

Climate Change and Natural Hazards State Environmental Planning Policy

Explanation of Intended Effect

February 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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1 Introduction

1.1 Purpose of this document

This document has been prepared for the purposes of section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to provide an explanation of the intended effect (EIE) of a proposed new State Environmental Planning Policy (SEPP) relating to climate change and natural hazards, which will replace *the State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP). This document also describes other proposed supporting material including Ministerial Directions, Planning Circulars and other guidance.

1.2 Climate change and land use planning

Climate change is increasing the intensity, frequency and distribution of extreme weather and natural hazards, with more frequent and intense floods, bush fires, heatwaves and storms increasingly impacting our communities. The National Climate Risk Assessment highlights the widespread impacts of climate change and natural hazards affecting community, economy, environment, and way of life¹. As part of the National Climate Risk Assessment, the Australian Government has estimated that the total annual economic cost of hazards (excluding coastal hazards) in NSW could increase to \$51.4 billion by 2050 under a moderate emissions scenario². The bulk of these costs are expected to come from floods, being estimated to cost \$18.6 billion annually. The future costs and economic implications of coastal hazards are also projected to be substantial³.

While existing settlement patterns play a direct role in communities' exposure to climate change, the planning system is uniquely placed to help address climate risk by guiding future development decisions. The NSW Government has introduced a new climate change and natural hazards object in the EP&A Act, and it is proposed to introduce a Climate Change and Natural Hazards SEPP (CC&NH SEPP) that will replace the existing Resilience and Hazards SEPP.

Climate risk refers to future negative impacts from natural hazards and a changing climate. This can include the potential for negative consequences due to increased hazards and the changing exposure and vulnerability of human or ecological systems. These consequences can include impacts on lives, livelihoods, health and wellbeing, economies, sociocultural assets, investments, infrastructure, services (including ecosystem services), ecosystems and species.

¹ Australian Climate Service, *Australian National Climate Risk Assessment Report*, Australian Government, 2025.

² Australian Climate Service, *Australian National Climate Risk Assessment Report*, Australian Government, 2025.

³ NSW Reconstruction Authority, *State Disaster Mitigation Plan 2024-26*, NSW Government, 2024.

1.3 Tackling the housing crisis

NSW needs more houses. The NSW Government is committed to providing the homes that young people, families and workers need through reforms that are designed to streamline planning approvals for major housing developments. The planning system is an important lever in addressing the housing crisis and meeting the ambitious target to deliver 377,000 new homes over five years by July 2029 under the National Housing Accord⁴. The NSW Government has introduced significant new programs to achieve this target, including the Transport Oriented Development program, the Low and Mid-Rise reforms and the NSW Pattern Book.

1.4 The role of tolerable risk in delivering new homes

Planning for climate risk and natural hazards does not mean removing all risk. The NSW Government is taking a more risk-based planning approach to climate and natural hazard risks through processes led by the NSW Reconstruction Authority including the *State Disaster Mitigation Plan 2024-2026* (SDMP) and Disaster Adaptation Plans (DAP).

The SDMP reflects the NSW Government's commitment to making safe, more resilient communities that are better prepared to face the challenges of disasters caused by natural hazards in the future. The SDMP will be supported by Disaster Adaptation Plans (DAPs) which are currently being developed. DAPs will take a regional lens to set out strategies, actions and projects for disaster risk reduction and resilience over multiple planning horizons, including having regard to the longer-term impacts of climate change. Once the DAPs are finalised, they will complement the strategic planning framework providing an approach to address existing disaster risks and to guide pathways to reduce exposure and vulnerability to hazards in the future.

The SDMP and DAPs are considered in the planning system under both the *NSW Reconstruction Authority Act 2022* and the EP&A Act. Planning and consent authorities will be required to also consider the SDMP and DAPs when making planning decisions.

Planning and consent authorities must consider a proposal's costs and benefits in making their decision. Tolerable risk is about understanding the likely risks faced by a development so that the final planning decision reflects a balanced understanding of what is acceptable within the context of that decision. When finalised, DAPs will be one of the primary mechanisms used to identify place-based risks and to develop mitigation and adaptation measures which include land use planning actions. By considering relevant risks up front in strategic and local planning, planning decisions can help build resilient places and communities, reduce unwarranted future costs, and ensure we are delivering more houses in the right locations.

To support a tolerable risk approach, the Department of Planning, Housing and Infrastructure (the Department) has published the *Consideration of tolerable risk for natural hazards in land use planning guideline*. The Guideline has been prepared in response to Action 7 of the SDMP and is intended to

⁴ Australian Government, *National Housing Accord 2022*, Australian Government, 2022.

support merit-based decisions in response to climate change without replacing risk-based assessments within existing natural hazard risk frameworks.

2 Proposed changes

2.1 A clearer, simpler and consistent approach to climate change and natural hazards

Supporting planning and consent authorities to consider future climate risk should not slow the development process or add unreasonable cost. The proposed CC&NH SEPP will consider climate and natural hazard risks early in planning decisions to reduce risk, deliver economic benefits, including minimising future costs associated with insurance and recovery after a disaster, and ensure homes are delivered in the right locations. There are existing natural hazard frameworks that require consideration of individual hazards, such as for flood, coastal hazards and bush fire. However, anecdotally, there is often uncertainty about how these frameworks relate, how they should inform the decision-making process and whether they are targeting risk at an appropriate point in the planning cycle. Additionally, other natural hazards and climate change impacts, such as heatwaves and urban heat, have less mature planning system responses and frameworks in place. Given human nature, there is also often a perception that the most recent hazard faced should be the most important consideration.

This EIE outlines proposals to remove provisions in existing environmental planning instruments and replace them with consolidated provisions in the CC&NH SEPP. It also proposes a new Ministerial Direction to complement the CC&NH SEPP at the rezoning stage, a new *NSW Urban Heat Policy for Land Use Planning* (Urban Heat Policy) and seeks feedback on potential urban heat provisions that would extend the emerging natural hazard framework for heatwaves and urban heat.

The CC&NH SEPP will seek to help planning and consent authorities consider a development proposal based on that proposal's scale and context, recognising that different developments will have different risk profiles over time, with the aim of delivering a final decision that represents a tolerable level of risk. To achieve this, the CC&NH SEPP will include the following overarching principles:

- planning decisions consider future climate risk and relevant natural hazards
- planning decisions reduce future exposure and vulnerability to natural hazards and climate risk
- planning decisions appropriately balance and manage future costs and risk to life from natural hazards and climate risk
- planning decisions improve the health of Country (therefore Aboriginal communities) in a changing climate.

The CC&NH SEPP will apply state-wide through existing natural hazard frameworks. Provisions for individual hazards will continue to apply to areas as mapped or identified as applicable to specific hazard clauses. It will also apply to local development, State significant development and State significant infrastructure.

2.2 Climate change

The land use planning system is one of the most effective tools available to increase our growing communities' resilience to climate risks and avoid future costs. The introduction of the new EP&A Act climate change and natural hazards related object provides an opportunity to support planning and consent authorities to understand and manage the risks of more frequent and intense natural hazards, considering that proposal's type, scale and context. This will help embed climate adaptation into planning decisions. The CC&NH SEPP will not consider a development's contribution to climate change.

2.2.1 Climate change related matters for consideration

In making informed decisions about future climate risk, planning and consent authorities need a consistent reference framework and an agreed information base. The CC&NH SEPP will include the following matters for consideration by planning and consent authorities when determining a development application within the context of existing natural hazard frameworks:

- consider climate risk and natural hazards, taking into account projected changes as a result of climate change
- minimise risk to development from climate risk and changing natural hazard exposure as a result of climate change
- consider if the development is appropriately designed, constructed and operated to be resilient to the future impacts of climate change
- use the appropriate prescribed climate scenarios for the relevant development assessment decision, as directed by the *Climate Change Scenario Guidelines* (draft exhibited with this EIE).

It is also proposed that a Ministerial Direction be prepared to assist in considering these matters in strategic planning decisions, including at the rezoning or master planning stage of the planning process.

Planning controls also need to be considered in the context of other risk reduction options in place, such as mitigation infrastructure and evacuation infrastructure, and aligned with future DAPs.

2.2.2 Considering appropriate climate scenarios

Planning and consent authorities currently consider future climate risk in different ways depending on the scale and planned service life of the proposed development. Some developments have a shorter intended service life or will be retrofitted or modified regularly as part of their ongoing use, for example, upgrades of existing facilities that may have a service life of around 20 years. While other development, such as some infrastructure, are expected to be in place and operational for 70 years or more. It is proposed to provide guidelines to support the consistent application of future climate scenarios as appropriate to the type, scale, context and lifetime of the proposed development.

It is not feasible to analyse multiple climate scenarios simultaneously for the purpose of most planning decisions, and uncertainty will be present regardless of how many climate scenarios are included. The Intergovernmental Panel on Climate Change Assessment Report Number 6 Shared Socioeconomic Pathway (SSP) emissions scenarios inform climate modelling at regional and

national scales⁵. It is proposed to use specific SSP emissions scenarios consistently across planning and development decisions, applied through existing and emerging natural hazard and environmental impact assessment frameworks. To support this EIE, the Department has published *Climate Change Scenario Guidelines – draft for consultation*.

Feedback sought

- Do you support the proposal to introduce an overarching climate risk clause in the CC&NH SEPP?
- What additional guidance or supporting materials would be needed to implement the CC&NH SEPP?
- Should projects under Division 5.1 (Part 5) also consider climate risk and how should the proposed Climate Change Scenario Guidelines be used in the preparation of a Review of Environmental Factors (REF)?

2.3 Urban heat

Planning and design decisions can play a key role in mitigating the impacts of urban heat and reducing community vulnerability to heatwave events. Average temperatures are projected to increase across all parts of NSW, with some parts of the State, such as Dubbo and Penrith, projected to experience an additional 56.7 and 25.9 hot days⁶ per year by 2090, respectively, under a high emissions scenario⁷ ⁸. Extreme heat is believed to cause more deaths than any natural hazard, with more than 1,000 people aged 65 and over dying from heat stress each year across Australia⁹. Heat will also have significant economic and cost of living impacts for the State. It is estimated that between 700,000 and 2.7 million days of work could be lost to heatwaves by 2060-61¹⁰, with the cost of cooling Western Sydney households to increase 370% by 2079 under current trends¹¹.

Heat impacts are and will continue to be unevenly distributed across the State. In recognition of this, planning responses should be adaptable and place based. Consideration of heat in planning policies is still relatively new and currently limited to a small number of state and local strategic plans and planning controls. Proposals in this EIE aim to build on these efforts, recognising that other

⁵ IPCC, 'Summary for Policymakers', AR6 Synthesis Report: Climate Change 2023, IPCC website, n.d., accessed 2 June 2025.

⁶ Hot days are where maximum temperatures are 35°C and above.

⁷ NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW), *New South Wales: Climate Change Snapshot*, NSW Government, 2024.

⁸ Relative to baseline average climate from 1990-2009.

⁹ Queensland Government, *Queensland Future Climate: Heatwaves*, Queensland Government, 2023.

¹⁰ NSW Treasury, *2021-22 NSW Intergenerational Report*, NSW Government, 2021.

¹¹ Committee for Sydney and Scyne Advisory, *Burning money: the rising costs of heatwaves for Western Sydney*, Committee for Sydney, 2024.

complementary responses may also be required over time through other instruments and tools, to build a mature urban heat resilience framework.

2.3.1 Building resilience to urban heat

Urban areas are characterised by development of higher densities and high levels of vehicular and pedestrian activity, typically facilitated by large areas of dark, hard surfaces that absorb heat, such as buildings, roads and parking areas. Urban areas can amplify extreme heat and heatwaves and expose communities, including people with greater vulnerability to heat and higher temperatures.

A growing number of designers and developers are demonstrating that heat-mitigating outcomes can be achieved through minor adaptations to existing practices using greening, water sensitive urban design, passive design and building materials. When considered early, the layout of streets and buildings, retention of existing native vegetation and integration of greenery, water, passive cooling and cool materials can create cool and comfortable places to live for our communities.

To build on these practices and encourage more consistent consideration of urban heat in planning decisions across the state, the Department has published a draft *NSW Urban Heat Policy for Land Use Planning* (Urban Heat Policy) for exhibition with this EIE. The draft Urban Heat Policy introduces broad principles that can be applied across all stages and types of development supporting:

- consideration of urban heat in the land use planning decision or proposal
- incorporation of planning and design measures that contribute to community adaptation to increasing temperatures, including retaining existing native vegetation, incorporating green infrastructure and water bodies in land use planning, and optimising street layouts and building orientation
- community health and wellbeing by ensuring that outdoor spaces are thermally comfortable and communal heat refuges are available and linked with other natural hazard refuges and evacuation infrastructure.

To support the draft Urban Heat Policy and consideration of its principles at the rezoning and development application stages, it is also proposed to develop state-wide urban heat provisions in a new Ministerial Direction and the CC&NH SEPP, respectively. The draft Urban Heat Policy and proposed urban heat provisions would apply to development located in urban land use zones. This includes residential, employment, mixed used, special purpose and recreational zones.

The objectives of proposed provisions in the CC&NH SEPP would be to ensure that development considers urban heat, contributes to cooling the local environment and supports community health and wellbeing in ways that are proportionate to the size and complexity of the development.

It is acknowledged that many relevant controls already form part of planning frameworks to address existing environmental considerations, including amenity, landscaping and stormwater management. Urban heat provisions in the CC&NH SEPP would be flexible and outcomes-based and could require planning authorities to consider whether a proposed development incorporates planning and design measures to support cooling. These provisions would elevate and coordinate these measures to address urban heat alongside those other environmental considerations.

Given the varying nature of urban heat impacts and the emerging data around the extent of impacts, feedback is sought on where and how such provisions should apply. This includes:

- triggers for provisions which may be determined according to the size and value of development, or types of development (e.g. subdivisions, hospitals, schools, aged care facilities etc.)
- the potential role of heat risk assessments, urban heat and heat vulnerability data, and/or hazard mapping in conjunction with urban land use zones

Urban heat provisions in the CC&NH SEPP would seek to strike a balance between ensuring urban heat is considered proportionately to the risk posed to communities, alongside other relevant provisions, without unnecessarily increasing costs and administrative effort. Initially, the provisions could potentially focus on major development, including State significant development.

The draft Urban Heat Policy and provisions will encourage place-based responses to heat impacts. In areas that face risks from other natural hazards, including bush fire and flood, the planning and design measures adopted to address urban heat will need to balance the management of these risks.

2.3.2 Supporting guidance

To support the implementation of the draft Urban Heat Policy and proposed provisions in a new Ministerial Direction and the CC&NH SEPP, guidance will be developed to assist planning and consent authorities. Where possible, existing guidance, metrics and tools would be leveraged to develop fit for purpose guidance that accounts for differences in climate zones, development types and potential site constraints.

Feedback sought

- Do you support the proposal to introduce the Urban Heat Policy to encourage greater consideration of urban heat in land use planning decisions?
- What guidance or supporting materials will be needed to ensure urban heat considerations are appropriate for different contexts and climate zones?
- Do you support the proposal to develop urban heat provisions in the CC&NH SEPP? Where should such provisions apply and to what type of development?
- Are there any other opportunities to build resilience to urban heat in the planning system?

2.4 Bush fire

Consideration of bush fire risk in land use planning seeks to protect life and safety and enhance future communities' bush fire resilience. The financial impacts of the 2019-20 bush fires included the destruction of 2476 houses, \$899 million for infrastructure and \$43 million for telecommunications. Following the 2019-20 bush fires, the *Independent Parliamentary Inquiry into Bushfires 2020*¹² recommended that planning and consent authorities move to applying a risk-based

¹² Dave Owens and Mary O'Kane, *Final Report of the NSW Bushfire Inquiry*, NSW Government, 2020.

approach at the strategic land use planning stage of the development process as the most effective way of managing and mitigating property and asset damage.

2.4.1 Continuing to ensure bush fire risk is appropriately managed

Bush fire is the only natural hazard managed through specific provisions in the EP&A Act and the *Rural Fires Act 1997* and will continue to be substantively managed via legislation. Including detailed bush fire provisions in the Act has meant that, over time, these provisions have moved further from best practice as subordinate legislation is more flexible and easier to update in response to best practice.

The *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025* (PSR Act), which amends the EP&A Act, was given assent on 24 November 2025.

The PSR Act includes amendments to section 4.14 of the EP&A Act to streamline bush fire planning and will be supported by further detailed controls regarding development considerations and referral triggers in the CC&NH SEPP and other relevant SEPPs.

The provisions in the PSR Act commence in stages via proclamation. It is the intent that the PSR Act amendments to section 4.14 will not commence until the CC&NH SEPP is finalised.

Section 4.14 of the PSR Act includes a requirement for defined development on bush fire prone land to consider the relevant Bush Fire Protection Planning guide specified in the *Environmental Planning and Assessment Regulation 2021*. Section 271 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) prescribes the current version of *Planning for Bush Fire Protection* as the authoritative source of bush fire risk assessment. The Regulation is expected to be updated following amendments to the EP&A Act and updates to *Planning for Bush Fire Protection* currently underway.

The CC&NH SEPP will include objectives to complement and support compliance with the relevant Bush Fire Protection Planning guide that could require consent authorities to:

- avoid inappropriate developments in high-risk bush fire locations or circumstances, in particular development of a higher vulnerability such as for a Special Fire Protection Purpose within the meaning of the *Rural Fires Act 1997*, where the level of bush fire risk is not considered appropriate
- ensure areas identified for population growth and development are planned and designed to improve resilience and minimise the risk of bush fires to life and property
- plan for the impact of changing climate conditions on bush fire behaviour in areas identified for population growth and development
- ensure development includes adequate evacuation capacity and capability for existing and future communities in the event of a bush fire
- consider bush fire risk in a landscape context and identify and consider the cumulative impacts of bush fire risk for existing and future communities
- consider whether development in high-risk bush fire locations or circumstances avoids or mitigates bush fire impacts on property and environment.

2.4.2 Bush fire prone land mapping

Bush fire prone land maps are maintained by councils and the NSW Rural Fire Service (NSW RFS). These maps identify where planning processes must consider bush fire hazards. Bush fire prone land maps are referenced in section 10.3 of the EP&A Act, and the CC&NH SEPP will include a clause referencing bush fire prone land maps. The maps will remain available on the NSW RFS website.

2.4.3 Streamlining bush fire assessment for urban release areas

Section 272 of the *Environmental Planning and Assessment Regulation 2021* provides for bush fire risk assessments to be addressed at the subdivision stage for identified urban release areas. This process removes the need for further bush fire risk assessment at the building stage in certain circumstances, requiring a Bush Fire Safety Authority issued under section 100B of the *Rural Fires Act 1997*.

Section 274 of the *Environmental Planning and Assessment Regulation 2021* enables the Commissioner of the NSW RFS to revise a bush fire prone land map for land within an urban release area (*to remove or to record land marked as bush fire prone or to otherwise correct or record changes to the map*), based on a post-subdivision bush fire attack level certificate or other relevant evidence.

It is proposed to consolidate provisions for bush fire assessment for urban release areas within the CC&NH SEPP ensuring early consideration of bush fire risk is prioritised and later stages are streamlined. Provisions may include an appropriate mechanism for the delivery of essential bush fire evacuation or mitigation infrastructure to be incorporated into the provisions for urban release areas.

2.4.4 SI LEP clause 5.11 – bush fire hazard reduction

It is proposed to move clause 5.11 bush fire hazard reduction of the *Standard Instrument – Principal Local Environmental Plan 2006* (SI LEP) into the CC&NH SEPP, consolidating natural hazards provisions. The CC&NH SEPP will continue to make clause 5.11 compulsory.

2.4.5 Cultural Burning

The planning pathway for facilitating cultural burning as an approved method of bush fire hazard reduction is currently unclear. It is proposed that provisions be inserted into the CC&NH SEPP that establish a streamlined approval pathway for landowners who seek to undertake cultural fire management as a form of land management and bush fire risk mitigation. Any such pathway will require collaboration between the Department, NSW RFS, landowners, Local Aboriginal Land Councils (LALC) and the broader Aboriginal community.

The objectives for developing an approval pathway for undertaking cultural fire management for inclusion within the CC&NH SEPP could include:

- ensure sites are adequately prepared for bush fire incidents
- acknowledge and implement culturally informed land management practices
- reduce the likelihood of catastrophic bush fire events and associated native flora and fauna loss
- reduce potential damage to assets and infrastructure on private property

- create an efficient and streamlined approvals process

The CC&NH SEPP provisions will:

- identify cultural burning as a cultural practice of land management and hazard reduction burning informed by advice from Aboriginal community knowledge-holders
- ensure cultural burning is undertaken in locations suitable for hazard reduction burning

In establishing a pathway, future amendments may need to be made to the *Rural Fires Act 1997* and EP&A Act.

Feedback sought:

- What matters will need to be included in the new clause regarding bush fire risk assessment?
- Do you support the proposed application of streamlined bush fire risk assessments for urban release areas? What mechanisms would you recommend to ensure that adequate bush fire evacuation and mitigation infrastructure is delivered in these areas?

2.5 Coastal hazards

Development is focused in coastal areas, with 85% of the NSW population living or working within 50km of the coast. Risks are also focused in coastal areas, as a result, coastal hazards are expected to account for 50% of the \$9.1 billion cost of damage in the built environment (residential, commercial and infrastructure assets) by 2060 under a high emissions scenario¹³. Coastal hazards¹⁴ are varied in nature, resulting in different development and built form.

2.5.1 Coastal Management Areas and Coastal Protection Works

The *Coastal Management Act 2016* (CM Act) establishes the coastal management framework which provides for the preparation of coastal management programs by local councils, including the identification of coastal hazard risks, and actions for on-ground management and strategic adaptation in response to these risks. NSW DCCEEW are the lead agency working with councils to prepare coastal management programs. Chapter 2 of the Resilience and Hazards SEPP gives effect to the CM Act and planning actions from coastal management programs. Aligned with the CM Act framework, the Resilience and Hazards SEPP responds to the following four coastal management areas - Coastal Wetland and Littoral Rainforest Area (CWLRA), Coastal Vulnerability Area (CVA), Coastal Environment Area (CEA) and Coastal Use Area (CUA).

¹³ NSW Reconstruction Authority, *State Disaster Mitigation Plan 2024-26*, NSW Government, 2024.

¹⁴ CM Act defines **coastal hazards** as beach erosion, shoreline recession, coastal lake or watercourse entrance instability, coastal inundation, coastal cliff or slope instability, tidal inundation, and erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters.

The CM Act will continue to define the coastal zone, objectives and hierarchy of all coastal management areas; however, it is proposed to:

- relocate the CWLRA, CEA and relevant coastal zone management objectives to the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP). There is no proposed change to the operation of these provisions
- incorporate CVA, CUA and relevant coastal zone management objectives, coastal protection works and related provisions into the CC&NH SEPP.

Under part 6.3 of chapter 6 in the Biodiversity and Conservation SEPP, CEA and CUA provisions are excluded from the Foreshore and Waterway Area of Sydney Harbour. There is no change intended to this policy, noting that councils may still seek to apply the provisions of the CVA within the Sydney Harbour Foreshore and Waterway Area.

Nine councils have a coastal risk planning clause in their Local Environment Plans (LEPs), and 48 councils have other coastal related provisions. These clauses provide similar controls to the CVA clause in the Resilience and Hazards SEPP and result in complexity and potential duplication in decision making. It is proposed that in consultation with coastal councils, the application of CVA be updated in the CC&NH SEPP to ensure proposed development adequately considers the risk of current and future coastal hazards.

Existing coastal protection work assessment clauses will also be reviewed to support a risk-based assessment framework. Coastal protection works that can be undertaken by public authorities are to be expanded, while matters for consideration in the assessment of coastal protection works in high-risk locations and on private land will be clarified.

These changes will establish a clear and consistent approach to assessment and will enable removal of the varied coastal risk planning clauses in LEPs.

Feedback sought:

- Which existing coastal hazard-related LEP clause provisions should be included in an updated CVA clause and why?
- The CVA can apply to all seven coastal hazards, what specific matters should be addressed in an updated clause?
- The CUA clause is identified for inclusion in the CC&NH SEPP, if this clause was also updated, what matters would need to be included?
- What matters should be included in updated coastal protection work provisions to address both the risk of coastal hazards and potential impacts of a proposed structure?

2.5.1.1 Coastal Vulnerability Area mapping

The CVA represents land affected by current and future coastal hazards and the CM Act requires coastal management areas, including the CVA, to be identified in a SEPP. Identifying a CVA allows councils to set controls around future development and management of these areas.

While many councils map coastal risks and include coastal risk planning clauses in their LEPs, to-date only two local government areas have mapped a CVA in the Resilience and Hazards SEPP. This EIE seeks feedback on how to make this process simpler and better support councils in this work, including potentially recognising existing coastal hazard mapping as a CVA.

Feedback sought:

- Do you support transition of existing coastal risk planning mapping in LEPs to be CVA mapping?
- Would you support transition of existing coastal hazard mapping in Development Control Plans to be CVA mapping?
- Would you support transition of coastal hazard mapping from a certified coastal management program, or a council adopted coastal hazard study to be CVA mapping?
- Are there opportunities to fast-track CVA identification and mapping?
- Do you support using the *NSW coastal erosion and inundation hazards and exposure assessment* (DCCEEW, 2025) as the basis for CVA mapping across the state?

2.6 Flooding

While the flood risk management framework is recognised as one of NSW's most mature natural hazard frameworks, the *Full Report of the NSW Flood Inquiry (2022)*¹⁵ recommended that planning move from a static hazard approach to a more informed dynamic consideration of risk. The NSW Government has committed to stop inappropriate development on dangerous floodplains and has delivered a number of reforms that have improved the ability to consider and manage flood risk. Appropriate flood risk management is also reflected in major housing initiatives, for example, none of the identified Transport Oriented Development areas are located in a high-risk flood zone. This EIE includes proposals that continue to deliver on the government's election commitment regarding 'stopping inappropriate development on floodplains' while supporting increased housing supply.

2.6.1 SI LEP clause 5.21 – flood planning

It is proposed to move clause 5.21 flood planning of the SI LEP into the CC&NH SEPP, consolidating natural hazards provisions. It is also proposed to update the clause to support consent authorities' consideration of shelter-in-place, in line with the Department's *Shelter-in-place guideline for flash flooding*. It is also proposed to update the clause to support consideration of risk-based decision making relating to development type, the location of the development within the flood planning area and co-incident flood and coastal hazards.

¹⁵ Mary O'Kane and Michael Fuller, *Full Report of the NSW Flood Inquiry*, NSW Government, 2022.

2.6.2 SI LEP clause 5.22 – special flood considerations

It is proposed to move clause 5.22 (optional) into the CC&NH SEPP. Currently, clause 5.22 applies in 42 LEPs across NSW. As part of submissions to this EIE, councils are encouraged to identify if they would like to opt in to clause 5.22 in the CC&NH SEPP. The CC&NH SEPP will not make clause 5.22 mandatory, and this EIE seeks feedback on the local government areas to which the new clause will apply under the CC&NH SEPP. It is proposed to update the clause to standardise the sensitive and hazardous land uses to which it applies, and to consider updates relating to risk-based decision making, co-incident flood and coastal hazard impacts, consideration of shelter-in-place and other evacuation related issues.

Feedback sought:

- Do you support the proposal to move SI LEP clauses 5.21 and 5.22 into the CC&NH SEPP?
- Would councils like to 'opt in' to clause 5.22?
- Would you support updating the terminology around flood control lots including changing the term to align with the existing flood planning area terminology and moving the flood control clauses into a standardised clause in the CC&NH SEPP.
- Are there any additional considerations needed in the flood clauses (5.21 and 5.22)?

2.6.3 Flood prone land mapping

Flood prone land maps are published and maintained by councils or where relevant, State Government. These maps identify where planning processes must consider flooding. It is proposed to include a clause in the CC&NH SEPP giving effect to flood prone land maps prepared by each council or planning authority. The CC&NH SEPP will not include these maps, but these should be available on the relevant council website and/or on the NSW State Emergency Service flood data portal.

Feedback sought:

- Do you support the proposal to give effect to council prepared flood prone land maps through the CC&NH SEPP?

2.7 Rebuilding after natural disasters

Embedding build back better guidance in land use planning is vital to ensuring cost to life, property, and environment are mitigated. Natural hazards, particularly flood and bush fire, exacerbate an already volatile housing market in NSW, rendering many houses uninhabitable or uninsurable. Rebuild is costly and time exhaustive and puts further strain on temporary housing accommodation options. The capacity for NSW to build back better after hazards will determine the long-term

resilience of the state as more extreme natural hazards become the new status quo under climate change. The Department has published *Guiding principles to build back better after natural disasters* and supporting case studies to help promote ways to reduce future costs and improve resilience.

The NSW Reconstruction Authority has a key role and legislative powers relating to responding to and recovering from natural disasters. This includes significant land use planning powers relating to re-building and considering relocation after natural disasters, including making planning decisions pursuant to section 68 of the *NSW Reconstruction Authority 2022 Act*. The SEPP may seek to include provisions that support the NSW Reconstruction Authority's use of these powers, providing clarity in relation to development with approval or consent under the EP&A Act.

2.7.1 SI LEP clause 5.9 – rebuilding after natural disasters

Clause 5.9 (optional) of the SI LEP facilitates the rebuild and repair of dwellings following a natural disaster. The *Full Report of the NSW Flood Inquiry* identified that reliance on this clause puts people back into harm's way without any consideration of hazard mitigation measures, for example, minimum floor height and relationship to flood planning area.

It is proposed to move clause 5.9 into the CC&NH SEPP and update the clause to standardise the land uses to which it applies and require that rebuilding improve the dwellings resilience to future hazards. The clause currently applies, and will continue to apply, to 43 councils across NSW. However, councils may opt in via their submission to this EIE.

Feedback sought:

- Are there specific circumstances where build back better should not be pursued?
- Would councils like to opt in to adopt clause 5.9?
- Are there additional ways the planning framework could address rebuilding post disaster?

3 Consequential amendments

Preparation of the CC&NH SEPP will require a review of relevant provisions across other instruments to ensure a consistent approach to assessing development on land affected by natural hazards. This will include correcting outdated SEPP references and language updates in relevant SEPPs and LEPs, updating planning circulars and notes, and ensuring consistency of language in the SI LEP.

3.1 Replacement of the Resilience and Hazards SEPP (2021)

It is proposed to move the following content currently contained in the Resilience and Hazards SEPP to an alternative SEPP:

- **Chapter 3- Hazardous and offensive development** to the *State Environmental Planning Policy (Industry and Employment) 2021*
- **Chapter 4- Remediation of land** to move to the *State Environmental Planning Policy (Planning Systems) 2021* (Planning System SEPP).

3.2 SEPP amendments

It is likely the following SEPPs will require consequential amendments:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021* to division 25 *Waterway or foreshore management activities* definition which includes references to coastal management, beach nourishment and dune or foreshore stabilisation works. Also, to include consideration of flood prone land to hospitals, early education and care facilities, schools, and subdivisions clauses, similar to bush fire prone land
- Planning Systems SEPP to item 8 of schedule 6 which identifies regionally significant subdivisions in the coastal zone, with different triggers for metropolitan (Newcastle to Wollongong) and sensitive coastal locations but does not include consideration of coastal hazards
- *State Environmental Planning Policy (Housing) 2021* to ensure consistency in bush fire, flood and coastal hazard considerations under the Diverse Housing provisions, review land-based exclusions for manufactured home estates and Low- and Mid-Rise Development as complying development on land affected by coastal hazards, and consider the application of Schedule 3 which identifies Environmentally Sensitive Land including bush fire and coastal hazard affected land. Also, to include consideration of flood prone land to housing for seniors, people with a disability and group homes similar to bush fire prone land considerations
- *State Environmental Planning Policy (Exempt and Complying Development) 2008* which excludes most complying development on land affected by coastal hazards and bush fire prone land that is BAL-40 or BAL-FZ. Also, to update flood terminology and definitions to be consistent with the *Flood Risk Management Manual*¹⁶
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Eastern Harbour City) 2021*, *State Environmental Planning Policy (Western Parkland City) 2021* and *State Environmental Planning Policy (Industry and Employment) 2021* to update flood terminology and definitions to be consistent with the *Flood Risk Management Manual*¹⁴
- Other consequential amendments may be identified throughout the drafting process.

¹⁶ Department of Planning and Environment, *Flood Risk Management Manual*, NSW Government, 2023.

3.3 Ministerial Directions and other guidance

New or updated Ministerial Directions will be required to support the objectives of the CC&NH SEPP. It is proposed to prepare a consolidated Ministerial Direction relating to climate change and natural hazards, with individual components for each hazard.

Planning circulars and other guidance will also be required. Consideration will be given to consolidation as these are updated to create a streamlined package.

3.4 Savings and transitional arrangements

Savings and transitional clauses will be prepared where required to facilitate an efficient and appropriate transition to the provisions of the CC&NH SEPP.

4 How to get involved

Community and stakeholder feedback is welcome on the proposal outlined in this document. Your feedback will help us better understand the views of the community and other stakeholders and will inform the final policy proposals.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.

Give your feedback by 5pm Monday 16 March 2026

Please make a submission through the Department's ['Have your say'](#) webpage by 5pm on Monday 16 March 2026.

We have included 'Have your say' questions throughout this document to support discussion about the proposed changes. These are prompts only. In your submission, you can address any issues that you believe are important in relation to this document.

Abbreviations

Abbreviation	Term
Biodiversity and Conservation SEPP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
CC&NH SEPP	<i>State Environmental Planning Policy (Climate Change and Natural Hazards)</i>
CEA	Coastal Environment Area
CM Act	<i>Coastal Management Act 2016</i>
CUA	Coastal Use Area
CVA	Coastal Vulnerability Area
CWLRA	Coastal Wetland and Littoral Rainforest Area
EIE	Explanation of Intended Effect
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
NSW RFS	NSW Rural Fire Service
Resilience and Hazards SEPP	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
SDMP	<i>State Disaster Mitigation Plan 2024-26</i>
SEPP	State Environmental Planning Policy
SI LEP	<i>Standard Instrument – Principal Local Environmental Plan 2006</i>
SSP	Shared socioeconomic pathway
the Department	the Department of Planning, Housing and Infrastructure

Appendix

Local Environmental Plans that include SI LEP clause 5.9 – building after natural disasters

Clause 5.9 (optional) of the SI LEP currently applies to 43 LEPs across NSW, as below.

Local Environmental Plans that include SI LEP Clause 5.9 (optional)

Bathurst Regional Local Environmental Plan 2041

Bayside Local Environmental Plan 2021

Bega Valley Local Environmental Plan 2013

Burwood Local Environmental Plan 2012

Cabonne Local Environmental Plan 2013

Central Coast Local Environmental Plan 2022

Cessnock Local Environmental Plan 2011

Clarence Valley Local Environmental Plan 2011

Coonamble Local Environmental Plan 2011

Cumberland Local Environmental Plan 2021

Glen Innes Severn Local Environmental Plan 2012

Goulburn Mulwaree Local Environmental Plan 2009

Gunnedah Local Environmental Plan 2012

Hornsby Local Environmental Plan 2013

Inner West Local Environmental Plan 2022

Inverell Local Environmental Plan 2012

Kempsey Local Environmental Plan 2013

Local Environmental Plans that include SI LEP Clause 5.9 (optional)

Lachlan Local Environmental Plan 2013

Lake Macquarie Local Environmental Plan 2014

Lismore Local Environmental Plan 2012 (2013 EPI 66)

Lithgow Local Environmental Plan 2014

Liverpool Local Environmental Plan 2008

Liverpool Plains Local Environmental Plan 2011

Maitland Local Environmental Plan 2011

Manly Local Environmental Plan 2013

Muswellbrook Local Environmental Plan 2009

Newcastle Local Environmental Plan 2012

Pittwater Local Environmental Plan 2014

Port Macquarie-Hastings Local Environmental Plan 2011

Port Stephens Local Environmental Plan 2013

Queanbeyan-Palerang Regional Local Environmental Plan 2022

Shoalhaven Local Environmental Plan 2014

Singleton Local Environmental Plan 2013

Tamworth Regional Local Environmental Plan 2010 (2011 EPI 27)

Temora Local Environmental Plan 2010

The Hills Local Environmental Plan 2019

Upper Hunter Local Environmental Plan 2013

Wagga Wagga Local Environmental Plan 2010

Local Environmental Plans that include SI LEP Clause 5.9 (optional)

Warringah Local Environmental Plan 2011

Warrumbungle Local Environmental Plan 2013

Wentworth Local Environmental Plan 2011

Wingecarribee Local Environmental Plan 2010

Wollondilly Local Environmental Plan 2011

Local Environmental Plans that include SI LEP clause 5.22 – special flood considerations

Clause 5.22 (optional) currently applies to 42 LEPs across NSW, as below.

Local Environmental Plans that include SI LEP Clause 5.22 (optional)

Bega Valley Local Environmental Plan 2013

Bombala Local Environmental Plan 2012

Byron Local Environmental Plan 2014

Central Coast Local Environmental Plan 2022

Cessnock Local Environmental Plan 2011

Canada Bay Local Environmental Plan 2013

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

Georges River Local Environmental Plan 2021

Goulburn Mulwaree Local Environmental Plan 2009

Inner West Local Environmental Plan 2022

Kempsey Local Environmental Plan 2013

Lismore Local Environmental Plan 2012 (2013 EPI 66)

Liverpool Local Environmental Plan 2008

Manly Local Environmental Plan 2013

Local Environmental Plans that include SI LEP Clause 5.22 (optional)

Murray Local Environmental Plan 2011

Muswellbrook Local Environmental Plan 2009

Narromine Local Environmental Plan

Newcastle Local Environmental Plan 2012

Orange Local Environmental Plan 2011 (2012 EIE 55)

Pittwater Local Environmental Plan 2014

Port Macquarie-Hastings Local Environmental Plan 2011

Port Stephens Local Environmental Plan 2013

Randwick Local Environmental Plan 2012 (2013 EPI 36)

Richmond Valley Local Environmental Plan 2012

Shellharbour Local Environmental Plan 2013

Shoalhaven Local Environmental Plan 2014

Snowy River Local Environmental Plan 2013

Sutherland Local Environmental Plan 2015

Tweed Local Environmental Plan 2014

Tweed City Centre Local Environmental Plan 2012 (2013 EPI 14)

Upper Hunter Local Environmental Plan 2013

Upper Lachlan Local Environmental Plan 2010

Wagga Wagga Local Environmental Plan 2010

Wakool Local Environmental Plan 2013

Warringah Local Environmental Plan 2011

Local Environmental Plans that include SI LEP Clause 5.22 (optional)

Willoughby Local Environmental Plan 2012

Wollongong Local Environmental Plan 2009

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