



New South Wales

State Environmental Planning Policy Amendment (Flood Planning) 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Flood Planning) 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Flood Planning) 2023*.

2 Commencement

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

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

Schedule 1 Amendments relating to special flood considerations

1.1 Environmental planning instruments

[1] Clause 1.8A

Insert the following subclause at the end of clause 1.8A, with appropriate subclause numbering, in the following environmental planning instruments—

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

Bega Valley Local Environmental Plan 2013
Bombala Local Environmental Plan 2012
Byron Local Environmental Plan 2014
Canada Bay Local Environmental Plan 2013
Central Coast Local Environmental Plan 2022
Cessnock Local Environmental Plan 2011
Clarence Valley Local Environmental Plan 2011
Coffs Harbour Local Environmental Plan 2013
Cooma-Monaro Local Environmental Plan 2013
Coonamble Local Environmental Plan 2011
Eurobodalla Local Environmental Plan 2012
Fairfield Local Environmental Plan 2013
Goulburn Mulwaree Local Environmental Plan 2009
Inner West Local Environmental Plan 2022
Kempsey Local Environmental Plan 2013
Liverpool Local Environmental Plan 2008
Manly Local Environmental Plan 2013
Murray Local Environmental Plan 2011
Muswellbrook Local Environmental Plan 2009
Narromine Local Environmental Plan 2011
Newcastle Local Environmental Plan 2012
Orange Local Environmental Plan 2011
Pittwater Local Environmental Plan 2014
Port Macquarie-Hastings Local Environmental Plan 2011
Randwick Local Environmental Plan 2012
Richmond Valley Local Environmental Plan 2012
Shellharbour Local Environmental Plan 2013
Shoalhaven Local Environmental Plan 2014
Snowy River Local Environmental Plan 2013
Sutherland Shire Local Environmental Plan 2015
Tweed City Centre Local Environmental Plan 2012

Tweed Local Environmental Plan 2014
Upper Hunter Local Environmental Plan 2013
Upper Lachlan Local Environmental Plan 2010
Wagga Wagga Local Environmental Plan 2010
Warringah Local Environmental Plan 2011
Willoughby Local Environmental Plan 2012
Wollongong Local Environmental Plan 2009

[2] Clause 5.22

Omit clause 5.22 from the following environmental planning instruments—

Byron Local Environmental Plan 2014
Canada Bay Local Environmental Plan 2013
Central Coast Local Environmental Plan 2022
Cessnock Local Environmental Plan 2011
Clarence Valley Local Environmental Plan 2011
Coffs Harbour Local Environmental Plan 2013
Coonamble Local Environmental Plan 2011
Fairfield Local Environmental Plan 2013
Inner West Local Environmental Plan 2022
Liverpool Local Environmental Plan 2008
Manly Local Environmental Plan 2013
Murray Local Environmental Plan 2011
Muswellbrook Local Environmental Plan 2009
Narromine Local Environmental Plan 2011
Newcastle Local Environmental Plan 2012
Pittwater Local Environmental Plan 2014
Port Macquarie-Hastings Local Environmental Plan 2011
Richmond Valley Local Environmental Plan 2012
Shellharbour Local Environmental Plan 2013
Sutherland Shire Local Environmental Plan 2015
Upper Hunter Local Environmental Plan 2013
Upper Lachlan Local Environmental Plan 2010
Wagga Wagga Local Environmental Plan 2010
Warringah Local Environmental Plan 2011
Wollongong Local Environmental Plan 2009

Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,

- (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
- (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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***—see clause 5.21(5).
- flood planning area***—see clause 5.21(5).
- Flood Risk Management Manual***—see clause 5.21(5).
- probable maximum flood*** has the same meaning as in the Flood Risk Management Manual.
- sensitive and hazardous development*** means development for the following purposes—
- (a) boarding houses,
 - (b) caravan parks,
 - (c) correctional centres,
 - (d) early education and care facilities,
 - (e) eco-tourist facilities,
 - (f) educational establishments,
 - (g) emergency services facilities,
 - (h) group homes,
 - (i) hazardous industries,
 - (j) hazardous storage establishments,
 - (k) hospitals,
 - (l) hostels,
 - (m) information and education facilities,

- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

1.2 Bega Valley Local Environmental Plan 2013

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).

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

sensitive and hazardous development means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) tourist and visitor accommodation.

1.3 Bombala Local Environmental Plan 2012

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
- (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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***—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).
probable maximum flood has the same meaning as in the Flood Risk Management Manual.
sensitive and hazardous development means development for the following purposes—
- (a) correctional centres,
 - (b) early education and care facilities,
 - (c) educational establishments,
 - (d) emergency services facilities,
 - (e) group homes,
 - (f) hazardous industries,
 - (g) hazardous storage establishments,
 - (h) hospitals,
 - (i) hostels,
 - (j) respite day care centres,
 - (k) seniors housing.

1.4 Byron Local Environmental Plan 2014

Clause 6.4 Floodplain risk management

Omit the clause.

1.5 Central Coast Local Environmental Plan 2022

Clause 7.23 Transitional provision for floodplain risk management

Omit the clause.

1.6 Clarence Valley Local Environmental Plan 2011

[1] Clause 7.4 Floodplain risk management

Omit the clause.

[2] Dictionary

Omit the definitions of *flood planning area*, *flood planning level* and *Flood Planning Map*.

1.7 Cooma-Monaro Local Environmental Plan 2013

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).
probable maximum flood has the same meaning as in the Flood Risk Management Manual.
sensitive and hazardous development means development for the following purposes—

- (a) correctional centres,
- (b) early education and care facilities,
- (c) educational establishments,
- (d) emergency services facilities,
- (e) group homes,
- (f) hazardous industries,
- (g) hazardous storage establishments,
- (h) hospitals,
- (i) hostels,
- (j) respite day care centres,
- (k) seniors housing.

1.8 Eurobodalla Local Environmental Plan 2012

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.

- (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—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).
probable maximum flood has the same meaning as in the Flood Risk Management Manual.
sensitive and hazardous development means development for the following purposes—
- (a) boarding houses,
 - (b) correctional centres,
 - (c) emergency services facilities,
 - (d) group homes,
 - (e) hazardous industries,
 - (f) hazardous storage establishments,
 - (g) hospitals,
 - (h) respite day care centres,
 - (i) seniors housing.

1.9 Fairfield Local Environmental Plan 2013

Clause 6.4 Floodplain risk management

Omit the clause.

1.10 Goulburn Mulwaree Local Environmental Plan 2009

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
- (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and

- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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***—see clause 5.21(5).
 - flood planning area***—see clause 5.21(5).
 - Flood Risk Management Manual***—see clause 5.21(5).
 - probable maximum flood*** has the same meaning as in the Flood Risk Management Manual.
 - sensitive and hazardous development*** means development for the following purposes—
 - (a) caravan parks,
 - (b) correctional centres,
 - (c) educational establishments,
 - (d) emergency services facilities,
 - (e) hazardous industries,
 - (f) hazardous storage establishments,
 - (g) hospitals.

1.11 Greater Taree Local Environmental Plan 2010

Clause 3.2 Complying development

Omit clause 3.2(3)(cb).

1.12 Gunnedah Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit “clause 6.1 or 6.2” from clause 4.6(8)(ca). Insert instead “clause 6.2”.

[2] Schedule 2 Exempt development

Omit “to which clause 6.1 (Flood planning) applies” from the matter relating to **Signage**.

Insert instead “within the flood planning area, within the meaning of clause 5.21”.

1.13 Kempsey Local Environmental Plan 2013

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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—see clause 5.21(5).

flood planning area—see clause 5.21(5).

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

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

sensitive and hazardous development means development for the following purposes—

 - (a) boarding houses,
 - (b) caravan parks,
 - (c) correctional centres,

- (d) emergency services facilities,
- (e) group homes,
- (f) hospitals,
- (g) hostels,
- (h) seniors housing,
- (i) tourist and visitor accommodation.

1.14 Liverpool Local Environmental Plan 2008

[1] Clause 7.8A Floodplain risk management

Omit the clause.

[2] Dictionary

Omit the definitions of *flood planning level*, *flood prone land*, *Floodplain Development Manual* and *floodway*.

1.15 Maitland Local Environmental Plan 2011

Clause 7.8 Subdivision of land in Zone R1 in Anambah Urban Release Area

Omit “and above the flood planning level within the meaning of clause 7.3” from clause 7.8(3)(b).

1.16 Moree Plains Local Environmental Plan 2011

Schedule 2 Exempt Development

Omit “or” from the end of subclause (1)(b) and omit subclause (1)(c) from the matter relating to **Signage**.

1.17 Orange Local Environmental Plan 2011

[1] Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and

- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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***—see clause 5.21(5).
 - flood planning area***—see clause 5.21(5).
 - Flood Risk Management Manual***—see clause 5.21(5).
 - probable maximum flood*** has the same meaning as in the Flood Risk Management Manual.
 - sensitive and hazardous development*** means development for the following purposes—
 - (a) boarding houses,
 - (b) caravan parks,
 - (c) correctional centres,
 - (d) early education and care facilities,
 - (e) eco-tourist facilities,
 - (f) educational establishments,
 - (g) emergency services facilities,
 - (h) group homes,
 - (i) hospitals,
 - (j) hostels,
 - (k) information and education facilities,
 - (l) respite day care centres,
 - (m) seniors housing,
 - (n) tourist and visitor accommodation.

[2] Clause 7.2A Floodplain risk management

Omit the clause.

[3] Dictionary

Omit the definitions of ***flood planning level*** and ***Floodplain Development Manual***.

1.18 Pittwater Local Environmental Plan 2014

Clause 7.4 Floodplain risk management

Omit the clause.

1.19 Port Macquarie-Hastings Local Environmental Plan 2011

[1] Clause 7.4 Floodplain risk management

Omit the clause.

[2] Dictionary

Omit the definitions of *flood planning level* and *Flood Planning Map*.

1.20 Randwick Local Environmental Plan 2012

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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*—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).
probable maximum flood has the same meaning as in the Flood Risk Management Manual.
sensitive and hazardous development means development for the following purposes—
- (a) caravan parks,
 - (b) correctional centres,
 - (c) eco-tourist facilities,
 - (d) educational establishments,
 - (e) emergency services facilities,
 - (f) group homes,
 - (g) hazardous industries,
 - (h) hazardous storage establishments,
 - (i) hospitals,
 - (j) information and education facilities,
 - (k) respite day care centres,
 - (l) seniors housing,
 - (m) sewerage systems,
 - (n) water supply systems.

1.21 Shoalhaven Local Environmental Plan 2014

[1] Clause 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones

Omit “to which clause 7.3 applies” from clause 4.2D(6).

Insert instead “at or below the flood planning level”.

[2] Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
- (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—

- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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*—see clause 5.21(5).
 - flood planning area*—see clause 5.21(5).
 - Flood Risk Management Manual*—see clause 5.21(5).
 - probable maximum flood* has the same meaning as in the Flood Risk Management Manual.
 - sensitive and hazardous development* means development for the following purposes—
 - (a) correctional centres,
 - (b) early education and care facilities,
 - (c) educational establishments,
 - (d) emergency services facilities,
 - (e) group homes,
 - (f) hazardous industries,
 - (g) hazardous storage establishments,
 - (h) hospitals,
 - (i) respite day care centres,
 - (j) seniors housing.

1.22 Snowy River Local Environmental Plan 2013

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,

- (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
- (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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***—see clause 5.21(5).
- flood planning area***—see clause 5.21(5).
- Flood Risk Management Manual***—see clause 5.21(5).
- probable maximum flood*** has the same meaning as in the Flood Risk Management Manual.
- sensitive and hazardous development*** means development for the following purposes—
- (a) correctional centres,
 - (b) early education and care facilities,
 - (c) educational establishments,
 - (d) emergency services facilities,
 - (e) group homes,
 - (f) hazardous industries,
 - (g) hazardous storage establishments,
 - (h) hospitals,
 - (i) hostels,
 - (j) respite day care centres,
 - (k) seniors housing.

1.23 Tumut Local Environmental Plan 2012

Clause 3.3 Environmentally sensitive areas excluded

Omit clause 3.3(2), definition of *environmentally sensitive area for exempt or complying development*, paragraph (jb).

1.24 Tweed City Centre Local Environmental Plan 2012

[1] Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).
probable maximum flood has the same meaning as in the Flood Risk Management Manual.

sensitive and hazardous development means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) respite day care centres,
- (n) seniors housing,
- (o) sewerage systems,
- (p) tourist and visitor accommodation,
- (q) water supply systems.

[2] Clause 6.3 Floodplain risk management

Omit the clause.

[3] Dictionary

Omit the definitions of *flood planning level* and *Flood Planning Map*.

1.25 Tweed Local Environmental Plan 2014

[1] Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and

- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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***—see clause 5.21(5).
 - flood planning area***—see clause 5.21(5).
 - Flood Risk Management Manual***—see clause 5.21(5).
 - probable maximum flood*** has the same meaning as in the Flood Risk Management Manual.
 - sensitive and hazardous development*** means development for the following purposes—
 - (a) boarding houses,
 - (b) caravan parks,
 - (c) correctional centres,
 - (d) early education and care facilities,
 - (e) eco-tourist facilities,
 - (f) educational establishments,
 - (g) emergency services facilities,
 - (h) group homes,
 - (i) hazardous industries,
 - (j) hazardous storage establishments,
 - (k) hospitals,
 - (l) hostels,
 - (m) respite day care centres,
 - (n) seniors housing,
 - (o) sewerage systems,
 - (p) tourist and visitor accommodation,
 - (q) water supply systems.

[2] Clause 7.4 Floodplain risk management

Omit the clause.

1.26 Wagga Wagga Local Environmental Plan 2010

Schedule 2 Exempt development

Omit “land at or below the flood planning level (within the meaning of clause 7.2)” from the matter relating to **Emergency services facilities**.

Insert instead “land within the flood planning area (within the meaning of clause 5.21)”.

1.27 Willoughby Local Environmental Plan 2012

Clause 5.22

Omit the clause. Insert instead—

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (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—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Flood Risk Management Manual—see clause 5.21(5).

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

sensitive and hazardous development means development for the following purposes—

- (a) boarding houses,
- (b) early education and care facilities,
- (c) eco-tourist facilities,
- (d) educational establishments,
- (e) emergency services facilities,
- (f) group homes,
- (g) hazardous industries,
- (h) hazardous storage establishments,
- (i) hospitals,
- (j) hostels,
- (k) information and education facilities,
- (l) respite day care centres,
- (m) seniors housing,
- (n) sewerage systems,
- (o) tourist and visitor accommodation,
- (p) water supply systems.

1.28 Wollongong Local Environmental Plan 2009

[1] Clause 3.3 Environmentally sensitive areas excluded

Omit clause 3.3(2), definition of *environmentally sensitive area for exempt or complying development*, paragraph (jb).

[2] Dictionary

Omit the definitions of *flood planning level* and *floodway area*.

Schedule 2 Consequential amendments relating to Flood Risk Management Manual

2.1 Environmental planning instruments

Clause 1.8A

Insert the following subclause at the end of clause 1.8A, with appropriate subclause numbering, in the following environmental planning instruments—

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

Blue Mountains Local Environmental Plan 2015
Deniliquin Local Environmental Plan 2013
Nambucca Local Environmental Plan 2010
Parramatta Local Environmental Plan 2023
Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011
Sydney Local Environmental Plan (Green Square Town Centre) 2013
Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013
Wentworth Local Environmental Plan 2011

2.2 Blue Mountains Local Environmental Plan 1991

[1] Clause 5A Savings provisions relating to development applications

Insert at the end of the clause—

(2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 41 Flood planning

Omit “Floodplain Development Manual” from clause 41(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[3] Clause 41(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.

2.3 Blue Mountains Local Environmental Plan 2005

[1] Clause 9B Savings provisions relating to development applications

Insert at the end of the clause—

(2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 40C Flood planning

Omit “Floodplain Development Manual” from clause 40C(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[3] Clause 40C(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.

2.4 Blue Mountains Local Environmental Plan 2015

Clause 6.11 Floodplain risk management

Omit clause 6.11(4), definition of *probable maximum flood*, including the note.

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.

2.5 Blue Mountains Local Environmental Plan No 4

[1] Clause 9B Savings provisions relating to development applications

Insert at the end of the clause—

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 47E Flood planning

Omit “Floodplain Development Manual” from clause 47E(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[3] Clause 47E(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.

2.6 Byron Local Environmental Plan 1988

[1] Clause 6 Savings provisions relating to development applications

Insert at the end of the clause—

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 98 Flood planning

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005” from clause 98(4).

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

2.7 Deniliquin Local Environmental Plan 1997

[1] Clause 7A Savings provisions relating to development applications

Insert at the end of the clause—

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 21 Flood planning

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005” from clause 21(4).

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

2.8 Deniliquin Local Environmental Plan 2013

[1] Clause 6.9 Kyalite Stables development on Edward River

Omit “Floodplain Development Manual” wherever occurring in clause 6.9(3)(c) and (5).

Insert instead “Flood Risk Management Manual”.

[2] Clause 6.9(6), definition of “Floodplain Development Manual”

Omit the definition. Insert in alphabetical order—

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

2.9 Hurstville Local Environmental Plan 1994

[1] Clause 26B, heading

Omit “provision”. Insert instead “provisions”.

[2] Clause 26B(3)

Insert after clause 26B(2)—

- (3) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[3] Clause 26F Flood planning

Omit “Floodplain Development Manual” from clause 26F(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[4] Clause 26F(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.

2.10 Lake Macquarie Local Environmental Plan 2004

[1] Clause 11 Determination of pending development applications

Insert after clause 11(4)—

- (5) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 131 Flood planning

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005” from clause 131(4).

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

2.11 Liverpool Local Environmental Plan 2008

Clause 3.2 Complying development

Insert after clause 3.2(5)—

- (6) In this section—
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5m freeboard, or other freeboard as determined by an FRM plan, within the meaning of the Flood Risk Management Manual, adopted by the Council.
Flood Risk Management Manual—see clause 5.21(5).

2.12 Nambucca Local Environmental Plan 2010

Clause 7.7 Floodplain risk management

Omit clause 7.7(5), definition of *probable maximum flood*, including the note.

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.

2.13 Parramatta Local Environmental Plan 2023

Clause 7.11 Floodplain risk management

Omit clause 7.11(5). Insert instead—

- (5) In this clause—
annual exceedance probability has the same meaning as in the Flood Risk Management Manual.
Flood Risk Management Manual—see clause 5.21(5).
probable maximum flood has the same meaning as in the Flood Risk Management Manual.

2.14 Pittwater Local Environmental Plan 2014

[1] Clause 4.3 Height of buildings

Omit “floodplain risk management plan” from clause 4.3(2G), definition of *flood planning level*.

Insert instead “FRM plan, within the meaning of the Flood Risk Management Manual”.

[2] Clause 4.3(2G), definition of “floodplain risk management plan”

Omit the definition. Insert in alphabetical order—

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

2.15 South Sydney Local Environmental Plan 1998

[1] Clause 27KH Floodwater management

Omit “Floodplain Development Manual” wherever occurring in clause 27KH(2)(b) and (c) and (4), definition of *floodplain risk management policy*.

Insert instead “Flood Risk Management Manual”.

[2] Clause 27KH(4), 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 56, heading

Omit “Saving”. Insert instead “Savings provisions”.

[4] Clause 56(4)

Insert after clause 56(3)—

- (4) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

2.16 State Environmental Planning Policy (Biodiversity and Conservation) 2021

[1] Section 5.12 Planning Control and Consultation Table

Omit “Floodplain Development Manual” from clause 5.12(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[2] Section 5.12(5), definition of “Floodplain Development Manual”

Omit the definition. Insert instead—

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] Part 5.4

Insert after Part 5.3—

Part 5.4 Savings

5.14 State Environmental Planning Policy Amendment (Flood Planning) 2023

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[4] Section 6.5 Definitions

Omit “Floodplain Development Manual, within the meaning of the Standard Instrument, clause 5.21. or” from the definition of *flood liable land*, paragraph (a).

Insert instead “Flood Risk Management Manual, or”.

[5] Section 6.5

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.

[6] Clause 6.65 Savings and transitional provisions

Insert after clause 6.65(2)—

- (2A) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

2.17 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Section 1.5 Interpretation—general

Omit section 1.5(1), definition of *Floodplain Development Manual*.

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.

[2] Sections 1.5(1), definitions of “flow path”, “high hazard area” and “high risk area”, 2.32K(2)(c), 2.66AA(d), 3.5(4), 3A.38(4), 3B.5(4), 3C.6(4), 3D.7(4), 5A.6K(4) and 9.2(5)

Omit “*Floodplain Development Manual*” wherever occurring.

Insert instead “Flood Risk Management Manual”.

[3] Clause 1.13 Savings provisions

Insert after section 1.13(7)—

- (8) An application for a complying development certificate made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[4] Section 2.32G Specified development

Omit section 2.32G(2). Insert instead—

- (2) To be exempt development, the development must not take place—

- (a) on significantly contaminated land, or
- (b) on land declared to be a special area under the *Water NSW Act 2014*, or
- (c) on land identified on the Agritourism and Farm Stay Accommodation Exempt and Complying Development Map, or
- (d) in a floodway, within the meaning of the Flood Risk Management Manual.

[5] Section 2.32I Specified development

Omit section 2.32I(2). Insert instead—

- (2) To be exempt development, the development must not take place—
 - (a) on significantly contaminated land, or
 - (b) on land declared to be a special area under the *Water NSW Act 2014*, or
 - (c) on land identified on the Agritourism and Farm Stay Accommodation Exempt and Complying Development Map, or
 - (d) in a floodway, within the meaning of the Flood Risk Management Manual.

[6] Sections 2.32K(2)(c) and 2.66AA(d)

Omit “in a floodway area” wherever occurring. Insert instead “in a floodway”.

[7] Sections 3.5(1)(b), 3A.38(1)(b), 3B.5(1)(b), 3C.6(1)(b), 3D.7(1)(b), 5A.6K(1)(b) and 9.2(1)(b)

Omit “floodway area” wherever occurring. Insert instead “floodway”.

2.18 State Environmental Planning Policy (Housing) 2021

[1] Sections 58(1)(b) and 65(1)(b)

Omit “floodway area” wherever occurring. Insert instead “floodway”.

[2] Sections 58(4), 65(4) and 136, definition of “flood planning area” and Dictionary, definitions of “flood planning level”, paragraph (b)(i), “flow path”, “high hazard area” and “high risk area”

Omit “Floodplain Development Manual” wherever occurring.

Insert instead “Flood Risk Management Manual”.

[3] Schedule 6 Categories of excluded land

Omit “Floodplain Development Manual published by the New South Wales Government in December 1986” from item 2.

Insert instead “Flood Risk Management Manual”.

[4] Schedule 7A Savings and transitional provisions

Omit the following—

5 Development standards for land near Siding Spring Observatory

Insert instead—

5A Development standards for land near Siding Spring Observatory

[5] Schedule 7A

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

State Environmental Planning Policy Amendment (Flood Planning) 2023

A development application or an application for a complying development certificate made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[6] Dictionary

Omit the definition of *Floodplain Development Manual*. 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.

2.19 State Environmental Planning Policy (Industry and Employment) 2021

[1] Section 2.45 Savings provisions

Insert after section 2.45(5)—

- (6) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Schedule 2 Requirements relating to preparation and content of development control plans

Omit “the NSW Government’s *Floodplain Development Manual: the management of flood liable land* (April 2005)” from section 5(2).

Insert instead “the Flood Risk Management Manual”.

[3] Schedule 2, section 5(3)

Insert after section 5(2)—

- (3) In this section—

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

2.20 State Environmental Planning Policy (Precincts—Regional) 2021

[1] Section 3.5A

Insert after section 3.5—

3.5A Savings

An application for a complying development certificate made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Section 4.31 Savings

Insert at the end of the section—

- (2) A development application or an application for a complying development certificate made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[3] Section 5.8 Savings provision relating to development applications

Insert after section 5.8(2)—

- (3) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[4] Sections 5.40(4) and 5.41(4)

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005” wherever occurring.

Insert instead “Flood Risk Management Manual”.

[5] Appendix 5 State significant precinct—Calderwood site

Insert after section 3—

4 Savings

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[6] Appendix 5, section 26(4)

Omit “NSW Government’s *Floodplain Development Manual* published in 2005”.

Insert instead “Flood Risk Management Manual”.

[7] Appendix 5, section 26(5)

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.

[8] Schedule 1E Complying development—Chapter 3

Omit “Floodplain Development Manual, published by the NSW Government in April 2005” from section 2(4).

Insert instead “Flood Risk Management Manual”.

[9] Schedule 1E, section 2(5)

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.

[10] Schedule 4A Dictionary—Chapter 4

Omit “*Floodplain Development Manual*, ISBN 0 7347 5476 0, published by the NSW Government in April 2005” from the definition of *flood planning area*.

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

[11] Schedule 10 Dictionary for Chapter 5

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.

2.21 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 4.24 Flood planning

Omit “Floodplain Development Manual” wherever occurring in section 4.24(3)(g) and (5).
Insert instead “Flood Risk Management Manual”.

[2] Section 4.24(4)(b)

Omit “on a floodway area”. Insert instead “in a floodway”.

[3] Section 4.24(6), 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.

[4] Section 4.51 Savings and transitional provisions

Insert after section 4.51(3)—

- (4) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[5] Section 5.6 Definitions

Insert in alphabetical order in section 5.6(1)—

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

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

[6] Section 5.8 Savings provisions relating to development applications

Insert after section 5.8(3)—

- (4) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[7] Section 5.30 Development on land zoned Residential

Omit section 5.30(4), including the note.

[8] Section 5.38 Flood planning

Omit section 5.38(4).

[9] Section 6.4 Interpretation and application of this Chapter

Omit “Schedule 1 to this Chapter” from section 6.4(3)(a). Insert instead “Schedule 7”.

[10] Section 6.5A

Insert after section 6.5—

6.5A Savings

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[11] Section 6.50 Land below the PMF level

Omit “*Floodplain Development Manual* (NSW Government, December 1986)” from section 6.50(4).

Insert instead “Flood Risk Management Manual”.

[12] Section 6.51 Filling of land

Omit “manual entitled *Floodplain Development Manual: the management of flood liable land* published by the New South Wales Government” from section 6.51(2)(a).

Insert instead “Flood Risk Management Manual”.

[13] Section 7.13 Flood planning

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the NSW Government in 2005,” from section 7.13(4).

Insert instead “Flood Risk Management Manual”.

[14] Section 7.13(5)

Insert after section 7.13(4)—

(5) In this section—

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

[15] Section 7.24

Insert after section 7.23—

7.24 Savings—pending development applications

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[16] Appendix 1 State significant precinct—Edmondson Park South site

Insert after section 3—

4 Savings

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[17] Appendix 1, section 26(4)

Omit “NSW Government’s *Floodplain Development Manual* published in 2005”.

Insert instead “Flood Risk Management Manual”.

[18] Appendix 1, section 26(5)

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.

[19] Appendix 6 Campbelltown Growth Centres Precinct Plan

Insert at the end of section 1.8A—

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[20] Appendix 6, section 6.4(4)

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005” from section 6.4(4).

Insert instead “Flood Risk Management Manual”.

[21] Appendix 6, section 6.4(5)

Insert after section 6.4(4)—

- (5) In this section—

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

[22] Schedule 7, heading

Insert “—Chapter 6” after “Definitions”.

[23] Schedule 7

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.

2.22 State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Section 2.3 Interpretation—general

Insert in alphabetical order in section 2.3(2)—

flood liable land has the same meaning as in the Flood Risk Management Manual.

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

- [2] **Sections 2.12(1) and 2.13(4)**
Omit the subsections.
- [3] **Section 3.3 Interpretation**
Insert in alphabetical order in section 3.3(2)—
Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.
- [4] **Section 3.10 Notification of councils and State Emergency Service—development on flood liable land**
Omit section 3.10(2). Insert instead—
(2) In this section—
flood liable land has the same meaning as in the Flood Risk Management Manual.
- [5] **Schedule 6 Complying development in schools—Chapter 3**
Omit “floodway area” from section 13(2)(b). Insert instead “floodway”.
- [6] **Schedule 6, section 13(5) and (6), definitions of “flow path”, “high hazard area” and “high risk area”**
Omit “Floodplain Development Manual” wherever occurring.
Insert instead “Flood Risk Management Manual”.
- [7] **Schedule 6, section 13(6), definition of “Floodplain Development Manual”**
Omit the definition.
- [8] **Schedule 7 Complying development in universities and TAFEs—Chapter 3**
Omit “floodway area” from section 15(2)(b). Insert instead “floodway”.
- [9] **Schedule 7, section 15(5) and (6), definitions of “flow path”, “high hazard area” and “high risk area”**
Omit “Floodplain Development Manual” wherever occurring.
Insert instead “Flood Risk Management Manual”.
- [10] **Schedule 7, clause 15(6), definition of “Floodplain Development Manual”**
Omit the definition.
- [11] **Schedule 9 Savings and transitional provisions—Chapter 3**
Insert at the end of the schedule, with appropriate section numbering—
State Environmental Planning Policy Amendment (Flood Planning) 2023
An application for a complying development certificate made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

2.23 Sutherland Shire Local Environmental Plan 2006

[1] Clause 20 Flood planning

Omit “NSW Government’s *Floodplain Development Manual* published in 2005” from clause 20(4).

Insert instead “Flood Risk Management Manual”.

[2] Clause 20(5)

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 58, heading

Omit “provision”. Insert instead “provisions”.

[4] Clause 58(3)

Insert after clause 58(2)—

- (3) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

2.24 Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011

[1] Clause 5.14 Flood planning

Omit “Floodplain Development Manual” from clause 5.14(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[2] Clause 5.14(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.

2.25 Sydney Local Environmental Plan (Green Square Town Centre) 2013

[1] Clause 5.15 Flood planning

Omit “Floodplain Development Manual” from clause 5.15(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[2] Clause 5.15(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.

2.26 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

[1] Clause 5.15 Flood planning

Omit “Floodplain Development Manual” from clause 5.15(5), definition of *flood planning area*.

Insert instead “Flood Risk Management Manual”.

[2] Clause 5.15(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.

2.27 Wentworth Local Environmental Plan 2011

[1] Dictionary

Omit “*Floodplain Development Manual*” from the definition of *annual exceedance probability*.

Insert instead “Flood Risk Management Manual”.

[2] Dictionary, definition of “Floodplain Development Manual”

Omit the definition. Insert in alphabetical order—

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

2.28 Wollongong Local Environmental Plan 1990

[1] Clause 26 Development in flood prone land

Omit clause 26(1)(a). Insert instead—

- (a) be inconsistent with an FRM plan, within the meaning of the Flood Risk Management Manual, or other flood policy adopted by the Council, or

[2] Clause 26(3)

Insert after clause 26(2)—

- (3) In this clause—

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 41 Savings

Insert after section 41(2)—

- (3) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

2.29 Yass Valley Local Environmental Plan (Parkwood) 2020

[1] Clause 1.8A

Insert after clause 1.8—

1.8A Savings provision relating to development applications

A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

[2] Clause 7.10 Floodplain risk management

Omit clause 7.10(4), definition of *probable maximum flood*, including the note.

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.