

Floodplain management changes

A guide to rural floodplain management changes under the *Water Management Act 2000*.

The NSW Department of Planning and Environment is transitioning from the floodplain management plan and controlled works provisions of Part 8 of the *Water Act 1912* (Water Act) to the equivalent provisions under the *Water Management Act 2000* (WM Act). This will mean some changes in:

- terminology for approval holders
- the way floodplain management plans are made
- the process for landholders who may wish to apply for a new flood work approval or amend an existing approval.

However, in many respects, the floodplain management plans and flood works provisions of the WM Act relate closely to those of the Water Act, and many landholders will notice little if any difference as a result of the change.

This fact sheet describes how the WM Act transition will affect different agencies' roles and responsibilities in floodplain management, the development of floodplain management plans and the granting or amending of flood work approvals.

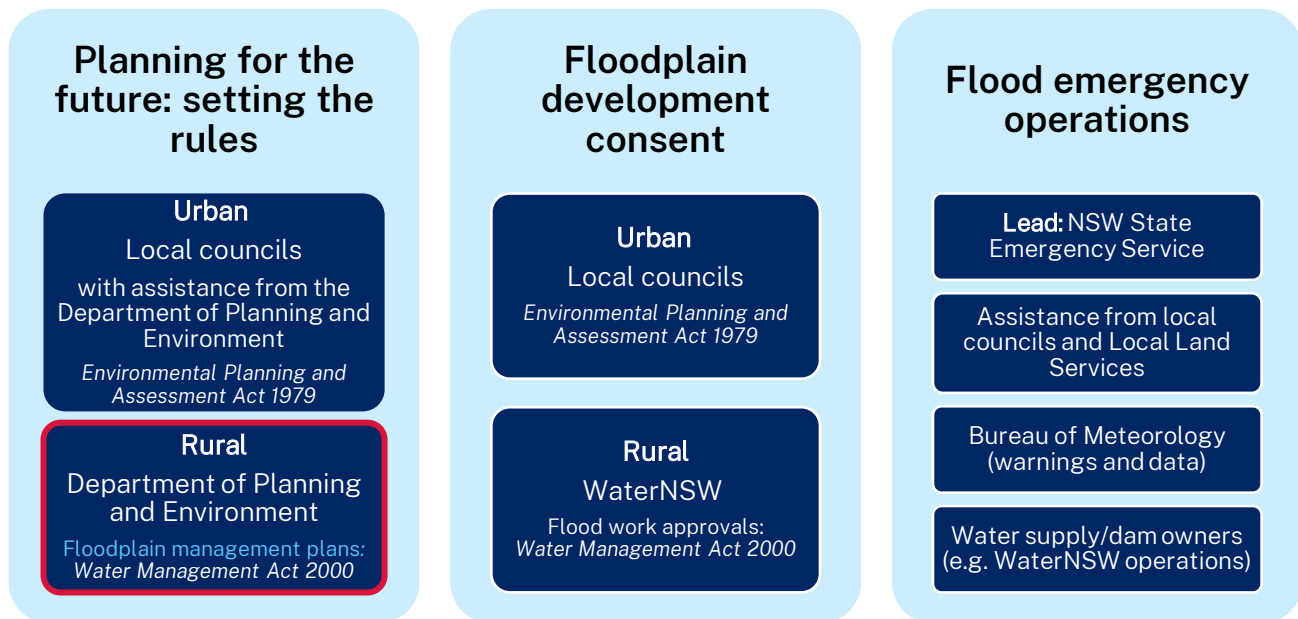
Roles and responsibilities

The roles and responsibilities of local government and NSW Government agencies in floodplain management and flood risk management are outlined in the [NSW Flood Prone Land Policy and Floodplain Development Manual](#) (2005). Floodplain management plans set the rules for future floodplain development on rural floodplains across inland NSW. An overview of where these rules sit in relation to other floodplain management responsibilities across NSW is shown in Figure 1.

Historically, the NSW Department of Planning and Environment and its predecessors made floodplain management plans under Part 8 of the Water Act. The department granted controlled work approvals under Part 8 on rural floodplains in the Murray–Darling Basin and in coastal catchments. In urban areas in the Murray–Darling Basin and more broadly in coastal catchments, local councils have primary responsibility in managing flood risk and floodplain development.

This division of responsibility continues under the WM Act. The NSW Department of Planning and Environment's Water Group is responsible for the preparation, review, and replacement of rural floodplain management plans. WaterNSW is responsible for the assessment and determination of flood work applications. The Natural Resources Access Regulator is responsible for compliance and enforcement of the floodplain management plans and flood work approvals.

Figure 1. Overview of the roles and responsibilities for floodplain management in NSW



Preparation of floodplain management plans

The NSW Department of Planning and Environment’s Water Group coordinates the preparation of floodplain management plans. The planning process is guided by a [technical manual for rural floodplain management plans](#) under the WM Act.

The floodplain management planning approach has been revised in response to changes to the legislative and policy framework that governs water management in NSW. The floodplain management planning approach has been updated to satisfy the provisions of the WM Act, which requires floodplain management plans to:

- identify the existing and natural flooding regimes
- identify the ecological benefits of flooding
- identify existing flood works
- deal with the risk to life and property from flooding.

Floodplain management planning involves making decisions to coordinate the development of flood works to meet the social, economic, ecological and cultural needs of a floodplain and floodplain landholders at the whole-of-valley scale. Floodplain management plans deal with proposals for new flood works and the modification of existing flood works.

Floodplain management plans also:

- specify which parts of a plan can be changed
- set out monitoring and reporting requirements, including indicators against which the performance of a plan is to be monitored. The [Natural Resources Commission](#) reviews floodplain management plans.

The department's Water Group works with agency experts across the government water sector to ensure that the new floodplain management plans use the best available information and are adapted to the unique conditions and communities in each valley.

Community consultation

Community input into the preparation of floodplain management plans is critical to ensuring that each plan deals with local issues in a practical way.

Early in the process of preparing floodplain management plans the department road tests the key concepts through a first round of public consultation. Feedback received from this consultation is considered by an interagency working group when preparing draft floodplain management plans in their legal format for public exhibition.

Floodplain management plans are advertised and placed on public exhibition for a minimum period of 40 days. Public exhibition of floodplain management plans is open to all stakeholders and includes a formal submission process. Submissions will be published in line with the department's [privacy policy](#) and a what we heard report will be prepared summarising the feedback received from these submissions.

Submissions received during the public exhibition period are considered by the interagency working group when preparing floodplain management plans for commencement.

Floodplain management plans are Minister's plans under [Section 50](#) of the WM Act. They require the endorsement of the Minister for Water and the concurrence of the Minister for the Environment prior to commencement.