

Addendum to the REF Farquhar Flood Notch - Crown Lands Licence 626421 Flood Notch (Farquhar)

This addendum has been prepared to address changes to the planning pathway legislation with the repeal of State Environmental Planning Policy (Infrastructure) 2007 and commencement of SEPP (Transport and Infrastructure) 2021. The REF was prepared under the former SEPP and this document identifies and addresses changes to the planning pathway in accordance with the updated planning legislation.

The current REF identifies the planning pathway on Page 6. This information is hereby replaced with the following;

Planning Pathway

Works to construct and maintain the flood notch will be undertaken under SEPP (Transport and Infrastructure) 2021 Part 2.3 Division 7 Flood Mitigation Works Clause 2.56 (Development permitted without consent) and Part 2.3 Division 25 Clause 2.164 (Development permitted without consent). As highlighted below, the works are in connection with flood mitigation work and waterway / foreshore management, with these works constructing and maintaining the flood notch. Further in the event of a flood, Part 3 Division 25 Clause 2.164 (c) emergency works, including works required as a result of flooding, storms or erosion, will be implemented as in previous events where flood waters have been released through Farquhar.

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732>

State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 2.3 Division 7 Clause 2.56 Development permitted without consent.

(1) Development for the purpose of flood mitigation work may be carried out by or on behalf of a public authority without consent on any land.

(2) Reference in this clause to development for the purpose of flood mitigation work includes a reference to development for any of the following purposes if the development is in connection with flood mitigation work.

- (a) construction
- (b) routine maintenance works
- (c) environmental management works.

Part 2.3 Division 25 Clause 2.164 Development permitted without consent

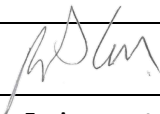
(1) Despite clause 2.164, development for the purpose of waterway or foreshore management activities may be carried out by or on behalf of a public authority without consent on any land.

(2) To avoid doubt, subsection (1) does not permit the subdivision of any land.

(3) In this section, a reference to development for the purpose of waterway or foreshore management activities includes a reference to development for any of the following purposes if the development is in connection with waterway or foreshore management activities—

- (a) construction works
- (b) routine maintenance works
- (c) emergency works, including works required as a result of flooding, storms or erosion
- (d) environmental management works.

As the works are permissible without development consent, assessment of the proposal falls under Part 5 of the Environmental Planning and Assessment Act 1979.

Signature		Date	17/07/2022
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