



IRF25/13

Gateway determination report – PP-2024-1832

Rezone and reduce minimum lot size provisions at
Culcairn-Holbrook Road, Morven

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Appendix A – Culcairn-Holbrook Road, Morven – Planning Proposal – PP-2024-1832
Appendix B – Consistency with MRP 2021 – PP-2024-1832
Appendix C – Consistency with SEPPs – PP-2024-1832
Appendix D – 9.1 Ministerial Directions – PP-2024-1832
Appendix E – Flood Impact Assessment – PP-2024-1832
Appendix F – Aboriginal Due Diligence – PP-2024-1832
Appendix G – Traffic Impact Assessment – PP-2024-1832
Appendix H – Lot Layout – PP-2024-1832
Appendix I – Preliminary Site Investigation – PP-2024-1832
Appendix J – Council report – PP-2024-1832
Appendix K – Council Minutes-Original Meeting – PP-2024-1832

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Greater Hume
PPA	Greater Hume Council
NAME	Rezone and reduce minimum lot size provisions at Culcairn-Holbrook Road, Morven
NUMBER	PP-2024-1832
LEP TO BE AMENDED	Greater Hume Local Environmental Plan 2012
ADDRESS	2028 Culcairn-Holbrook Road, Morven Morven-Cookardinia Road, Morven
Lot and DPs	Lot 136-138 DP753751 and Lot 1 DP240321
RECEIVED	6/01/2025
FILE NO.	IRF25/13
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of this planning proposal is to facilitate residential development opportunities and various housing types in Morven.

1.3 Explanation of provisions

The planning proposal seeks to amend the Greater Hume LEP 2012 per the changes below:

- Rezone Lots 136, 137 and 138 DP753751 from RU4 Primary Production Small Lots Zone to R5 Large Lot Residential Zone and reduce the lot size from 8 hectares to 2 hectares.
- Rezone Lot 1 DP 240321 from RU1 Primary Production to R5 Large Lot Residential and reduce the lot size from 100 hectares to 2 hectares.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. These provisions will facilitate approximately 8 additional dwellings on the subject land.

1.4 Site description and surrounding area

Morven is a small township in southern New South Wales, located about 8 kilometres east of Culcairn, 18 kilometres west of Holbrook, and about half way between the regional cities of Albury and Wagga Wagga (approx. 50 kilometres to each) (see Figure 1). Situated along the Culcairn-Holbrook Road, it provides convenient access to nearby towns and serves as a commuter-friendly location for residents working in regional centres like Albury-Wodonga.

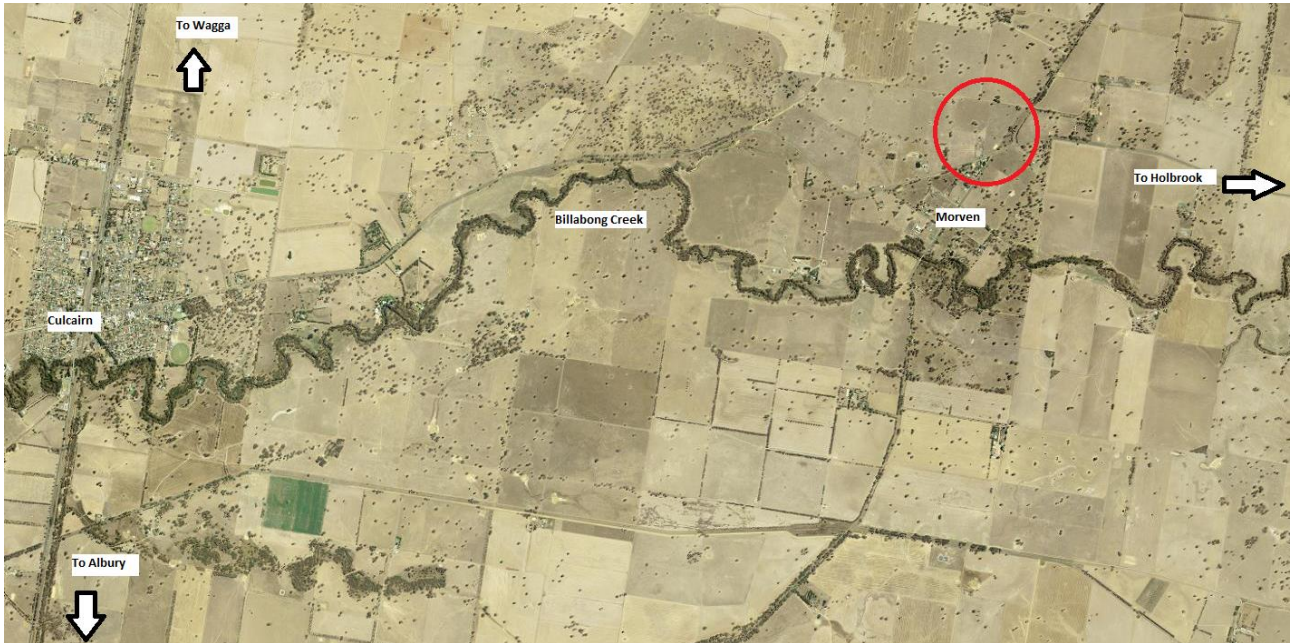


Figure 1 Site context with subject land circle red (Source: Six Maps)

The township features three distinct zoning areas: a small RU5 Village Zone, an R5 Large Lot Residential Zone, and an RU4 Primary Production Small Lot Zone (Figure 2). These zones are surrounded by RU1 Primary Production land, emphasising its rural and semi-rural character. Unlike Culcairn, which is better suited for denser village-style housing, Morven offers a diversity of housing options, particularly larger lots, making it an attractive choice for those seeking a rural lifestyle.

The subject land is a grouping of four (4) lots at the northern extent of the Morven township (Figure 2). The land is bounded by Culcairn-Holbrook Road to the south and Morven-Cookardinia Road to the east.



Figure 2 Subject site outlined green (source: Planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map (digital) and Lot Size Map (LSZ_003C), which are suitable for community consultation (see Figure 3 and 4).

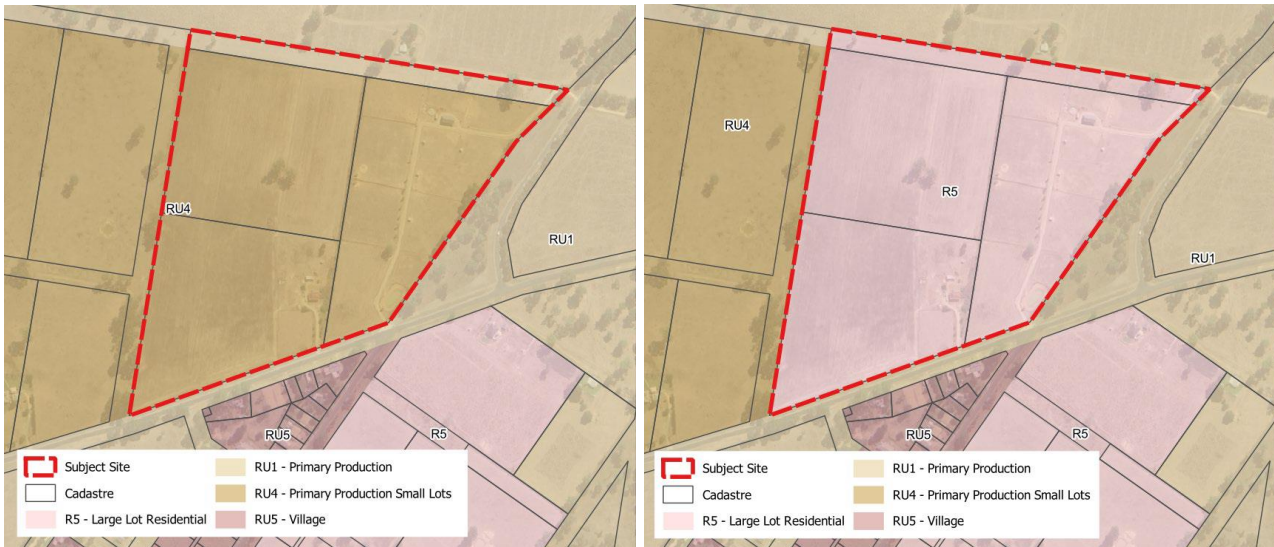


Figure 3 Current and proposed zoning maps (Source: Planning proposal)

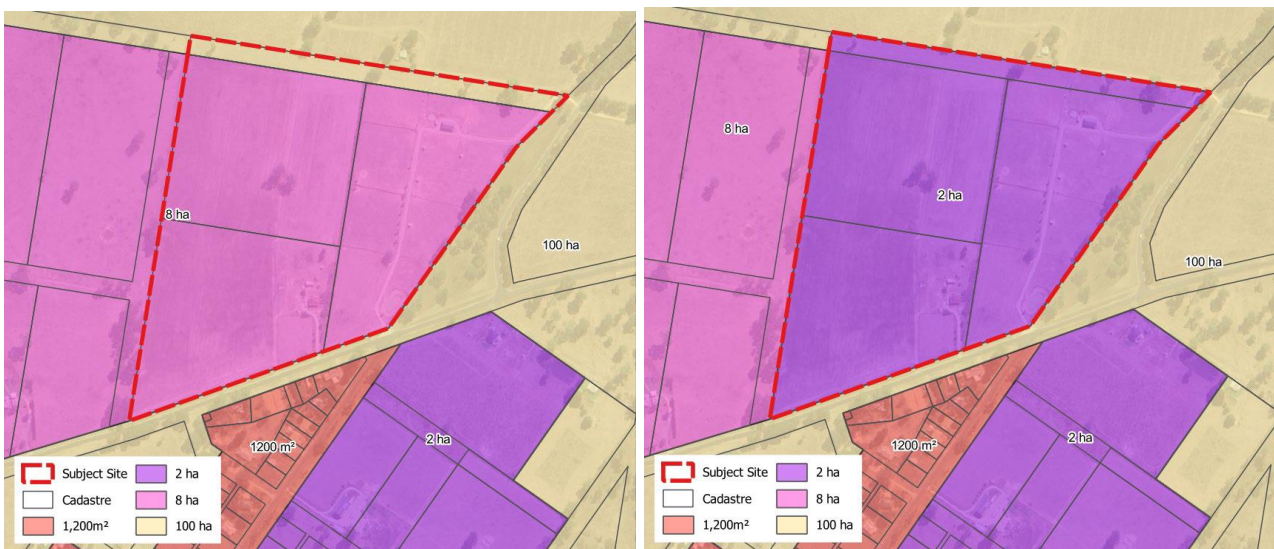


Figure 4 Current and proposed lot size maps (Source: Planning proposal)

2 Need for the planning proposal

The planning proposal is not a direct result of a strategic study or report, however, is consistent with the Greater Hume Local Strategic Planning Statement (LSPS) by facilitating varied housing options in the township of Morven in accordance with Planning Priority 1 Housing and Land Supply. The planning proposal has been initiated by a proponent with support from Greater Hume Council.

The planning proposal is the most appropriate solution for the proposed amendment in rezoning and reducing the MLS for the subject land. This is based on factors including connectivity to existing residential development, servicing capacity and minimal land use conflict.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2041.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
<p>Objective 5: Ensure housing supply, diversity, affordability, and resilience</p> <p>Objective 6: Support housing in regional cities and their sub-regions</p>	<p>The proposed amendment is consistent with these objectives by increasing housing supply, diversity, and affordability in Morven. It provides for additional large lot residential development that will cater to demand for lifestyle housing near regional employment hubs. The proposal supports sustainable, orderly growth consistent with regional strategies enhancing housing resilience. By expanding sub-regional housing options and leveraging transport infrastructure, it strengthens connectivity with urban centres like Culcairn and Albury. It also addresses the need for diverse, affordable housing in areas experiencing population growth, contributing to long-term liability and sustainable development in the region.</p> <p>The proposal is consistent with Strategy 5.3 relating to new urban development.</p>
Objective 11: Plan for integrated and resilient utility infrastructure	<p>The proposed amendment is consistent with this objective by integrating on-site sewage treatment and leveraging existing water and electricity networks. It minimizes infrastructure costs while aligning with regional strategies. By planning scalable, resilient utilities for future growth, it ensures sustainable development and efficient management of infrastructure.</p> <p>The proposal is consistent with Strategies 11.1 and 11.2 relating to the provision of infrastructure for new development and optimising water use.</p>
Objective 18: Integrate transport and land use planning	<p>The proposed amendment is consistent with this objective as it leverages proximity to key transport corridors, supports efficient movement and accessibility, and reduces reliance on private vehicles. This ensures sustainable development, connectivity, and alignment with strategic transport infrastructure.</p>

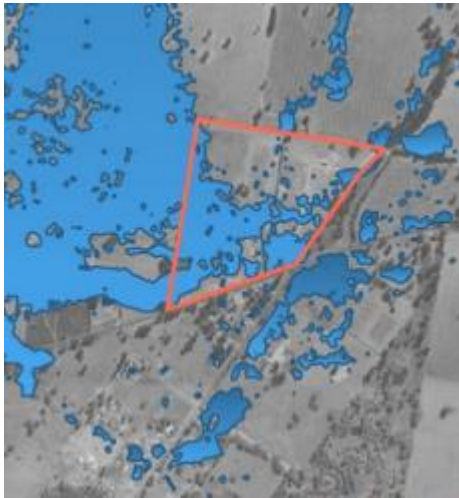
3.2 Local

The proposal states it is consistent with the Greater Hume Local Strategic Planning Statement 2020. It is largely consistent with the strategic direction and objectives including Planning Priority 1 - Housing and Land Supply, Planning Priority 3 - Utility Infrastructure and Planning Priority 9 - Climate change and Natural Hazards.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with the Riverina Murray Regional Plan and assessment against the plan has been included in Section 3.1 of this report.
3.2 Heritage Conservation	Consistent	The proposal is not inconsistent with this Direction. An Aboriginal Due Diligence assessment has been submitted with the Planning Proposal which considers that it is unlikely that the proposal will adversely affect any potential sites of Aboriginal Cultural Heritage. The land is considered highly disturbed and devoid of features where typically items of Aboriginal Cultural Heritage are located.
4.1 Flooding	Further justification to be provided	<p>The proposal is only partly consistent with the Direction.</p> <p>The proposal is supported by a Flood Impact Assessment (Appendix E) that identifies the site as within the 1%AEP 'flood fringe'. Parts of the site are identified as within the Flood Planning Area (see Figure 5).</p>  <p>Figure 5 - Extract Flood Impact Study - Flood Planning Area in blue (Source: Appendix E to planning proposal)</p> <p>The Flood Study states the proposed low-density residential development is appropriate from a floodplain management perspective, provided the recommended flood mitigation measures such as minimum floor levels, are implemented.</p> <p>Further discuss about flood impacts is provided in Section 4.1 of this report.</p> <p>Given the extent of PMF flooding on the site, it is recommended the proposal be referred to the Department of Climate Change, Energy, the Environment and Water to confirm if the proposal can be considered consistent with the Direction.</p>

4.4 Remediation of Contaminated Land	Consistent	<p>The historical use of most of the subject land is identified as agricultural and as a use in Table 1 of the Contaminated Land Planning Guidelines. A Preliminary Site Contamination Report (Appendix I) has been prepared and notes that further investigation and assessment is required at the development application stage.</p> <p>Council has indicated that a Detailed Site Investigation (DSI) will be required from the proponent following a successful Gateway determination.</p> <p>For the purposes of this direction, the proposal and technical study is consistent with further impacts to be determined and assessment at development application stage.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>A Traffic Impact Assessment (Appendix G) has been provided, which concludes there is no reason the development should not proceed subject to implementation of various recommendations. Council is the authority of all surrounding local roads and further details and implementation of any recommendations can be undertaken at any future development application stage. Referral to Transport for NSW at this stage is not required.</p>
6.1 Residential Zones	Consistent	<p>The proposal intends to facilitate residential development opportunities and various housing types in Morven which is consistent with this direction.</p>
9.1 Rural Zones 9.2 Rural Lands	Inconsistent, of minor significance	<p>The proposed amendment intends to rezone rural land to a residential zone and reduced the lot size enabling intensified development opportunities. This is inconsistent with these directions.</p> <p>The inconsistency is considered of minor significance.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is assessed against all relevant SEPPs in the table below.

Table 5 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons
Housing 2021	The proposal would facilitate residential development opportunities and various housing types in Morven which is consistent with this SEPP.
Resilience and Hazards 2021	As discussed in Section 3.3 above, portions of subject land have previously been used for agricultural purposes and a preliminary contamination assessment report has been obtained to support the planning proposal. No further work is required at this stage in relation to this SEPP.
Transport and Infrastructure 2021	Council has advised that infrastructure is accessible to all potential new residential allotments that are likely to result from the proposed amendment. Any potential impacts can be considered at the development application stage.

4 Site-specific assessment

4.1 Flooding

The subject land is subject to some flooding on the site. As discussed in Section 3.3 of this report, the site is within the Flood Planning Area (see Figure 6). The site is generally within the flood fringe, however there is a flood way intersecting the western boundary of the site. This is unlikely to be of concern for the proposed development outcomes. The flood hazard is also identified as acceptable for the proposed development or large rural residential lots (see Figure 7).

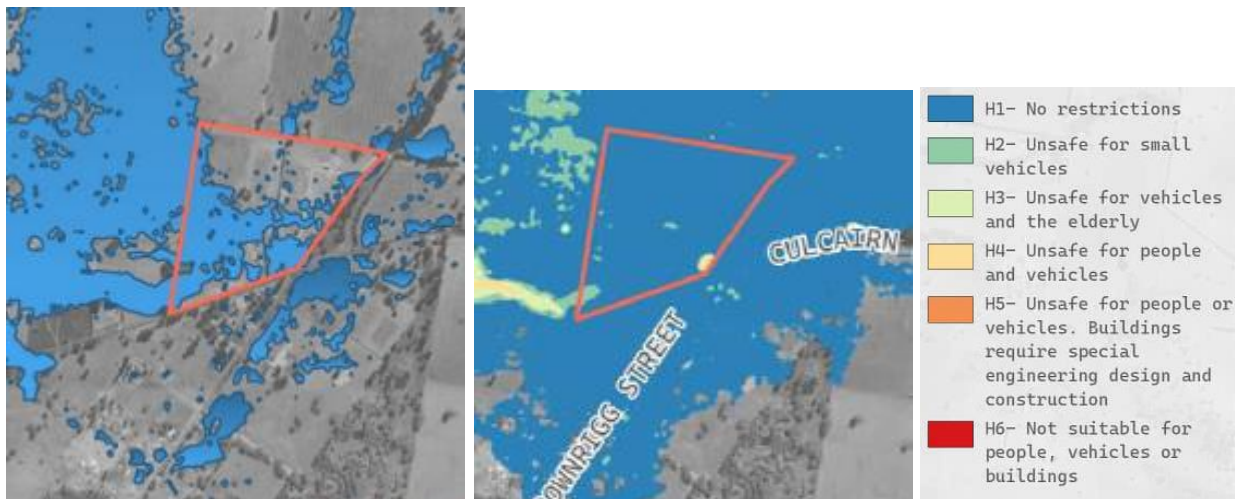


Figure 6 – (A) Flood Planning Area; (B) 1% AEP Flood Hazard (Source: Flood Study, Planning Proposal)

The planning proposal does not address the probably maximum flood impacts on the site. While the proposal is affected by 'Floodway' conditions during a Probable Maximum Flood (PMF) and has higher level flood hazard categories, this is not inconsistent with the flooding experienced in other large lot and general residential areas in Morven (see Figures 7 and 8) and the Flood Study appended to the planning proposal identifies the site is suitable for the proposal large lot residential development outcome.

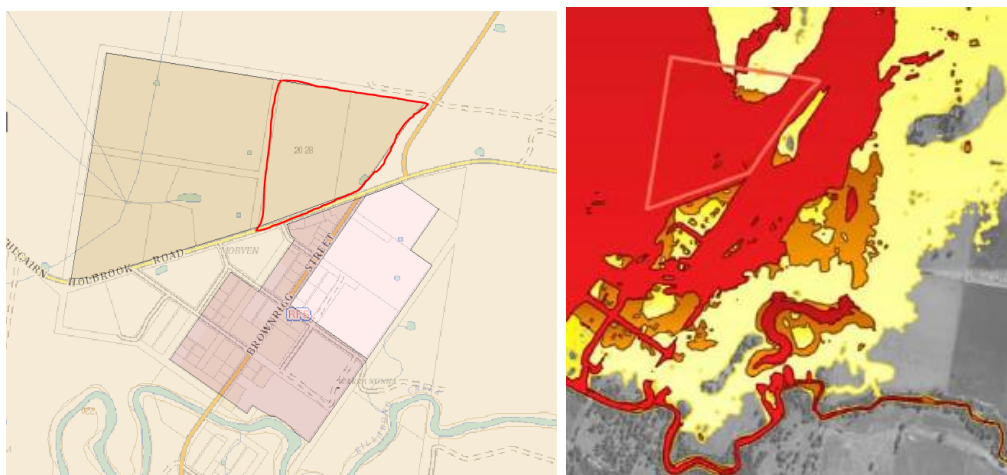


Figure 7 - Subject land in context with other R5 zoned land in Morven in relation to PMF 'Floodway' (Source: ePlanning Spatial Viewer and Planning Portal)

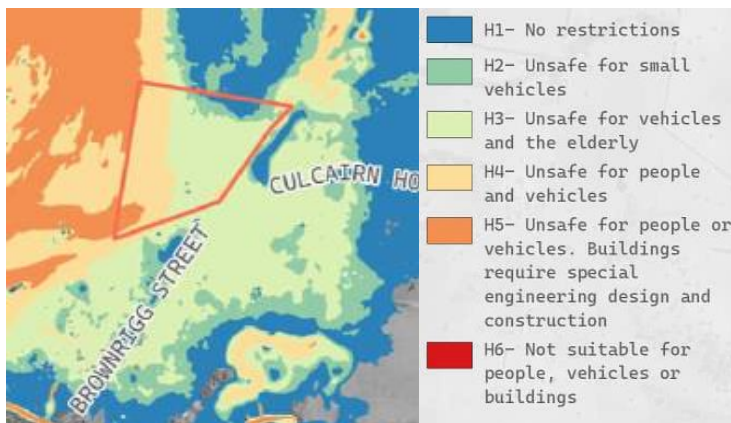


Figure 8 - PMF Flood Hazard (Source: Flood Study, Planning Proposal)

Given the nature of the flooding in and around Morven, it is appropriate to consult with the Department of Climate Change, Energy, the Environment and Water to ensure the Flood Study findings are acceptable.

4.2 Environmental

There are some scattered trees present on the subject land however the land is significantly cleared of native vegetation. Plant community type PCT277: Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion is identified along the edges of the subject land (see Figure 7). It is expected, though that the size of the proposed lots (2ha) would facilitate the avoidance of disturbing any native vegetation on the site. Further assessment is therefore not required as part of the LEP amendment.



Figure 9 - Plant community type PCT277 (Source: Planning Proposal)

4.3 Social and economic

The proposed amendment aims to support social and economic development by addressing demand for large-lot residential properties in Morven, catering to individuals seeking rural living with access to regional hubs like Albury and Wagga Wagga. It is noted there is no assessment of demand and supply for large lot residential development of this nature in the regional city sub-regions of Albury and Wagga Wagga. While this is not critical, it will be important for future planning to understand cumulative impacts and ensure strategic planning is responding to potential demand in appropriate locations.

4.4 Infrastructure

The site will be serviced by reticulated water, and onsite sewerage management systems will effectively manage wastewater, aligning with the proposed large-lot residential development. The small number of lots ensures minimal impact on existing road networks, with a traffic assessment confirming the low-density development will generate negligible additional traffic volumes.

The proposed access points to Culcairn-Holbrook Road and Morven-Cookardinia Road meet design standards and ensure safe connectivity.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. The Department of Climate Change, Energy, the Environment and Water is recommended to be consulted on the planning proposal prior to public exhibition.

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 24 November 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones, and 9.2 Rural Lands are minor or justified
- Note that the consistency with section 9.1 Directions 4.1 Flooding is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, consultation is required with the following public authorities:
 - Department of Climate Change, Energy, the Environment and Water
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 24 November 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 24 November 2025



4/2/25

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