

8 February 2023

NSW Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Sir/Madam,

**Re: Submission – Explanation of Intended Effect – Special Flood Consideration Clause**

Thank you for the opportunity to provide comment in response to the exhibition of the Explanation of Intended Effect (EIE) seeking feedback on the proposed amendments to the Special Flood Consideration Clause. The EIE is on exhibition until Monday 14 February 2023.

Having reviewed the Explanation of Intended Effect, the following comments are made –

Having regard to Recommendation 21 of the 2022 Flood Inquiry, Mosman Council would not object to flood planning provisions being included within SEPP (Resilience and Hazards).

Notwithstanding, State-wide application of clause 5.22 in its current form would be problematic for local government areas that do not have an adopted flood study. In the absence of an adopted flood study, it is not possible to define with certainty land to which clause 5.22(2)(b) would apply.

Mosman Council does not currently have an adopted flood study. We are actively working with the Department of Planning and Environment in the preparation of the Mosman local government area flood study having received a grant under the Floodplain Management Program in December 2022. The preparation of a flood study is highly complex in an area such as Mosman, and it is anticipated that it may take 2-3 years before the flood study is adopted.

Given the likely extensive period of time before Mosman's flood study is finalised, we request that consideration be given to the wording of clause 5.22(2)(b) should it be applied State-wide to provide greater certainty in terms of the land to which it applies in circumstances where a flood study does not exist, or alternatively consideration be given to the flexible application of the provision until such time as a flood study is adopted.

Thank you for the opportunity to comment on the proposed changes. If you would like further information on Mosman Council's position, please contact Sarah Wallace Team Coordinator Urban Planning on 9978 4019 or s.wallace@mosman.nsw.gov.au.

Yours sincerely



Craig Covich  
DIRECTOR ENVIRONMENT AND PLANNING