

New flood work approval

Use this form to apply for a new flood work approval under section 92 the *Water Management Act 2000* (WM Act).

For more information about flood works go to:

water.dpie.nsw.gov.au/our-work/licensing-and-approvals/flood-works-approvals

A flood work approval allows you to construct and use a work which is in or in the vicinity of a river, estuary or lake or within a floodplain. These works are likely to affect the flow of water 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.

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 water supply work approvals and water use approvals are shared between the NSW Department of Climate Change, Energy, the Environment and Water (the department) and WaterNSW.

This application form is for use by the 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
- public schools and hospitals

- Aboriginal communities and businesses
- floodplain harvesting.

If you are not a customer of the department, your one-stop-shop for licensing services including water supply work approvals and water use approvals is WaterNSW. Go to waternsw.com.au

How to use this application form

Information about how to use this application form is provided in the [Application guide – new flood work approval](#).

Part 1 – Applicant details

Section A: Applicant details

List all applicants – photocopy/print extra pages if more than two applicants.

First applicant

A1 Title (<i>Mr, Mrs, Ms</i>)	FOR INDIVIDUALS ONLY, NOT COMPANIES		FOR INDIVIDUALS ONLY, NOT COMPANIES	
	A2 Surname		A3 Given name(s)	
A4 Company name (<i>if applicable</i>)				
A5 ACN (<i>if applicable</i>)		A6 ABN		
A7 Position held (<i>if applicable</i>)				
A8 Address				
A9 Town	A10 State	A11 Postcode	A12 Country	
A13 Phone		A14 Alternate phone		
A15 Email				

Second applicant (if applicable)

A16 Title (<i>Mr, Mrs, Ms</i>)	FOR INDIVIDUALS ONLY, NOT COMPANIES		FOR INDIVIDUALS ONLY, NOT COMPANIES	
	A17 Surname		A18 Given name(s)	
A19 Company name (<i>if applicable</i>)				
A20 ACN (<i>if applicable</i>)		A21 ABN		
A22 Position held (<i>if applicable</i>)				
A23 Address				
A24 Town	A25 State	A26 Postcode	A27 Country	
A28 Phone		A29 Alternate phone		
A30 Email				
A31 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 (<i>Mr, Mrs, Ms</i>)	B2 Surname	B3 Given name(s)		
B4 Address				
B5 Town	B6 State	B7 Postcode	B8 Country	
B9 Phone		B10 Alternate phone		
B11 Email				

Section C: Land ownership of the site where flood work is/will be located

Tick the appropriate box – relates to applicants listed in [Section A](#).

C1 Is your application made as the:

- ☐ Owner of the land on which the work is located
- ☐ Lawful occupier of the land on which the work is located (*attach documentary evidence of lawful occupation such as a lease or court order*)
- ☐ Lawful occupier of the land to be supplied
- ☐ Other (*please specify*)

Section D: Other approvals

Please tick the appropriate boxes.

D1 Does your proposal (including water use and water supply works) require development consent from your local council? ☐ Yes ☐ No

D2 If yes, has development consent been granted? ☐ Yes ☐ No

D3 If yes, provide the consent number

Section E: Pre-application discussion

It is recommended you discuss your application with the department.

Please tick the appropriate box.

Have you discussed your application with the department?

E1 ☐ No ☐ Yes

E2 If yes, it took place on with the assistance of

Part 2 – Flood work approval details

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

Please tick the appropriate boxes.

G1 Do any properties where the works are located have any of the following features/characteristics? ☐ Salinity ☐ Known acid sulphate soils ☐ Potential acid sulphate soils ☐ Sodic soils ☐ Waterlogging ☐ Erosion ☐ High water tables ☐ Land subsidence ☐ Contaminated land ☐ Known soil structure decline ☐ Unknown ☐ Other If 'other', please specify Supporting documentation is required and must be submitted with this application if any of the features/characteristics above are identified.
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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?	☐ Yes	☐ No
G3 Does your proposal require consent to clear native vegetation (incl. grassland)?	☐ Yes	☐ No
G4 If Yes, has consent been granted to clear native vegetation?	☐ Yes	☐ No
G5 If Yes, provide the consent number.		
G6 Will your new/existing flood work impact on an area of known Aboriginal cultural significance?	☐ Yes	☐ No
G7 Are any threatened species, populations, ecological communities and their habitat found within the site?	☐ Yes	☐ No
G8 Do you intend to remove bush rock?	☐ Yes	☐ No
G9 Do you intend to remove trees with hollows, dead wood or dead trees?	☐ Yes	☐ No
G10 Are there any influences on threatened species, populations, ecological communities and their habitat from off-site impacts of the proposal?	☐ Yes	☐ No
G11 Does the area include any 'critical habitat'*?	☐ Yes	☐ No
*see www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/areas-of-outstanding-biodiversity-value/area-of-outstanding-biodiversity-value-register		

G12 Do any recovery plans or threat abatement plans apply**?

☐ Yes ☐ No

**see www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/threatened-species-recovery-plans

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

The following attachments are required to support your application:

- 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 riverbeds and temporary wetlands)
- 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 the following to support your application:

- detailed survey plan using Australian Height Datum (AHD) showing reduced levels relevant to the new/existing work/s
- hydraulic modelling report. Refer to the [Application guide – new flood work approval](#) for more 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:

- assessment of likely impacts***
- hydraulic modelling report***.

Refer to the [Application guide – new flood work approval](#) for more information.

To arrange a pre-application consultation to determine what information is required, or if you have any questions, email the department at water.enquiries@dcceew.nsw.gov.au

Part 3 – Declaration and application fee

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/our permission to act for and on my behalf in relation to any aspect of this application unless otherwise notified by me/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 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 licence arising out of this application will be recorded in the publicly available Water Access Licence Register 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; and, must be supplied in the prescribed timeframe or the application may be deemed invalid or refused. The requested information must be supplied within the prescribed timeframe.

For applications made by individuals

J1 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 corporations).

J2 Name of corporation		
J3 Position of signatory		
J4 Name of signatory	Signature	Date
J5 Position of signatory		
J6 Name of signatory	Signature	Date

Section K: Payment of application fee

The department will contact the nominated payee to take payment by card over the phone (Visa and Mastercard accepted).

K1 Payee's name
K2 Payee's contact number

Privacy statement

The personal information you provide on this form is subject to the *Privacy and 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 department's website at: nsw.gov.au/departments-and-agencies/dcceew/information-access-governance-and-feedback#toc-privacy-statement

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 license or approval is convicted of an offence under that Act.