment and Water’s guidelines detailed in Section 9.1 (2) Local Planning Direction 4.1 Flooding.

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

Part of the subject land to be reclassified is to be developed as a core and cluster development for to support victims of domestic violence.

## Section D – Infrastructure (Local, State and Commonwealth)

### Is there adequate public infrastructure for the planning proposal?

The subject land is in an existing residential within Coonamble. Utility services are available to the land including water and sewer. Any additional services required for future development will be assessed at the development application stage.

## Section E – State and Commonwealth Interest

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

Consultation with public authorities will be undertaken in accordance with the Gateway determination received for the planning proposal.

# PART 4 – MAPS

No mapping is required to support the planning proposal.

# PART 5 – COMMUNITY CONSULATION

The planning proposal is required to exhibited for a minimum period of 28 days. At the conclusion of the public exhibition period, a public hearing will also be held as required by the *Local Government Act 1993.*

# PART 6 – PROJECT TIMELINE

|  |  |
| --- | --- |
| Stage | Anticipated Timeline |
| Prepare planning proposal | February 2025 |
| Report to Council | March 2025 |
| Gateway Determination | June 2025 |
| Agency Consultation | July 2025 |
| Public Exhibition | July-August 2025 |
| Public Hearing | August 2025 |
| Report to Council including consideration of submissions | September 2025 |
| Parliamentary Counsel Opinion | October 2025 |
| Plan finalised by Minister (or delegate) | November 2025 |

# APPENDIX A

## Title and Deposited Plans