



New South Wales

Sydney Local Environmental Plan Amendment (Flood Planning) 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

CATHERINE VAN LAEREN

As delegate for the Minister for Planning and Public Spaces

Sydney Local Environmental Plan Amendment (Flood Planning) 2021

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Sydney Local Environmental Plan Amendment (Flood Planning) 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which the following local environmental plans apply—

- (a) *Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011*,
- (b) *Sydney Local Environmental Plan (Green Square Town Centre) 2013*,
- (c) *Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013*.

Schedule 1 Amendment of Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011

[1] Clause 1.8A, heading

Omit “provision”. Insert instead “provisions”.

[2] Clause 1.8A(3) and (4)

Insert after clause 1.8A(2)—

- (3) The amendments made to this plan by *State Environmental Planning Policy Amendment (Flood Planning) 2021* do not apply to a development application made but not finally determined before 14 July 2021.
- (4) The amendments made to this plan by *Sydney Local Environmental Plan Amendment (Flood Planning) 2021* extend to a development application made on or after 14 July 2021.

[3] Clause 5.14

Insert after clause 5.13—

5.14 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
 - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,

- (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—
- Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.
- flood planning area*** has the same meaning as it has in the Floodplain Development Manual.
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

Schedule 2 Amendment of Sydney Local Environmental Plan (Green Square Town Centre) 2013

[1] Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A(3)—

- (4) The amendments made to this plan by *State Environmental Planning Policy Amendment (Flood Planning) 2021* do not apply to a development application made but not finally determined before 14 July 2021.
- (5) The amendments made to this plan by *Sydney Local Environmental Plan Amendment (Flood Planning) 2021* extend to a development application made on or after 14 July 2021.

[2] Clause 5.15

Insert after clause 5.14—

5.15 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
 - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,

- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—
- Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department’s website on 14 July 2021.
- flood planning area*** has the same meaning as it has in the *Floodplain Development Manual*.
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

Schedule 3 Amendment of Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

[1] Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A(3)—

- (4) The amendments made to this plan by *State Environmental Planning Policy Amendment (Flood Planning) 2021* do not apply to a development application made but not finally determined before 14 July 2021.
- (5) The amendments made to this plan by *Sydney Local Environmental Plan Amendment (Flood Planning) 2021* extend to a development application made on or after 14 July 2021.

[2] Clause 5.15

Insert after clause 5.14—

5.15 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
 - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,

- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—
- Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department’s website on 14 July 2021.
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