

Department of Planning Industry and Environment  
Resilience Planning Team  
Parramatta NSW 2124

Sent via email: [resilience.planning@planning.nsw.gov.au](mailto:resilience.planning@planning.nsw.gov.au)

**Re: Explanation of Intended Effects: Special Flood Consideration Clause (January 2023)**

Thank you for the opportunity to comment on the '*Explanation of Intended Effect: Special Flood Consideration Clause*' regarding the optional Standard Instrument Local Environmental Plan (LEP) Clause 5.22 '*Special Flood Consideration Clause*'. In January 2022, thirty-two Councils, including Liverpool City Council, self-nominated to amend their LEPs by inserting this optional special flood consideration clause.

However, in March 2022 the NSW Government commissioned an independent expert inquiry into the causes, preparation, response and recovery from the 2022 catastrophic flood event across New South Wales. The findings of the inquiry listed several recommendations, including Recommendation 21, to simplify and improve State planning processes in relation to flooding.

In response to this, the subject Explanation of Intended Effects (EIE) is seeking feedback on two options:

- **Option 1:** Inserting Clause 5.22 into *State Environmental Planning Policy (Resilience and Hazards) 2021* or,
- **Option 2:** Inserting Clause 5.22 into all Council's LEP's.

On 22 February 2022, Liverpool City Council resolved:

*'That Council:*

- 1. Endorses the Special Flood Consideration Clause 5.22 for inclusion into the Liverpool Local Environmental Plan 2008, by the Department of Planning, Industry and Environment.*
- 2. Advises the Department of Planning and Environment of Council decision.'*

Council staff recognise the need to update planning legislation to manage flood risk and ensure development and communities are resilient. The above resolution of Council to amend the *Liverpool Local Environmental Plan 2008* is again reinforced for this EIE.

Given the clause will be referred to frequently during the assessment of Development Applications, it is considered more user friendly and accessible to be contained within the *Liverpool Local Environmental Plan 2008*.

The placement of this clause within *SEPP (Resilience and Hazards) 2021* may not simplify the NSW planning system, as SEPPs can be difficult to navigate for the general public and the clause may not be as accessible compared to the LEP.

However, it is noted that other Environmental Planning Instruments apply within the Liverpool LGA, such as the *SEPP (Precincts – Western Parkland City) 2021*, and if a State wide approach is being proposed, it should focus on applicable EPI's across the State, not just LEP's.

Should you require any further information on this matter, please do not hesitate to contact Brianna van Zyl Senior Strategic Planner, on 8711 7940 or [vanzylb@liverpool.nsw.gov.au](mailto:vanzylb@liverpool.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink that reads "Ian Stendara". The signature is written in a cursive, slightly slanted style.

**Ian Stendara**  
Acting Coordinator Strategic Planning