

PLANNING PROPOSAL

Hillston Rezoning - McGregor Street

Prepared for:

Carrathool Shire Council

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Goolgowi

NSW 2652

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BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Carrathool Shire Council (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
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1	INTRODUCTION	2
1.1	Site Analysis and Context	2
1.2	Supporting Information.....	2
2	OBJECTIVES AND INTENDED OUTCOME	5
3	EXPLANATION OF PROVISIONS.....	6
3.1	Intended Provisions	6
3.1.1	Zoning.....	7
3.1.2	Lot Size.....	9
4	JUSTIFICATION AND STRATEGIC AND SITE SPECIFIC-MERIT	11
4.1	Section A – Need for the Planning Proposal.....	11
4.2	Section B – Relationship to Strategic Planning Framework	11
4.3	Section C – Environmental, Social, and Economic Impact	15
4.4	Section D – Infrastructure (Local, State, and Commonwealth)	16
4.5	Section E - State and Commonwealth Interests	16
5	MAPS.....	17
6	CONSULTATION	18
7	PROJECT TIMELINE	19

DOCUMENT REFERENCES

TABLES

Table 1	RU5 Village Land Use Table.....	6
Table 2	Consistency of planning proposal with relevant Section 9.1 Directions	12
Table 3	Project Timeline.....	19

FIGURES

Figure 1	Locality Plan	3
Figure 2	Site Plan	4
Figure 3	Existing and Proposed Zoning Plan.....	8
Figure 4	Existing and Proposed Lot Size Plan	10

APPENDICES

Appendix A	Statutory Context and Environmental and Infrastructure Considerations
Appendix B	Extensive AHIMS
Appendix C	Ecoplanning ECA
Appendix D	Hillston Caravan Park Occupancy Data

1 Introduction

This Planning Proposal (PP) report has been prepared on behalf of Carrathool Shire Council (Council) for the rezoning of land within the suburb of Hillston, NSW). The land subject to the PP (the 'site') consists of the following:

- Undeveloped land to the south of McGregor Street, Hillston consisting of Part Lots 1 to 20, Lot 28 DP 257);
- Partially developed land to the north of McGregor Street, Hillston consisting of Part Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, Lot 27 DP 257); and
- Haines Street extending from McGregor Street to O'Donnell Street.

This PP seeks an amendment to the *Carrathool Local Environmental Plan 2012* (CLEP) in relation to the land described above, specifically changing the existing zoning of RU1 – Primary Production to RU5 – Village and changing the existing minimum lot size of 40 hectares (ha) to 600 square metres (m²) to permit residential development that reflects the current fine grain lot layout in this area and resolves zoning and minimum lot size inconsistencies within the CLEP.

This PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in accordance with the Planning Proposal Preparation within the Department of Planning, Industry and Environment's '*Local Environmental Plan Making Guideline*' (2021).

1.1 Site Analysis and Context

The site to the south of McGregor Street is currently undeveloped, approximately 2 hectares (ha) in size and bound by local streets and residential development, specifically:

- McGregor Street to the north-west;
- Residential development to the north-east of Haines Street;
- O'Donnell Street to the south-east; and
- Regent Street to the south-west.

The site to the north of McGregor Street is currently partially developed, approximately 1 hectare (ha) in size and bound by local streets and existing residential development, specifically:

- Existing residential development to the north-west;
- Residential development to the north-east of Haines Street;
- McGregor Street to the south-east; and
- Regent Street to the south-west.

The site to the south of McGregor Street is wholly owned by Council and is already classified as operational land (**Appendix A**). The site has been chosen as the subject of this PP due to location of the land within the township bounds which limits urban sprawl into the surrounding rural land, is serviced by existing infrastructure owned and operated by Council which removes the need to provide additional infrastructure and servicing, and allows Council to meet increased housing and accommodation needs within the suburb in a controlled release to ensure budget constraints for infrastructure and servicing can be comfortably met.

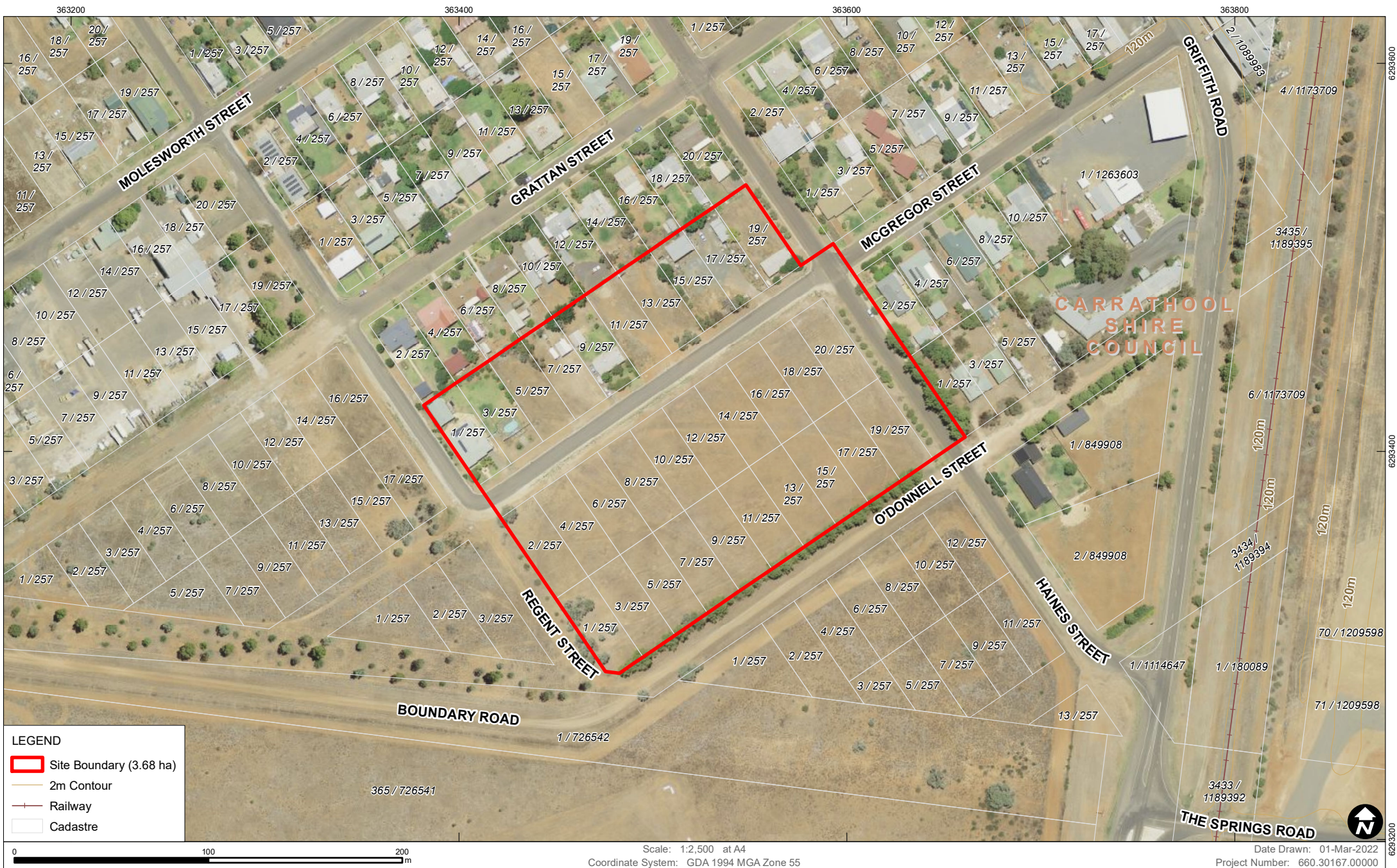
The site to the north of McGregor Street is privately owned and is included within this PP to ensure consistency in zoning only.

The locality of the site is identified in **Figure 1**, and a site plan is provided in **Figure 2**.

1.2 Supporting Information

Additional Information to support the Planning Proposal is included in **Appendix A** and consists of the following supplementary items:

- Detailed description of the statutory context of the site; and
- Environment and infrastructure considerations of the site from desktop investigations.



Data Source: Basedata NSW SS, 2022
Aerial imagery - 2016 © Department of Customer Service 2020

SITE PLAN
McGregor Street Planning Proposal

FIGURE 2



Data Source: Basedata NSW SS, 2022
Inset base supplied by © Department of Customer Service 2020
Aerial imagery - 2016 © Department of Customer Service 2020

LOCALITY PLAN McGregor Street Planning Proposal

FIGURE 1

2 Objectives and Intended Outcome

The objective of this PP is to amend the CLEP is to rezone the land within the site from RU1 - Primary Production to RU5 – Village and amend the minimum lot size from 40 ha to 600 m². The proposed amendment to the CLEP is to facilitate the future development of residential dwellings within the suburb of Hillston to increase housing supply and diversity, and resolves zoning and minimum lot size inconsistencies within the existing scheme.

3 Explanation of Provisions

3.1 Intended Provisions

The objectives and intended purpose of this PP are to be achieved by undertaking the following amendments to the CLEP:

- Land Zoning Map - Sheet LZN_009A
 - Amending the zoning of a specified area within Hillston from RU1 - Primary Production to RU5 – Village; and
- Lot Size Map - Sheet LSZ_009A
 - Amending the minimum lot size of a specified area within Hillston from 40 ha to 600 m².

The land use table for RU5 – Village (**Table 1**) to be implemented within the CLEP is as follows:

Table 1 RU5 Village Land Use Table

Objectives of Zone
<ul style="list-style-type: none"> • To provide for a range of land uses, services and facilities that are associated with a rural village. • To promote development in existing towns and villages in a manner that is compatible with their urban function. • To ensure there are opportunities for economic development. • To ensure the provision of business and retail based uses are grouped within and around existing activity centres. • To encourage tourist and visitor related development.
Permitted Without Consent
Environmental protection works; Home-based child care; Home businesses; Home industries; Home occupations; Roads; Water reticulation systems.
Permitted With Consent
Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Liquid fuel depots; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Schools; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies.
Prohibited
Cellar door premises; Farm stay accommodation; Heavy industries; Rural workers' dwellings; Any other development not specified in item 2 or 3.

3.1.1 Zoning

The proposed land zoning amendments are demonstrated in **Figure 3** below.

It is proposed to rezone the site, which is currently Zoned RU1, to RU5 to take advantage of the strategic location and setting on the outskirts of the suburb of Hillston to offer general residential housing density aligning with Council's desire for increasing residential supply in the locality.

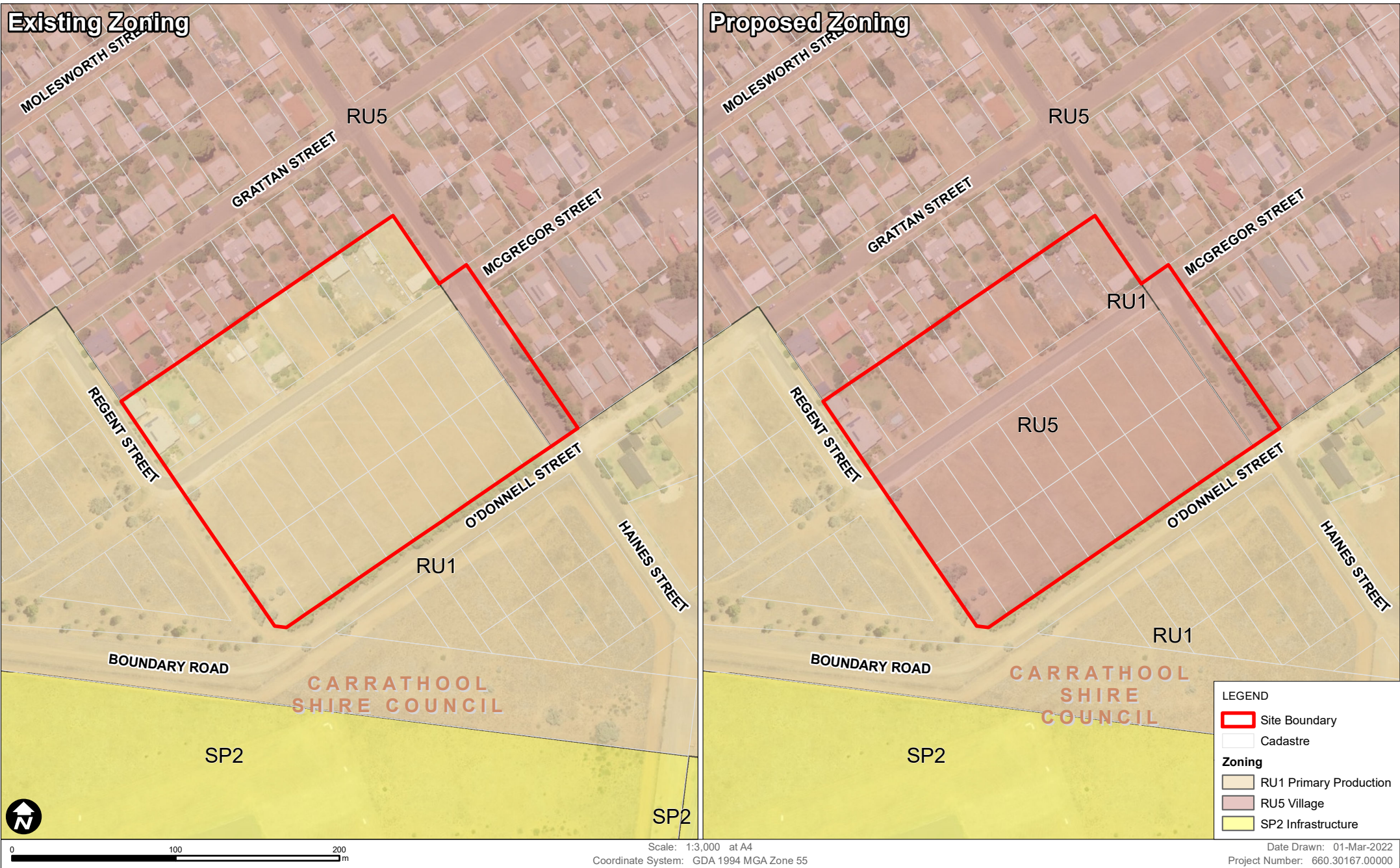
Amending the zoning of the site is consistent with all statutory planning provisions, specifically under clause 1.3 of the EP&A Act, including the following:

“(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing.”

The CLEP also provides for the provision of housing within the LGA, with clause 1.2 stating the following:

“(h) to provide a range of housing choices that match the needs of the local community.”



SLR

Data Source: Basedata NSW SS, 2022
 Aerial imagery - 2016 © Department of Customer Service 2020
 Existing Land Zoning, Carrathool LEP, 2012 (DPIE Oct-2019)

ZONING PLAN
McGregor Street Planning Proposal

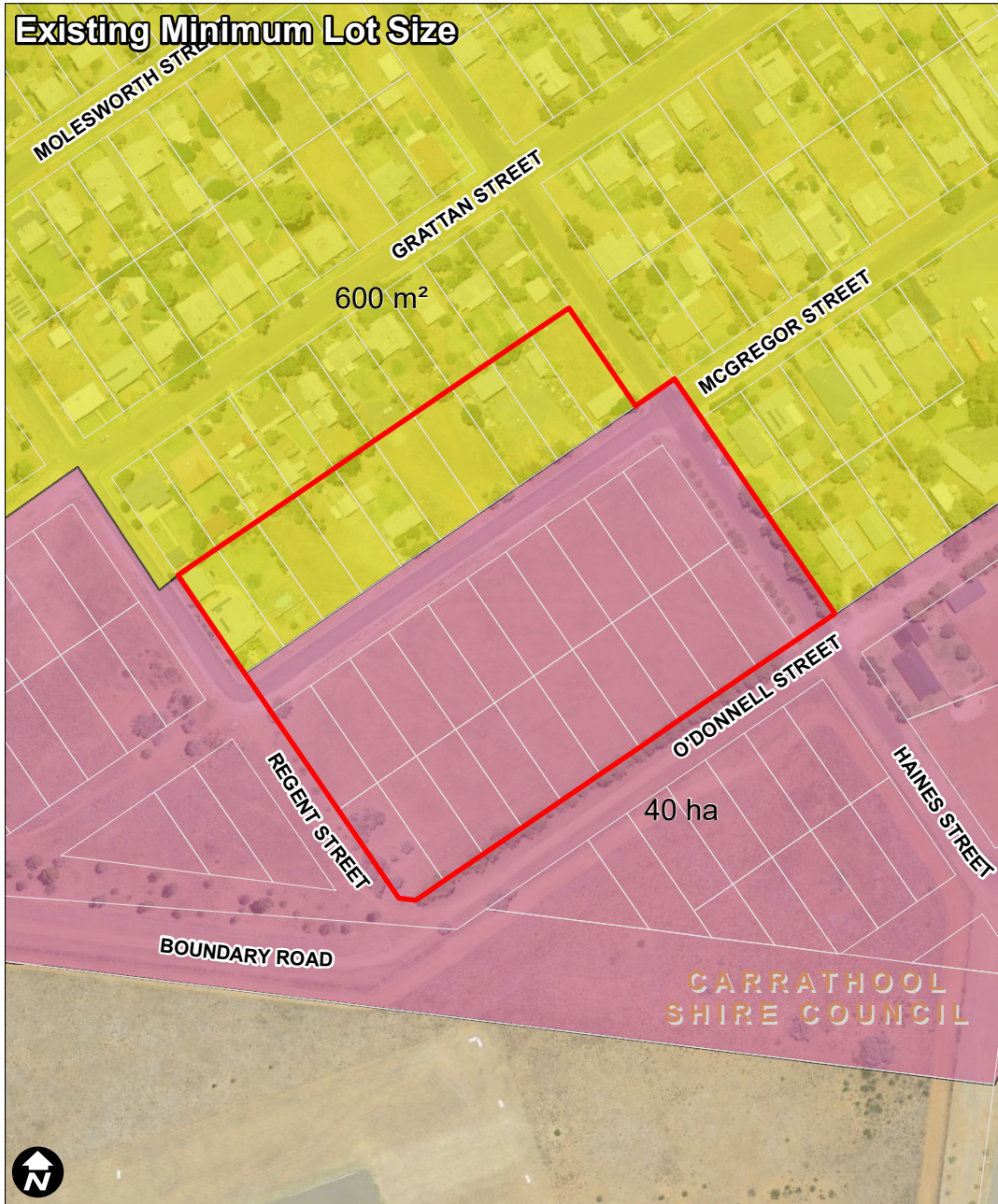
FIGURE 3

3.1.2 Lot Size

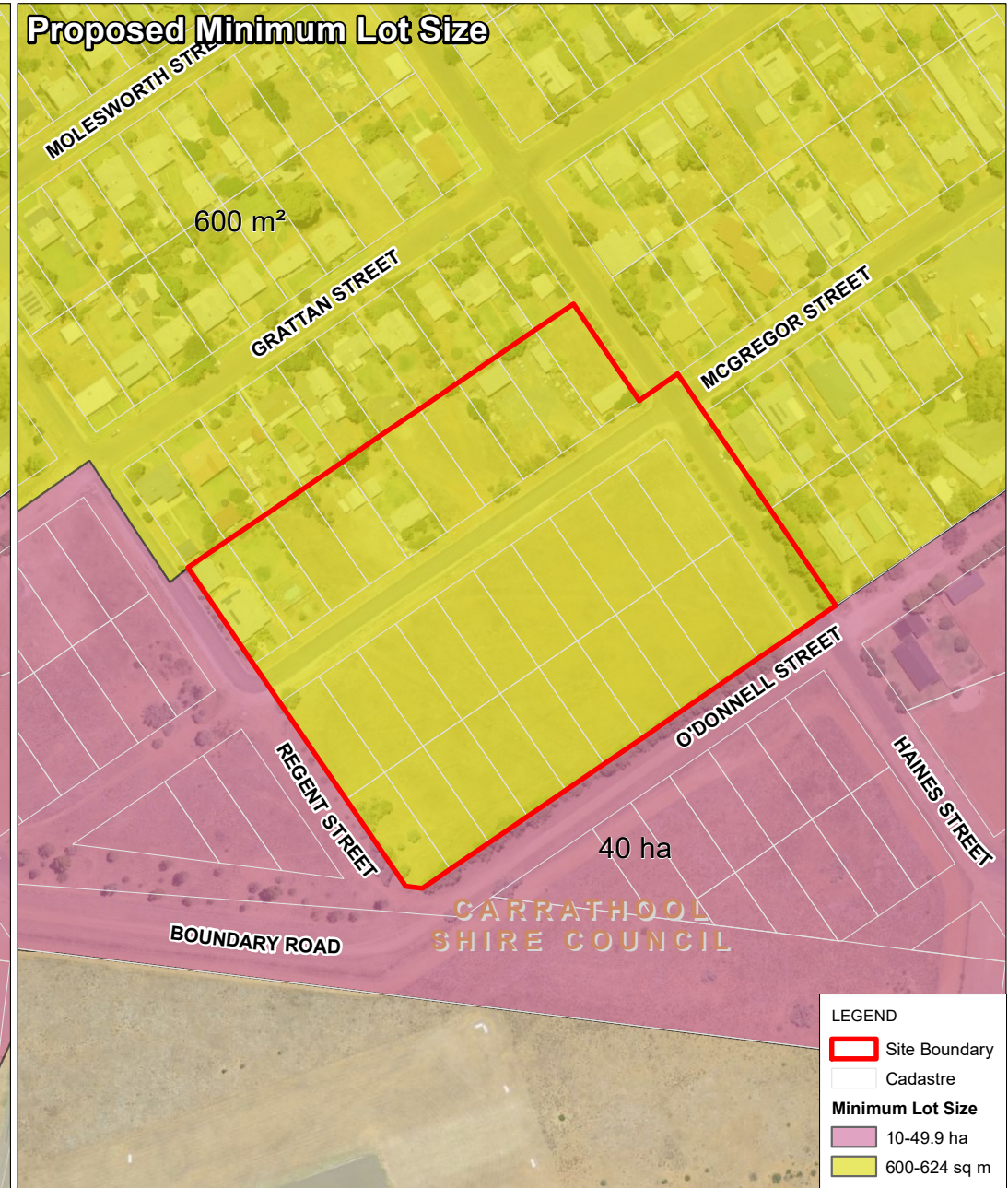
The proposed land zoning amendments are demonstrated in **Figure 4** below.

It is proposed to amend the minimum lot size of the site, which is currently 40 ha due to the RU1 zoning, to 600 m² to partner with the proposed zoning of RU5. This minimum lot size amendment would ensure consistency with the existing residential areas of Hillston, where RU5 zoning coincides with a 600 m² minimum lot size.

Existing Minimum Lot Size



Proposed Minimum Lot Size



LEGEND

- Site Boundary
- Cadastre
- Minimum Lot Size**
- 10-49.9 ha
- 600-624 sq m

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MINIMUM LOT SIZE PLAN
McGregor Street Planning Proposal

FIGURE 4



Data Source: Basedata NSW SS, 2022
Aerial imagery - 2016 © Department of Customer Service 2020
Existing Minimum Lot Size, Carrathool LEP, 2012 (DPIE Oct-2019)

4 Justification and Strategic and Site Specific-Merit

Planning Proposal Preparation within the 'Local Environmental Plan Making Guideline' (2021) notes the following in regard to justification of the PP:

"For a planning proposal to proceed through Gateway determination, the Minister (or delegate) must be satisfied that the proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages."

Overall, the changes proposed to zoning and minimum lot size at the site cannot be achieved by any mechanism other than a PP, which has both strategic and site specific merit, as the rezoning will reinforce the primacy of the Hillston local centre, delivering smaller lot sizes to encourage more affordable housing in the local area.

4.1 Section A – Need for the Planning Proposal

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

The PP as it applies to the site is not a direct result of a strategic study or report. However, the PP does contribute to addressing the *Carrathool Local Strategic Planning Statement 2040* (2020), Action 2.2A, which notes Council will analyse housing demand and supply to establish housing requirements and locations, with subsequent updates to the CLEP.

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

The PP is the only way of achieving the objective and intended outcomes. The amendments to the zoning and minimum lot size of the site can only be achieved by amending the CLEP.

4.2 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)?

Carrathool LGA occurs within the Riverina Murray region and is included within the *Riverina Murray Regional Plan 2036* as detailed in Section 1.5 of **Appendix A**. Whilst the priorities for Carrathool do not include the provision of more housing, general directions within the Plan that focus on providing housing across the region (and therefore also within Carrathool) include:

- *Direction 25: Build housing capacity to meet demand; and*
- *Direction 26: Provide greater housing choice.*

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?

The PP aligns with the LSPS, as discussed in **Section 4.1** above.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

No State Environmental Planning Policies (SEPPs) are applicable to the future development of the land.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other applicable State and regional studies or strategies are applicable to the site or its future development.

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

In accordance with clause 9.1(2) of the EP&A Act, the Minister for Planning and Public Spaces issues directions for the relevant planning authorities to follow when preparing planning proposals (Ministerial Directions). These directions apply to planning proposals lodged with DPE on or after the date the particular direction issued and commenced.

This PP has utilised the updated Ministerial Directions that have commenced March 1 2022, and only relevant Directions have been assessed (refer **Table 2** below).

Table 2 Consistency of planning proposal with relevant Section 9.1 Directions

Section 9.1 Direction	Consistency	Comment
Focus Area 1: Planning Systems		
1.1 Implementation of the Minister's Planning Principles	Yes	This PP addresses relevant Minister's Planning Principles within this table.
1.2 Implementation of Regional Plans	Yes	The site is subject to the <i>Riverina Murray Regional Plan 2036</i> as detailed in Section 1.5 of Appendix A and is considered consistent with the Plan in regard to Directions 25 and 26.
Focus Area 3: Biodiversity and Conservation		
3.2 Heritage Conservation	Yes	This PP has assessed the potential for future development resulting from rezoning to impact on Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> (NP&W Act) (Appendix A).
Focus Area 4: Resilience and Hazards		
4.4 Remediation of Contaminated Land	Yes	The site is not identified as contaminated under the Environmental Protection Agency (EPA) Contaminated Land Record or the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) public register, as detailed in Section 1.2.5 of Appendix A .

Section 9.1 Direction	Consistency	Comment
		<p>Despite its current zoning as RU1 - Primary production, the site has not been subject to activities listed within Table 1 of Appendix 1 of the <i>Draft Contaminated Land Planning Guidelines</i> (2018) as prepared by DPE and the EPA, including 'agricultural/horticultural activities' as the site has historically been included within the bounds of the township and has not been subject to agricultural activities including the application of agricultural chemicals. Historic aerial imagery from 1987 obtained from the Historical Imagery Viewer (NSW Spatial Services) has been referenced and is included in Section 2.4 of Appendix A to demonstrate the earliest available visual evidence of the site not being used for agricultural purposes or other potentially contaminating activities.</p> <p>The site, like its surrounds, bounded generally by Boundary Road in the south, Kidman Way in the east, and High Street in the north and west, has been subdivided in anticipation of residential development since the development of the CLEP in 2012.</p>
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes	<p>This PP is consistent with the principles of the 'Improving Transport Choice - Guidelines for planning and development' (DUAP 2001) as follows:</p> <ul style="list-style-type: none"> • Principle 1 – Concentrate in centres <ul style="list-style-type: none"> ○ This PP would rezone land to enable residential development on the outskirts of the centre of Hillston, which would subsequently reduce sprawl and improve accessibility and proximity to employment, services, and public facilities. <p>This PP is consistent with the objectives of the 'Right Place for Business and Services - Planning Policy' (DUAP 2001) as follows:</p> <ul style="list-style-type: none"> • Locate trip-generating development which provides important services in places that help reduce reliance on cars and moderate the demand for car travel; encourage multi-purpose trips; encourage people to travel on public transport, walk or cycle; and provide people with equitable and efficient access <ul style="list-style-type: none"> ○ This PP would rezone land to enable residential development on the outskirts

Section 9.1 Direction	Consistency	Comment
		of the centre of Hillston, which would subsequently reduce sprawl and reduce reliance and demand for car travel with walkable distances between residential development and employment, services, and public facilities.
5.3 Development Near Regulated Airports and Defence Airfields		This PP proposes to rezone land in proximity to Hillston Airport (YHLS), however the airport is not a regulated airport and is only used by a local crop dusting contractor. Consequently, the airport would only be used during the day and would not generate significant levels of noise. The limited scale of the development would ensure it does not impact on airport operations.
Focus Area 6: Housing		
6.1 Residential Zones	Yes	This PP proposes to rezone land to take advantage of the location on the outskirts of the suburb of Hillston to offer low density residential housing consistent with Council's desires for increasing residential supply in the locality. This will broaden the choice of building locations available in the housing market in the locality and reduce consumption of land for urban purposes beyond the urban boundary by increasing density. Future development applications will require adequate services and utilities to be available to service the site.
Focus Area 9: Primary Production		
9.1 Rural Zones	No	This PP does propose to rezone land from a rural zone to a residential zone. The proposed rezoning of the site is justified by the following:

Section 9.1 Direction	Consistency	Comment
		Occupancy figures obtained from Hillston Caravan Park (Appendix D) demonstrate the consistently high occupation rates of cabins across the January to December 2021 period. With regard to long term studio cabins and standard 2 bedroom cabins in particular, an occupancy rate of 86% and 90% respectively indicates the consistent need for long term accommodation within the suburb. A significant number of these occupancies are held by companies requiring longer term accommodation for employees working in the area, with individuals primarily travelling from within the State, with Victoria as the second most common location of origin. These figures indicate a strong need for additional residential accommodation within the township that would benefit both home buyers seeking to move permanently to the area due to work, as well as investors seeking rental opportunities for workers in the area.
9.2 Rural Lands	Yes	<p>This PP has assessed the impacts on rural lands (being RU1) as a result of the rezoning, with regard to the following:</p> <ul style="list-style-type: none"> • Future residential development of the land subsequent to the rezoning of the site would not impact on rural activities on the site due to the existing fragmented nature of the land resulting from road corridors and subdivision. • It is in the interest of the community and Council to provide additional housing density within the suburb of Hillston to allow housing diversity in proximity to employment, services, and public facilities that is already serviced by road infrastructure.

4.3 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 as a result of the proposal?

An Ecological Constraints Assessment (ECA) has been prepared for the site (Ecoplanning, 2022) that assesses the presence of listed species under the BC Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The report is contained in **Appendix C** and is summarised in Section 1.2 of **Appendix A**.

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

Environmental and infrastructure characteristics of the site have been considered in Section 2 of **Appendix A**, which details potential impacts to matters of heritage, ecology, hydrology, contamination, and visual amenity.

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

The provision of zoning and minimum lot size more suitable for residential development within the site would provide socioeconomic benefits for individuals and families seeking an opportunity to build a home and local businesses following the increase in population resulting from an increased residential supply in the locality.

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

Is there adequate public infrastructure for the planning proposal?

It is not anticipated that the future development of the site following the CLEP amendment would place significant pressure or demand on existing public infrastructure within the immediate locality or broader region. This PP would not result in more than 150 lots and does not consist of substantial urban renewal or infill development.

Utility providers would be consulted as part of any Gateway Determination to establish the existing and future capacity of the site to ensure appropriate residential capacity.

4.5 Section E - State and Commonwealth Interests

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will identify the relevant State and Commonwealth public authorities to be consulted as part of the PP.

5 Maps

The specific amendments to the LEP maps are included within this report in **Section 3**. A summary of the maps to be amended under this proposal are detailed as follows:

1. Amendment to the following Carrathool LEP Zoning Map:

Land Zoning Map – Sheet LZN_009A; and

2. Amendment to the following Carrathool LEP Lot Size Map:

Lot Size Map – Sheet LSZ_009A.

6 Consultation

The public exhibition period and the requirements for the PP will be outlined in the Gateway Determination. It is recommended that the PP be exhibited for 20 working days as the proposal is considered to be within the 'Standard' category as per the following description:

"A site-specific LEP amendment seeking a change in planning controls that are consistent with the existing strategic planning framework."

The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Council's website. The notice will:

- Give a brief description of the objectives and intended outcomes of the PP;
- Indicate the land to which the PP applies;
- Details of where and when the PP can be accessed; and
- Details of a contact for the receipt of any submissions, as well the closing date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The PP in the form approved for community consultation by the Gateway determination; and
- The Gateway determination.

7 Project Timeline

The anticipated timeframe for the completion of the PP (as per **Table 3**) will depend on the complexity of the matters, the nature of any additional information that may be required, and the need for additional agency and community consultation.

Table 3 Project Timeline

Stage	Timeframe
Consideration by council	2 weeks
Council decision	6 weeks
Gateway determination	3 weeks
Pre-exhibition	2 weeks
Commencement and completion of public exhibition period	4 weeks
Consideration of submissions	2 weeks
Post-exhibition review and additional studies	2 weeks
Submission to the Department for finalisation (where applicable)	1 week
Gazettal of LEP amendment	3 weeks

APPENDIX A

Statutory Context and Environmental and Infrastructure Considerations

1 Statutory Context

1.1 Commonwealth Legislation

1.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is administered by the Commonwealth Department of Agriculture, Water, and the Environment (DAWE) and provides a legal framework to protect and manage nationally important flora, fauna, ecological communities, and heritage places defined as matters of national environmental significance. An action that “*has, will have or is likely to have a significant impact on a matter of National Environmental Significance*” may not be undertaken without prior approval of the Commonwealth Minister, as provided under Part 9 of the EPBC Act.

An Ecological Constraints Assessment (ECA) (2022) has been prepared by Ecoplaning Pty Ltd (Ecoplaning) to assess the ecological values present within the site and identify potential constraints for future development.

Information regarding the biodiversity values of the site and potential impacts of rezoning are provided in **Section 2.2**.

1.2 NSW Legislation

1.2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal legislation overseeing the planning, assessment, and determination of development proposals in NSW. It aims to encourage the proper management, development and conservation of resources, the protection of the environment and ecologically sustainable development (ESD).

1.2.2 National Parks and Wildlife Act 1974

Under the *National Parks and Wildlife Act 1974* (NPW Act), all Aboriginal objects and places are protected, irrespective of their level of significance or land tenure. The Act sets up ‘strict liability’ offences for harming or desecrating Aboriginal objects and Aboriginal places (this type of offence may apply even if a person is unaware that they are harming an Aboriginal object). All persons are therefore responsible for taking reasonable precautions and exercising their due diligence to ensure that their actions will not harm Aboriginal objects. A person who exercises their due diligence has a defence against prosecution if they later unknowingly harm an object.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010) provides guidance on how to identify activities that may harm an Aboriginal object or place, and to determine whether they should apply for consent to harm an Aboriginal object or place in the form of an Aboriginal Heritage Impact Permit (AHIP) under Section 90A of the Act.

The due diligence process determined no further investigations were required for the proposal based on the following:

Step 1. Will the activity disturb the ground surface?

- The future development of the site for residential purposes will require the disturbance of soils.

Step 2a. Search the Aboriginal Heritage Information Management System (AHIMS) database and use any other sources of information of which you are already aware

- An extensive search of the AHIMS database was completed on 2 February 2022 for the site with a buffer of 200 m. The results returned no Aboriginal sites recorded in or near the above location (**Appendix B**).

Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects

- The site does not contain any landscape features that indicate the likely existence of Aboriginal objects.
- The site has been historically grazed with associated disturbance to the ground surface.

The Code of Practice (DECCW, 2010) notes that if after completing steps 2a and 2b it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, then the activity may proceed with caution.

1.2.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is key legislation relating to the protection and management of biodiversity and threatened species in NSW. The purpose of the BC Act is to “*maintain a healthy, productive and resilient environment, for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.*”

An Ecological Constraints Assessment (ECA) (2022) has been prepared by Ecoplanning Pty Ltd (Ecoplanning) to assess the ecological values present within the site and identify potential constraints for future development.

Despite extensive disturbance across the site, patches of native vegetation remain present along the south-west and north-west borders which have been tentatively identified as ‘Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion’ in ‘paddock trees’ condition class. This native vegetation is considered unlikely to be consistent with any threatened ecological community (TEC) and has therefore been mapped as a moderate ecological constraint. The remainder of the study area has tentatively been identified as cleared, exotic, developed and planted land subject to low or no ecological constraints.

Information regarding the biodiversity values of the site and potential impacts of rezoning are provided in **Section 2.2**.

1.2.4 Bushfire Legislation and Specifications

Section 4.14 of the EP&A Act advises that development consent cannot be granted for the proposed development unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The development is not located within bushfire prone land and consequently, a bushfire risk assessment report is not required, nor is authorisation under Section 100B of the *Rural Fires Act 1997* for future residential subdivision and development.

1.2.5 Contaminated Land Management Act 1997

The *Contaminated Land Management Act 1997* (CLM Act) establishes a process for investigating and remediating land where contamination presents a “*significant risk of harm*” to human health or the environment. It applies to contamination which occurred before or after its commencement.

Council must consider contamination caused by past activities and potential contamination from spills and leaks in developing and managing land.

A search of the Environmental Protection Agency (EPA) Contaminated Land Record database was completed on 2 February 2022 and did not identify any sites within the suburb of Carrathool.

A search of the *Protection of the Environment Operations Act 1997* (POEO Act) public register was also completed on 2 February 2022 and identified 17 active Environment Protection Licence (EPL) records and 2 surrendered within the Carrathool LGA. One EPL is listed within the suburb of Hillston, held by Namoi Cotton, Hillston Cotton Gin (EPL 10856) on Roto Road for ‘agricultural processing’. The premises holding the EPL is located approximately 12 km north-east of the site and is not considered to require impact assessment for any future residential development at the site.

1.2.6 Heritage Act 1977

The *Heritage Act 1977* (Heritage Act) provides for the protection and conservation of non-Aboriginal cultural heritage items such as buildings, works, relics and other places of historic, cultural, social, archaeological, architectural, natural and aesthetic significance. Approval must be sought under Section 60 of the Heritage Act if the proposed works are likely to impact an item of heritage significance listed on the State Heritage Register.

No local heritage items occur within the vicinity of the site.

1.3 Carrathool Local Environmental Plan 2012

Local Environmental Plans (LEPs) provide a framework to guide planning decisions within a specific LGA. Through prescribing land zoning and development controls LEPs allow Councils to guide land use.

1.3.1 Zoning

The *Carrathool Local Environmental Plan 2012* (CLEP) identifies the site as subject to the RU1 – Primary Production zone (RU1). The objectives of the RU1 zone are as follows:

“To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

To encourage diversity in primary industry enterprises and systems appropriate for the area.

To minimise the fragmentation and alienation of resource lands.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

To facilitate farm adjustments.

To enable agricultural support facilities to be carried out on land within the zone in a manner which does not significantly reduce the agricultural and horticultural production potential of land in the locality.

To encourage eco-tourist facilities and tourist and visitor accommodation that minimise any adverse effect on primary industry production and scenic amenity of the area.”

1.3.2 Minimum Lot Size

Clause 4.1 of the LEP identifies the site as subject to a 40 ha minimum lot size (MLS).

1.4 Carrathool Development Control Plan

A Development Control Plan (DCP) is not currently in force in the LGA of Carrathool.

1.5 Riverina Murray Regional Plan 2036

Carrathool LGA occurs within the Riverina Murray region and is included within the *Riverina Murray Regional Plan 2036*, prepared by the NSW Government in 2017 to guide the future of the Riverina Murray. The Plan focuses on providing clear goals and directions to create more jobs; strengthen cities, towns, and villages; sustainably manage agriculture and natural resources; and protect the nationally significant Murray River.

The priorities for Carrathool consist of the following:

- *Enhance community wellbeing through better access to services, particularly health and education;*
- *Attract investment to promote private sector development of value-adding agricultural processing facilities; and*
- *Support the sector through diversification and more intensive production of crops, including cotton, nuts, and olives, as well as poultry.*

2 Environmental and Infrastructure Considerations

2.1 Heritage

2.1.1 Aboriginal Heritage

An extensive AHIMS search of land within 200 m surrounding the site was undertaken on 2 February 2022. The database search results are provided in **Appendix B**.

The search identified no registered sites, with the site being considered disturbed land as a result of previous agricultural activities and clearance. **Section 1.2.2** of this PP details the due diligence process, with the conclusion being that future development of the site inclusive of ground disturbance activities may proceed with caution given appropriate mitigation measures.

2.1.2 Non-Aboriginal Heritage

A desktop heritage assessment of the site was undertaken comprising a search of the:

- CLEP;
- State Heritage Register;
- Commonwealth Heritage List;
- EPBC Protected Matters Search Tool.

No local or State listed heritage items or places are located in the vicinity of the site.

2.2 Ecology

An Ecological Constraints Assessment (ECA) (2022) has been prepared by Ecoplanning Pty Ltd (Ecoplanning) to assess the ecological values present within the site and identify potential constraints for future development. The ECA consisted of a desktop assessment only, and included a review of aerial imagery, site photographs, and vegetation mapping.

Mapping of native vegetation in the Central West/Lachlan Region did not identify any plant community types (PCTs) within the site, and desktop assessment tentatively identified disturbed native vegetation along the south-west and north-west borders of the site, identified as 'Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion' (PCT 174). The PCT identified within the site is identified as being 'in part' equivalent to *Acacia loderi* shrublands threatened ecological communities (TECs) listed under the BC Act, and the PCT is also associated with TECs including the following:

- *Acacia melvillei* Shrubland in the Riverina and Murray-Darling Depression bioregions
- Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions
- Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes bioregions.

Based on observations of the vegetation present within the site however, from photos and aerial imagery available, it is considered unlikely that any of these TECs are present within the site, and is considered a moderate ecological constraint only.

The majority of the study area has been cleared for agricultural production and aerial imagery revealed cropping lines suggesting the land has been cultivated in the past. Vegetation across the study area showed varying levels of historic and ongoing disturbance with four broad conditions classes tentatively identified: 'paddock trees', 'exotic', 'cleared,' and 'planted'.

No threatened flora or fauna species listed under the BC Act or EPBC Act were deemed likely to occur across the site. Given the historic disturbance which has occurred across much of the study area, lack of connectivity to nearby bushland and its proximity to residential areas; the likelihood of any threatened species occurring within the study area is further reduced.

Whilst based upon desktop assessment, the likely impacts to native vegetation in the site are considered unlikely to exceed 0.25 ha, it should be noted that any future proposed development which does involve vegetation clearing exceeding 0.25 ha would trigger entry into the Biodiversity Offsets Scheme (BOS) and would incur costs associated with purchasing and retiring biodiversity credits.

Therefore as part of any Development Application (DA), further investigation should be completed to determine the exact area of clearing required. Targeted surveys for threatened species may also be required and if/where threatened species are detected during surveys, and this may lead to additional requirements to avoid impacts to these species and may result in additional offset requirements.

2.3 Hydrology

The site does not contain, nor is it located in the vicinity of, any watercourses or riparian vegetation. The site is not identified as flood affected by LEP mapping. The watercourses are small in scale with undefined channels, with the removal of riparian vegetation not occurring as a result of this scheme.

There is potential for the exposure of soils during construction, which could become mobilised during rainfall events and enter the surrounding drainage lines. To ensure sediment laden runoff is managed appropriately, future development applications will be required to prepare an Erosion and Sediment Control Plan to inform the construction phase.

There is a limited potential for impacts on water quality during construction associated with the release of hydrocarbons from spills. Water quality during future construction would be managed through the implementation of a Spill Response Protocol to minimise the risk of hydrocarbon and chemical spills. The Spill Response Protocol will be included as part of the CEMP.

2.4 Contamination

A desktop assessment of the project area and surrounding properties was undertaken (refer to **Section 1.2.5**). The site is not mapped as a contaminated site under the EPA Contaminated Land Record and is not in the vicinity of any scheduled activities under the POEO Act. Furthermore, a review of the site does not identify any stockpiles of material or major spills.

Historic aerial imagery dated 6 July 1987 (as shown below) has been obtained from the Historical Imagery Viewer (NSW Spatial Services) to demonstrate the earliest available visual evidence of the site not being used for agricultural purposes or other potentially contaminating activities.



It is not therefore anticipated that contaminated materials would be present during future development of the site for residential purposes, however, there may be covered material associated with the surrounding and previous agricultural production, or illegal dumping, with this material potentially uncovered during construction. A contamination Unexpected Finds Protocol would be required within in all CEMPs prepared for future ground disturbance works required for construction.

2.5 Visual

The visual character of the site is residential adjoining rural, with vegetation primarily limited to the southern and western boundaries along O'Donnell Street and Regent Street. Views north and east are residential in character and dominated by single storey residential dwellings, with views south and west characterised by relatively flat cleared land, with a small airport located south-east of the site.

Future residential development of the site would maintain the character of the area given the existing residential nature of adjoining blocks immediately to the north and east, which extend further north and north-east as part of the broader suburb. Existing road infrastructure and subdivision of the land links the site with adjoining development and will not create uncharacteristic visual impacts to the surrounds.

2.6 Socioeconomic

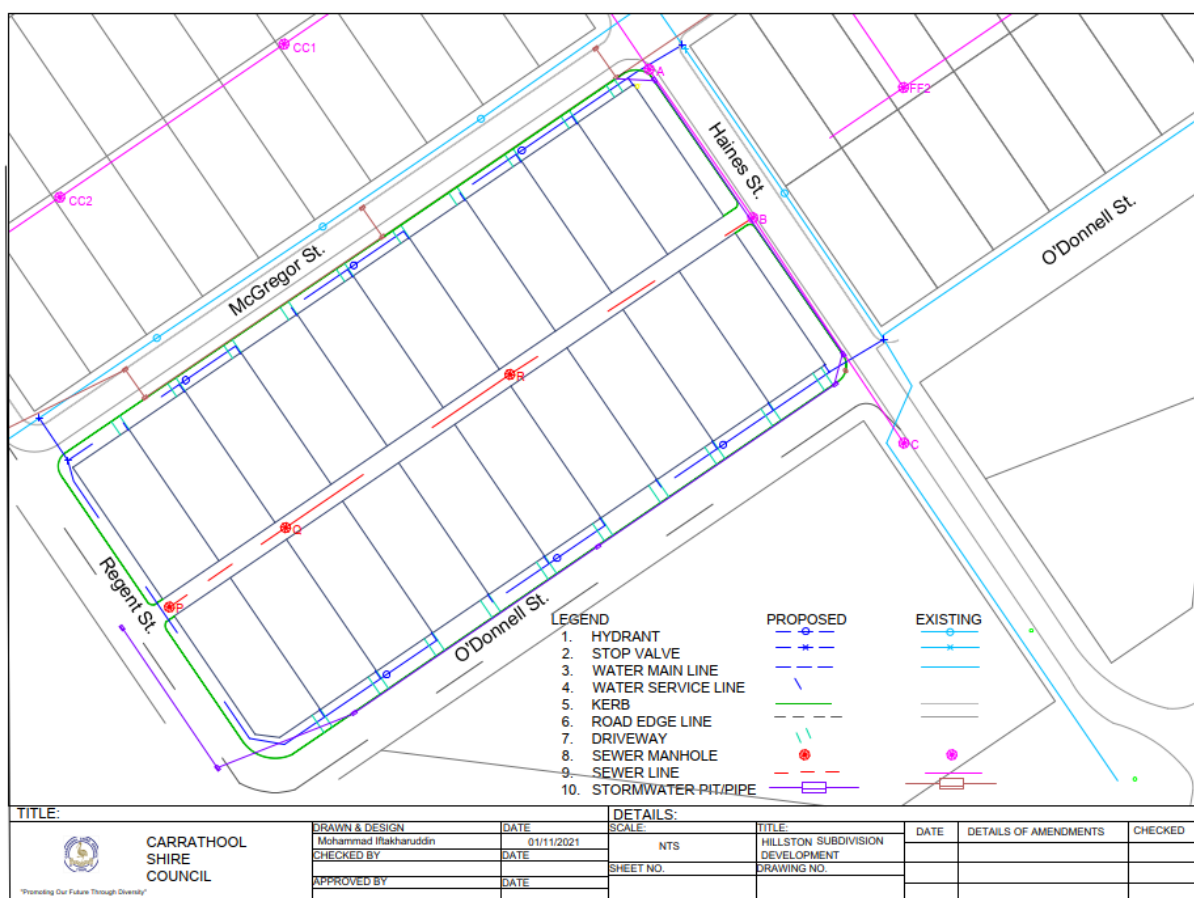
Australian Bureau of Statistics (ABS) data for the state suburb of Hillston during the 2016 Census identifies a population of 1,465 and a median age of 39. The Census identified 361 families within the suburb and a total of 699 private dwellings at a ratio of 83.2% occupied and 16.8% unoccupied. Of occupied private dwellings in Hillston, 36.9% were owned outright, 18.4% were owned with a mortgage and 36.6% were rented.

The provision of zoning and minimum lot size more suitable for residential development within the site would provide socioeconomic benefits for individuals and families seeking an opportunity to build a home, investors seeking a rental opportunity, and local businesses following the increase in population resulting from an increased residential supply in the locality.

It is not anticipated that the development of the site would result in significant stress on surrounding existing infrastructure or businesses within the locality or broader LGA.

2.7 Servicing

The site is located within the immediate vicinity of existing infrastructure and services for surrounding residential development which would allow for efficient subdivision development and connection to water and sewer for future residential properties, as demonstrated within the below proposed subdivision plan.



BOX 28A
(AA716979)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE	
REFERENCE TO FOLIO OF THE REGISTER	
IDENTIFIER AUTO CONSOL 3990-117	
EDITION 4	DATE OF ISSUE 15/6/2004
CERTIFICATE AUTHENTICATION CODE 9DB4-QJ-E2Z9	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.



REGISTRAR GENERAL

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT HILLSTON
LOCAL GOVERNMENT AREA: CARRATHOOL
PARISH OF REDBANK COUNTY OF NICHOLSON
TITLE DIAGRAM: DP257

FIRST SCHEDULE

CARRATHOOL SHIRE COUNCIL

(T AA716979)

SECOND SCHEDULE

1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

SCHEDULE OF PARCELS

LOTS 1-20 SEC. 28 IN DP257.

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

Asset Code	ASSESSMENT	Lot/Sec/DP	Description	O/Bal At Fair Value (1/07/2017)	C/Bal At Fair Value (30/06/2022)
			LAND - OPERATIONAL		
LND0-1001	1640	11/7/257	Nos 127-131 High St HDO Car Park	\$30,000.00	
LND0-1003	235	1/5/758461	9/11 COBRAM Street GOOLGOWI Main Office	\$22,000.00	
LND0-1004	240	9/5/758461	5 STIPA Street GOOLGOWI old chambers/records shed	\$15,000.00	
		1&2/378639 9&11/346264 & 11/7/257			
LND0-1006	1640		143-145 HIGH STREET HILLSTON	\$60,000.00	
LND0-1007	1774	1-20/32/257	86-104 MOLESWORTH STREET HILLSTON Depot	\$75,000.00	
LND0-1008	222 & 222-01	9-12/2758461	Crn Farrer & LOWAN STREET GOOLGOWI Depot	\$30,000.00	
LND0-1010	1495-02	2/884092	48C BURNS STREET HILLSTON Hillston Medical/Community Centre	\$20,000.00	
LND0-1012	288-11214	14/12/758461	35 MOIRA STREET GOOLGOWI Old GM Residence Rental Property	\$15,000.00	
LND0-1013	279-1	15/8/758461	15 NAPIER STREET GOOLGOWI Rental Property	\$15,000.00	
LND0-1015	211-014	11/1035092	44 NAPIER STREET GOOLGOWI Rental Property	\$17,000.00	
LND0-1016	1017-3	7/8/758673	21 Mons St Merriwagga Vacant Land	\$500.00	
LND0-1061	1664-06	7/24/257	209 HIGH Street HILLSTON Rental Property	\$18,000.00	
LND0-1018	222-11	13/2/758461	12 MOIRA STREET GOOLGOWI Council Flats	\$15,000.00	
LND0-1019	1523-1	4/23/257	18 CHARLES Street HILLSTON Dr Residence	\$18,000.00	
LND0-1020	249-08	8/43624	15 BUNYIP STREET GOOLGOWI Rental Property	\$15,000.00	
LND0-1021	1538-8	13/22/758521	23 COWPER Street HILLSTON Director Infrastructure	\$18,000.00	
LND0-1022	211-008	5/1035092	10 FRANK CAMPBELL Crescent GOOLGOWI GM	\$12,000.00	
LND0-1060	211-012	13/1035092	4 FRANK CAMPBELL Crescent GOOLGOWI DCS	\$12,000.00	
LND0-1023	1863-340	21/1006653	40 MOORE STREET HILLSTON MWS	\$18,000.00	
Nil	1847-05	2/1040914	35 MOORE STREET HILLSTON FLATS	\$0.00	
LND0-1024	1653-2	3/1088052	173 HIGH STREET HILLSTON public area/access library carpark	\$3,500.00	
LND0-1025	1653-1	1/1088502	173-175 HIGH STREET HILLSTON Library	\$60,000.00	
LND0-1026	1444-6	146/755189	HILLSTON SEWER TREATMENT WORKS & RUBBISH TIP KIDMAN WAY	\$60,000.00	
LND0-1028	1443-42	365/726541 1/726542	HILLSTON AIR STRIP Boundary Road	\$250,000.00	
LND0-1029	1867	1-12/29/257	HILLSTON HANGER O'Donnell St	\$50,000.00	
LND0-1030	1554	1/1114647	DARLING Street HILLSTON NSW 2675	\$600.00	
LND0-1034	289	1-18/10/728944	BUNYIP & LOWEN STREETS GOOLGOWI Undeveloped vacant land behind School	\$50,000.00	
LND0-1035	189-2	29/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1036	189-2	30/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1037	189-2	31/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1038	189-2	32/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1039	189-2	33/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1040	189-2	37/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1041	189-2	38/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1042	189-2	39/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1043	189-2	40/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1044	189-2	35/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1045	189-2	36/755143	CLIPPER STREET GOOLGOWI Vacant Land ZARA STREET	\$10,000.00	
LND0-1046	189-2	1/104380	CLIPPER STREET GOOLGOWI Vacant Land Lane Way	\$2,000.00	
LND0-1047	Nil	Nil	Shelley & COWPER Street HILLSTON (Newtown Park)	\$25,000.00	
LND0-1048	1869-28	70/1209598	PATERSON STREET HILLSTON RFS & SES SHEDS	\$90,000.00	
LND0-1050	1535-05	3/731445	OFF COLLINS STREET HILLSTON LIKELY TO BE FOR WATER OR SEWER	\$1,000.00	
Nil	1535-054	4/806595 & 5/731445	OFF COLLINS & PATTERSON STREETS HILLSTON LIKELY TO BE FOR WATER OR SEWER	\$0.00	
LND0-1051	1443-93	2/872551	WATER INFRASTRUCTURE LACHLAN RIVER ROAD HILLSTON	\$3,000.00	
LND0-1052	1443-92	1/872551	WATER INFRASTRUCTURE LACHLAN RIVER ROAD HILLSTON	\$5,000.00	
LND0-1055	1659	19/132964	197 HIGH Street HILLSTON John Woods Park (Water Tower)	\$18,000.00	
LND0-1057	190-1	1/1168442	GOOLGOWI SEWER TREETMENT SITE KIDMAN WAY	\$20,000.00	
LND0-1062	Nil	Nil	RANKINS SPRINGS HALL PARK LAND (Closed Part of Road)	\$5,000.00	
LND0-1063	1639-1	12/7/257	133 - 137 HIGH ST HILLSTON (REAL CAFE)	\$24,200.00	
LND0-1064	757-0	1/4/3415 & 2/4/3415	1 - 2 WADE STREET CARRATHOOL Vacant Land	\$8,893.46	
LND0-1065	1669-0	2/33/257	258 HIGH STREET HILLSTON Vacant Land	\$2,564.38	
		Lots 11,12,13,14,15,16,17 & 18 of Section 16 DP758521			
LND0-1066	1870-0		1 to 15 SOUTHEY STREET HILLSTON Vacant Land	\$50,960.00	
LND0-1067	1769-0	Lots 1,2,3,4,5,6,7,8,9 & 10 of Section 28 DP257	22 - 40 MCGREGOR STREET HILLSTON Vacant Land	\$28,738.00	
		Lots 11,12,13,14,15,16,17,1 8,19 & 20 Section 28 DP257			
LND0-1068	1769-0		O'DONALD STREET HILLSTON Vacant Land	\$28,738.00	
Nil	1770-0	Lots 1,2 & 3 Sec 30 DP257			
LND0-1069	968-0	6/2/758673	42 - 46 MCGREGOR STREET HILLSTON Vacant Land	\$0.00	
LND0-1071	928-0	2/1/758888	13 DEVON STREET MERRIWAGGA Vacant Land	\$3,620.00	
LND0-1072	1671-01	6/33/257	ROTO ROAD ROTO Vacant Land	\$1.00	
Nil	954-5	78/755166	254 HIGH STREET HILLSTON Vacant Land	\$1,750.22	
Nil	1021-9	18/9/758673	MELBERGEN ROAD MERRIWAGGA RUBBISH TIP	\$0.00	
Nil	1099-8	1 & 3/220177	CHARNEY STREET MERRIWAGGA Vacant Land	\$0.00	
Nil	1869-3	1/775311	BETWEEN HILLSTON & MERRIWAGGA NEXT TO THE KIDMAN WAY	\$0.00	
Nil	1722-1	2/1150566	2 ROSE STREET HILLSTON Vacant Land	\$0.00	
Nil	1734-13	2/1203867	MORANT ST HILLSTON HILLSTON EAST LEVY	\$0.00	
Nil	3022-0	1/34687	LACHLAN STREET HILLSTON EMT DRAIN EASEMENT	\$0.00	
Nil	3470-0	1/1172891	32 ROSE STREET HILLSTON Vacant Land	\$0.00	
Nil	3470-1	2/1172891	COBRAM STREET GOOLGOWI GARDENS ALONG THE RAILWAY LINE	\$0.00	
Nil	3470-2	3/1172891	COBRAM STREET GOOLGOWI CEDARS PARK IN FRONT OF THE CARAVAN PARK	\$0.00	
Nil	3470-3	5/1172891	COBRAM STREET GOOLGOWI ROUNDABOUT/GARDEN	\$0.00	
			COBRAM STREET GOOLGOWI GARDENS ALONG THE RAILWAY LINE	\$0.00	
			Total Operational Land	\$1,328,065.06	\$0.00

APPENDIX B

Extensive AHIMS

SLR Consulting

10 Kings Road

New Lambton New South Wales 2305

Attention: Kiera Plumridge

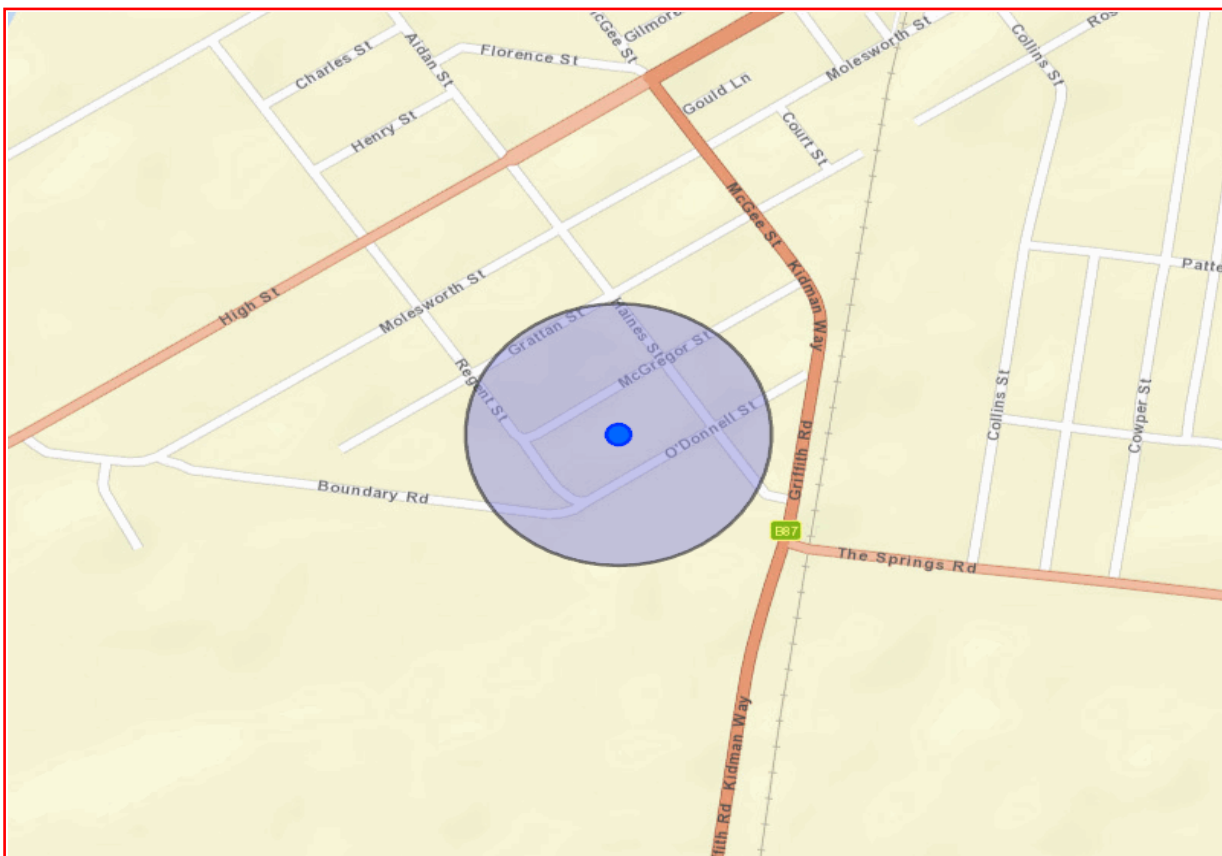
Email: kplumridge@slrconsulting.com

Date: 02 February 2022

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 22-40 MCGREGOR STREET HILLSTON 2675 with a Buffer of 200 meters, conducted by Kiera Plumridge on 02 February 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 660.30167

Client Service ID : 656037

<u>SiteID</u>	<u>SiteName</u> <u>Contact</u>	<u>Datum</u> <u>Recorders</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u> <u>Permits</u>	<u>SiteTypes</u>	<u>Reports</u>
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There are no sites found for given search criteria.

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 02/02/2022 for Kiera Plumridge for the following area at Address : 22-40 MCGREGOR STREET HILLSTON 2675 with a Buffer of 200 meters..

Number of Aboriginal sites and Aboriginal objects found is 0

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

APPENDIX C

Ecological Constraints Analysis (ECA)

Jason Nicholson
Manager Building and Regulatory Services
Carrathool Shire Council
PO BOX 12
Goolgowi NSW 2652
jnicholson@carrathool.nsw.gov.au

23 March 2022

Re: Ecological Constraints Assessment, McGregor Street (Lot 1 to 20 / Section 28 / DP257 and Lot 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19 / Section 27 / DP 257), Hillston, NSW

Dear Jason,

Please find below an ecological constraints assessment (ECA) that has been prepared following a desktop assessment for the land on O'Donnell Street and McGregor Street known as Lot 1 to 20 / Section 28 / DP257 and Lot 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19 / Section 27 / DP 257 hereafter referred to as the 'study area' (**Figure 1**). The ecological constraints within the study area were assessed by a desktop assessment and this report has been prepared based on the findings of that assessment.

Background and site description

Ecoplanning Pty Ltd (Ecoplanning) have been engaged to prepare an Ecological Constraints Assessment (ECA) to inform a Planning Proposal being prepared by SLR Consulting on behalf of Carrathool Shire Council (Council). This report assesses the ecological values present within the study area and potential constraints for future development. Specifically, this ECA considers threatened species, populations and ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and NSW *Biodiversity Conservation Act 2016* (BC Act).

The study area is located entirely within the Carrathool Shire Local Government Area (LGA) and is approximately 3.68 ha. The study area is not identified on the Biodiversity Values Map. The study area is currently zoned RU1 – Primary Production under Carrathool Local Environmental Plan (LEP) 2012. Carrathool Shire Council has commissioned SLR Consulting to prepare a planning Proposal to facilitate the rezoning of the study area from the current zoning to RU5 Village.

Native vegetation within 5 km of the study area (the locality) was assessed using desktop GIS analysis. Vegetation mapping by OEH (2015) indicates that native vegetation occurs over approximately 40% of the locality (**Figure 2**). The remaining 60% of the locality consists of cleared and/or disturbed lands, having been historically modified for agricultural practices.

Methods

Literature review and database analysis

A site-specific literature and database review was undertaken prior to the preparation of this report. This included desktop analysis of recent aerial photography and review of regional scale information from the following sources:

- NSW Planning Viewer (DPE 2022a)
- BioNet Atlas of NSW Wildlife (DPE 2022b)
- BioNet Vegetation Classification (DPE 2022c).
- Biodiversity Values Map (DPE 2022d)
- NSW Vegetation State Vegetation Type Map (DPE 2022e)
- Protected Matters Research Tool (DoE 2022)
- SIX Maps (LPI 2022)
- Vegetation mapping (OEI 2015)

Threatened species, populations and migratory species previously recorded within 5 km of the study area (DPIE 2021b) were considered. The likelihood of these species occurring within the study area was assessed by:

- Reviewing the location and date of recent (<5 years) and historical (>5-20 years) records
- Reviewing available habitat within the study area and surrounding areas
- Reviewing the scientific literature pertaining to each species and population
- Applying expert knowledge of each species.

Following a review of available habitat within the study area, the potential for each threatened species, population and/or migratory species to occur was considered. The potential for species to use the study area was identified as either:

- “Recent record” = species has been recorded in the study area with the past 5 years
- “High” = species has previously been recorded in the study area (>5 years ago) or in proximity to (for mobile species), and/or habitat is present that is likely to be used by a local population
- “Moderate” = suitable habitat for a species is present onsite but no evidence of a species detected and relatively *high* number of recorded (5-20 years) within 5 km of the study area or species is highly mobile
- “Low” = suitable habitat for a species is present onsite but limited or highly degraded, no evidence of a species detected and relatively low number of recent records within 5 km of the study area
- “Not present” – suitable habitat for the species is not present on site or adequate survey has determined species does not occur in the study area

Desktop assessment

The desktop assessment included a review of aerial imagery from various sources (NearMap, Google Earth and SIX Maps) as well as site images provided by Carrathool Shire Council to



determine the presence of native vegetation, habitat features and areas of ecological value. Plant Community Type (PCT) identification was inferred based on the state vegetation type mapping in the surrounding area (DPE 2022e) and the aforementioned information sources.

Limitations

It should be noted that the images provided were at a landscape scale and did not allow for positive identification of plants at a species level. General conclusions regarding the extent of native vegetation within the study area were made but it was not possible to positively identify the PCTs present. Additionally, much of the vegetation to the north of McGregor Street was not visible in the images provided and therefore could not be assessed. Grass and groundcover vegetation which was visible in the images provided had recently been slashed therefore it was not possible to determine the extent of native understorey species present. These factors present a limitation to the identification of ecological constraints present within the study area. However, the purpose of this report is to inform a planning proposal therefore additional, more detailed assessment is likely to be conducted for future development stages.

Results

Desktop assessment

Mapping of native vegetation in the Central West / Lachlan Region by DPE did not identify any Plant Community Types (PCTs) within the study area. Whilst this regional dataset is useful at a landscape scale, it can often contain errors or omissions when used at a site scale. As such, areas in close proximity to the study area that have been assigned a PCT were considered for the purpose of assessing native vegetation present within the study area.

The desktop assessment tentatively identified disturbed native vegetation along the south-west and north-west borders of the study area. The PCT which has been tentatively identified is Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion (PCT 174).

The distribution of the PCT within the study area is shown in **Figure 4**, and details are provided in **Table 1**. The PCT identified within the study area is identified as being 'in part' equivalent to *Acacia loderi* shrublands TECs listed under the BC Act. Further consideration of the equivalence of the native vegetation present to any TECs is provided in the following section.

Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion (PCT 174) included a native canopy layer of *Eucalyptus sideroxylon* (Mugga Ironbark), *Callitris glaucophylla* (White Cypress-pine) and an unidentifiable *Eucalyptus* species (**Plate 2** and **Plate 3**). Based on the images provided by Carrathool Shire Council, they appeared to be no shrub layer within the study area. Ground layer vegetation in the study area could not be identified due to the inadequate images provided by Carrathool Shire Council and recent slashing.

The south-east border of the site running parallel with O'Donnell Street is lined with a native canopy layer of *Callitris glaucophylla* (**Plate 1** and **Plate 2**). These trees are native to the area; however, the trees have been listed as 'planted native trees' due to their unnatural distribution

within the study area. The distribution of the vegetation type within the study area is shown in **Figure 4**, and details are provided in **Table 1**.

The majority of the study area has been cleared for agricultural production (RU1) and has been listed as (cleared or exotic grassland?) (**Plate 1** and **Plate 2**). Its distribution within the study area is shown in **Figure 4**, and details are provided in **Table 1**. Aerial imagery revealed cropping lines suggesting the land has been cultivated in the past.

Areas of the rezoning north of McGregor Street contain vegetation which cannot be identified with the information currently available. This vegetation has been listed as 'Unknown' and its distribution within the study area is shown in **Figure 4**, and details are provided in **Table 1**.

Vegetation across the study area showed varying levels of historic and ongoing disturbance with four broad conditions classes tentatively identified: 'Paddock Trees', 'Exotic', 'Cleared' and 'Planted'. Condition class descriptions are provided in Error! Reference source not found..

Table 1: Native vegetation communities within the study area (Ecoplanning 2021)

PCT	Condition Class	Area (ha)
PCT 174: Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion	'Paddock Trees'	0.12
Total native vegetation		0.12
Other	Planted native trees	0.20
	Exotics	0.05
	Cleared	1.90
	Unknown	0.05
Total vegetation		2.46

Threatened ecological communities

As noted above, PCT 174 is noted within the Bionet Vegetation Classification database as being 'in part' equivalent to *Acacia loderi* shrublands TEC. Other TEC's that are predicted to occur within the site include:

- *Acacia melvillei* Shrubland in the Riverina and Murray-Darling Depression bioregions
- Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions
- Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes bioregions.

Based on our observations of the vegetation present within the study area (from photos and aerial images) it is considered unlikely that any of these TECs are present within the study area.

Threatened species

No threatened flora or fauna species listed under the *Biodiversity Conservation Act 2016* (BC Act) or the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) were deemed likely to occur in the study area. A search of the BioNet database (Atlas of NSW Wildlife; DPIE 2021) did not identify any threatened species which have been previously recorded within the study area. Two threatened species have been recorded within 5 km of the study area (**Figure 5** and **Appendix A**). These include Little Eagle (*Hieraaetus morphnoides*) and Grey-crowned Babbler (*Pomatostomus temporalis temporalis*). All threatened species records were historical records (>5-20 years), reducing the species likelihood of occurrence in the study area. Given the historic disturbance which has occurred across much of the study area, lack of connectivity to nearby bushland and its proximity to residential areas; the likelihood of any threatened species occurring within the study area is further reduced. An assessment of the likelihood of threatened species occurring within the study based upon previous records and habitat present within the study area is presented in **Appendix A**.

Biodiversity Values Map

The Biodiversity Values Map (BVM) identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing and is assessed under Part 7 of the BC Act. The map forms part of the Biodiversity Offsets Scheme (BOS) thresholds, which is one of the determining triggers which determines that the BOS applies. No areas within the study area are mapped under the BVM (DPE 2022d) as shown in **Figure 3**.

Conservation values in the study area

Ecological constraints were ranked as 'high', 'moderate', 'low' and 'none' according to their ecological values (**Table 2**; **Figure 7**).

Table 2: Ecological constraints criteria.

Ecological Constraint	Criteria
High	<ul style="list-style-type: none">None mapped
Moderate	<ul style="list-style-type: none">Areas of native 'Paddock trees' that are part of PCT 174
Low	<ul style="list-style-type: none">Areas of planted native and exotic species.Cleared land (remaining grassland quality unknown)
None	<ul style="list-style-type: none">Existing dwellings and infrastructure

The Approval Pathway

The following sections outlines relevant aspects of the approval pathway for the proposed impacts to biodiversity considering the current site conditions and current legislation.

Part 6 of the BC Act establishes an offsets scheme which aims to ensure there is no net loss of biodiversity values. Entry into the offset scheme is triggered by exceeding the thresholds as outlined in Part 7 of the NSW *Biodiversity Conservation Regulation 2017*, specifically:

- Clearing of native vegetation greater than 0.25 ha (based upon minimum lot size of no less than 1 ha).
- Clearing of land within the Biodiversity Values Map, which identifies areas of high biodiversity value.
- Development that will significantly affect threatened species or ecological communities, or their habitats (according to Section 7.3 of the BC Act).

Based upon the supplied maps for the rezoning, if the trees along the south-west and north-west borders of the study area are cleared the likely impacts to native vegetation will not exceed 0.25 ha and the biodiversity offset scheme established under Part 6 of the BC Act would not be triggered. If the trees along the south-east border of the site were to be considered native vegetation, the clearing of native vegetation would likely exceed 0.25 ha, triggering the BC Act. A Biodiversity Development Assessment Report (BDAR) would then be required to predict the impacts to biodiversity under the guidelines of the BAM (DPE 2020). This BDAR would be prepared by a qualified ecologist to accompany a Development Application (DA).

Conclusion and recommendations

Despite extensive disturbance across the study area, patches of native vegetation remain present along the south-west and north-west borders of the study area. A desktop assessment of ecological values tentatively identified these patches as Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion (PCT 174) in 'paddock trees' condition class. This native vegetation is considered unlikely to be consistent with any TEC and has therefore been mapped as a moderate ecological constraints. The remainder of the study area has tentatively been identified as cleared, exotic, developed and planted land subject to low or no ecological constraints.

Nonetheless, opportunities to avoid and minimise impacts would be recommended for a future development application. A proposed development which involves vegetation clearing exceeding 0.25 ha would trigger entry into the Biodiversity Offsets Scheme (BOS) and would incur costs associated with purchasing and retiring biodiversity credits. As part of any Development Application, targeted surveys for threatened species may be required. Where threatened species were detected during these surveys, this may lead to additional requirements to avoid impacts to these species and may result in additional offset requirements.

It should be noted that the reliability of results from the desktop assessment is subject to limitations due to the inherent challenges associated with assessing ecological values in this



way. Additional field assessment would be necessary to accurately assess the ecological communities present within the study area and potential constraints for future development.

If you have any questions regarding the information presented within this letter, or the project more broadly, please do not hesitate to contact me.

Yours sincerely

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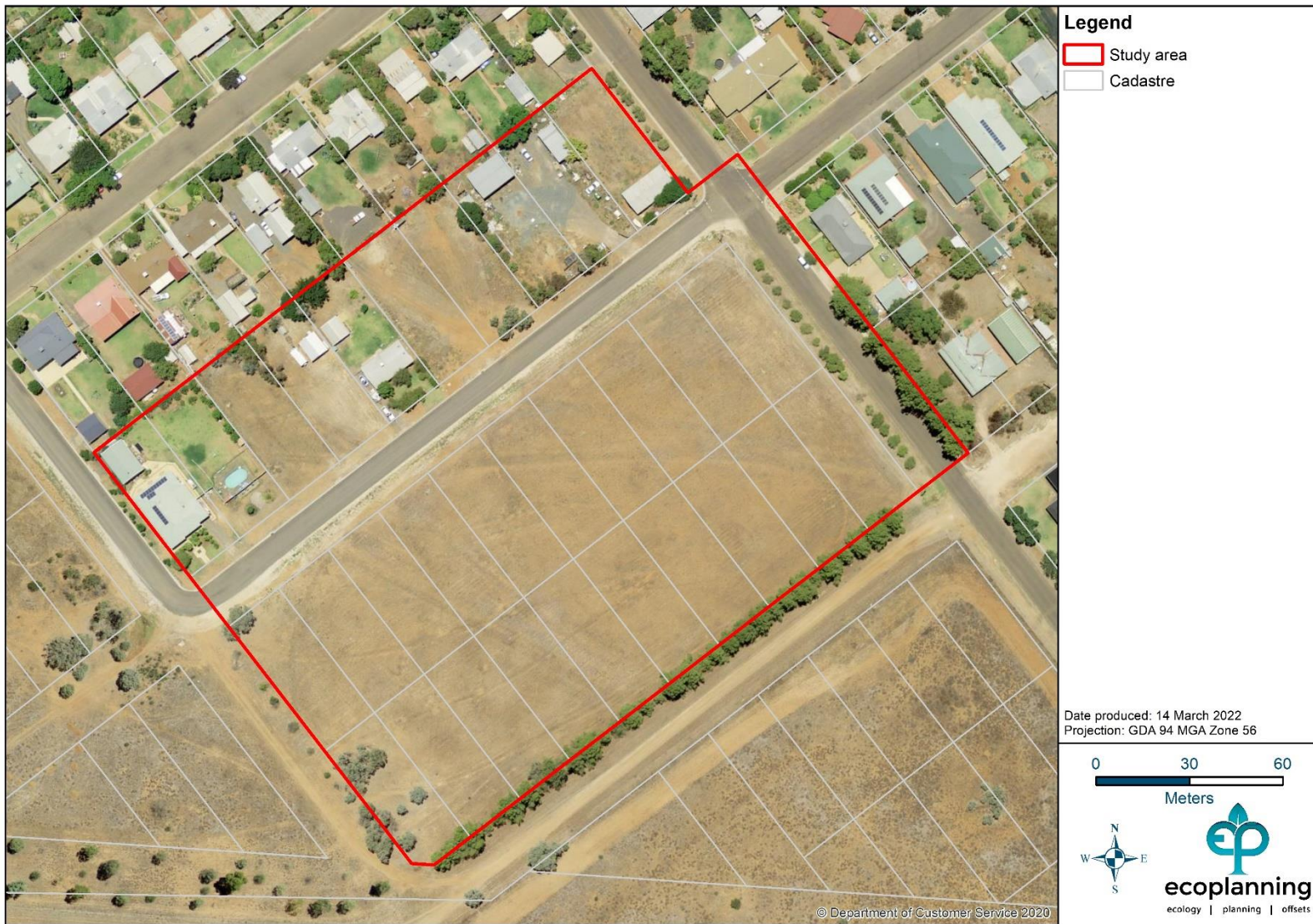


Figure 1: Location of the study area.

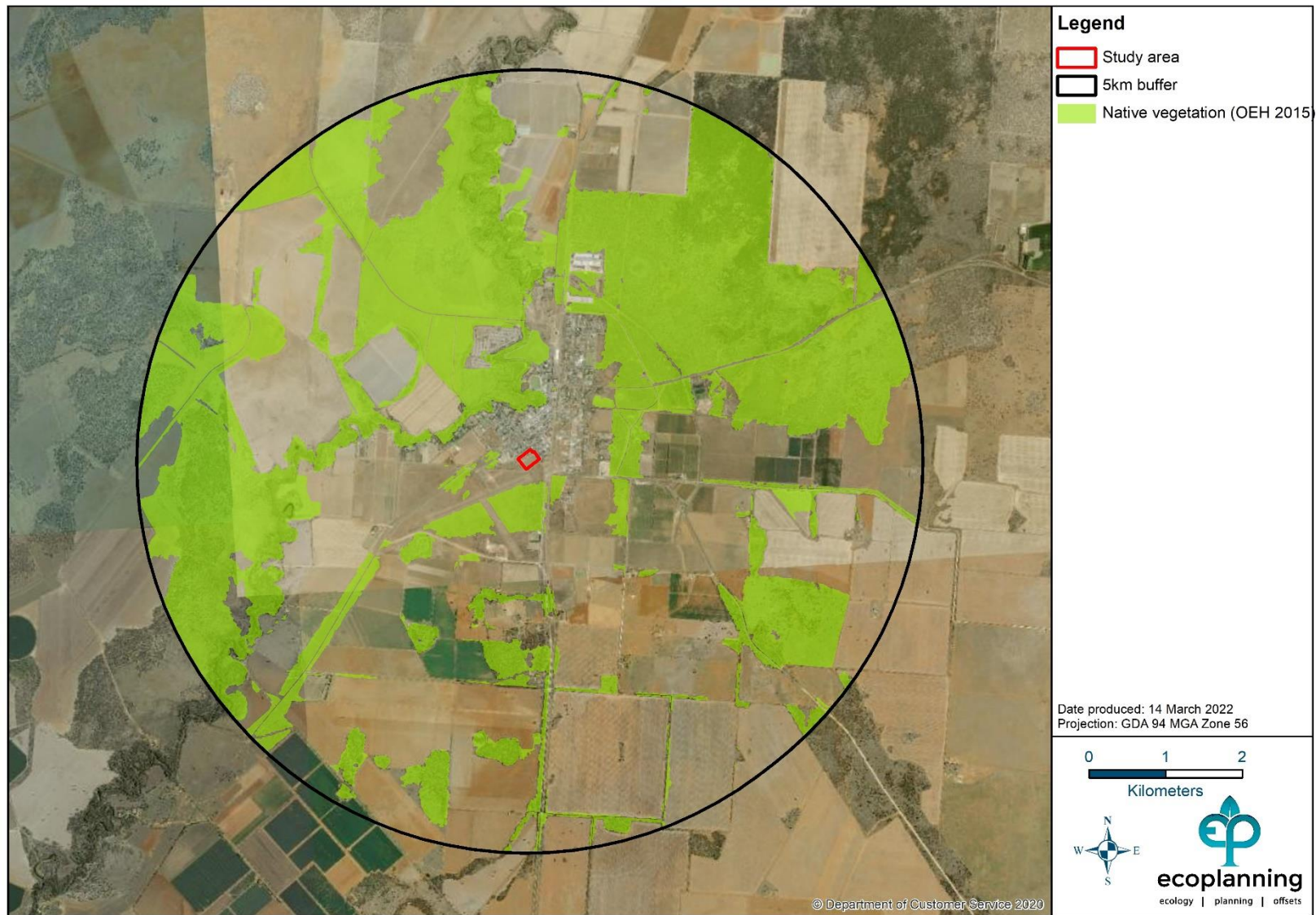


Figure 2: Native vegetation within 5 km of the study area.

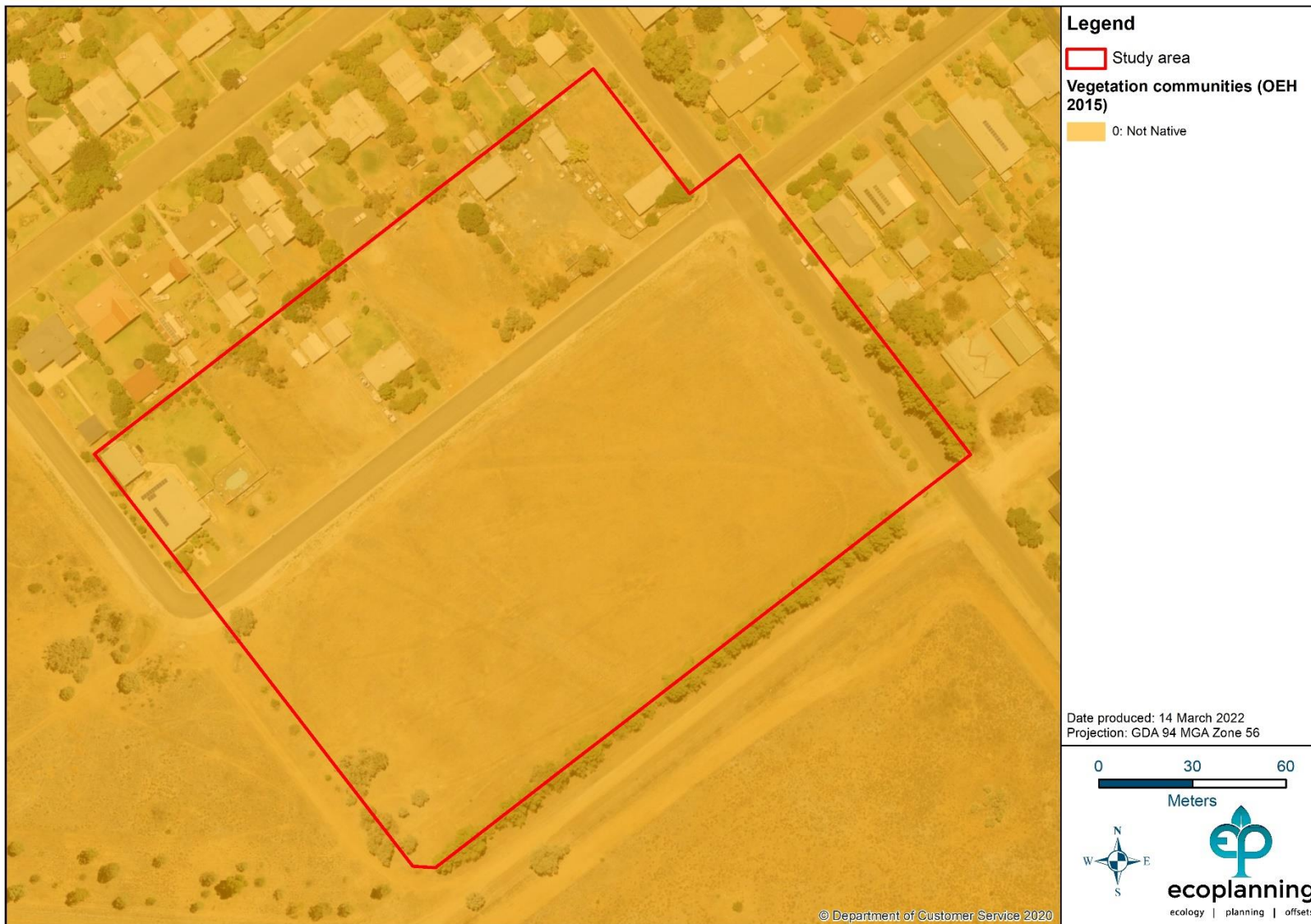


Figure 3: Native vegetation within the study area (OEH 2015).



Figure 4: Possible vegetation communities within the study area (Ecoplanning 2022).

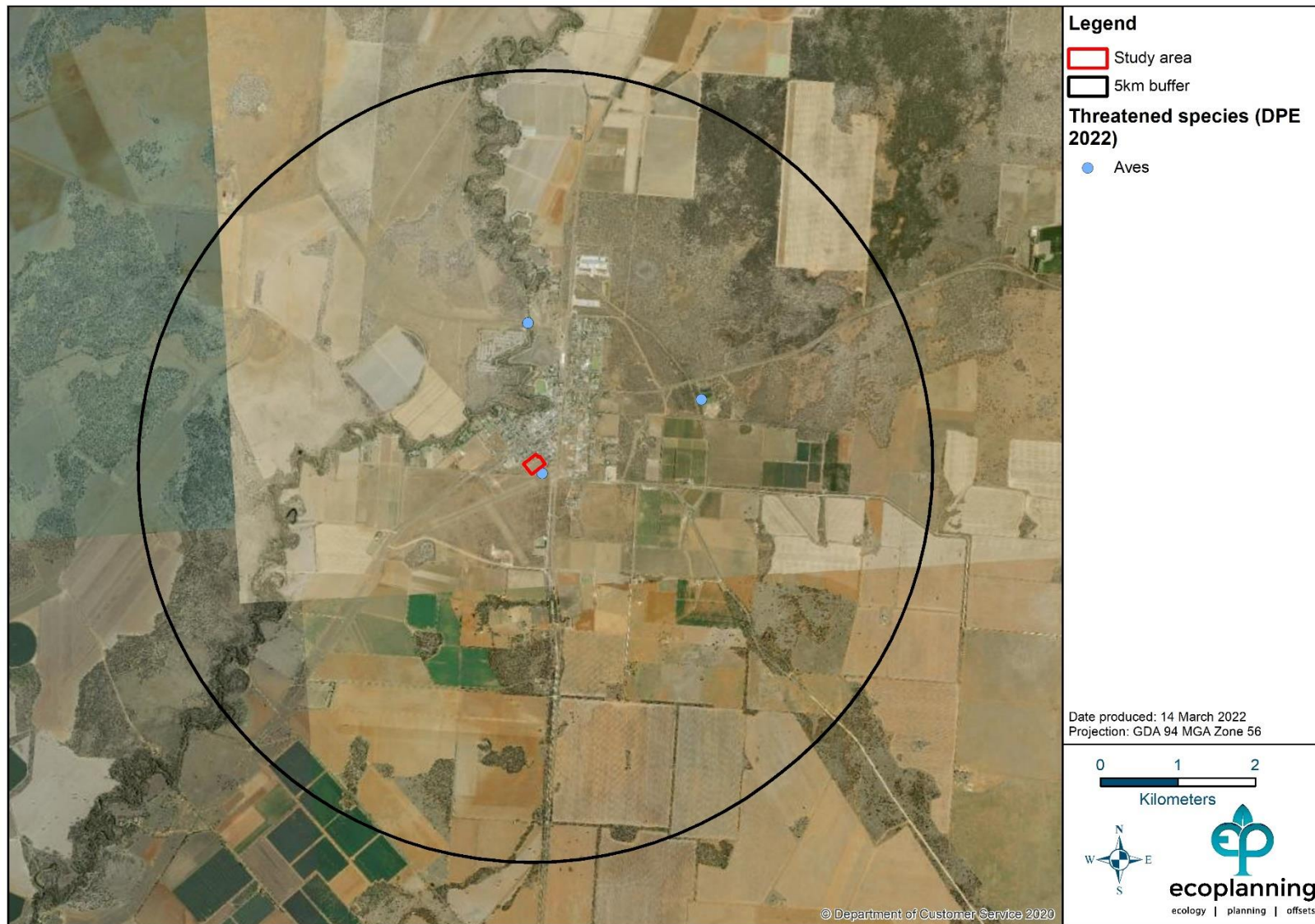


Figure 5: Threatened species records within 5km of the study area (DPIE 2022).

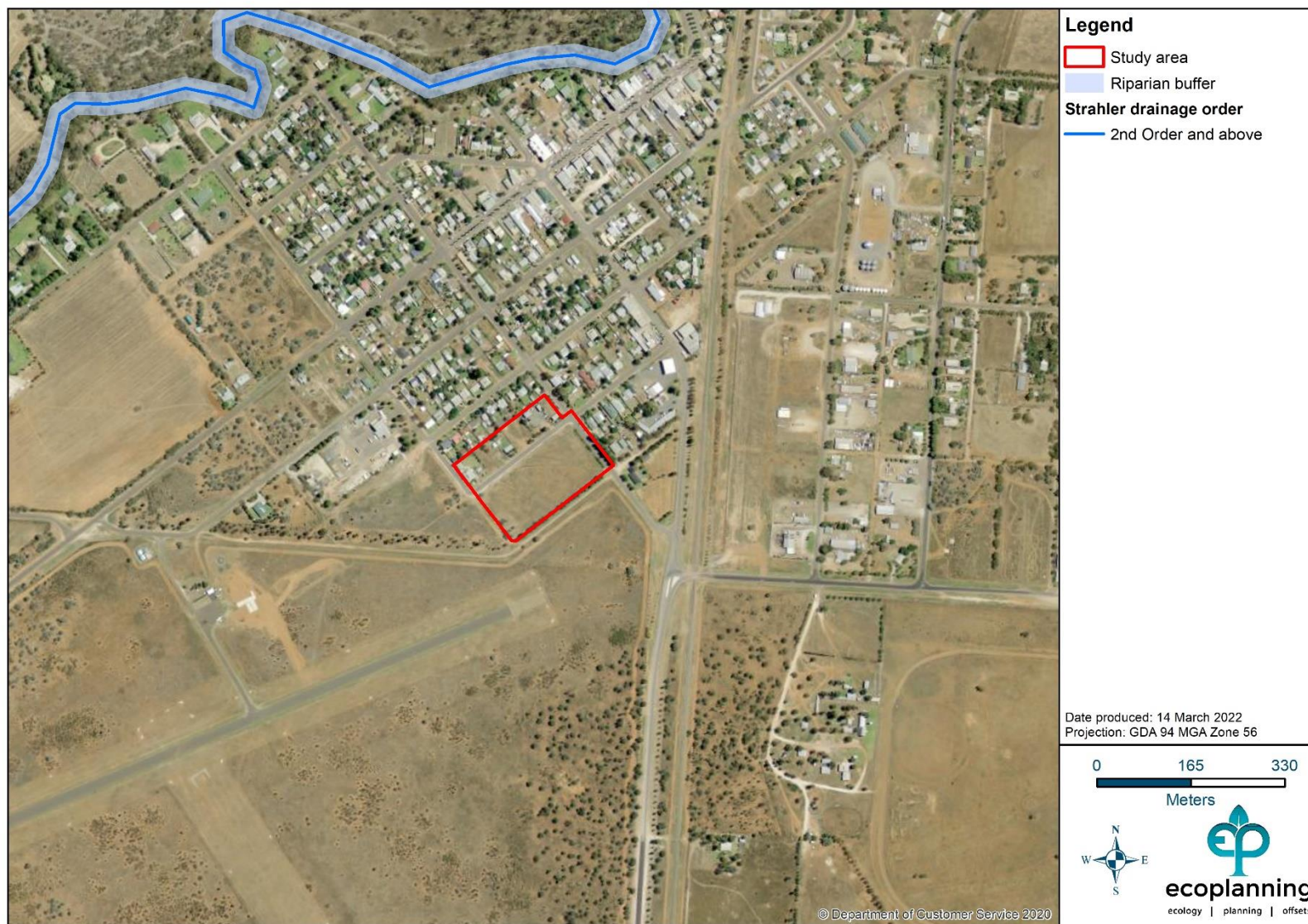


Figure 6: Watercourses and riparian corridors.

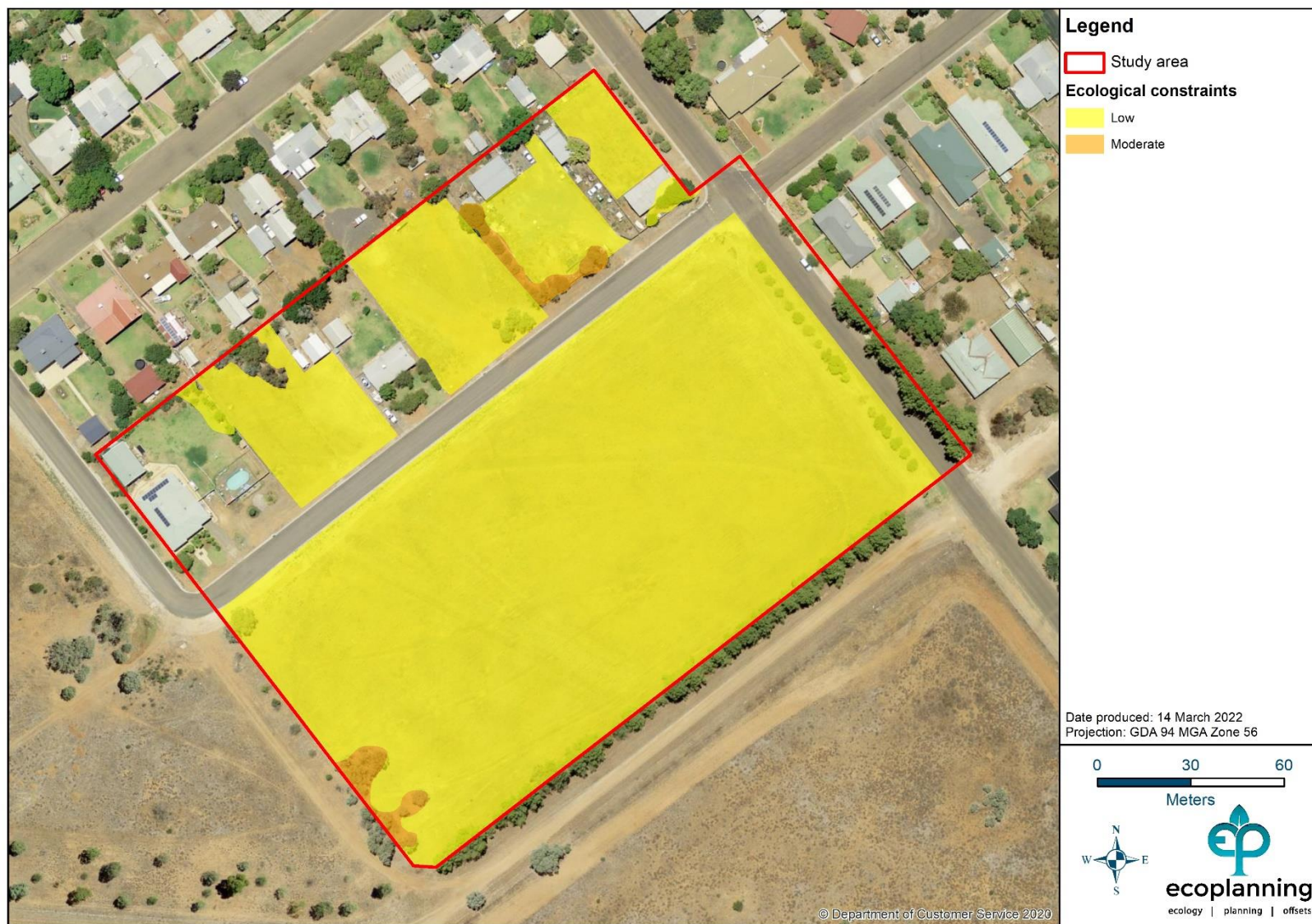


Figure 7: Ecological constraints within the study area.



Plate 1: Planted row of *Callitris glaucophylla* (top). Exotic grassland (middle).



Plate 2: Planted row of *Callitris glaucophylla* (top left). Possible Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Penneplain Bioregion (PCT 174) community in 'paddock trees' condition (top middle). Exotic *Salix babylonica* (top right). Exotic grassland (middle).



Plate 3: Exotic *Salix babylonica* (top left). Possible Mallee - Gum Coolabah woodland on red earth flats of the eastern Cobar Peneplain Bioregion (PCT 174) community in 'paddock trees' condition (top middle). Exotic trees (top right).

Appendix A: Likelihood of Occurrence

Scientific Name Common Name	Legal Status	Number of records	Closest records and date	Most recent and proximity	Likelihood of occurrence	
					Prior to field assessment	Post field assessment
KINGDOM: Animalia, CLASS: AVES						
<i>Hieraaetus morphnoides</i> (Little Eagle)	EPBC Act = V, P	1	1.8 km (13/02/2008)	1.8 km (13/02/2008)	Low	Low
<i>Pomatostomus temporalis</i> <i>temporalis</i> (Grey-crowned Babbler (eastern subspecies))	EPBC Act = V, P	3	0.1 km (03/03/2006)	1.8 km (13/02/2008)	Low	Low

Appendix B: Flora Species List

Family	Scientific Name	Common Name	Native/Exotic
Myrtaceae	Eucalyptus sideroxylon	Mugga Ironbark	Native
Cupressaceae	Callitris glaucophylla	White Cypress Pine	Native
Salicaceae	Salix babylonica	Weeping Willow	Exotic



APPENDIX D

Hillston Caravan Park Occupancy Data

Hillston Caravan Park

Occupancy By Company

From 01 Jan 2021 To 31 Dec 2021

Company	Total Res	Nights
No Company	2511	11407
Sub Total:	2511	11407
Archos Group Pty Ltd	4	18
B Asquith & Sons Earthmoving	1	14
Brefni PTY Ltd	1	37
Breza Farming	1	7
Burtens Contracting & Pest Management	1	1
CKD Haulage Pty Ltd	1	2
CVGT Shepparton	1	21
Dalbrook Pty Ltd	2	56
Dux Grove Ag	1	2
Ecovolt Electricial	1	4
Enzo Mazzarella	1	12
Force Enterprises	1	1
GGH Pty LTD	1	40
Gordon Earthmoving PTY LTD	6	195
Gransolar Australia PTY LTD	2	129
Griffith City Pump out Services	2	4
Hillston Lions Club	1	1
Hillston Pharmacy	3	11
Hillston RME	2	4
ICI Industries	1	2
Inco Civil Pty Ltd	11	236
Job Connect	1	2
Lachlan Lodge RACF	1	90
Metzroth Farming	3	51
Murray River Transport	1	35
Myamba Farming	5	23
NF Corbett	3	29
Outback Builders	2	4
Paterson Pumps	4	12
Proud Solutions	1	2
RACQ	1	6
Riverview Farming	1	53
Sams Flooring	2	2
ShearAway Pty Ltd	4	15
Southwest Strippers	1	27
SWI Fencing	1	9
TDS Earthworks	1	7
Top of the Crop Labour Hire	6	472

Tranex Solar Pty Ltd	8	299
Truck Car Rentals	3	3
Sub Total:	94	1938
Grand Total:	2605	13345

Hillston Caravan Park

Guest By Region

Date: 01 Jan 2021 To 31 Dec 2021

Property: Hillston Caravan Park

Region	Guest %
Hillston Caravan Park	
No Region Supplied	3.45
NSW/ACT	48.00
NT	0.31
QLD	4.63
SA	3.14
TAS	1.57
VIC	38.75
WA	0.16
Total :	100.00

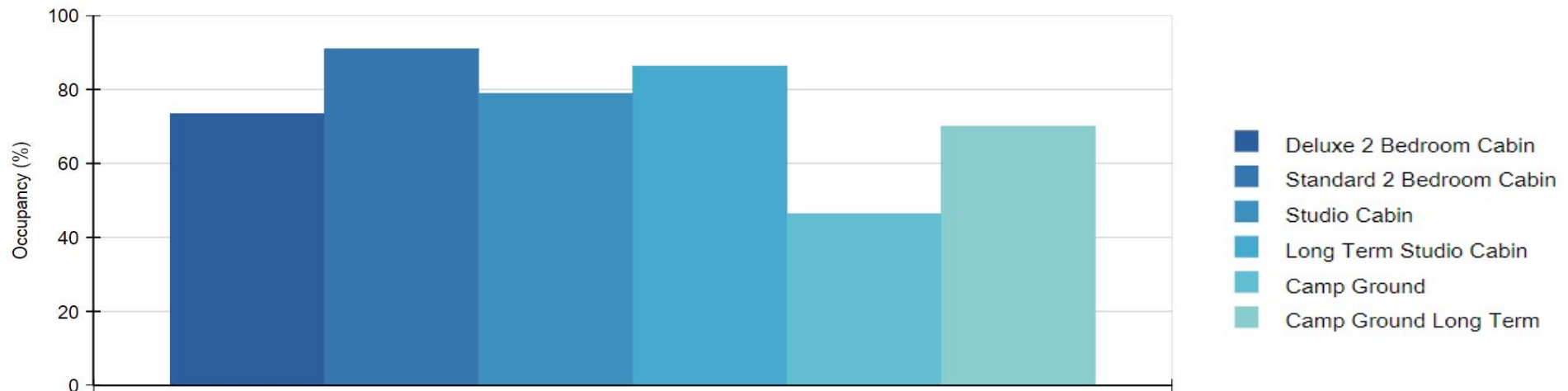
Hillston Caravan Park

Occupancy By Category

From 01 Jan 2021 To 31 Dec 2021

Description	Period	Occ %	Occupants
Deluxe 2 Bedroom Cabin	Days	73.42	559
Standard 2 Bedroom Cabin	Days	90.96	125
Studio Cabin	Days	78.91	309
Long Term Studio Cabin	Days	86.30	300
Camp Ground	Days	46.41	3864
Camp Ground Long Term	Days	70.07	62
Grand Total:		67.19	5219

Occupancy

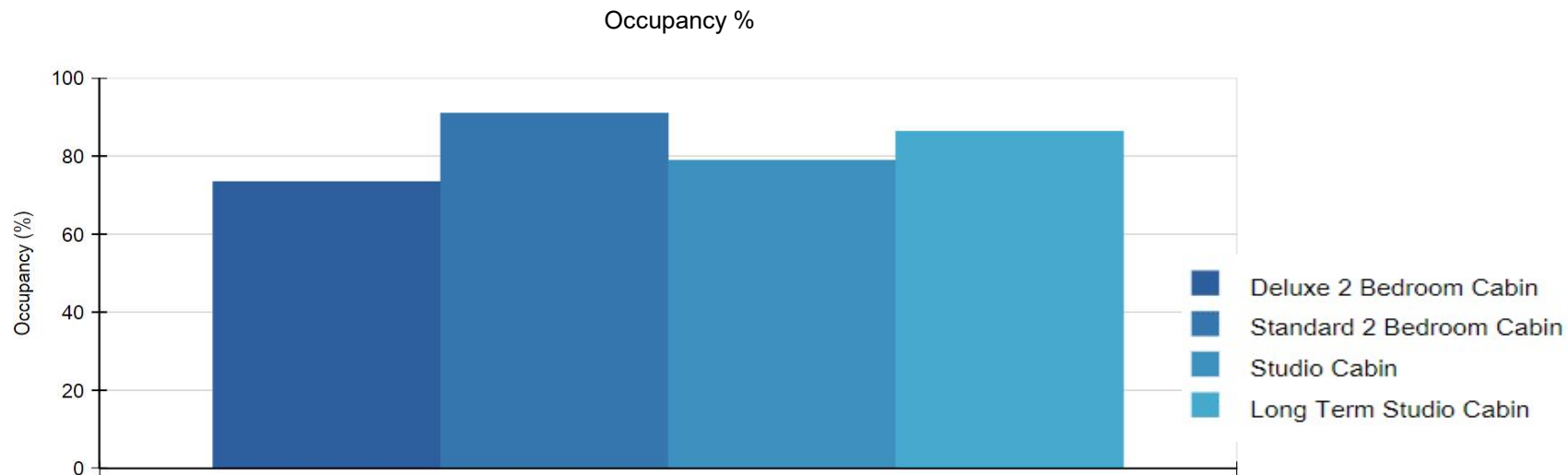


Hillston Caravan Park

Occupancy By Category

From 01 Jan 2021 To 31 Dec 2021

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Deluxe 2 Bedroom Cabin	Days	73.42	559
Standard 2 Bedroom Cabin	Days	90.96	125
Studio Cabin	Days	78.91	309
Long Term Studio Cabin	Days	86.30	300
Grand Total:		85.09	1293



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