

3 November 2020

Our Ref: D2020/117708

Bryce Wilde
Executive Director
Natural Resources Commission
Level 6, Martin Place
Sydney NSW 2000

Dear Bryce,

Audit of the implementation of the Floodplain Management Plans

Thank you for your letter dated 31 August 2020 and the enclosed final report for the first audit of the implementation of ten historical Floodplain Management Plans (FMPs) as required by Section 44 of the Water Management Act 2000 (Act).

As requested, we have reviewed the report and provide the responses set out below:

- WaterNSW notes that the audit concluded overall that the provisions of the FMPs have not been given full effect in accordance with the Act. We also note that all the main recommendations are addressed to DPIE-Water as the coordinating agency. WaterNSW commits to working with DPIE-Water and NRAR in the implementation of the recommendations.
- While no specific recommendations were made in the report with regards to plan provisions related to floodplain works approvals (i.e. under Criterion 1), we note that suggested actions were made in table 2 of the report to address any contributing factors to the various findings. Please refer to Table 1 below for our response to these actions.

Table 1 WaterNSW Response to Suggested Actions

Contributing Factors to Findings	Suggested Actions
a. There is limited expertise available to support ongoing FMP implementation. (F 1.1, F 1.2, F 2.1, F 3.1, F 4.1, F 5.1, F 6.1)	SA 1 DPIE-Water, the Natural Resource Access Regulator (NRAR) and WaterNSW to make available under ongoing arrangements the relevant technical expertise required to implement their ongoing functions and roles in assessment, granting and conditioning of approvals, enforcement, monitoring and review of FMPs.

Contributing Factors to Findings	Suggested Actions
<p>b. Procedures to guide the assessment process:</p> <ul style="list-style-type: none"> • are old and in draft form • do not provide detailed guidance material to support a consistent approach and appropriate level of hydraulic, environmental and cultural impact assessment for flood works approval applications. (F 1.1) 	<p>SA 2 DPIE-Water (overseeing agency), WaterNSW and NRAR (approval assessment agencies) to ensure procedures and guidance material to support the approvals assessment process are in line with the objects and principles of the Act and are consistently implemented.</p>
<p>WaterNSW Comment (SA1 and SA2): In relation to WaterNSW's contribution and/or WaterNSW specific functions, the suggested actions will be further reviewed and where considered necessary addressed under the WaterNSW Assessment & Approval process review that is underway.</p>	
<p>c. There is limited sharing of spatial data between NSW Government agencies to support assessments of approvals and impacts from flood works. (F 1.1, F 1.2)</p>	<p>SA 3 DPIE-Water to make spatial data readily available to NRAR and WaterNSW to support the approvals assessment process, assessment of cumulative impacts of flood works and facilitate flood studies.</p>
<p>WaterNSW Comment: The suggested action is currently being addressed. WaterNSW and DPIE-Water have recently finalised an agreement and currently enlivening that agreement to share data.</p>	
<p>d. Systems for managing approvals and enforcement are not:</p> <ul style="list-style-type: none"> • capturing spatial data • informing overall compliance at the FMP scale • enabling public transparency of flood works approvals. (F 1.1, F 1.2) 	<p>SA 4.1 WaterNSW (with input from NRAR) to update the Water Licensing System to enable capture of relevant spatial information relating to approvals and to enable searching of this data by FMP area. SA 4.2 NRAR enable the search of flood work compliance allegations by FMP area. SA 4.3 WaterNSW to update the NSW Water Register to include flood work approvals.</p>
<p>WaterNSW Comment: WaterNSW will review the feasibility of capturing relevant spatial information relating to approvals and to enable searching of this data by FMP area in WLS. The flood works are in the NSW Water Register; however, the fix for the search tool is still being completed.</p>	

Contributing Factors to Findings	Suggested Actions
e. No evidence of landholder engagement undertaken by NSW Government agencies to raise the awareness of flood work approval obligations to reduce risks of non-compliance. (F 1.2)	SA 5 DPIE-Water, NRAR and WaterNSW to define agency responsibilities for landholder and community education in relation to flood work approval obligations and take coordinated action to raise awareness.
<p>WaterNSW Comment: WaterNSW will continue to work with DPIE Water and NRAR to clarify responsibilities for the suggested action.</p>	

If you have any questions or comments on the above, please contact David Stockler, Executive Manager Customer and Community (david.stockler@waternsw.com.au; +61416182382).

Yours sincerely,



Andrew George
Acting Chief Executive Officer