



Local and Regional Planning  
Department of Planning and Environment  
PO Box 949  
TAMWORTH NSW 2340

Attention: Ms Gina Davis

Dear Ms Davis

**RE: Planning Proposal Lots 831, 832, 833 DP 847683 Darke Lane, Swan Bay (PP-2022-502)**

Thank you for your e-mail dated 15 December 2023 about the planning proposed to rezone land to allow large lot residential development at Darke Lane, Swan Bay, seeking flooding advice from the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment. I appreciate the opportunity to provide input.

BCD has reviewed the planning proposal and associated documents and we provide the following advice.

The planning proposal seeks to rezone part of the RU1 – Primary Production land on lots 831, 832, 833 DP 847683 Darke Lane, Swan Bay, to R5 – Large Lot residential, with a minimum lot size of 7,500m<sup>2</sup>.

With respect to the assessment of biodiversity, the planning proposal relies on the NSW Biodiversity Values (BV) map, the High Environmental Value (HEV) map in the North Coast Regional Plan and a flora and fauna assessment undertaken in 2008. BCD advises that:

- The BV map was developed by BCD as part of the biodiversity offset scheme threshold and does not map the only parts of NSW with biodiversity values. Hence, unmapped areas are likely to also contain biodiversity values.
- The HEV map was developed by BCD using regional scale datasets for use in the regional plan. Hence, it is unsuitable for interrogation at the site scale.
- The flora and fauna assessment from 2008 is out of date.

Nevertheless, recent aerial imagery and photographs provided by NSW Planning from their site inspection indicate the entire property has been modified and used for cane farming purposes, so we have no further comments on biodiversity for the planning proposal.

With respect to flood related matters, a significant portion of the adjoining land lies above the Probable Maximum Flood (PMF) level. Richmond Valley Council's floor level requirement for residential properties is a minimum of 0.5m above the 1% AEP flood level, which is achievable given all the proposed lots within the proposed R5 zone are above the 1% AEP flood level, noting some of the proposed lots may be subject to high flood hazards in the event of a PMF. Knowledge of such flood conditions will need to be considered for future dwelling design on each lot at the development application stage.

In addition, whilst the land proposed to be zoned R5 is above the 1% AEP riverine flooding level, overland flooding may impact on slab-on-ground type construction on some lots. Overland flooding risk and impact is an important consideration at the development application stage.

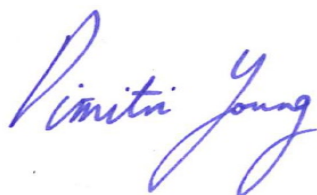
Flood isolation in an extreme event may occur over several days in the Swan Bay area. For this reason, planning for a flood evacuation may be necessary with input from the State Emergency Services.

In view of the above comments, BCD has no objection to the planning proposal from a flooding perspective, and we provide the following recommendation:

1. Prior to issuing subdivision development consent:
  - a. Advice be sought from State Emergency Services on planning for flood evacuation.
  - b. Appropriate measures and building design restrictions be applied to lots that may be subject to Probable Maximum Flood and overland flood impacts.

If you have any questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, at [bill.larkin@environment.nsw.gov.au](mailto:bill.larkin@environment.nsw.gov.au) or 6659 8216.

Yours sincerely



**DIMITRI YOUNG**  
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**Biodiversity and Conservation**

22/12/2023