



Natural Resources Access Regulator

Guide to the application form for a new flood work approval

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Introduction

What is a flood work?

A flood work means a work (such as a barrage, causeway, cutting or embankment) that is:

- situated in or in the vicinity of a river, estuary or lake, or within a floodplain, and is
- of such a size or configuration that (regardless of the purpose for which it is constructed or used), it is likely to have an effect on the flow of water to or from a river, estuary or lake, or the distribution or flow of floodwater in times of flood.

Flood works can include all associated pipes, valves, metering equipment and other equipment, but do not include works declared by the regulations not to be a flood work.

Do I need a flood work approval?

You need a flood work approval to construct and use a flood work unless an exemption applies.

It is an offence to construct and use a flood work without an approval. It is also an offence to construct and use a flood work in a manner which does not comply with the terms and conditions of an approval.

What are the exemptions?

You do not need a flood work approval if an exemption applies, such as:

- for major projects which are state significant development or state significant infrastructure
- in certain circumstances specified in the regulations, for example:
 - for local councils if the work is constructed or used under a development authorisation granted by a council, and the work is *not* located within an unmanaged designated high risk flood area,
 - for the Rail Corporation NSW if the work is for the purposes of a railway
 - for a roads authority if the work is for the purposes of a public road,
 - to comply with a direction given in an emergency under the *State Emergency and Rescue Management Act 1989* or *State Emergency Service Act 1989*,
 - for a ring embankment around a dwelling house, shed or silo but only if the work is not located in a designated high risk flood area and does not enclose more than the permissible area,
 - earthworks that are less than 150mm above (not below) the natural surface of the ground but only if the work is not located in a designated high risk flood area.

For information about exemptions, go to www.industry.nsw.gov.au/water > Licensing & trade > Approvals > Flood work approvals.

How to use this guide

Use this guide to assist you in completing the *Application form for a new flood work approval*.

The application form has a number of sections. In each section are questions identified by a number on the left hand side of the form (for example, B4 is question 4 in section B). The information provided in the guide corresponds to these numbers in the application form.

Ensure you provide all the information requested in this application form. If your application form is incomplete it will not be accepted.

We may contact you to request further information in relation to your application.

Sections in application form

SECTION A: Applicant details

If this application is made by the owner/s of the land on which the work is to be located then each owner listed on the Land Title Certificate must be listed in Section A and must sign the application form.

If the application is made by the lawful occupier/s of the land then each occupier must be listed in Section A and must sign the application form. In this situation it is not necessary for the owners to be listed as applicants.

In this section provide the details of the applicant/s for the approval.

- A1-4** The name can be a person's name or the name of a legal entity, such as a company or corporation, that is either the owner or legal occupier of the land to which the application relates.
- A5** Insert the Australian Company Number (ACN) if the application is by a company.
- A6** If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN and a copy of your certificate of incorporation.
- A7** Insert the position of the person/s who is/are making the application for and on behalf of the company or corporation. If the applicant is a company this would be either a company director or company secretary. If the applicant is a corporation this would be the duly authorised officer.
- A8-12** Insert the address of the applicant. For companies or corporations, insert the address details of the registered office.
- A13-16** Insert the contact details for the applicant.
- A17-32** There can be more than one holder of an approval. The form makes provision for two applicants to apply. If there are more than two applicants photocopy/print multiple copies of the blank Section A, complete it and attach it to the form.
- A33** This is the total number of applicants listed on the application form and includes applicants listed on any additional pages.

SECTION B: Contact person for application

If there is only one applicant you do not need to complete this section.

If there is more than one applicant, and this section has not been completed, we will assume the first applicant on the form is the application contact and contact that person, if necessary, prior to the determination of the application.

An application contact is not legally delegated by the applicant/s to act on their behalf.

An application contact may be an applicant or a third party such as a solicitor, farm manager or water broker.

B1-12 Insert the name and contact details of the application contact. This will assist us if we need to contact someone to discuss the details of the application.

SECTION C: Ownership of land where flood work is/will be located

Specify whether the application is made by the owners of the land or the lawful occupiers of the land.

Either all owners listed on the Land Title Certificate, or all lawful occupiers of the land, must be listed in Section A and must sign the application form.

If you do not own the land, but anticipate that you will own the land within a reasonable period of time of the date of application, attach an explanation of anticipated ownership together with documentary evidence.

If the application is made by the lawful occupier/s of the land on which the work is to be located attach documentary evidence of lawful occupation such as a lease agreement or court order.

If you want to construct a work/s on land you own, as well as a work/s on land where you are the lawful occupier, then you will need to tick both boxes C1 and C2.

SECTION D: Pre-application discussion

A pre-application discussion with an officer from the department may assist you to complete the application form.

SECTION E: Does other legislation apply?

E1-3 Check if you require development consent from your local council.

SECTION F: Flood work

The information you provide in this section will allow us to fully understand and assess your new or existing flood work. Therefore you should provide as much information as possible about the design, construction material and intended use. Providing detailed information will reduce the likelihood of us needing to request further information from you.

- F4** Provide details of the location of the new/existing flood work which may be on more than one lot/DP and/or on more than one property.

SECTION G: Environmental issues

The information you provide will assist us to undertake an assessment of likely impacts of the flood work/s during and after construction of the work/s. You may need to seek advice from a suitably qualified person to provide this information if your property is located in a sensitive environment.

- G3-5** Clearing of vegetation can be by excavation, inundation or another method of destruction. If you are in doubt please contact your Local Land Services office or the department.
- G7-12** Further information about threatened species can be found at the Office of Environment and Heritage website.

SECTION H: Maps and plans

Show the location of the property on a 1:50,000 topographic map.

On a separate map draw the boundary of the property and show the accurate location of the work in sufficient detail. This map may be either a satellite image (eg. Google Earth) or a topographic map.

SECTION I: Information required for assessment of application

If you want to apply to construct and use a flood work which does not comply with your floodplain management plan, or is outside a floodplain management plan area, you may be requested to provide additional information.

You will be contacted after an initial assessment of your application if you need to provide one of the following:

1. An assessment of likely impacts. See below for details.
2. A hydraulic modelling report. See below for details.

Assessment of likely impacts (ALI)

An ALI must be prepared by a suitably qualified person and address the following:

- full details of the proposal including:
- specifications of the dimensions of the work(s)
- design of the work(s)
- construction materials
- details of monitoring and contingency measures to minimise impacts of the activity

- any environmental impacts on water sources, floodplains and dependent ecosystems (including groundwater and wetlands)
- potential land degradation, including soil erosion (during construction and for the life of the work), compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity
- identification of the ecological benefits of flooding in the area, with particular regard to wetlands and other floodplain ecosystems and groundwater recharge
- identification of existing flood works in the area and their ecological impacts, including cumulative impacts
- any impacts on water quality
- any environmental impact on the community
- any transformation of a locality
- any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality
- any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations
- any impact on the habitat of protected fauna (within the meaning of the *National Parks and Wildlife Act 1974*)
- any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air
- any long-term effects on the environment
- any degradation of the quality of the environment
- any risk to the safety of the environment
- any reduction in the range of beneficial uses of the environment
- any pollution of the environment
- any environmental problems associated with the disposal of waste
- any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply
- any cumulative environmental effect with other existing or likely future activities

Hydraulic modelling report

A hydraulic modelling report may be requested if you want to apply to construct and use:

- a non-compliant flood work, or
- a flood work in a zone which does not permit such a work, or
- a flood work outside a floodplain management plan area but still within a floodplain.

If a hydraulic modelling report is required it must be prepared by a suitably qualified person and address the following:

- potential impacts of flood works on other landholders
- analysis of existing and future risk to human life and property arising from proposed work
- identification of the existing and natural flooding regimes in the area, in terms of the frequency, duration, nature and extent of flooding

- risk to life and property from the effects of flooding
- Potential impacts or changes on:
 - the flow of water to or from a river, estuary or lake
 - the passage, flow and distribution of floodwater
 - existing dominant floodways and exits from floodways
 - rates of flow, floodwater levels and duration of inundation
 - downstream water flows
 - natural flood regimes, including spatial and temporal variability

SECTION J: Declaration of applicant/s

Ensure you understand your legal obligations before signing this document. You may need to obtain independent legal advice for this.

Each applicant must provide their name, sign the completed form and write the date when it was signed.

If the applicant is a company, the application is to be signed for and on behalf of the applicant by two persons in accordance with section 127 of the *Corporations Act 2001* (Cth). Select the position of the signatories which can be a company director or company secretary.

If the applicant is a corporation, insert the name of the corporation, select the position of the signatory, and ensure the application is signed by the duly authorised officer.

SECTION K: Payment of application

Specify how you would like to pay the application fee.

Information about how to pay the application fee is provided in the fact sheet *How to complete and submit an application form*.