



Your ref: PP-2024-1832
Our ref: DOC25-181408

Gayan Wickramasinghe
Director Environment & Planning
Greater Hume Council

Via Planning Portal PP-2024-1832 Ref-3499

Dear Gayan

Subject: Planning Proposal PP-2024-1832 rezoning and minimum lot size amendment Morven

Thank you for your referral received 28 February 2025 seeking advice from the Regional Delivery Division (RD) of the NSW Department of Climate Change, Energy, the Environment and Water.

RD has statutory responsibilities relating to biodiversity and flood risk management. We have reviewed the documents supplied and provide the following advice, further detailed in **Attachment A**.

The Gateway Determination requires Council to consult with RD on flood risk management. We have taken this opportunity to provide advice on biodiversity aspects for Council's consideration at the development application stage.

Flood Risk Management

The proponent has prepared a flood impact and risk assessment (FIRA) to support the planning proposal. The FIRA indicates that the subject site is susceptible to local flooding, however the flood risks posed to the subject site are of minor significance and can be managed by adopting minimum floor levels. RD generally agrees with the findings and recommendations provided in the FIRA provided that future development:

- is commensurate with the flood constraints (flood hazard and function) on each lot
- does not increase the flood levels at any existing off-site dwellings.

Biodiversity

Biodiversity values may be present on the subject site, including in areas without trees or outside of the areas mapped for native vegetation. We recommend that any future development application includes a ground-truthed biodiversity assessment to determine the extent of native vegetation on and around the subject site. Any future development should be designed to avoid and minimise potential clearing and impacts to threatened species and communities.

If you have any questions about this advice, please contact Claire Coulson, Senior Conservation Planning Officer, via planning.southwest@environment.nsw.gov.au or 02 6022 0636.

Yours sincerely

Andrew Fisher
20 March 2025

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ATTACHMENT A – Detailed advice on PP-2024-1832 rezoning and minimum lot size amendment Morven

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In preparing this advice RD has reviewed the following documents:

- *Flood Impact Assessment*, Cumulus Engineering June 2024 (FIRA)
- *Amendment to Greater Hume Local Environmental Plan 2012 – 2028 Culcairn-Morven Road & Morven-Cookardinia Road, Morven*. Habitat Planning, 16 August 2024.

RD has reviewed the supplied information against the [Local Environmental Plan Making Guideline](#) which provides guidance for determining the appropriate level of assessment for a planning proposal.

Flood Risk Management

The NSW Local Planning Direction – 4.1 Flooding (Direction 4.1) is applicable to any planning proposal that alters a zone or provision that affects flood prone land. Direction 4.1 requires planning proposals that concern flood prone land to be consistent with:

- the *NSW Flood Prone Land Policy*
- the principles of the *Flood Risk Management Manual (2023)*
- the *Considering flooding in land use planning guideline (2021)*
- any floodplain risk management study or plan (FRMS&P) that has been developed and adopted by Council for that land.

Furthermore, Direction 4.1 states that a planning proposal must not rezone land within the flood planning area from rural to residential, nor should the proposal contain provisions that:

- permit development in floodway areas; or
- permit development that will result in significant flood impacts to other properties; or
- permit development for the purposes of residential accommodation in high hazard areas.

A planning proposal may be inconsistent with Direction 4.1 if it is supported by a FIRA and/or the inconsistencies of the planning proposal are of minor significance.

Greater Hume Council has not commissioned or adopted a FRMS&P, or flood study, for the village of Morven. Therefore, the proponent has appropriately prepared a FIRA (Cumulus Engineering, 2024) to support the planning proposal. RD considers the FIRA to be largely consistent with the policy, manual and guideline listed above, where practical.

The FIRA provides a basic quantitative assessment of flooding for the subject site. The FIRA indicates that the subject site is impacted by local flooding in events as frequent as a 5% annual exceedance probability (AEP). The subject site is therefore considered flood prone. In a 1% AEP flood event the subject site is largely inundated by floodwaters categorised as low hazard flood fringe.

The FIRA indicates that the flood risks posed to the subject site are of minor significance and can be managed by adopting minimum floor levels. However, the FIRA fails to determine the impact that future development (post-condition) may have on flood behaviour both on-site and off. RD acknowledges that this may not be feasible as the details of future development are not known at this planning proposal stage. However, the flood risks associated with future development must be considered to ensure that infrastructure is appropriately located on each lot.

RD considers that the flood risks identified at the subject site can be managed by adopting the recommendations in the FIRA and ensuring that future development:

- is commensurate with the flood constraints (flood hazard and function) on each lot
- does not increase the flood levels at any existing off-site dwellings.

To effectively define the flood risks and inform the appropriateness of future planning proposals RD recommends Council develop a Flood Study and subsequent FRMS&P for the village of Morven and

surrounds. RD encourages Council to seek further advice our South West flood risk management officers.

Biodiversity

The proposal relies on a limited desktop assessment, using vegetation or terrestrial biodiversity mapping. Mapping products alone are not reliable indicators of the presence or absence of biodiversity values at the individual site scale.

Biodiversity values may be present on parts of the subject site. Roadside areas are likely to contain native vegetation. The Plant Community Type (PCT) mapped on and around the site, PCT 277, is associated with the 'box-gum grassy woodland' Critically Endangered Ecological Community¹. This community can be present in the absence of tree cover, that is, as a grassy understory. It may be present on the subject site, including in areas without trees or outside of the mapped areas.

As the extent of biodiversity values has not been reliably established, any future development application should be supported by an on-ground biodiversity assessment. This should map and describe the native vegetation present on the site or provide evidence that native vegetation is absent from the site.

A subdivision development application must consider the clearing of native vegetation that, in the opinion of the consent authority, is required or likely to be required for the future land use - as established by [Clause 7.1\(3\) of the Biodiversity Conservation Regulation 2017](#).

The proposed subdivision layout and ancillary works, such as access and service connections, may need to be revised in response to the biodiversity assessment, to avoid potential clearing. The use of building envelopes, or building exclusion zones, may be warranted.

Any likely clearing must be considered against the Biodiversity Offset Scheme thresholds. For clearing below the thresholds, a test of significance is required to determine if the proposal is likely to have a significant impact on threatened species or communities. Refer to the [When the Biodiversity Offsets Scheme applies](#) page for further guidance.

Clearing considered during a subdivision will not require further consideration during the subsequent development of the land.

¹ [White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions](#)