

Department of Planning and Environment

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# Improving Floodplain Connections Program

Gwydir Valley Web Information Session

27 July 2023



# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Improving Floodplain Connections Program Improving Floodplain Connections Program – Gwydir Valley Web Information Session

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# 1 Background

The aim of the Improving Floodplain Connections (IFC) program is to improve the passage of floodwater through the five valleys of the northern Murray–Darling Basin. It does this by helping to bring unapproved flood works — identified as a priority — into compliance quickly. Flood works include structures such as levees / embankments, above ground storages, supply channels, and access roads.

Ensuring that existing unapproved flood works become compliant will help protect flood-dependent ecosystems, Aboriginal cultural values and heritage sites, and provide social and economic benefits to downstream water users.

The program has three stages which are being completed in tranches across the northern valleys. The current focus on community and stakeholder engagement is on Tranche 1 which includes the Border Rivers, Gwydir and Barwon-Darling rivers.

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## 1.1 Purpose of report

This report provides a record of a Web Information Session that was conducted on 27 July 2023 with landholders from the Gwydir Valley. The landholders invited to the session were identified as having works on their property that fall under the remit of the IFC program.

At the time this web information session was conducted landholders had already been contacted and, in most cases, had received site visits regarding their unapproved works. The purpose of the web information session was to ensure landholders had a common understanding of the IFC program, with a focus on the process from initial assessment to compliance.

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## 1.2 Promotion of the web session

At the stage of the project's roll out in the Gwydir Valley it was possible to directly contact all landholders who had property that contained an unapproved work that was assessed as falling under the IFC Program. Contact was made with all affected landholders through email (an initial and reminder email was sent). Follow up calls and text messages were also made with most landholders.

Landholders unable to attend the session received an email of the presentation after the webinar.

## 2 Web information session

A web information session on the IFC program was held on 27 July 2023. Eleven landholders attended in addition to government agency representatives.

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### 2.1 Session structure

The session was conducted as a series of presentations interspersed with opportunities for participant questions and comments. The presentation structure is outlined below.

Topic	Presenter
Introduction, Acknowledgement of Country, Purpose	Steve Rossiter, ATX Consulting
Overview of the IFC Program – purpose, benefits, process	Dan Connor, Director Floodplain Management, Department of Planning and Environment– Water
Review and assessment of unapproved works	Ellie Randall, Manager IFC Delivery, Department of Planning and Environment – Water
Progress of program in Gwydir Valley – site selection and prioritisation	Ellie Randall, Manager IFC Delivery, Department of Planning and Environment – Water
Final questions and wrap up	Steve Rossiter, ATX Consulting

The [presentation slides](#) from the webinar are available on the department’s website.

Grant Astill (Natural Resources Access Regulator (NRAR), Tracy Lawson (WaterNSW), Rebecca Ballard (Reconnecting Watercourse Country, Department of Planning and Environment – Water) and Tim Morrison (Manager Floodplain Assessments, Department of Planning and Environment – Water) were also present and available to answer questions.

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### 2.2 Questions and answers

The following is a report of questions asked and answers provided throughout the web information session. While best attempts have been made to capture both questions and answers as accurately as possible, the reporting may not be verbatim.

Question	Response
<p>We are hearing issues with the Crown Lands process given the native title claim and we are seeing that there is no timeframe being given on any applications when they are trying to bring those works into compliance. Is there any information from anyone about how we address that or does that stop the program in its tracks?</p> <p>The issue is that the claim across all of the Gwydir has not been resolved. Crown Lands have recently communicated to a number of members that they won't process or progress applications.</p> <p>Do we need some form of interim agreement if we are going to accelerate because it appears we can only accelerate so far for those applications that affect Crown Lands.</p>	<p>We are not aware of any issues regarding how the native title claim will impact the implementation of the IFC program. We have been working closely with Crown Lands – we are aware of the native title claim and it is considered in terms of providing applications to Crown Lands to assess.</p> <p>The department reported that they will take this issue on notice and seek further information from Crown Lands.</p> <p>Following the meeting the following information was provided by Crown Lands:</p> <p>The outstanding Native Title claim in the Gywdir will not affect the delivery of the IFC program.</p> <p>However, if there are outstanding Aboriginal land claims these must be determined before processing any other applications relevant to the land.</p> <p>Aboriginal land claims are separate to Native Title claims.</p>
<p>I am a bit puzzled as to how works that are on say, National Parks are handled compared to works on private property. This is in terms of equality because there is a certain bank in the National Park that has been reported and has been going on for years, but nothing seems to have been done.</p> <p>It seems that National Parks get a tick and flick, and private landowners have to jump through 25 hoops – it seems like a very uneven playing field.</p> <p>If we are going to be fair, we have to address some of these banks that are in National Parks as well.</p> <p>Most of the banks on private land from what I can gather run east west, there is one in the National Park on a define waterway that runs north south, and it just gets the tick and flick.</p>	<p>From a rules perspective, there is no differentiation – the same rules apply to a private landholder as apply to National Parks. There are some new provisions in the Water Sharing Plans and the Floodplain Management Plans that allow for works to be built that enhance environmental outcomes – they are called ecological enhancement works. We are still working across agencies to confirm the assessment process for those works. So, there may be some differences there but the ecological enhancement works don't just apply to government or environmental groups. Anyone can apply for an ecological enhancement work and there will be a clear and consistent assessment pathway that is transparent.</p> <p>One hundred per cent agree with the point about equity and consistency, and from a rules perspective that is how the rules are set up.</p> <p>From an assessment perspective, even when they go through the categorisation process, whether they are National Parks or they are on private land, they would be treated the same as well.</p>

Question	Response
<p>You can say that it is all equal between National Parks and landholders but the reality on the ground is that it's not. One of the banks that I am talking about has been assessed by NRAR and there is nothing for them to answer and NRAR has moved on.</p>	<p>It was noted that through the IFC program there is a categorisation process to identify flood works that are unapproved, so this specific case may have gone through some form of investigation by NRAR but may not actually be a work that is being considered under the IFC program.</p> <p>It was agreed that the department, WaterNSW and NRAR would follow up about the specific example that is being talked about here and provide an update on what has happened with this specific bank on the National Parks property. It was also noted that this particular work may be being considered under the Reconnecting Watercourse Country program.</p> <p>Response: the work in question is a watercourse crossing which means it is considered a controlled activity and not a flood work. The impacts of this crossing are also being considered as part of the Reconnecting Watercourse Country program, which is separate to the IFC program.</p>
<p>I am glad that issue was raised because when you look at your map there are very few banks once you get passed the National Parks. This has a massive effect on landholders. It is pushing water up into a historical flood path from pre the Copeton Dam. How long do landholders have to wait for government to fix the problem? How much more do landholders have to provide to facilitate everyone's sudden recognition of what we had.</p>	<p>We may be speaking about some things that fall outside the IFC program, but we do understand that they are important to people. For some of these things about specific sites (NRAR) is happy to discuss them with people outside of this meeting.</p> <p>It is noted that it is important for the IFC program to demonstrate transparently that it is being delivered equitably and with fairness.</p>

Question	Response
<p>The presentation mentioned that the recent flooding data is being looked at in the identification of sites for IFC. Do you think there will be a change in the priorities, or some additional structures come into the program? And if so, how does that fit with the fact that you've already started inspections of the already identified works?</p>	<p>We have been going through a process of reviewing the flood last year and the idea is that we would be adding new sites that meet the same prioritisation scores as the other sites that have already been prioritised. This would only involve the possibility of adding some additional sites but would not affect the sites already identified as being part of the IFC program.</p> <p>We are only looking at adding and not dropping any but as you will see from Ellie's presentation some of the existing ones will fall out of the program in the following stages of assessment including works that are not required to get an approval.</p> <p>When we identify sites, we do not have the property layer on so we do not know who owns the site when we undertake the assessment.</p> <p>You can think of the prioritisation process as a bit of a flagging exercise. We are finding all sorts of scenarios as we move through the process in more detail with the site inspections and the additional reviews including where some works may no longer be present in the landscape or works that can be approved without any modification or just needing a minor form of modification, right through to the requirement for removal.</p>
<p>How does a landholder get information on where a work is in the process of assessment?</p>	<p>The department is in the process of creating a dashboard on project progression on our IFC website. This will stop short of individual works details but will give people a sense of the overall progress of the program.</p> <p>To find out about your own work you will have a single point of contact person at either NRAR or the department's Water group depending on what action is required for your work.</p>
<p>How long will it take a flood work application to be processed?</p>	<p>On average, we are expecting a flood work application and the supporting information to take about two months to put together. It will then take approximately two months for WaterNSW to determine applications through the IFC program – this will depend on the site/works complexity.</p>



Question	Response
<p>If you are talking about 79 unapproved works in the Gwydir and that number was because of the environmental water going downstream, so therefore there is greater scrutiny here. What if someone constructs a bank but its purpose is not driven by floodwater but by the environmental water that is coming regularly – how do you deal with that.</p> <p>Do you have any way of distinguishing between flood water and environmental water because in the Gwydir there are a lot of banks due to the amount of environmental water coming downstream.</p>	<p>NRAR’s approach is to deal with each situation in a site-specific way. We have to work out why that work is in the landscape and what function it is performing and any impacts it may have.</p> <p>Remembering as well that we are only looking at unapproved flood works in IFC. NRAR will engage with the landholders who are the owners of those works to find out the merits of those particular situations and we will work with them to come to a resolution.</p> <p>The prioritisation process looks at three key things: hydraulics and impacts of flood distribution – so is the work in the landscape blocking a major flood path and, if so, to what extent. Environmental lens – are there high priority environmental assets that link a section of floodplain upstream to another section downstream and in many cases towards wetlands. Thirdly, cultural assets. Whether a cultural asset was flood-dependent, so we had to make sure that water was moving across the landscape upstream to downstream where there were flood dependent assets. It was a multilayered prioritisation process.</p> <p>So, a work in the landscape that is blocking a major flood flow passage, that is upstream of a high priority environmental or cultural asset, then it was going to weigh very highly in the assessment process. So, with this valley with the RAMSAR listed wetlands and other really important ecological assets, there was always going to be the likelihood of some priority works being identified. As was said, we then look at each of those on a case-by-case basis to get the next level of detail.</p> <p>In the Gwydir we did have 79 priority unapproved works but as we’ve progressed through the categorisation process, 30 of those are going through as no further action and an additional 37 going down the approval’s pathway, with 10 of the 79 identified as requiring removal. Two are yet to be determined because we are waiting on additional information</p>
<p>Relationship between IFC and Reconnecting Watercourse Country programs?</p>	<p>Both programs meet regularly, and we work to ensure consistency between the programs and ensuring we share relevant information.</p>

Question	Response
<p>It's massive what is happening out here, after 50 years of a different landscape. We really need to be included and we are not. We find out about meetings by chance. We are the key stakeholders here. All landholders need to be included.</p>	<p>The department's Water group through the IFC program has reached out to all landowners with identified works to attend this session if they are interested. Two emails have been sent, and reminder calls and SMS messages sent. If there are suggestions as to how we can better engage with people, we would be happy to hear about those as we have not had the level of engagement that we hoped to have.</p> <p>We are also mindful of making sure we provide updates and information on the program to the broader community around the program, especially its benefits. If you don't think the message is getting out effectively, let us know what you think we could do differently to get better penetration – we are really open to that. We want to have a continuing dialogue with individual affected landholders as well as the broader community over time.</p>

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## 2.3 Session follow up

As part of the follow up to the web information session, participants were sent the presentation slides. For those questions that were taken on notice during the session, the necessary follow ups were undertaken, and responses recorded in the question and answer section of this report.

The department's Water group will be working with program partners and stakeholder groups to identify any additional consultation approaches that should be considered as the program continues to be implemented across the Northern Basin valleys.