

Enquiries: Strategic Planning

Our Ref: 23/11155

Your Ref: EIE - Special Flood Considerations Clause



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By email: resilience.planning@planning.nsw.gov.au

Dear Sir/Madam

Special Flood Consideration Clause

Thank you for the opportunity to comment on the Explanation of Intended Effect: Special Flood Considerations Clause (EIE). As noted, Snowy Monaro Regional Council opted into the use of the Special Flood Considerations Clause in 2020, resolution 252/21. Council reinforced this support in November 2022 by endorsing the draft Snowy Monaro Regional Local Environmental Plan (SM LEP) for public exhibition, which included clause 5.22.

Implementation of Clause 5.22 via a self-repealing SEPP is supported. In addition, Council has submitted a planning proposal for the SM LEP, which seeks to implement clause 5.22 of the Standard Instrument LEP (SI LEP).

In consideration of whether clause 5.22 is a compulsory inclusion across all Council areas, consultation is recommended directly with the Councils, which did not opt in to understand those concerns. Council supports the implementation of the Special Flood Consideration Clause in the Snowy Monaro Local Government Area.

It needs to be better understood and explained in the EIE what the implications of including the Special Flood Consideration Clause in the State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP). The main concern of this proposed inclusion in the Hazards SEPP is that it may limit Council's flexibility to control which land uses this clause applies. There may be some benefit to broadening land uses which can be included in the Special Flood Consideration Clause, but this is likely to be subjective by Council area based on local strategic planning and flood studies.

Should you have any queries regarding this application, please contact Council's Strategic Planning Department on (02) 6451 1416.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Gina McConkey'.

Gina McConkey

Coordinator Strategy Development