



Your ref: LEP24/0002
Our ref: DOC25/423668

Matthew Yeomans
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Wagga Wagga Council

Via email: yeomans.matthew@wagga.nsw.gov.au

Dear Matthew

Subject: Planning Proposal PP2025-493 - 11 Farrer Road, Boorooma - rezoning and minimum lot size removal

Thank you for your referral, dated 26 May 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. The Gateway Determination requires Council to consult with RD. We have reviewed the documents supplied and provide the following advice, further detailed in **Attachment A**.

Flood Risk Management

The subject land is flood prone. RD considers the proposal is consistent with the Wagga Wagga Major Overland Flow Floodplain Risk Management Study and Plan (2021). The proposal is therefore consistent with the NSW Local Planning Direction – 4.1 (Flooding).

Further consideration of flood risk management is not required at this stage. RD considers that the low level of flood risk can be effectively managed with appropriate subdivision design that includes dedicated drainage pathways and addresses downstream runoff.

Biodiversity

The proposal provides no evidence to support the suggestion that the site has low conservation values.

A desktop assessment by RD indicates that while the site is likely to support native vegetation it is unlikely to contain areas of high biodiversity value. We recommend council consider validating that conclusion with their own on-ground assessment. Confirming the extent (or absence) of biodiversity values will provide greater certainty for future development.

Any future development proposal must be supported by an assessment of biodiversity values that addresses the requirements of Part 7 of the *Biodiversity Conservation Act 2016*.

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
2 July 2025

**Senior Team Leader – Planning, South West
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ATTACHMENT A – Detailed advice on PP2025-493 - 11 Farrer Road, Boorooma

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RD has reviewed the supplied information against the [Local Environmental Plan Making Guideline](#) (LEP 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 that has been developed and adopted by Council for that land.

The Wagga Wagga Major Overland Flow Floodplain Risk Management Study and Plan (MOFFRMS&P) was adopted by Council in 2021. RD confirms this report was developed in accordance with the NSW Flood Prone Land Policy and the then Floodplain Development Manual (2005) using NSW Floodplain Management Program grant funding.

The MOFFRMS&P establishes that the subject land of this planning proposal is exposed to a low level of flood risk due to major overland flows. It is also marginally impacted by riverine flooding from the Murrumbidgee River in the most severe Probable Maximum Flood.

A majority of the land within this site is excluded from the Flood Planning Area (FPA) for major overland flow flooding, as defined in the MOFFRMS&P. All flood depths less than 0.15m were excluded from the FPA, resulting in only the lower lands directly adjacent to the Olympic Highway being located within the defined FPA.

Generally, the area proposed to be rezoned from R5 (Large Lot Residential) to R1 (General Residential) is subject to low hazard flood fringe type flooding in the design flood event which is considered very low risk.

The MOFFRMS&P report also highlights the need to not exacerbate flood risk in the wider floodplain by increasing impervious areas without including measures to limit downstream runoff.

RD considers that this planning proposal is in accordance with the MOFFRMS&P. No further consideration of flood risk is required in finalising this planning proposal.

Recommendation

1. Future development must manage flood risk via site responsive design that includes dedicated drainage pathways and management of downstream runoff.

Biodiversity

This proposal relies largely on a 2008 'Local Environment Study' to conclude that the site has low conservation value. A copy of the study has not been provided. The proposal provides no additional evidence to demonstrate that site has low value.

To be consistent with the LEP Guideline this proposal should be supported by a contemporary assessment of biodiversity values (refer to page 8 of [Attachment C](#) of the LEP Guideline).

RD has completed a desktop assessment of the site to determine the likelihood that areas of high biodiversity values are present.

According to the NSW [State Vegetation Type Mapping](#), parts of the subject land and adjoining areas are predicted to support native vegetation, including Plant Community Types (PCT) that are associated with threatened ecological communities.

It is not correct to assume native vegetation is absent due to a lack of trees or previous agricultural land use. These PCTs and communities commonly persist, albeit in a reduced condition, in areas that have been subject to tree clearing and agricultural activity.

However, for the following reasons, we consider it is acceptable to defer further consideration of biodiversity to the development application stage:

- None of the subject land is included within the [Biodiversity Values Map](#), which identifies land with high biodiversity value that is particularly sensitive to impacts from development
- Much of the western and southern parts of the subject site have been substantially disturbed by earthworks and stockpiling activities that appear to be associated with the nearby development between 2017 and the present. It is unlikely these areas will contain or support threatened species or communities
- While native vegetation is likely present on the subject land it appears to be limited to the northern and eastern extents of the site
- The Gateway Determination Report notes there will be a need to consider siting, setbacks and buffers at the development application stage to address concerns regarding the visual prominence of the site. These measures are compatible with accommodating any biodiversity values identified on site and protecting existing vegetation in adjoining roadside areas. We note the concept layout plan does not reflect any of these considerations.

Desktop assessments have many limitations and should always be validated. Further assessment of biodiversity values will be required, either as part of the proposal or prior to any future development.

Recommendation

2. Council considers completing an on-ground verification to confirm the likely presence or absence of biodiversity values. This will provide more certainty for the design, and assessment pathways, of future development. Council is likely to have capacity to do this in-house.
3. Any future development proposal must be supported by an assessment of biodiversity values to address the requirements of Part 7 of the *Biodiversity Conservation Act 2016*.

The assessment should identify native vegetation on and adjoining the site and the extent of any clearing, including clearing for ancillary works such as road or service connections. The [Biodiversity Offset Scheme thresholds](#) must be applied. If a threshold is exceeded the scheme applies and further assessment will be required.