

Low Flood Risk Case Study: Tourist and visitor accommodation planning proposal

Practical application of planning circular PS 24-001: Update on addressing flood risk in planning decisions

In line with the recommendations of the 2022 NSW Flood Inquiry, the department's planning circular PS 24-001 recommends planning authorities apply a risk-based approach to assessing proposals involving flood-affected land. This includes planning proposals, local and regional development applications, State significant development and State significant infrastructure.

The risk-based approach includes ensuring that:

- the level of assessment undertaken for a planning proposal or development proposal is proportionate to the likely impacts of the proposal, including taking into account the flood risk profile of the proposal
- planning decisions are based on a balanced consideration of the merits, risks and impacts of a given proposal, and that appropriate measures are in place to achieve a tolerable flood risk level for flood-affected proposals.

The approach should take into account the flood risk profile of each proposal, including consideration of the flood characteristics for the location, the nature and type of development and any impacts on the existing community and surrounding properties.

The following case study provides an example of how the circular can be applied in the assessment of a low-risk planning proposal for tourist and visitor accommodation on flood prone land.

Proposal Overview

A planning proposal for tourist and visitor accommodation was lodged with the department for Gateway determination. The planning proposal sought to amend the local council's Local Environmental Plan to allow hotel or motel accommodation and food and drink premises on site.

Flood risk associated with the proposal

The planning proposal was identified by the department as a low flood risk proposal because very small areas of the site were identified as 'low hazard' in the probable maximum flood (PMF). The remainder of the site was not flood affected and the proposed built form was located outside the 'low hazard' areas. The department also determined that the proposal would not cause additional flood impacts to surrounding land and properties.

For these reasons, the department assessed that the planning proposal could proceed to determination given the minor flood risks on site and that the built form was not located in areas of flood hazard.

In recommending the planning proposal proceed to Gateway determination, the department was satisfied that the proposal was consistent with the Section 9.1 Ministerial Direction 4.1 Flooding and noted that the site would be subject to Council's Flood Management Controls as outlined in the Councils Development Control Plan.