

Application for a new Flood Work Approval

Use this application form to apply for a new approval to construct and use a specified flood work at a specified location under Section 92 of the *Water Management Act 2000* (WM Act).

In certain circumstances a flood work may be exempt from the requirement to hold a flood work approval. Refer to the guide for further information.

Before commencing any work it is recommended you contact a Water Regulation Officer at your local WaterNSW office to determine if your proposed flood work is an exempt or prohibited work. If you intend to **take water** you must use a different form to apply for a water supply work approval.

WaterNSW may contact you to request further information in relation to this application.

STEPS TO APPLY

1. Complete the application form using the associated guide

Applicants are advised to read the guide to the application available at www.waternsw.com.au > Customer Services > Water licensing > Applications and fees. The guide provides information to assist answering each question, paying application fees and submitting the application.

There are two options for completing your application – you can either:

- complete a 'fillable' Word application form, or
- print the application form and fill it out by hand in capital letters with a black/blue pen.

2. Ensure the completed application form is signed by all applicants

The completed application form must be signed by all applicants. If you are completing the fillable Word document, you will need to print the completed application form for it to be signed.

3. Submit the completed and signed application form

There are two options for submitting your completed and signed application form – you can either:

- email the completed and signed application form to customer.helpdesk@waternsw.com.au.
A reply will be emailed to you informing you that your email has been received and forwarded to the relevant Water Regulation Officer.
- post the completed and signed application form to your local WaterNSW office.

4. Pay application fee

This form will not be processed until the application fee has been paid. To pay the application fee you can either:

- Provide your **credit card** details by phone. A Water Regulation Officer from WaterNSW will phone you so you can provide your credit card details; or

Enclose a **cheque** or **money order** for the application fee made out to WaterNSW and post along with the hard copy application form. Send to your local WaterNSW office.

SECTION A: Applicant details

All owners listed on the Land Title Certificate, or all lawful occupiers of the land, must be listed here and must sign Section J of the application form. See the guide for further information.

Photocopy/print multiple copies of this blank page, complete it and attach it to this form if there are more than two applicants.

Applicant

| | | | |
|---|-----------|---|-------------|
| A1 Title (Mr, Mrs, Ms) | | A2 Surname | |
| A3 Given name/s | | | |
| A4 Company/corporation name (if applicable) | | | |
| A5 ACN (if applicable) | | A6 ABN (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 Position held (if applicable) | | | |
| 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 (if applicable) | | | |
| A21 ACN (if applicable) | | A22 ABN (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.) | |
| A23 Position held (if applicable) | | | |
| 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 | | | |

| | | | |
|------------------------|---------------------|--------------------------|---------------------|
| OFFICE USE ONLY | Fee paid: \$ | Customer receipt number: | Office Stamp |
| | Officer signature: | Date: | |
| | Application number: | Acceptance date: | |

SECTION B: Person to contact prior to determination of this 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 | |

If section B has not been completed WaterNSW will assume the first applicant listed on the form is the application contact.

Listing an application contact assists WaterNSW in processing your application. We may need to contact the application contact to discuss the details contained in your application or to request additional information about your application. A delay in responding to any such request may result in your application being further delayed or refused. Any information provided by the application contact will be relied upon by WaterNSW in considering this application.

Changes to any details of an application for an approval must be in writing and signed and dated by all applicants.

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 WaterNSW.

Tick the appropriate box.

d1 Have you had a pre-application discussion with WaterNSW?

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 a copy of 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? <input type="checkbox"/> new work <input type="checkbox"/> 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 below. 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.

| | |
|---|---|
| G ₁ 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"/> Sodic soils | <input type="checkbox"/> Waterlogging |
| <input type="checkbox"/> Land subsidence | <input type="checkbox"/> Contaminated land |
| <input type="checkbox"/> Other | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Potential acid sulphate soils | <input type="checkbox"/> High watertables |
| <input type="checkbox"/> Erosion | <input type="checkbox"/> Known soil structure decline |
| If 'other', please specify | |

| Information to assess likely impact on Threatened Species, Populations or Ecological Communities | |
|---|--|
| G ₂ Do you intend to clear or disturb any native vegetation to construct the work/s? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₃ Does your proposal require consent to clear native vegetation (incl. grassland)? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₄ If Yes, has consent been granted to clear native vegetation? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₅ If Yes, provide the consent number. | |
| G ₆ Will your new/existing flood work impact on an area of known Aboriginal cultural significance? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₇ Are any threatened species, populations, ecological communities and their habitat found within the site? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₈ Do you intend to remove bush rock? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₉ Do you intend to remove trees with hollows, dead wood or dead trees? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₁₀ 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 |
| G ₁₁ Does the area include any 'critical habitat'*? * - see http://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| G ₁₂ Do any recovery plans or threat abatement plans apply#? # - see http://www.environment.nsw.gov.au/threatenedspecies/RecoveryPlans.htm | <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:

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

For further information contact a Water Regulation Officer at your local WaterNSW 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 three applicants.

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

- a) that I/We apply for a new approval for a flood work 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 WaterNSW 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 WaterNSW 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 WaterNSW 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 |
| 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 (Tick the appropriate box) | <input type="checkbox"/> company director <input type="checkbox"/> duly authorised officer | <input type="checkbox"/> company secretary |
| Name of signatory | Signature | Date |
| Position of signatory (Tick the appropriate box) | <input type="checkbox"/> company director | <input type="checkbox"/> company secretary |
| Name of signatory | Signature | Date |

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 WaterNSW 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 WaterNSW provides. WaterNSW 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 WaterNSW. Further information regarding privacy can be obtained from the WaterNSW website at www.waternsw.com.au

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 suspension or cancellation

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 \$1.1 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$247,500.

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.