

LGNSW SUBMISSION

Explanation of Intended Effect - Climate Change and Natural Hazards SEPP

March 2026





Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Employ nearly **50,000 people**



Manage more than **1,800 community & public centres**



Maintain more than **168,000km of roads & bridges**



Manage more than **\$220 billion of community assets**



Recycle **1.75 million tonnes of waste**



Spend more than **\$2.5 billion each year on caring for the environment**



Operate more than **380 libraries that attract tens of millions of visits each year**



Make kerbside waste collections for more than **3.1 million households**



Manage an estimated **4 million tonnes of waste each year**



Spend more than **\$2.4 billion on culture and recreation**

Local Government NSW acknowledges and pays respect to the Traditional Owners of the lands on which we work, and the lands we travel through. We also acknowledge our Elders – past, present and emerging.

TABLE OF CONTENTS

Opening	4
Background	4
LGNSW Advocacy Priorities	5
Response	5
Climate Change Scenarios	7
Tolerable Risk	8
Urban Heat	9
Draft Urban Heat Policy	10
Bushfire	10
Cultural burning	11
Coastal Hazards	11
Coastal Protection Works	11
Mapping	12
Flood	12
Rebuilding after Disaster	13
Conclusion	14
Summary of Recommendations	15
Appendix A: Relevant LGNSW Resolutions	18

Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide feedback on the Explanation of Intended Effect (EIE) for Climate Change and Natural Hazards State Environmental Planning Policy (SEPP).

This submission is informed by the policy positions of LGNSW and consultation with councils. LGNSW hosted a feedback forum with councils and has also encouraged councils to make their own submissions.

This submission was endorsed by the LGNSW Board in April 2026.

Background

The NSW Government has issued an Explanation of Intended Effect (EIE) for a Climate Change and Natural Hazards SEPP, which will replace the existing State Environmental Planning Policy (Resilience and Hazards) 2021.

In line with new object added to the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 2025, the proposed policy will:

- introduce new guidelines for managing natural hazards and update existing natural hazards controls to streamline decision-making.
- focus on climate risks, rebuilding after natural disasters, coastal hazards, flooding, bushfires and urban heat.
- establish a consistent approach for assessing climate risk and natural hazards throughout development assessment.
- provide an all-hazards approach to planning to ensure communities and developments are resilient to both current and future risks.
- help consent authorities, such as local councils, assess climate and natural hazard risks for different development types and guide decisions based on acceptable risk levels.

As part of the exhibition, the Department of Planning, Housing and Infrastructure (DPHI) is also seeking feedback on:

- draft Climate Change Scenario Guidelines outlining climate scenarios to be used with natural hazard frameworks.
- draft Urban Heat Policy Statement detailing objectives and planning principles to build resilience to urban heat.

LGNSW Advocacy Priorities

The LGNSW [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance and guiding LGNSW in its advocacy on behalf of the local government sector.

The LGNSW overarching positions in relation to addressing climate and natural hazard risks in planning decisions are:

7.2 Local government to retain control over the determination of locally appropriate development. Local planning powers must not be overridden by State plans and policies or misuse of State Significant Development (SSD) provisions.

7.3 The NSW Government to commit to a collaborative approach in co-designing and implementing planning reforms with councils, to ensure:

a) Reforms are responsive to different planning contexts (in particular, to avoid land with high-risk from natural hazards, such as flood and bushfire) and deliver high quality, liveable and sustainable housing, neighbourhoods and communities.

10.6 State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing to:

- a) ensure developments and precincts include measures to alleviate the urban heat island effect.*
- b) apply (or enable councils to apply) higher Building Sustainability Index (BASIX) targets and include other sustainability outcomes to improve housing stock resilience.*
- c) enable innovative approaches to community and public transport.*
- d) improve provisions to ensure the resilience of housing stock under future climate scenarios.*
- e) Provision of point-of-sale consumer information about the environmental impacts of building products,*
- f) considering the use of Environmental Product Declarations (EPDs).*

There are several resolutions from recent LGNSW annual conferences that are also relevant. These are listed at **Appendix A**.

Response

The inclusion of climate-related considerations in planning decisions is welcomed as it strengthens community safety, improves asset resilience, and supports consistent, evidence-based planning decisions. However, the EIE currently frames climate change primarily as a risk to be assessed or minimised. Climate change must also be

recognised as a catalyst for proactive adaptation, such as the retention and enhancement of urban tree canopy.

DPHI has indicated that the draft SEPP instrument will not be exhibited. This is a significant concern. Councils must have access to the draft legislation and associated instruments to properly understand the implications of the proposed reforms, including where the SEPP may override or fall short of existing higher-standard local provisions. Without this transparency, councils cannot meaningfully assess impacts, identify conflicts, or provide informed feedback.

Further, there is insufficient clarity on how the new SEPP will interact with the State Land Use Plan (yet to be released), Regional Plans (including the Sydney Plan), the State Disaster Management Plan, Disaster Adaptation Plans (DAPs) and other strategic plans, particularly in relation to the sharing of data and the consistent understanding of risk.

The exclusion of single dwellings, alterations and complying development from the SEPP is inconsistent with the intent of embedding the EP&A Act's new object into planning decisions. These forms of development are where climate impacts are most frequently experienced, and where early intervention is often the most effective and cost-efficient.

The consultation timeframe for the EIE has been extremely limited. This makes it difficult for councils to determine whether to opt into clauses 5.9 and 5.22, particularly given the lack of detail on how the SEPP will interface with other planning instruments and the decision not to exhibit the draft SEPP.

The proposed transfer of clauses from the Standard Instrument Local Environment Plan (SI LEP) to the new SEPP will require councils to review and update Local Environment Plans (LEPs), Development Control Plans (DCPs), planning certificate notations and management systems – representing a significant administrative and resource burden. Targeted consultation with councils on the draft SEPP will be essential to ensure a workable transition.

Recommendations:

1. That the NSW Government exhibit the draft SEPP, or at minimum undertake targeted consultation with councils, to ensure transparency and enable informed assessment of impacts, conflicts and implementation requirements.
2. That the SEPP clearly articulate how it will interact with the State Land Use Plan, Regional Plans, the State Disaster Management Plan, Disaster Adaptation Plans and other relevant strategic plans, including data-sharing arrangements and risk-assessment consistency.
3. That the SEPP apply to single dwellings, alterations and complying development, given these are the development types where climate impacts are most frequently experienced and where early intervention is most effective.
4. That adequate consultation time be provided to allow councils to determine whether to opt into clauses 5.9 and 5.22, supported by clear guidance on the operation and implications of the SEPP.

5. That any transfer of Standard Instrument LEP clauses into the SEPP be accompanied by dedicated support for councils, including transitional guidance, resources and timelines, to minimise administrative burden.

Climate Change Scenarios

The inclusion of climate change scenarios into planning decision making is welcomed. However, clarification is required regarding whether councils will be compelled to apply these scenarios when making planning decisions, or whether they will retain discretion to exercise local judgement.

There is a clear need for guidance on climate change risk assessment, including climate scenario selection and application. Feedback from councils indicates differing preferences, including:

- A precautionary approach, with some councils supporting the exclusive use of high- or very high-emissions scenarios (e.g. SSP3 or SSP5) for significant planning decisions¹.
- A more flexible approach, where a state-wide benchmark (for example, SSP3) is set, with councils able to apply alternative scenarios (such as SSP2) on a case-by-case basis to reflect local conditions.

Consistency in NSW Government data and mapping is essential to support this work. The Climate Change Scenario Guidelines (s2.5) specify minimum requirements of SSP2-4.5 and SSP3-7.0; however, current government tools apply different scenario sets. For example, the NSW and Australian Regional Climate Modelling (NARClIM) interactive mapping uses SSP1-2.6 and SSP3-7.0, while the NSW Coastal Erosion and Inundation Assessment 2025² mapping available via the Sharing and Enabling Environmental Data (SEED) portal applies SSP2-4.5 and SSP5-8.5. While these choices may be appropriate for individual hazards, providing mapping aligned to the guideline's minimum scenario requirements would significantly improve usability for councils. Consideration should also be given to ensuring compatibility across different mapping approaches, including flood mapping and probabilistic coastal hazard mapping.

Councils require additional support to effectively implement the proposed climate scenario requirements, including:

- Support to undertake the necessary studies, data evaluation, translation and mapping activities. In many cases, councils are required to engage consultancies to interpret and apply NARClIM data to local contexts.
- A concierge-style service from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to provide peer review and expert guidance on modelling, projections and related technical matters.
- Access to NARClIM data in formats that are readily usable at local scales.

¹ IPCC, '[Summary for Policymakers](#)', [AR6 Synthesis Report](#): Climate Change 2023, IPCC website.

² <https://www.environment.nsw.gov.au/publications/nsw-coastal-erosion-inundation-hazards-exposure-assessment-technical-report-2025>

Recommendations:

6. Provide clear direction and guidance on the application of climate change scenarios to ensure consistency across councils, including whether the use of scenarios will be mandatory or discretionary.
7. Ensure consistency and compatibility across all NSW Government climate data and mapping tools, including aligning available mapping with the minimum scenario requirements in the Climate Change Scenario Guidelines and improving compatibility between different hazard-mapping approaches (e.g. flood, coastal/probabilistic).
8. Strengthen support for councils to implement climate scenario requirements, including funding for necessary studies and data translation, access to NARClIM data in user-ready formats, and a DCCEE-led concierge service offering expert technical review and advice.

Tolerable Risk

The *Consideration of tolerable risk for natural hazards in land use planning guideline* makes reference to the State Disaster Mitigation Plan definition of tolerable risk and provides five factors to be considered when considering tolerable risk in planning decisions. However, tolerability is inherently subjective, shaped by differing stakeholder risk appetites and local geographic contexts. A clear and consistent definition is therefore critical.

Councils also prefer an approach to assessing tolerable risk that has clear thresholds, decision pathways and comprehensive examples, including examples that demonstrate the boundary between tolerable and intolerable risk – to support consistent and defensible action.

Clarification is needed on who will be responsible for determining tolerable risk—whether this responsibility will sit within the SEPP or another instrument—and how any disagreements about tolerable risk will be resolved, including who will act as the decision-maker. Further clarification is also required on whether a different definition of tolerable risk will apply for “building back better” compared with general planning decisions.

Some councils have noted they are currently developing or updating Enterprise Risk Management Policies which articulate their risk appetites. The application of tolerable risk will need to be aligned with the principles and thresholds outlined in those policies.

Recommendations:

9. That DPHI strengthen the Tolerable Risk Guideline to provide clear thresholds, decision pathways, and comprehensive examples, including scenarios illustrating the boundary between tolerable and intolerable risk.

10. That the above Guideline include detailed, real-world case studies to demonstrate practical application of 'tolerable risk', including circumstances warranting refusal of a development application or requiring adaptation measures.
11. That responsibilities for determining tolerable risk be explicitly defined, including whether this sits within the SEPP or another instrument, and that a clear dispute-resolution mechanism be established.

Urban Heat

Councils welcome the proposal to strengthen consideration of **urban heat** in the planning framework but recommend broadening this to address **heat more generally**, as significant health and liveability impacts also occur in peri-urban and less urbanised areas. Factors such as major roadways, extensive hard surfaces and local topography can intensify and prolong heat. For example, the Hawkesbury region records some of the hottest temperatures in NSW despite its higher vegetation levels and lower housing density relative to more urbanised parts of Sydney.

The existing Heat Vulnerability Index (HVI) is valuable for urban areas but is often a poor predictor of heat impacts in peri-urban contexts, as it is designed around dense urban characteristics and does not reflect the diversity and rapid change occurring on the city fringe.

Additional fit-for-purpose guidance and tools are needed to help councils identify and manage heat and humidity impacts through the planning system, as well as improve access to cooling opportunities –key determinants of liveability.

Councils would welcome clearer information on the factors that drive higher heat so they can better integrate mitigation measures into land use planning. Further desirable guidance and support include:

- provision of model statewide SEPP, LEP and DCP provisions to ensure a consistent approach to addressing urban heat, particularly for large developments such as data centres;
- a trusted tool to assess heat risk and evaluate the performance of materials and heat-resilience measures;
- staff training supported by sustained long-term funding;
- enforceable provisions requiring retention of mature tree canopy or equivalent replacement planting.

The EIE seeks feedback on the potential role of heat-risk assessments, heat vulnerability data and hazard mapping. Planning for heat vulnerability must be future-focused and adaptive, drawing on future heat scenarios and accounting for the cumulative impacts of development on hazards (such as urban heat) and exposure (including population growth).

There is also uncertainty about how heat risk assessments will operate. For example, whether they will mirror bushfire risk assessment processes, and whether councils or proponents will be responsible for preparing and updating them. Councils highlight that any such requirement will have resource implications that must be considered.

Recommendations:

12. That the NSW Government broaden the urban heat considerations in the SEPP and associated guidance to address heat more generally, ensuring applicability to peri urban and less urbanised areas where significant heat and liveability impacts also occur.
13. That the NSW Government provide consistent, fit for purpose guidance and tools to support councils, including model statewide SEPP/LEP/DCP provisions, a trusted heat risk assessment tool, enforceable tree canopy protections, and sustained funding for staff training.
14. That clear direction be provided on the purpose, methodology and responsibilities for heat risk assessments (including whether they mirror bushfire assessment processes) and that associated resource implications for councils be addressed.

Draft Urban Heat Policy

The draft Urban Heat Policy (UHP) sets out three planning principles that will apply state-wide to all development and land use planning decisions in urban areas. While the principles are sensible, councils would prefer that they be translated into clear development standards that can be more readily applied, with flexibility to reflect local context and conditions.

The EIE states that the UHP will apply to all development types, which implies it also applies to single dwellings and complying development. It is unclear why those forms of development are excluded from application under the SEPP when the UHP will apply to those developments.

Recommendations:

15. Translate the Urban Heat Policy principles into clear, enforceable development standards, with flexibility for councils to tailor requirements to local conditions and context.
16. Develop detailed implementation guidance to support councils in applying the Policy principles in practice, ensuring they can be readily incorporated into LEPs, DCPs and assessment processes.

Bushfire

The EIE states that the SEPP will include objectives to complement and support compliance with “the relevant Bush Fire Protection Planning guide” (p12) – currently the [Planning for Bush Fire Protection \(PBP\) 2019](#) (2025 Addendum). However, there is

potential for conflicting guidance between the SEPP and the PBP. It is imperative that the SEPP defer to the PBP requirements where there is any inconsistency. Further clarity is needed on how the bushfire provisions in the SEPP will interact with the Codes SEPP, and which instrument will take precedence.

The EIE also proposes consolidating provisions for bush fire assessment in urban release areas and for amending bushfire-prone land maps, currently in the EP&A Regulation 2021, into the new SEPP. Councils are of the view that the existing Urban Release Area (URA) bushfire maps are outdated, affecting hazard assessments and housing approvals. Councils request continued use of existing LEP-based maps to ensure clearer, faster governance until a new bushfire framework is developed and legislative clarity is provided.

Cultural burning

Councils support efforts to facilitate cultural burning practices, including streamlining approval processes, however more detail is required on how this will interact with rules for Asset Protection Zones.

There is also concern as to whether the SEPP is the most appropriate instrument for cultural burning approvals or if these approvals would be better situated in a different legislative framework.

Recommendations:

17. That the SEPP explicitly defer to the requirements of Planning for Bush Fire Protection (PBP) where any inconsistency arises, and provide clear guidance on how its bushfire provisions interact with the Codes SEPP, including which instrument takes precedence.
18. That existing, up-to-date LEP-based bushfire-prone land maps be used until a new statewide bushfire framework is established.
19. That the inclusion of cultural burning in the SEPP be reviewed as perhaps being more appropriate for another instrument.

Coastal Hazards

Coastal Protection Works

The EIE proposes that Coastal Vulnerability Area (CVA), Coastal Use Area (CUA) and relevant coastal zone management objectives be incorporated into the SEPP, to enable coastal risk planning clauses and other coastal related provisions in more than 50 LEPs to be removed. Councils are concerned that standardising LEP coastal risk clauses across the state will weaken local hazard controls, when the latter have been established with locally appropriate studies and community consultation.

Recommendation:

20. That the SEPP retain councils' ability to apply locally tailored coastal hazard controls.

Mapping

There is a general view that the SEPP should set the standard or benchmark for coastal hazard mapping, except where a suitable local study or guideline (through an LEP or DCP) provides a more appropriate basis.

There is some support among councils for transitioning existing coastal hazard mapping in DCPs to CVA mapping; however, this would require resolving issues such as transition timeframes, differing mapping methodologies, and variations in local risk tolerances.

All NSW coastal councils are updating their coastal hazard mapping as part of the Coastal Management Program (CMP) process. This mapping is typically more detailed and locally accurate than the NSW coastal erosion and inundation hazards and exposure assessment produced by DCCEE. Councils therefore support using the DCCEE assessment as the basis for CVA mapping only in areas where CMP-based hazard mapping has not yet been completed. Additional funding and support are needed to assist councils in finalising CMPs.

Recommendations:

21. That the SEPP establish a clear statewide benchmark for coastal hazard mapping, while allowing councils to rely on more detailed and locally appropriate LEP/DCP-based studies where available.
22. That any transition from existing coastal hazard mapping in DCPs to CVA mapping be supported by clear guidance on timeframes, mapping methodologies, and approaches to managing differences in local risk tolerances.
23. That DCCEE's coastal erosion and inundation assessment be used as the basis for CVA mapping only where CMP-based hazard mapping has not yet been completed
24. That the NSW Government provide additional funding and support to assist councils in finalising and implementing CMPs.

Flood

The EIE seeks feedback on the proposal to move Standard Instrument LEP clauses 5.21 and 5.22 into the new SEPP. Councils consider this could provide some consistency across the state however the wording of these provisions must allow for effective existing provisions that have been designed for local conditions and controls to be retained.

Clause 5.21(3a) of the Standard Instrument LEP requires assessment of how a development will influence flood behaviour under climate change, rather than assessing how climate change will alter flood behaviour itself. It is unclear whether the SEPP or the Climate Change Scenario Guideline will address this gap. While DPHI has noted that a development's contribution to climate change is covered under other regulatory requirements, this approach is fragmented and does not provide a coherent, integrated assessment framework.

The EIE seeks feedback on whether there is support for giving effect to council prepared flood prone land maps through the new SEPP. This is generally supported, particularly where councils hold updated flood studies with future climate scenarios, however it should be noted that maps are not always up to date across LGAs.

Recommendations:

25. That the SEPP allow councils to retain and apply existing LEP-based flood provisions where they provide more locally appropriate and effective controls.
26. That the SEPP or supporting documents clarify how a development's contribution to climate and natural hazards will be factored into the development assessments.

Rebuilding after Disaster

Local government has been an advocate for building back better, with the ultimate objective being to build the resilience of communities so that they can better withstand and recover from natural disasters. Within this there needs to be recognition that rebuilding on a particular site may not always be appropriate, particularly where development is inconsistent with ongoing risk.

Evacuation routes and constraints must be considered at the strategic level for all natural hazards, particularly bushfire and flooding. If the build back better principles will override local planning provisions, the SEPP must explicitly account for evacuation constraints.

A consistent definition of what constitutes *"better"* in *build back better* is also needed. This includes clarifying whether improvements relate to minimum construction, materials and design standards, or whether they must reflect updated risk profiles (e.g. revised flood probabilities or future heat projections). Where additional studies or consultancy work are required to assess build-back-better options, responsibility for funding must be clearly assigned.

The insurability of rebuilt assets is another critical factor in determining when build back better is appropriate. Further clarity is needed on how the approach aligns with insurance industry requirements and policy settings.

Another option for supporting rebuilding after disaster is to utilise the prescribed conditions framework. The EP&A Regulation already requires compliance with the

Building Code of Australia, which includes guidance for building in flood- and bushfire-prone areas. There may be scope to incorporate build back better requirements into the Regulation as prescribed conditions.

Recommendations:

27. That the NSW Government adopt a consistent statewide approach for determining when build-back-better is appropriate, including limits on densification in hazard-affected areas.
28. That evacuation routes and constraints be explicitly addressed in the SEPP's build-back-better provisions, especially where these may override local planning controls.
29. That the SEPP or supporting guidance define what constitutes "better", including required construction, design and hazard-resilience standards.
30. That responsibilities for funding additional studies, data updates or specialist assessments required to evaluate build-back-better options be clearly assigned.
31. That the NSW Government consider how build-back-better provisions in the SEPP aligns with insurance industry settings and asset insurability, noting the critical role this plays in recovery and long-term resilience.

Conclusion

LGNSW welcomes the opportunity to provide feedback on the EIE for Climate Change and Natural Hazards SEPP.

The proposed SEPP represents an important step toward embedding climate and natural hazard considerations into planning. However, councils require far greater transparency, clarity and engagement to ensure the policy is workable. Access to the draft SEPP, clear explanations of how it will interact with other strategic plans, and sufficient consultation time are essential for councils to assess impacts and prepare for implementation. Without this, the reforms risk unintended consequences, inconsistencies and significant administrative burden for local government.

LGNSW would be pleased to discuss these recommendations and possible ways to improve the functionality and outcomes of the Climate Change and Natural Hazards SEPP and associated documents.

For further information, please contact [Susy Cenedese](#), Strategy Manager Environment.

Summary of Recommendations

General

1. That the NSW Government exhibit the draft SEPP, or at minimum undertake targeted consultation with councils, to ensure transparency and enable informed assessment of impacts, conflicts and implementation requirements.
2. That the SEPP clearly articulate how it will interact with the State Land Use Plan, Regional Plans, the State Disaster Management Plan, Disaster Adaptation Plans and other relevant strategic plans, including data-sharing arrangements and risk-assessment consistency.
3. That the SEPP apply to single dwellings, alterations and complying development, given these are the development types where climate impacts are most frequently experienced and where early intervention is most effective.
4. That adequate consultation time be provided to allow councils to determine whether to opt into clauses 5.9 and 5.22, supported by clear guidance on the operation and implications of the SEPP.
5. That any transfer of Standard Instrument LEP clauses into the SEPP be accompanied by dedicated support for councils, including transitional guidance, resources and timelines, to minimise administrative burden.

Climate Change Scenarios

6. Provide clear direction and guidance on the application of climate change scenarios to ensure consistency across councils, including whether the use of scenarios will be mandatory or discretionary.
7. Ensure consistency and compatibility across all NSW Government climate data and mapping tools, including aligning available mapping with the minimum scenario requirements in the Climate Change Scenario Guidelines and improving compatibility between different hazard-mapping approaches (e.g. flood, coastal/probabilistic).
8. Strengthen support for councils to implement climate scenario requirements, including funding for necessary studies and data translation, access to NARClIM data in user-ready formats, and a DCCEEW-led concierge service offering expert technical review and advice.

Tolerable Risk

9. That DPHI strengthen the Tolerable Risk Guideline to provide clear thresholds, decision pathways, and comprehensive examples, including scenarios illustrating the boundary between tolerable and intolerable risk.
10. That the above Guideline include detailed, real-world case studies to demonstrate practical application of 'tolerable risk', including circumstances warranting refusal of a development application or requiring adaptation measures.
11. That responsibilities for determining tolerable risk be explicitly defined, including whether this sits within the SEPP or another instrument, and that a clear dispute-resolution mechanism be established.

Urban Heat

12. That the NSW Government broaden the urban heat considerations in the SEPP and associated guidance to address heat more generally, ensuring applicability to peri urban and less urbanised areas where significant heat and liveability impacts also occur.

13. That the NSW Government provide consistent, fit for purpose guidance and tools to support councils, including model statewide SEPP/LEP/DCP provisions, a trusted heat risk assessment tool, enforceable tree canopy protections, and sustained funding for staff training.
14. That clear direction be provided on the purpose, methodology and responsibilities for heat risk assessments (including whether they mirror bushfire assessment processes) and that associated resource implications for councils be addressed.

Draft Urban Heat Policy

15. Translate the Urban Heat Policy principles into clear, enforceable development standards, with flexibility for councils to tailor requirements to local conditions and context.
16. Develop detailed implementation guidance to support councils in applying the Policy principles in practice, ensuring they can be readily incorporated into LEPs, DCPs and assessment processes.

Bushfire

17. That the SEPP explicitly defer to the requirements of Planning for Bush Fire Protection (PBP) where any inconsistency arises, and provide clear guidance on how its bushfire provisions interact with the Codes SEPP, including which instrument takes precedence.
18. That existing, up-to-date LEP-based bushfire-prone land maps be used until a new statewide bushfire framework is established.
19. That the inclusion of cultural burning in the SEPP be reviewed as perhaps being more appropriate for another instrument.

Coastal Hazards

20. That the SEPP retain councils' ability to apply locally tailored coastal hazard controls,
21. That the SEPP establish a clear statewide benchmark for coastal hazard mapping, while allowing councils to rely on more detailed and locally appropriate LEP/DCP-based studies where available.
22. That any transition from existing coastal hazard mapping in DCPs to CVA mapping be supported by clear guidance on timeframes, mapping methodologies, and approaches to managing differences in local risk tolerances.
23. That DCCEEW's coastal erosion and inundation assessment be used as the basis for CVA mapping only where CMP-based hazard mapping has not yet been completed.
24. That the NSW Government provide additional funding and support to assist councils in finalising and implementing CMPs.

Flood

25. That the SEPP allow councils to retain and apply existing LEP-based flood provisions where they provide more locally appropriate and effective controls.
26. That the SEPP or supporting documents clarify how a development's contribution to climate and natural hazards will be factored into the development assessments.

Rebuilding after Disaster

27. That the NSW Government adopt a consistent statewide approach for determining when build-back-better is appropriate, including limits on densification in hazard-affected areas.
28. That evacuation routes and constraints be explicitly addressed in the SEPP's build-back-better provisions, especially where these may override local planning controls.

29. That the SEPP or supporting guidance define what constitutes “better”, including required construction, design and hazard-resilience standards.
30. That responsibilities for funding additional studies, data updates or specialist assessments required to evaluate build-back-better options be clearly assigned.
31. That the NSW Government consider how build-back-better provisions in the SEPP aligns with insurance industry settings and asset insurability, noting the critical role this plays in recovery and long-term resilience.

Appendix A: Relevant LGNSW Resolutions

2025/36 North Sydney Council - Continuation of certain provisions of the EP&A Act

That Local Government NSW calls on the State Government to ensure the continuation of the following provisions of the Environmental Planning and Assessment Act:

1. s3.25 of the Act – special consultation procedures concerning threatened species;
2. s4.14 – consultation and development consent – certain bush fire prone land
3. bush fire prone land mapping (s10.3); and
4. evaluation requirements under s4.15(1)(b), (c), and (e) for all types of development. That is, that a consent authority must consider the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality s4.15(b), the suitability of the site for the development s4.15(c) and the public interest s4.15(e) in determining all development applications submitted under the Act.
5. minimum notification period for State Significant Development be reinstated to 28 days, not 14 days.

2025/88 City of Newcastle - Local climate adaptation and resilience support

That Local Government NSW calls on the NSW Government to:

1. convene a Climate Adaptation Summit with LGNSW and councils; and
2. create a dedicated adaptation support program providing funding and technical assistance for risk assessments, adaptation plans and priority resilience works (heat, flood, coastal hazards, extreme weather, and community and critical asset protection).

2024 / 42 Northern Beaches Council Built environment response to climate change

That Local Government NSW advocates to relevant NSW Government agencies:

1. to implement NatHERS 7-star energy ratings to apply to multi-residential buildings five storeys and under.
2. to accept and implement the National Construction Code (NCC) 2022 Liveable (accessible) Housing provisions to be applicable to all residential dwellings, consistent with other states and territories.
3. for enhanced protections for mature native trees, as well as a clear pathway to guarantee local government areas reach their canopy targets (including Sydney reaches its 40% canopy target by 2036), particularly in light of the proposed Low- and Mid-Rise Housing Reforms, where the maximum floor space ratio allowance is likely to hinder achieving this target.
4. to exclude high-risk flood-prone land in all local government areas from development uplift proposed as part of Low and Mid-Rise Housing Reforms.

2023 / 115 City of Newcastle Coastal erosion mitigation and sand replenishment

That Local Government NSW calls on the NSW Government to plan strategically and support local councils under its coastal management framework by:

1. Developing a state-wide approach for a sustainable sand nourishment program to support local councils as they develop Coastal Management Programs
2. Establishing a whole of government approach to climate change impacts, including coastal erosion, recession and sea level rise.
3. Providing greater support to the delivery of Coastal Management Programs which are critical to ensure the long-term sustainability of our coasts and estuaries.

4. Formalising a catchment approach for our estuaries, involving all significant stakeholders and adequate funding, to ensure threats to these highly valued areas are more effectively and efficiently managed now and into the future.
5. Appointing a Coastal Commissioner to oversee coastal management on a statewide basis and advisors to assist councils.

2022 / 46 WSROC - Urban planning to reduce heat-related risks

That Local Government NSW advocates for the Australian and NSW Governments to recognise heat as a significant natural hazard requiring mitigation, adaptation and response measures in line with other hazards. This includes a review of planning policies and regulations to support local government to address urban heat and heatwaves. This should be done in close consultation with Local Government and should include, but not be limited to:

1. creation of national urban heat mitigation and adaptation objectives. Targets should be nuanced based on local conditions and climate.
2. define heatwave as a natural disaster under federal legislation. Heatwave is not currently an eligible disaster under the Federal National Disaster Arrangements - with impacts for assistance and adaptation funding packages.
3. updating the National Construction Code to ensure new homes are designed to keep people safe in future climates and when the power goes out:
 - a. ensure performance is assessed against future climate data
 - b. introduce thermal safety and thermal autonomy standards.
4. integration of heat mitigation and adaptation measures in state planning policies and instruments, including but not limited to:
 - a. exempt and Complying Development Codes SEPP
 - b. State Significant Development SEPP
 - c. revising the BASIX SEPP to ensure homes compliant to today will continue to perform under future climate scenarios. This may include but not be limited to:
 - i. reviewing climate data sets to ensure they reflect today's climate, and near-future climate scenarios.
 - ii. reviewing the efficacy of BASIX-compliant homes in protecting life safety during heatwave emergencies and power outages (introduce thermal autonomy and thermal safety standards).
 - d. updating the Standard Instrument - Principle Local Environmental Plan (2006 EPI 155a) to support local governments to address urban heat and heatwaves.