

# Amendments to the northern valley floodplain management plans – flood enhancement works and flood protection works

This document provides an overview of amendments made in 2024 to rules for flood work applications across the northern floodplain valleys.

Floodplain management plans are the primary legal framework for coordinating the development of flood works on a whole-of-valley basis. The plans are valid for 10 years and the NSW Government may amend within that 10-year period under certain circumstances, including if the changes are in the public interest.

This fact sheet gives an overview of the refinement of rules for flood enhancement works, and addition of rules for flood protection works to the northern valley floodplain management plans.

## Amending the floodplain management plan

The NSW Government has amended the following floodplain management plans:

- *Floodplain Management Plan for the Gwydir Valley Floodplain 2016*
- *Floodplain Management Plan for the Barwon-Darling Valley Floodplain 2017*
- *Floodplain Management Plan for the Upper Namoi Valley Floodplain 2019*
- *Floodplain Management Plan for the Border Rivers Valley Floodplain 2020*
- *Floodplain Management Plan for the Lower Namoi Valley Floodplain 2020*
- *Floodplain Management Plan for the Macquarie Valley Floodplain 2021*

## Overview of changes

### 1. Refinement of rules for flood enhancement works

The rules for a flood enhancement work in Management Zones A (including AD and AID) and D (or D1) have been refined to clarify the assessment requirements, as described in the following sections.

## Ecological enhancement work

An ecological enhancement work is a type of flood work that is intended to provide a positive outcome for flood-dependent ecological assets on a floodplain. These types of works are permissible in Management Zone A (including AD and AID) and Management Zone D (or D1) if they can demonstrate an improvement in flood connectivity to a flood-dependent ecological asset on a floodplain, such as a wetland, which results in an enhancement to the ecological value of that asset.

Applications for a flood work approval for an ecological enhancement flood work must fulfil a suite of comprehensive assessment criteria to ensure that impacts on other floodplain users, Aboriginal cultural values, heritage sites and the environment is minimised. The assessment criteria are based on those that currently apply in Management Zone B.

## Aboriginal cultural value enhancement work

An Aboriginal cultural value enhancement work is a type of flood work that is intended to provide a positive outcome for flood-dependent places of Aboriginal cultural significance such as a significant lagoon. These types of works are permissible in Management Zones A (including AD and AID) and D (or D1) if they can demonstrate an improvement in flood connectivity to a flood-dependent Aboriginal cultural value that is listed on one of the following databases:

- NSW Aboriginal Heritage Information Management System
- MDBA Aboriginal Submissions Database
- NSW State Heritage Register
- Commonwealth Heritage Register
- any other source deemed relevant by the Minister.

Applications for a flood work approval for an Aboriginal cultural enhancement work must fulfil a suite of comprehensive assessment criteria to minimise impacts on other floodplain users, other Aboriginal cultural values, heritage sites and the environment. The assessment criteria are based on those that currently apply in Management Zone B.

## Heritage site enhancement work

A heritage site enhancement work is a type of flood work that is intended to provide a positive outcome for flood-dependent places with heritage significance such as a River Red Gum with a heritage flood marker. These types of works are permissible in Management Zones A (including AD and AID) and D (or D1) if they can demonstrate an improvement in flood connectivity to a flood-dependent heritage site that is listed on one of the following databases:

- NSW Aboriginal Heritage Information Management System
- MDBA Aboriginal Submissions Database

- NSW State Heritage Register
- NSW State Heritage Inventory
- Historic Heritage Information Management System
- Australian Heritage Database (also referred to as the Commonwealth Heritage Register)
- any other source deemed relevant by the Minister.

Applications for a flood work approval for a heritage site enhancement work must fulfil a suite of comprehensive assessment criteria to minimise impacts on other floodplain users, Aboriginal cultural values, other heritage sites and the environment. The assessment criteria are based on those that currently apply in Management Zone B.

## 2. Addition of rules for flood protection works

The rules for a flood enhancement work have been refined to make the distinction between an enhancement flood work and a flood protection work. The rules for a flood protection work in Management Zone A (including AD and AID) in all valleys and in Management Zone D in the Macquarie and Gwydir valleys have been added, as described in the following sections.

### Aboriginal cultural value protection work

An Aboriginal cultural value protection work is a type of flood work that protects places of Aboriginal cultural significance that may be negatively impacted by floodwaters. For example, banks to protect burial grounds or shell midden sites from erosion caused by floodwaters. These types of works are permissible in Management Zone A (including AD, AID) in all valleys and in Management Zone D in the Macquarie and Gwydir valleys, if they can demonstrate protection for a flood-impacted Aboriginal cultural value that is listed on one of the following databases:

- NSW Aboriginal Heritage Information Management System
- MDBA Aboriginal Submissions Database
- NSW State Heritage Register
- Commonwealth Heritage Register
- any other source deemed relevant by the Minister.

Aboriginal cultural protection flood works must meet specific requirements related to size and location as well as assessment criteria that currently apply to infrastructure protection works.

### Heritage site protection work

A heritage site protection work is a type of flood work that protects places of heritage significance that may be negatively impacted by floodwaters. For example, banks to protect cemeteries or heritage buildings from flooding or erosion caused by floodwaters. These types of works are

permissible in Management Zone A (including AD, AID) in all valleys and in Management Zone D in the Macquarie and Gwydir valleys, if they can demonstrate protection for a flood-impacted heritage site that is listed on one of the following databases:

- NSW Aboriginal Heritage Information Management System
- MDBA Aboriginal Submissions Database NSW State Heritage Register
- NSW State Heritage Inventory
- Historic Heritage Information Management System
- Commonwealth Heritage Register
- any other source deemed relevant by the Minister.

Heritage site protection flood works must meet specific requirements related to size and location as well as assessment criteria that currently apply to infrastructure protection works.

### Why the changes were made

The primary tool to manage development in major floodways (Management Zone A) and areas requiring special protection (Management Zone D) is a restriction of the type of works that can be constructed. However, prior to the amendment this restriction did not apply to flood enhancement works. The changes provide the additional tool that is needed.

The intent of the rules is to provide for the approval of flood works in Management Zones A and D that provide a positive outcome for an ecological, Aboriginal cultural value or heritage site on a floodplain, while managing the risk to other floodplain users, life, property and the environment. The intent of the rules has not changed.

### What these changes mean

The change means that applications for flood enhancement works in Management Zones A (including AD and AID) and D (or D1) may be lodged and considered for a flood work approval. The changes will be accompanied by a guidance document that will support the assessment and determination of applications for these types of flood works.

The change also means that applications for flood protection works in Management Zone A (including AD and AID) in all valleys and in Management Zone D in the Macquarie and Gwydir valleys may be lodged and considered for a flood work approval.

## 3. Additional changes

Additional changes have been made to improve clarity and interpretation including:

- refining the dictionary definition of **existing development conditions** to refer to the level of development at the commencement of this Plan, excluding works on the landholding to which the application relates which are not authorised or exempt under the *Water Management Act 2000*.
- clarifying that the plan maps are now published on the department’s website.

Table 1 outlines the amendments made to the floodplain management plans which are relevant in Management Zones A (including AD, AID), D and D1.

Table 1. Overview the proposed changes to the wording in the northern valley floodplain management plans

Previous rule	Amendment
<p><b>Dictionary definitions</b></p> <p>There were varying definitions of enhancement works and flood connectivity across the plans. There were no definitions for flood protection works in the plans.</p> <p>Existing development conditions previously referred to the level of development at the commencement of the Plan.</p>	<p>A distinction has been made between:</p> <ul style="list-style-type: none"> <li>a) <b>Flood enhancement works</b> that would improve flood connectivity to flood dependent ecological, cultural or heritage assets and values, such as a wetland, resulting in an enhancement of the value, and</li> <li>b) <b>Flood protection works</b> that would protect Aboriginal cultural values or heritage sites from the impacts of flooding, such as a burial ground.</li> </ul> <p><b>Flood connectivity</b> refers to the unimpeded passage of floodwater through the floodplain and is important for in-stream aquatic processes and biota and the conservation of natural river systems.</p> <p><b>Existing development conditions</b> refers to the level of development at the commencement of this Plan, excluding works on the landholding to which the application relates which are not authorised or exempt under the <i>Water Management Act 2000</i>.</p>
<p><b>Permissible work types in Management Zone A (including Management Zone AD and AID):</b></p> <ul style="list-style-type: none"> <li>a) Access roads</li> <li>b) Supply channels</li> <li>c) Infrastructure protection works</li> <li>d) Stock refuges</li> <li>e) Ecological enhancement works</li> <li>f) Aboriginal cultural value enhancement works</li> <li>g) Heritage site enhancement works</li> </ul>	<p><b>Flood protection works</b> have been added to the list of permissible work types in Management Zone A, specifically:</p> <ul style="list-style-type: none"> <li>a) Aboriginal cultural value protection work</li> <li>b) Heritage site protection work.</li> </ul>

Previous rule	Amendment
<p><b>Permissible work types in Management Zone D in the Macquarie valley:</b></p> <ul style="list-style-type: none"> <li>a) Access roads</li> <li>b) Supply channels</li> <li>c) Infrastructure protection works</li> <li>d) Stock refuges</li> <li>e) Ecological enhancement works</li> <li>f) Aboriginal cultural value enhancement works</li> <li>g) Heritage site enhancement works</li> </ul>	<p><b>Flood protection works</b> have been added to the list of permissible works in Management Zone D in the Macquarie valley, specifically:</p> <ul style="list-style-type: none"> <li>a) Aboriginal cultural value protection work</li> <li>b) Heritage site protection work.</li> </ul>
<p><b>Permissible work types in Management Zone D in the Gwydir valley:</b></p> <ul style="list-style-type: none"> <li>a) Infrastructure protection works</li> <li>b) Stock refuges</li> <li>c) Ecological enhancement works</li> <li>d) Aboriginal cultural value enhancement works</li> <li>e) Heritage site enhancement works</li> </ul>	<p><b>Flood protection works</b> have been added to the list of permissible works in Management Zone D in the Gwydir valley, specifically:</p> <ul style="list-style-type: none"> <li>a) Aboriginal cultural value protection work</li> <li>b) Heritage site protection work.</li> </ul>
<p><b>Specific requirements for flood enhancement works</b></p> <p>Approval is permitted if the work is for the purpose of providing a positive outcome for a flood-dependent:</p> <ul style="list-style-type: none"> <li>- ecological asset, or</li> <li>- Aboriginal cultural value, or</li> <li>- heritage site.</li> </ul> <p>The source of the asset/value/site is specified in the relevant list of sources provided in all the plans.</p>	<p>Approval for <b>flood enhancement works</b> is permitted if the work can demonstrate an improvement in flood connectivity to a flood-dependent:</p> <ul style="list-style-type: none"> <li>- ecological asset resulting in an enhancement to the ecological value, or</li> <li>- Aboriginal cultural value, or</li> <li>- heritage site.</li> </ul> <p>The source of the asset/value/site is specified in the relevant list of sources provided in all the plans.</p> <p>Assessment of the work is undertaken in accordance with the comprehensive assessment criteria for Management Zone B.</p>

Previous rule	Amendment
<p><b>Specific requirements for flood protection works</b></p> <p>There were no specific requirements for flood protection works in the plans.</p>	<p>Approval for <b>flood protection works</b> is permitted if the Aboriginal cultural value protection work or heritage site protection work:</p> <ul style="list-style-type: none"> <li>• blocks no more than 5% of the width of Management Zone A or D, and</li> <li>• the area of the work encloses no more than 10% of the landholding (for small properties) or no more than 2 hectares or 1% of the landholding (for large properties).</li> </ul> <p>The source of the asset/value/site is specified in the relevant list of sources provided in all the plans.</p> <p>These are based on the specific requirements for infrastructure protection works that are for the purpose of protecting houses, stock yards and other major infrastructure. Assessment of the work is undertaken in accordance with the assessment criteria for Management Zone A (or D in the Macquarie Valley).</p>

## More information

- [Read the amended floodplain management plans](#)
- [Read about the process for amending floodplain management plans](#)