



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2023

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC KC, Governor of New South Wales, with the advice of the Executive Council, and under the *Environmental Planning and Assessment Act 1979*, section 3.20, make the following order.

Dated 8 November 2023.

By Her Excellency's Command,

PAUL SCULLY, MP
Minister for Planning and Public Spaces

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of order

This order is the *Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2023*.

2 Commencement

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

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.21 Flood planning [compulsory]

Omit “Floodplain Development Manual” from clause 5.21(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[2] Clause 5.21(5), definition of “Floodplain Development Manual”

Omit the definition. Insert in alphabetical order—

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

[3] Clause 5.22 Special flood considerations [optional]

Omit “is satisfied that” from clause 5.22(3). Insert instead “has considered whether”.

[4] Clause 5.22(3)(a) and (c)

Omit “will not” wherever occurring. Insert instead “will”.

[5] Clause 5.22(5)

Omit the definitions of *Floodplain Development Manual* and *probable maximum flood*.

Insert in alphabetical order—

Flood Risk Management Manual—see clause 5.21(5).

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

Schedule 2 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and section numbering—

Part Provision consequent on Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2023

Transitional provision consequent on making of Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2023

- (1) In a document, a reference to the *Floodplain Development Manual* published by the NSW Government in April 2005 is taken to be a reference to the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.
- (2) In this clause—
document means an Act, statutory or other instrument, contract or agreement, and includes a document issued or made under or for the purposes of an Act or statutory or other instrument.