

Transitional provisions in the Lower Namoi Valley and Border Rivers Valley Floodplain Management Plans

A transitional provision has been included in the *Floodplain Management Plan for the Lower Namoi Valley Floodplain 2020* and the *Floodplain Management Plan for the Border Rivers Valley Floodplain 2020* (the FMPs). This provision mitigates any disadvantage applicants may face as a result of significant delays in the assessment of the flood work applications while ensuring that a comprehensive set of assessment criteria is applied to the application. The latter providing for the long-term protection of the floodplain, environmental assets, cultural values and flood flow paths.

Assessment delays in flood work applications

There have been significant delays in assessing applications for flood work approvals in the Lower Namoi Valley Floodplain and Border Rivers Valley Floodplain. These delays are a result of WaterNSW focusing on applications for works relating to critical water needs during the recent drought.

There is a potential for some applicants to face disadvantage as a result of these delays, specifically in areas where the rules have become more restrictive with the start of the FMPs.

This is because the rules and assessment criteria of an FMP in force **when the application is determined** that apply. This is clarified by section 95(3) of the *Water Management Act 2000*, which prevents an approval being granted if it contravenes the provisions in a relevant management plan.

Transitional provision for certain applications lodged before 31 December 2019

A transitional provision has been included in the FMPs for applications that:

- were lodged before 31 December 2019, and
- for works in, or proposed to be in, Management Zones A or D for Border Rivers and Management Zones AD, AID or D for Lower Namoi (including applications to amend an existing approval) which have not been subject to a previously refused application, and
- are yet to be assessed and determined.

The transitional provision allows for these applications to be assessed against the comprehensive and comparatively less restrictive assessment criteria specified for Management Zone B. The applications must be advertised.

This transitional provision will minimise any disadvantage faced by applicants who are seeking approval for a flood work that is in, or will be in, an area where the rules have become more restrictive with the start of the FMPs.

All other applications, including those applications for flood works:

- in, or proposed to be in, other management zones, or
- lodged after 31 December 2019

will be assessed against the normal rules and assessment criteria in the FMP.

Transitional provisions in floodplain management plans



Fact sheet

This transitional provision also ensures that a comprehensive set of assessment criteria applies, and applications are advertised. This results in the long-term protection of the floodplain, environmental assets, cultural values and flood flow paths, which contributes to the protection of life and property from the effects of flooding.

More information

For more information about individual flood work applications, please contact WaterNSW on 1300 662 077. For more information about flood work approvals, visit www.watnsw.com.au/customer-service/water-licensing/approvals/flood-work-approvals

For more information about the preparation of floodplain management plans as part of the NSW Healthy Floodplains Project, visit the NSW Department of Planning, Industry and Environment website at www.industry.nsw.gov.au/water

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.