

Department of Planning and Environment

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# Improving Floodplain Connections Program

Water Stakeholder Web Information Session

1 June 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.

Published by NSW Department of Planning and Environment

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Improving Floodplain Connections Program Improving Floodplain Connections Program – Stakeholder Web Information Session

First published: October 2023

Department reference number: PUB23/756

#### **More information**

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# 1 Background

The aim of the Improving Floodplain Connections program is to improve the passage of floodwater throughout 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 such 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 overall stages 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.

This report provides a record of a Web Information Session that was conducted in June 2023 with stakeholder groups identified as having an interest in the Improving Floodplain Connections program.

## 2 Initial stakeholder discussions

A Web Information Session was planned in response to stakeholder feedback received through individual discussions with key groups. Groups were notified of the department's plans to consult on the progress of the Improving Floodplain Connections program in May. Phone calls were then made to a number of those stakeholders to understand:

- the most effective and efficient way for them to be engaged with
- the types of information they and their members were most interested in
- any key questions that had about the program
- suggestions for both timing and method of engagement now and in the future.

As a result of feedback, a Web Information Session that would provide a broad overview of the program was determined to be the most appropriate engagement method. Specific issues that were suggested to be covered included:

- an update on progress of the program
- an explanation of how sites were identified for inclusion in the program
- an understanding of how modelling was used in the program
- an overview of the scope of the program including the number of works identified
- more explanation about the process including site visits and assessments
- information on probity and how that was being managed.

# 3 Web Information Session

A Web Information Session on the Improving Floodplain Connections program was held on 1 June 2023 and 28 participants attended in addition to Government agency representatives.

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

Topic	Presenter
Overview of the IFC Program – purpose, benefits, process	Dan Connor, Director Floodplain Management, DPE
Probity	Monika Muschal, Principal Project Officer, IFC Program, DPE
Progress of program – site selection and prioritisation	Rob Albert, Principal Water Regulation Officer, DPE
NRAR role – compliance and enforcement	Shannon Cobley, Team Leader Compliance, NRAR
Assessment process - modelling	Tim Morrison, Manager Floodplain Assessments, DPE
Next Steps	Steve Rossiter, ATX Consulting

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

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## 3.1 Questions and Answers

The following reports on 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 below may not necessarily be verbatim.

### 3.1.1 Overview

Question	Response
What is the definition of an unapproved work?	Basically it is a work that meets the definition of a flood work and it doesn’t have the necessary approval.
What about historical works that may not have needed approval at the time?	Unless they were approved at the time, historical works will not be compliant.

### 3.1.2 Progress of the Program

Question	Response
<p>Has there been any study or investigation as to why certain places might have more 'hotspots' than others? Is it environmental impacts or farming practices or something else?</p>	<p>Likely to be a variety of reasons. In valleys with more hotspots or sites identified, these are often locations where environmental water is a significant factor. This is the case, for example, in the Macquarie and Gwydir catchments. The other issue is the licensing history in different valleys. As some valleys had a stronger compliance and licensing history, they have less unapproved flood works.</p>

### 3.1.3 Compliance and Enforcement

Question	Response
<p>NRAR refers to a 'cost effective manner' – what does that mean?</p>	<p>There are a few factors that contribute to 'cost effectiveness'. For example, if a landowner is prepared to engage in a voluntary agreement and work with us towards compliance that is going to be a more cost-effective approach for them, than say NRAR, instituting legal proceedings. Also, in some cases it may be easier and more cost effective for a landowner to de-commission a structure rather than undertake extensive demolition works. This would be an example of an effective and cost-efficient way to achieve the outcome.</p> <p>We will consider what would be appropriate steps for a landholder to take, to resolve the issue effectively in the easiest way possible, so they can comply with the Floodplain Management Plan.</p>
<p>As a landowner who has had one of these visits, I would have thought the most cost effective way to go about it would be to ensure that whoever arrives for the site inspection has all the latest information from the other agencies. It just seems that the agencies aren't talking to each other to provide the latest information.</p>	<p>There have been some problems in the transition between a paper-based approval to digital approvals and that has impacted the transfer of information.</p> <p>But I can say that all the partner agencies are working well together and are cooperating to try to have all relevant information available for each of the agencies.</p> <p>Information provided to us enables us to attend and conduct an initial assessment. We do gather more information on the site visit and provide that to our partner agencies. We work with the partner agencies to make sure we've got the complete picture about what is happening and what the appropriate pathway is. If something is missed initially or is not available, it will get picked up during the process.</p>

### 3.1.4 Assessment process - modelling

Question	Response
<p>In the cultural assessment, is the Aboriginal Heritage Information Management System (AHIMS) used to identify cultural sites?</p>	<p>We are using AHIMS but in addition there is also the consultation with First Nations communities that went into developing the Floodplain Management Plans. In addition, there is also additional First Nations engagement that will be undertaken to further inform this project.</p>
<p>Does the cultural assessment include other socio-economic impacts?</p>	<p>It goes back to the Floodplain Management Plans and addressing their objectives. Those objectives are about allowing individuals to protect life and property without impeding floodplain connection.</p> <p>So from the perspective of protecting life and property and allowing people flexibility to do that, there is definitely a social and economic side.</p>
<p>I'm coming from the perspective of someone that is particularly interested in the environmental implications of what is being done and I welcome all the considerations that are being given to that.</p> <p>But sometimes there may be positive or negative effects on a third party, and it may also affect, for example, a protected area like the Macquarie Marshes.</p> <p>What is being done and how is that impact being taken into consideration in the project?</p>	<p>The aim is to bring works back into line with the existing legislative requirements. When we are talking about that we are talking particularly about the Floodplain Management Plans and what its primary objectives are. We have to make sure individuals can protect their life and property but also make sure that we don't unnaturally impede flood flow passage where its important to connect assets, both environmental and cultural, across the landscape.</p> <p>There are two key points that we need to consider:</p> <ul style="list-style-type: none"> <li>• Firstly the Floodplain Management Plan and</li> <li>• Secondly, the site specific assessment process.</li> </ul> <p>We prepare a flood study that looks at impacts to a third party. So both hydraulic impacts to neighbouring properties, but also the impacts to the ecological and cultural assets within the plan area. That is more local scale modelling, it is a finer resolution and provides more detailed data.</p>



### 3.1.5 General

Question	Response
<p>What is the relationship between the floodplain management plans and the water sharing plans and do the water sharing plans get modified as a result of the Floodplain Harvesting programs, etc.?</p>	<p>There is a lot of interaction. The floodplain management plans deal with structures in the landscape that can affect the distribution of flows, ones that block or redistribute flows in the landscape.</p> <p>They are working in combination, whether you are taking water from a water source or whether there's a structure in the way, the water is still not getting downstream. So it is really important that we have these two statutory instruments talking to each other and ultimately trying to achieve essentially the same thing.</p> <p>We have used a lot of information from the floodplain management plans in the licensing program for floodplain harvesting. So a lot of the trading arrangements we have, a lot of the rules for where you can put new works in the landscape. They really draw quite heavily from the floodplain management planning work.</p> <p>We have used the hydraulic modelling for floodplain management planning to inform some of the access to floodplain harvesting within our river system models that we have used for water sharing planning purposes.</p> <p>There is quite a lot of interaction with the data and the information in terms of how could you limit or control floodplain harvesting so that it moves through the system. The place for that is in the water sharing plans. We do have some arrangements in the existing water sharing plans for licensing and this is particularly around the critical needs end of the spectrum. So those really dry periods.</p> <p>There has been some concern about whether these rules go far enough and I think from the Department's perspective, there is a desire to continue to evolve that framework and look at how we can improve it moving forward.</p> <p>One of the really important steps was getting the licensing framework in place and managed within a water sharing plan because that gives us the tools to improve that management through time.</p>
<p>Could a rule be applied to other floodplain management plans or water sharing plans to protect a flow event from extraction? Could water sharing plans have a first flush rule for example? I'm looking for any sort of mechanism where a flood that is passing across the floodplain is left to flow rather than be subject to the extraction via all of those works?</p>	<p>There are a variety of flood works across the landscape and they are not all associated with irrigation infrastructure. So we have access roads, railway lines, public roads, etc. There are a lot of structures in the landscape that will change the way that water moves across the landscape.</p> <p>There is no mechanism other than to control the type of water that you allow to move through the landscape. One of the objectives of our floodplain management plans is to make sure that major flood ways remain unimpeded and development can't be included in those areas.</p> <p>What we generally find is floodplain development is out of that major flood flow corridor and up in the flood fringe area or flood storage area of our landscape. So by default some of</p>

Question	Response
	<p>that happens because of where the works are in the landscape.</p> <p>To go to the nub of your question, there is no active way to allow water to pass through the landscape other than a control, so the access rules are the opportunity to control the type of water, but it doesn't guarantee that water will move unimpeded through the landscape.</p>
<p>The focus of this program is on those unapproved structures that may impeding that flow?</p>	<p>The overall objective is to try and strip back to what the floodplain management plan tries to do, it is trying to get more natural flow back through the landscape.</p> <p>And so to the extent that there are unapproved structures that are encroaching on that natural flood flow distribution across the landscape, then that is what the Improving Floodplain Connections program is trying to address.</p>
<p>Isn't it the case that all structures need to be able to pass water through as part of their licence conditions?</p>	<p>People need to be able to actively control their ability to take water and if that means there are structures in the landscape that would act to control and prevent that, then there needs to be a mechanism to pass that water back through the landscape and beyond.</p> <p>But as you'd be aware there are roads and railways and other things where there are still some impediments to allowing water to pass through. There are culverts and other structures designed to pass those flows.</p>
<p>Additional comment from NRAR</p>	<p>Just want to clarify that NRAR has an enduring priority to look at unapproved structures within the floodplain on a broader scale. While we are quite focussed within this program, we are still looking at other areas that are outside of the program and if anyone wants to provide information and steer us towards areas they feel may need to be looked at or may be non-compliant, they can still be considered within the broader NRAR role.</p>
<p>Can we get an update on Warren Raft or Gwydir Raft? It has totally changed conditions. What are the implications of it going down into the lower Gwydir? It could take years to resolve. The worst thing is all these little low flows that are running through there, changing the direction and the more it washes the worse it gets to get it back to where it needs to be. We are going to need a resolution soon.</p>	<p>Data on the Gwydir Raft is being collected through the Reconnecting Water Courses program. That data is being shared with other agencies and funding is being sought. It will require multi-agency investigation as it is a complex issue and there could be multiple implications.</p> <p>It is recognised as an issue and Government is looking into it at the moment to develop a response.</p>
<p>Are Local Government exempt from action in this program – their roads, rail etc.?</p>	<p>Local Government and other authorities are exempt from requiring a floodwork application through the floodplain management plans. However, the approval pathway that they are required to follow includes consideration of flooding.</p> <p>If a government agency wants to build something on the floodplain, apart from a road, they still need to get a flood work approval which is through DPE.</p>

Question	Response
<p>What mechanisms will be applied to address floodplain harvesting over allocation and/or over use?</p> <p>Things like reductions at the individual level for each floodplain harvesting device or would it be more broadly applied? i.e. Access to supplementary flows, floodplain harvesting access either individual or industry based.</p>	<p>We have set out water source scale and we've got our compliance with extraction limit conditions and so we've got rules in the water sharing plan and with measurement and metering of floodplain harvesting. It is our first real opportunity to be able to understand current diversions and to make sure that we adjust those accordingly.</p> <p>And so in the same way as we would adjust reductions to other forms of take at a water source scale, we now have the opportunity with licensing and measurement to do that for floodplain harvesting.</p> <p>Secondarily to that with a license comes new obligations, just like a general security or supplementary licence and the expectations are the same for floodplain harvesting as they are for the others. You can't use water that you're not entitled to, and so similarly to the other licensed products, you can't draw an account into negative or it's an offence.</p> <p>So all of those sorts of individual compliance matters are now available because of the new obligations associated with the licensing framework.</p> <p>In terms of more specific, we can chat about it separately if you like.</p>

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## 3.2 Session follow up

As part of the follow up to the web information session, participants were sent the presentation slides via email. The email with the presentation slides included a request from the department for feedback on how to best continue the consultation process for the Improving Floodplain Connections program. Participants at the session were asked for their suggestions, including identification of any other groups including valley-specific groups, that should be included in further consultation for the Improving Floodplain Connections program.