


# Application form

## New flood work approval

September 2018 Natural Resources Access Regulator



### **This application form is for a new flood work approval under section 92 of the *Water Management Act 2000*.**

A flood work approval allows you to construct and use a work which situated in or in the vicinity of a river, estuary or lake, or within a floodplain, and 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.

Examples of flood works are barrages, causeways, cuttings, embankments, levees to prevent inundation of flood waters, building pads and below ground channels.

For information about flood works, go to [www.industry.nsw.gov.au/water](http://www.industry.nsw.gov.au/water) > Licensing & trade > Approvals > Flood work approvals

### **Who can apply?**

Any person can apply for a flood work approval.

However, there are rules about who can be granted a new flood work approval. Check you are entitled to construct and use a flood work at the proposed location.

### **Who can use this application form?**

Responsibilities for granting and managing flood work approvals are shared between NRAR in the Department of Industry – Lands and Water Division and WaterNSW.

This application form is for use by our department's customers:

- Government agencies, including other NSW government agencies, local councils and the Commonwealth
- State owned corporations
- Water utilities, water supply authorities and licensed network operators under the *Water Industry Competition Act 2006*
- Mining activities
- Irrigation corporations
- Schools and hospitals
- Aboriginal communities and businesses
- Floodplain harvesting

If you are not our department's customer, your one stop shop for licensing services including flood work approvals is WaterNSW. Go to <https://www.watersw.com.au/>

### **How to use this application form**

Information about how to use this application form is provided in the *Guide to the application form for a new flood work approval*.

OFFICE USE ONLY	Fee paid: Officer signature: Application number:	Customer receipt number: Date: Acceptance date:
--------------------	--	---

## How to complete and submit this application form

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

## Section A: Applicant details

List all applicants – photocopy and attach extra pages if more than two applicants.

### Applicant

A1 Title (Mr, Mrs, Ms)		A2 Surname	
A3 Given name/s			
A4 Company/corporation name <i>(if applicable)</i>			
A5 ACN <i>(if applicable)</i>		A6 ABN	
A7 Position held <i>(if applicable)</i>			
A8 Postal address			
A9 Town	A10 State	A11 Postcode	A12 Country
A13 Phone		A14 Mobile phone	
A15 Fax	A16 Email		

### Additional applicant (if applicable)

A17 Title (Mr, Mrs, Ms)		A18 Surname	
A19 Given name/s			
A20 Company/corporation name <i>(if applicable)</i>			
A21 ACN <i>(if applicable)</i>		A22 ABN	
A23 Position held <i>(if applicable)</i>			
A24 Postal address			
A25 Town	A26 State	A27 Postcode	A28 Country
A29 Phone		A30 Mobile phone	
A31 Fax	A32 Email		
A33 If more than two applicants, specify total number of applicants			

## Section B: Contact person for application

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

B1 Title (Mr, Mrs, Ms)	B2 Surname		
B3 Given name(s)			
B4 Address			
B5 Town	B6 State	B7 Postcode	B8 Country
B9 Phone		B10 Mobile phone	
B11 Fax	B12 Email		

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

Tick the appropriate box – relates to applicants listed in Section A.

Is your application made as the:

c1 <input type="checkbox"/> Owner of the land on which the work is to be located
c2 <input type="checkbox"/> Lawful occupier of the land on which the work is to be located <i>Attach documentary evidence of lawful occupation such as a lease agreement or court order.</i>

## Section D: Pre-application discussion

It is recommended you discuss your application with the department.

Tick the appropriate box.

d1 Have you had a pre-application discussion with the department?

No

Yes

It took place on
with the assistance of
from the                      office

## Section E: Does other legislation apply?

Tick the appropriate box/es.

e1 Does your proposal require development consent from your local council? If No, go to Section F.	<input type="checkbox"/> Yes <input type="checkbox"/> No
e2 Has development consent been granted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
e3 If Yes, provide the Notice of Determination from Council.	

## Section F: Flood work

F1 How many flood works are you seeking approval for?

If you are applying for more than one work you need to complete section F for each work.

Tick the appropriate boxes.

F2 Is the flood work new or does it already exist?       new work       existing work

F3 Describe the proposed new or existing flood work. You must include information about the length, height, width, shape, borrow, spoil, work purpose and construction material.

F4 Provide details of the location of the new/existing flood work.

If the proposed new or existing flood work extends across more than two properties provide details of the properties on a separate sheet.

Name of property 1

	Lot	Section	DP	Parish	County
Work 1					

Name of property 2

	Lot	Section	DP	Parish	County
Work 1					

## Section G: Environmental issues

Tick the appropriate box/es.

G1 Do any properties where the works are located have any of the following features/characteristics?	
<input type="checkbox"/>	Salinity
<input type="checkbox"/>	Known acid sulphate soils
<input type="checkbox"/>	Potential acid sulphate soils
<input type="checkbox"/>	Sodic soils
<input type="checkbox"/>	Waterlogging
<input type="checkbox"/>	Erosion
<input type="checkbox"/>	High watertables
<input type="checkbox"/>	Land subsidence
<input type="checkbox"/>	Contaminated land
<input type="checkbox"/>	Known soil structure decline
<input type="checkbox"/>	Unknown
<input type="checkbox"/>	Other If 'other', please specify

Information to assess likely impact on Threatened Species, Populations or Ecological Communities

G2 Do you intend to clear or disturb any native vegetation to construct the work/s?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G3 Does your proposal require consent to clear native vegetation (incl. grassland)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G4 If Yes, has consent been granted to clear native vegetation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G5 If Yes, provide the consent number.		
G6 Will your new/existing flood work impact on an area of known Aboriginal cultural significance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G7 Are any threatened species, populations, ecological communities and their habitat found within the site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G8 Do you intend to remove bush rock?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G9 Do you intend to remove trees with hollows, dead wood or dead trees?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G10 Are there any influences on threatened species, populations, ecological communities and their habitat from off-site impacts of the proposal?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G11 Does the area include any 'critical habitat'*? * - see <a href="http://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm">http://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm</a>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G12 Do any recovery plans or threat abatement plans apply#? # - see <a href="http://www.environment.nsw.gov.au/threatenedspecies/RecoveryPlans.htm">http://www.environment.nsw.gov.au/threatenedspecies/RecoveryPlans.htm</a>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please add any other comments (including the occurrence of any of the above features/characteristics on neighbouring properties, if known)		

## Section H: Maps, plans and reports

Attach a topographic map, aerial photo and/or a farm plan of A3 or A4 size for each property that the work is located on, or one that shows all relevant properties. Clearly label the following information, if applicable:

- location of property (with North arrow included)
- property boundary
- location of all existing works and location of proposed works. Include pumps, diversion works, flood protection works, bores, storages, channels, etc.
- rivers and wetlands (including dry river beds and temporary wetlands)

Attach a detailed plan of the work/s showing the height of the full length of the work/s above surrounding ground level.

You may be asked to provide a detailed survey plan using Australian Height Datum (AHD) showing reduced levels relevant to the new/existing work/s.

You may be asked to provide a hydraulic modelling report. See the guide for further information.

## 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 one or more of the following with the application:

- An assessment of likely impacts. See the guide for further information.
- A hydraulic modelling report. See the guide for further information.

For further information contact a water regulation officer at your local department office for a pre-application consultation to determine what information is required, or if you have any questions.

## Section J: Declaration of applicant/s

Each applicant must sign Section J.

Photocopy/print multiple copies of the entire form after Sections A to I have been completed (before anyone signs Section J) if there are more than two applicants.

I/We, the undersigned applicants, acknowledge and agree:

- a) that I/We apply for a new flood work approval as described in this application;
- b) that this application will be determined in accordance with the *Water Management Act 2000* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions;
- c) that the application contact (where applicable) has my permission to act for and on my behalf in relation to any aspect of this application unless otherwise notified by us, and that the department will rely on information provided by the application contact in its consideration of this application;
- d) that the Crown in right of the State of New South Wales, including the department and its officers, employees, agents and successors ('the State'), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application and I/we hereby agree to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law;

- e) that all information contained in this application is accurate, true and complete and that the Crown in right of the State of New South Wales, including the department and its officers, employees, agents and successors ('the State') will rely on such information;
- f) that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently;
- g) that details about any approval arising out of this application will be recorded in the publicly available Register of Water Approvals pursuant to the *Water Management Act 2000*;
- h) that if this application is incomplete it may not be accepted; and
- i) that more information may be requested if it is considered that it would be relevant to the consideration of this application.

**For applications made by individuals**

Name	Signature	Date
Name	Signature	Date

**For applications made by a corporation**

Executed for and on behalf of the applicant in accordance with section 127 of the Corporations Act 2001 Cth (if a company) or by its duly authorised officer (for other types of corporation).

Name of corporation		
Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer (Tick the appropriate box)		
Name of signatory	Signature	Date
Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary (Tick the appropriate box)		
Name of signatory	Signature	Date

**Section K: Payment of application fee**

K1 Specify method of payment for application fee	<input type="checkbox"/> Credit card	<input type="checkbox"/> Direct deposit	<input type="checkbox"/> Cheque
K2 Payee's name			
K3 Payee's contact number			

## Privacy statement

The personal information you provide on this form is subject to the *Privacy & Personal Information Protection Act 1998*. It is being collected by the department and will be used for purposes related to assessing and processing your application, or in connection with the operation of any approval granted, or for research-related purposes such as customer surveys. It may be used from time to time to contact you about services the department provides.

The department will not disclose your personal information to anybody else unless authorised by law.

The provision of this information is voluntary. However, if you choose not to provide the requested information we will not be able to process your application.

You have the right to request access to, and correct details of, your personal information held by the department.

Further information regarding privacy can be obtained from the NSW Trade & Investment website at [www.trade.nsw.gov.au/legal/privacy](http://www.trade.nsw.gov.au/legal/privacy)

If an approval is granted, the *Water Management Act 2000* requires that various details relating to the approval are to be recorded in the Register of Water Approvals kept by the Minister. Information recorded in the register is publicly available.

## Offences and penalties

It is an offence, under section 344 of the *Water Management Act 2000*, to make a statement that you know to be false or misleading in, or in connection with, this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$2.002 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$500,500.

An access licence or approval may be suspended or cancelled under the *Water Management Act 2000* in certain circumstances. These include if the holder of the licence or approval is convicted of an offence under that Act.