New South Wales

Floodplain Management Plan for the Billabong Creek Floodplain Order 2026

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

Minister for Water

Explanatory note

The objects of this Order are to repeal the *Billabong Creek Floodplain Management Plan 2006* pursuant to section 45(5) of the *Water Management Act 2000* and to make the *Floodplain Management Plan for the Billabong Creek Floodplain 2026* pursuant to section 50 of the *Water Management Act 2000*.

The concurrence of the Minister for the Environment was obtained prior to the making of the *Floodplain Management Plan for the Billabong Creek Floodplain 2026* pursuant to section 50(3) of the *Water Management Act 2000*.

Floodplain Management Plan for the Billabong Creek Floodplain Order 2026

under the

Water Management Act 2000

1 Name of Order

This Order is the *Floodplain Management Plan for the Billabong Creek Floodplain Order 2026*.

2 Commencement

This Order commences on 1 July 2026.

3 Repeal

The *Billabong Creek Floodplain Management Plan 2006* is repealed on 1 July 2026.

4 Making of Minister's Plan

The *Floodplain Management Plan for the Billabong Creek Floodplain 2026* set out at Schedule 1 is made on 1 July 2026.

Note. This Plan commences on 1 July 2026 in accordance with Schedule 1, section 2.

Schedule 1

Contents

Part 1 Introduction

Note—Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Floodplain.

1 Name of Plan

This Plan is the Floodplain Management Plan for the Billabong Creek Floodplain 2026.

2 Commencement

This Plan commences on 1 July 2026.

3 Floodplain to which Plan applies

This Plan applies to the Billabong Creek Floodplain (***the Floodplain***) as shown on the Plan Map, being a floodplain within the following water management areas—

(a) Murray Water Management Area,

(b) Murrumbidgee Water Management Area.

Note—The Billabong Creek Floodplain is land declared by the Regulation, section 252, to be a floodplain.

4 Management zones to which Plan applies

(1) The Floodplain is divided into the following management zones as shown on the Plan Map—

(a) Management Zone A,

(b) Management Zone B,

(c) Management Zone C,

(d) Management Zone CU,

(e) Management Zone SP.

(2) Management Zone SP is a designation of an area that is intended to be Management Zone D referred to in section 45(b) of the Regulation such that a reference in this Plan to Management Zone SP is a reference to Management Zone D in that section.

5 Interpretation

(1) The dictionary in Schedule 1 defines words used in this Plan.

Note—The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.

(2) A number in brackets following the name of a gauge is the gauge number.

(3) Appendices included in this Plan do not form part of this Plan.

6 Maps

(1) A reference to a map adopted by this Plan is a reference to the map of that name published on the Department's website.

Note—The following maps are available on the Department's website—

(a) the Ecological Assets Map,

(b) the Floodway Network Map,

(c) the Large Design Flood Map,

(d) the Peak Flood Flow Distribution (2022) Map,

(e) the Plan Map,

(f) the Small Design Flood Map.

(2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

7 Vision statement—the Act, s 35(1)(a)

The vision of this Plan is as follows—

(a) to contribute to a sustainable, healthy and working floodplain,

(b) to manage the development of new flood works and amendments to existing flood works,

(c) to protect the passage of floodwater through the Floodplain,

(d) to recognise the need to minimise the risk to life and property from the effects of flooding.

8 Objectives—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

(a) to facilitate the orderly passage of floodwater through the Floodplain,

(b) to establish a framework for the granting or amending of flood work approvals for flood works located in the Floodplain,

(c) to contribute to the minimisation of the risk to life and property from the effects of flooding in the Floodplain,

(d) to maintain flood connectivity to wetlands, other floodplain ecosystems, and areas of groundwater recharge in the Floodplain,

(e) to contribute to the protection of water quality to support flood-dependent ecosystems and social, cultural and economic values in the Floodplain,

(f) to contribute to the protection of the following flood-dependent assets and flood-impacted assets in the Floodplain—

(i) Aboriginal cultural values,

(ii) ecological assets, ecological values and other floodplain ecosystems,

(iii) heritage sites.

9 Strategies—the Act, s 35(1)(c)

(1) The strategies for reaching the objectives of this Plan include the following—

(a) to delineate a floodway network that accurately represents the passage of floodwater in the Floodplain,

(b) to establish management zones with rules and assessment criteria for the granting or amending of flood work approvals in the Floodplain,

(c) to identify areas of the Floodplain where flooding may impact life and property,

(d) to identify flood-dependent ecological assets, other floodplain ecosystems and ecological values in the Floodplain,

(e) to establish rules and assessment criteria for flood work approvals that–

(i) ensure adequate flood connectivity is maintained in the Floodplain,

(ii) contribute to the minimisation of the risk to life and property from the

effects of flooding in the Floodplain,

(iii) contribute to the protection of water quality in the Floodplain,

(iv) protect Aboriginal cultural values in the Floodplain,

(v) protect ecological assets, ecological values and other floodplain ecosystems in the Floodplain,

(vi) protect heritage sites in the Floodplain.

(2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

10 Performance indicators—the Act, s 35(1)(d)

(1) The performance indicators used to measure the success in achieving the objectives of this Plan are as follows—

(a) the extent to which the Floodway Network Map and the management zone boundaries as shown on the Plan Map accurately represent the passage of floodwater in the Floodplain,

(b) the extent to which flood works, approved in accordance with Part 7, and constructed or modified after the commencement of this Plan—

(i) have altered the hydraulic behaviour of floodwater in the Floodplain,

(ii) have altered flood connectivity to the following flood-dependent assets in the Floodplain—

(A) Aboriginal cultural values,

(B) ecological assets and ecological values,

(C) heritage sites,

(iii) have contributed to the protection of water quality in the Floodplain,

(iv) have altered flow connectivity to other floodplain ecosystems,

(v) have altered the condition of Aboriginal cultural values in the Floodplain,

(vi) have altered the condition of heritage sites in the Floodplain,

(c) the extent to which this Plan has accurately identified flood-dependent ecological assets, ecological values and other floodplain ecosystems in the Floodplain,

(d) the extent to which this Plan has identified appropriate sources which list flood-dependent Aboriginal cultural values in the Floodplain,

(e) the extent to which this Plan has identified appropriate sources which list flood-dependent heritage sites in the Floodplain.

(2) One or more performance indicators may be measured to evaluate each of the objectives and strategies of this Plan.

(3) In evaluating the effectiveness of the strategies in meeting the objectives of this Plan, the following are to be considered—

(a) the extent to which the strategies and provisions in this Plan have been effectively implemented and complied with,

(b) the extent to which external influences on the Floodplain have affected progress

toward achieving the objectives.

Example—External influences may include long-term and short-term climate trends and land use change.

Part 3 Flooding regimes—the Act, s 29(a)

11 Natural flooding regime

(1) The natural flooding regime in the Floodplain was characterised by flood events that occurred before the construction of weirs, dams, roads and railways, river regulation, land use changes and flood work development in the Floodplain (***natural flooding regime***).

(2) The frequency, duration, nature and extent of the natural flooding regime is summarised in Table 1—

Table 1—Natural flooding regime

Frequency	There is limited reliable flood data prior to 1931. The largest known major flood event occurred in 1870. Several historical major flood events have been recorded in the Billabong Creek catchment post 1931. Notable flood years which had significant flooding events are 1931, 1939, 1956, 1960, 1970, 1974, 1981, 1983, 1995, 2010, 2012, 2016 and 2022. The largest flood recorded at the Billabong Creek at Walbundrie gauge (410091) occurred in October 2010. This is the largest recorded flood event since at least 1870 and has an AEP of around 3%. The largest recorded flood in the middle and lower Billabong Creek is the 1956 flood which is estimated to have an AEP of 0.6% as measured at the Billabong Creek at Conargo (Puckawidgee) gauge (410017).
Duration	Floods in the Floodplain receded slowly due to the small capacities of the major channels and the slow rates of rise and fall of floods. Slow moving floodwaters on flat slopes often lead to long duration flooding. Flood damage from major floods was caused by long periods of inundation, which accompanied the slow rates of rise and fall of floods.
Nature	The natural flooding regime was variable within the Floodplain. Upstream flood flows were generally confined to the Billabong Creek in the Walbundrie area. Further downstream, flood behaviour was more complex. Below Walbundrie, flood flows left the main creek to flow to the south to Nowranie and Wangamong Creeks, and to the north towards Lake Urana. There has been a general reduction in downstream peak flows due to storage effects on the floodplain, including large storage areas such as Lake Urana. Flows from Lake Urana, Colombo Creek and Nowranie Creek joined Billabong Creek upstream of Jerilderie, whilst Wangamong Creek and Yanco Creek joined Billabong Creek further downstream. Yanco Creek and Colombo Creek received inflows from the adjacent Murrumbidgee River system. Wangamong Creek can receive significant flood flows from the Twelve Mile Creek catchment to the south of Daysdale. This floodwater can sometimes exceed the peak flows in Wangamong Creek originating from Billabong Creek.
Extent	The Billabong Creek floodplain atlases including Yanco, Colombo & Billabong Creeks (NSW Department of Water Resources, 1987) show the

extent of flooding observed in the 1956 and 1974 flood events and are indicative of the extent of flooding under the natural flooding regime.

12 Existing flooding regime

(1) Changes to the flooding regime in the Floodplain have generally coincided with river regulation, mainly the construction of weirs and regulators that allow water to be managed for irrigation delivery, land use change and flood work development.

(2) The frequency, duration, nature and extent of the existing flooding regime is summarised in Table 2—

Table 2—Existing flooding regime

Frequency	Billabong Creek experienced major historical flood events in 1931, 1939, 1956, 1960, 1970, 1974, 1981, 1983, 1995, 2010, 2011, 2012, 2016 and 2022. Recent major floods recorded at the Billabong Creek at Conargo gauge (410017) include 1956 (~ 0.6% AEP), 1974 (1.3% AEP), 1990 (14% AEP), 2012 (5% AEP), 2016 (10% AEP) and 2022 (2.9% AEP). The 2022 flood is considered representative of large floods in the Floodplain. The 2012 flood is considered representative of medium floods across the Floodplain with an AEP of 6.3% at the Billabong Creek at Walbundrie gauge (410091).
Duration	Floods can range from short duration events (like July 1995 and October 2010) which may only last for a few days or weeks, to prolonged floods (like October 1974 and November 2022) that can persist for many months. The duration of some flood events has changed due to floodplain development and land use changes, which have altered the nature of flooding in the Floodplain. Floods in the Floodplain recede slowly due to the small capacities of the major channels and the slow rates of rise and fall of floods. Slow moving floodwaters on flat slopes often lead to long duration flooding. Flood damage from major flooding is caused by long periods of inundation, which accompanies the slow rates of rise and fall of floods.
Nature	The existing flooding regime in the Floodplain is complex. Billabong Creek originates in the Holbrook/Culcairn region and flows westward until it joins the regulated flows from Yanco Creek and Colombo Creek. Flows in Billabong Creek and Forest Creek anabranch are regulated by Hartwood Weir, which regulates water as far as Wanganella Weir. The channel of Forest Creek below Wanganella Weir becomes choked by cumbungi (*typha latifolia*) before entering Wanganella Swamp. Only high flows pass through the swamp and back into Billabong Creek, which eventually joins the Edwards River/Kolety at Moulamein, which flows to the Murray River. Regulated inflows from the Murrumbidgee system flow into Billabong Creek at upstream of Jerilderie mainly via Colombo Creek, and through Yanco Creek at upstream of Conargo. Flows into the Yanco Creek

system are regulated by Yanco Weir on the Murrumbidgee River. Tarabah Weir at Morundah diverts water from Yanco Creek into Colombo Creek which flows southeast through open plains to join Billabong Creek upstream of Jerilderie.

Changes to the nature of flooding following river regulation, land use change, and flood work development include the following—

(a) alteration of the direction and depth of flood flows in some areas,

(b) alteration of river, creek and overland flow path flood volume carrying capacity in some areas,

(c) increase in the velocity of flood flow, with flows getting to the lower reaches of the floodplain faster.

Extent — The Floodway Network Map is a general spatial representation of the existing flooding regime and shows the modelled inundation extent of the small and large design floods.

13 Floodway Network

The floodway network for the Floodplain is shown on the Floodway Network Map.

Part 4 Ecological, Aboriginal cultural and heritage benefits of flooding—the Act, s 29(b) and 30(f)

Division 1 Structure of Part

14 General

This part—

(1) in Division 2, identifies—

(a) ecological benefits of flooding in the Floodplain,

(b) flood-dependent ecological assets, other floodplain ecosystems and ecological values in the Floodplain.

(2) in Division 3, identifies—

(a) Aboriginal cultural benefits of flooding in the Floodplain,

(b) flood-dependent Aboriginal cultural values in the Floodplain.

(3) in Division 4, identifies—

(a) heritage benefits of flooding in the Floodplain,

(b) flood-dependent heritage sites in the Floodplain.

Division 2 Ecological benefits of flooding and flood-dependent ecological assets and values

15 Ecological benefits of flooding

The ecological benefits of flooding in the Floodplain include the following—

(a) maintaining or improving the structure and condition of habitat for waterbirds, fish and other amphibious fauna,

(b) recharging groundwater reserves and drought refuges,

(c) contributing to nutrient, sediment and carbon cycling,

(d) improving opportunities for floodplain and aquatic fauna to migrate, reproduce and feed,

(e) supporting recruitment of floodplain vegetation, including flowering, seeding and germination,

(f) suppressing the growth and intrusion of invasive vegetation weed species,

(g) improving wetland ecosystem resilience.

16 Ecological assets and values

(1) The flood-dependent ecological assets and other floodplain ecosystems in the Floodplain are shown on the Ecological Assets Map

(2) The ecological values in the Floodplain are the following (***ecological values***)—

(a) areas of state and national conservation significance that are dependent on flooding, including—

(i) areas reserved under the *National Parks and Wildlife Act 1974*, and

(ii) wetlands of national importance listed in the Directory of Important Wetlands in Australia,

(b) habitats for flood-dependent fauna, including—

(i) drought refuges, and

(ii) observed waterbird breeding habitat sites,

(c) water-dependent fauna species, including—

(i) fish species,

(ii) frog species,

(iii) amphibious mammal species,

(iv) turtle species,

(v) reptile species,

(vi) aquatic snail species,

(vii) waterbird species.

Division 3 Aboriginal cultural benefits of flooding and flood-dependent Aboriginal cultural values

17 Aboriginal cultural values—the Act, s 5(2)(e)

(1) The Aboriginal cultural benefits of flooding in the Floodplain include the following—

(a) continuing Aboriginal cultural practices connected with flooding, including—

(i) harvesting traditional flood-dependent resources, and

(ii) cultural activities connected with and dependent on floods,

(b) preserving Aboriginal cultural values,

(c) maintaining potential for Aboriginal cultural renewal,

(d) maintaining Aboriginal spiritual connection with the floodplain landscape.

(2) Aboriginal cultural values in the Floodplain that are flood-dependent assets include the following places that—

(a) are, or could be, used for cultural activities and that benefit from flooding,

Example—Fish traps made of stone or sticks.

(b) are recognised for their spiritual or cultural significance,

(c) have been culturally modified, including—

(i) scarred trees, and

(ii) tree carvings,

(d) contain resources that are or were used in cultural activities,

(e) are associated with places that are used for contemporary cultural activities.

Division 4 Heritage benefits of flooding and flood-dependent heritage sites

18 Heritage sites—the Act, s 5(2)(f)

At the commencement of this Plan, 1 flood-dependent heritage site had been identified in the Floodplain.

Part 5 Existing flood works—the Act, s 29(c) and 30(f)

Division 1 Structure of Part

19 General

This Part identifies—

(1) in Division 2—existing flood works in the Floodplain.

(2) in Division 3—the benefits of flood works in terms of the protection they give to life and property.

(3) in Division 4—the ecological, cultural and socio-economic impacts of flood works, including cumulative impacts.

Division 2 Flood works in the Floodplain

20 Types of existing flood works

The following types of existing flood works in the Floodplain are identified—

(a) access roads,

(b) infrastructure protection works,

(c) levees,

(d) stock refuges,

(e) storages,

(f) supply channels,

(g) other earthworks and embankments.

21 Approved existing flood works

At the commencement of this Plan, there are 45 flood work approvals for 104 existing flood works in the Floodplain.

Note—A single flood work approval may authorise several flood works. Some structures can be used for multiple purposes, for example, levees and embankments can also be used as roads or infrastructure protection works.

22 Management of existing flood works

Existing flood works in the Floodplain are managed as follows—

(a) through the application, assessment and granting of flood work approvals in accordance with this Plan,

(b) through exemptions provided under the Regulation, and

(c) through compliance action in accordance with the offence provisions under the Act.

Division 3 Benefits of flood works

23 Benefits for protection of life and property

The following benefits of existing flood works in terms of the protection they give to life

and property are identified—

(a) infrastructure to access and convey licensed water entitlements and basic landholder rights,

(b) preventing injury during floods,

(c) protecting access to and from property,

(d) protecting crops, goods, livestock, possessions and property from the damaging effects of flooding,

(e) protecting high value infrastructure from the damaging effects of flooding,

(f) protecting life during floods.

24 Ecological benefits

The following benefits of existing flood works in terms of benefits they have on flood-dependent ecological assets are identified—

(a) increased localised flooding frequency and duration due to diverting and retaining floodwaters, especially where flooding regimes have been affected by river regulation,

(b) increased localised groundwater recharge due to diverting and retaining floodwaters, especially where groundwater recharge has been affected by changes to flooding regimes.

25 Aboriginal cultural benefits

(1) The benefit of existing flood works, in terms of the benefits they have on flood-dependent Aboriginal cultural values, is increased localised flooding frequency and duration due to diverting and retaining floodwaters, especially where flooding regimes have been affected by river regulation.

(2) The benefit of existing flood works, in terms of the benefits they have on flood-impacted Aboriginal cultural values, is decreased erosion by diverting away floodwaters.

26 Heritage benefits

(1) The benefit of existing flood works, in terms of the benefits they have on flood-dependent heritage sites, is increased localised flooding frequency and duration due to diverting and retaining floodwaters, especially where flooding regimes have been affected by river regulation.

(2) The benefit of existing flood works, in terms of the benefits they have on flood-impacted heritage sites, is decreased erosion and inundation by diverting away floodwaters.

Division 4 Impacts of flood works

27 Ecological impacts

The following ecological impacts of existing flood works are identified—

(a) changed flood connectivity, including changes that—

(i) disconnect flood-dependent ecological assets from flooding by obstructing the passage of floodwater,

(ii) divert floodwater away from flood-dependent ecological assets,

(iii) increase the duration for which flood-dependent ecological assets are flooded to an extent that exceeds the flooding requirements of the asset,

(iv) reduce access to food resources, nesting and refuge habitat for fauna which rely on flood-dependent ecological assets,

(b) restricted native fish passage, including changes that—

(i) disconnect flood-dependent ecological values from flooding by obstructing the passage of floodwater,

(ii) strand fish on the floodplain when floodwater recedes,

(iii) reduce access to habitat and food resources during floods,

(iv) reduce the abundance and distribution of native fish,

(c) reduced groundwater recharge during floods due to reduced flooding extent and duration,

(d) net reduction of floodwater available to flood-dependent ecological assets due to river regulation.

28 Aboriginal cultural impacts of existing flood works

The following Aboriginal cultural impacts of existing flood works are identified—

(a) changed flood connectivity, especially changes that—

(i) disconnect flood-dependent Aboriginal cultural values from flooding by obstructing the passage of floodwater,

(ii) divert floodwater away from flood-dependent Aboriginal cultural values,

(iii) increase the duration for which flood-dependent Aboriginal cultural values sites are flooded to an extent that exceeds the requirements of the values,

(b) increased flood velocity which damages flood-impacted Aboriginal cultural values, such as by scouring or erosion.

Example—Burial sites may be susceptible to damage caused by increase flood velocity.

29 Heritage impacts of existing flood works

The following heritage impacts of existing flood works are identified—

(a) changed flood connectivity, especially changes that—

(i) disconnect flood-dependent heritage sites from flooding by obstructing the passage of floodwater,

(ii) divert floodwater away from flood-dependent heritage sites,

(iii) increase the duration for which flood-dependent heritage sites are flooded to an extent that exceeds the requirements of the sites,

(b) changed distribution of floodwaters in the floodplain which inundates flood-impacted heritage sites,

(c) increased flood velocity which damages flood-impacted heritage sites, such as

by scouring or erosion.

Example—Cemeteries may be susceptible to damage caused by increase flood velocity.

30 Socio-economic impacts of existing flood works

The following socio-economic impacts of existing flood works are identified—

(a) diverted passage of floodwater onto adjacent properties,

(b) increased flood levels on adjacent and downstream properties,

(c) increased flood velocity which causes scouring and erosion,

(d) loss of crops and infrastructure during floods,

(e) restricted access to and from property and other disruptions to daily life.

31 Cumulative impacts of flood works

(1) The following positive cumulative impacts of existing flood works are identified—

(a) if flood works are constructed in a coordinated manner, the passage of floodwater to flood-dependent assets and return to the river are unobstructed,

(b) risks to life and property from the damaging effects of flooding are reduced, both on the landholding and neighbouring properties.

(2) The following negative cumulative impacts of existing flood works are identified—

(a) if flood works are constructed in an uncoordinated manner, the passage of floodwater to flood-dependent assets and return to the river are obstructed,

(b) risks to life and property from the damaging effects of flooding are increased, both on the landholding and neighbouring properties.

(3) This Plan manages the potential cumulative negative impacts of existing and proposed flood works through provisions that—

(a) identify existing flood works in the Floodplain to be used in the hydraulic modelling, and

(b) use hydraulic modelling to understand the cumulative impacts of existing flood works across the Floodplain, and

(c) establish management zones within the Floodplain, and

(d) establish rules for the granting and amending of flood work approvals that consider the cumulative impacts of additional flood works across the Floodplain.

Part 6 Risks from flooding—the Act, s 29(d)

32 Risk to life and property

The risk to life and property from the effects of flooding include the following—

(a) loss of life,

(b) physical injury and illness,

(c) damage to, or loss of, goods, possessions, livestock and crops,

(d) property damage, including—

(i) contents damage, such as carpets and furniture,

(ii) structural damage, such as walls, floors and windows, and

(iii) external damage, such as high value infrastructure and motor vehicles,

(e) loss of wages and additional financial costs incurred during clean-up operations,

(f) increased levels of emotional stress,

(g) mental illness,

(h) disruption to daily life, such as restricted access to and from property.

33 Consideration of risk to life and property

This Plan deals with the risk to life and property from the effects of flooding by—

(a) establishing management zones in Part 1 which categorise areas of the Floodplain according to the risk of constructing flood works in those areas, and

(b) establishing a floodway network in Part 3 which—

(i) identifies areas in the floodway network where the risk to life and property is greatest, including—

(A) areas of greater flood discharge, and

(B) areas that are prone to inundation in times of flooding, and

(ii) raises awareness of flood risk by providing the Floodway Network Map, and

(c) considering existing flood works in the Floodplain in Part 5 and including existing flood works in the process of delineating the floodway network and designing management zones, and

(d) applying rules in Part 7 which identify areas where certain kinds of flood works are permitted, restricted or prohibited.

Part 7 Rules for granting or amending flood work approvals—the Act, s 30(a) and (b)

Note 1—Under the Act, section 92(5), the Minister may require an applicant for a flood work approval to provide additional information within a specified time if of the opinion that additional information would be relevant to consideration of the application.

Note 2—Under the Act, section 95(3), a flood work approval may not be granted in contravention of the provisions of any relevant management plan.

Division 1 General

34 Structure

(1) This part deals with the following—

(a) the construction of new flood works,

(b) the modification of existing flood works,

(c) the approval of existing flood works.

(2) This part deals with the matters in subsection (1) by applying rules for granting or amending flood work approvals as follows—

(a) in Division 2—for Management Zone A,

(b) in Division 3—for Management Zone B,

(c) in Division 4—for Management Zone C,

(d) in Division 5—for Management Zone CU,

(e) in Division 6—for Management Zone SP.

35 Definitions

In this Part—

Aboriginal cultural value enhancement work means a flood enhancement work for the primary purpose of improving flood connectivity to flood-dependent Aboriginal cultural values.

Aboriginal cultural value protection work means a flood work that is for the purpose of protecting Aboriginal cultural values in times of flooding.

borrow is an area of land where material is excavated, or removed, to construct a flood work at another location which results in a depression or hole in the ground.

ecological enhancement work means a flood enhancement work to improve flood connectivity to ecological assets for the primary purpose of enhancing ecological values.

existing development conditions means 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 Act.

flood flow direction means the direction in which a flood flows for the relevant area as shown on the Peak Flood Flow Distribution (2022) Map.

flood wave means a rise in flows associated with flooding, culminating in a peak and followed by a recession to lower flows.

government program means a government, or government led, program or project that is related to the protection or conservation of flood dependent assets and includes—

(a) an environmental water management program,

(b) a natural resource management program,

(c) a cultural watering plan,

Examples—

1 The Gwydir Reconnecting Watercourse Country Program.

2 The Reconnecting River Country Program.

3 Natural resource management projects funded by a Local Land Services grant.

heritage site enhancement work means a flood enhancement work that is for the purpose of improving flood connectivity to a flood-dependent heritage site.

heritage site protection work means a flood work that is for the purpose of protecting a heritage site in times of flooding.

natural flooding regime—see section 11.

peak discharge calculation location is a section of the Floodplain where flow is calculated for the purpose of assessing the change in flow behaviour due to proposed flood works.

primary access road means a road providing access from a public road to a permanently occupied fixed dwelling via a direct route.

spoil means waste material, such as soil, that is produced during the construction or modification of a flood work.

windrow means a row or line of cut vegetation or other material.

Division 2 Granting or amending flood work approvals in Management Zone A

Subdivision 1 Flood works in Management Zone A

36 Application

This subdivision applies to approvals to construct or use flood works other than flood enhancement works in Management Zone A.

37 Requirements for flood works

A flood work approval must not be granted or amended unless, in the Minister's opinion, the following apply—

(a) the approval is for the following types of flood work—

(i) an Aboriginal cultural value protection work,

(ii) an access road,

(iii) a heritage site protection work,

(iv) an infrastructure protection work,

(v) a stock refuge,

(vi) a supply channel, and

(b) the flood work described in the application complies with the specific requirements for the work under this subdivision, and

(c) the flood work described in the application satisfies the assessment criteria in section 52, and

(d) the cumulative impact assessment under section 54 has been completed.

38 Specific requirements for Aboriginal cultural value protection works

A flood work approval for an Aboriginal cultural value protection work must not be granted or amended unless, in the Minister's opinion, each of the following is satisfied—

(a) either—

(i) where no more than 20ha of the landholding is in Management Zone A—the work encloses no more than 10% of the landholding, or

Example—For a landholding of 100ha and where 20ha of the landholding is in Management Zone A, the work must enclose no more than 10ha.

(ii) otherwise— the work encloses no more than 2ha or 1% of the landholding, whichever is greater, and

Example—For a landholding of 100ha and where 30ha of the landholding is in Management Zone A, the work must enclose no more than 2ha or 1ha (1%), whichever is greater.

(b) the work obstructs no more than 5% of the width of Management Zone A, measured perpendicular to the flood flow direction at the location of the work.

Example—If Management Zone A is 100m wide, measured perpendicular to the flood flow direction at the location of the work, the work must not obstruct more than 5m of Management Zone A.

39 Specific requirements for access roads

A flood work approval for an access road must not be granted or amended unless, in the Minister's opinion, the access road—

(a) is no higher above the natural surface level than—

(i) for a primary access road—50cm,

(ii) otherwise—30cm,

(b) is constructed with causeways that—

(i) are no higher than the natural surface level,

(ii) are located at low points of the floodway,

(iii) occur at least once every 200m, and

(iv) total at least 10% of the total length of the access road that is in Management Zone A,

Example—For an access road that is 1km in length, but 500m is in management Zone A and 500m is in another management zone, causeways in Management Zone A must total at least 50m.

(c) is constructed with a borrow that—

(i) is associated with the construction and maintenance of the access road,

(ii) is located on the downstream side of the access road, and

(iii) is no lower than 15cm below the natural surface level.

40 Specific requirements for heritage site protection works

A flood work approval for a heritage site protection work must not be granted or amended unless, in the Minister's opinion, each of the following is satisfied—

(a) either—

(i) where no more than 20ha of the landholding is in Management Zone A—the work encloses no more than 10% of the landholding, or

Example—For a landholding of 100ha and where 20ha of the landholding is in Management Zone A, the work must enclose no more than 10ha.

(ii) otherwise— the work encloses no more than 2ha or 1% of the landholding, whichever is greater, and

Example—For a landholding of 100ha and where 30ha of the landholding is in Management Zone A, the work must enclose no more than 2ha or 1ha (1%), whichever is greater.

(b) the work obstructs no more than 5% of the width of Management Zone A, measured perpendicular to the flood flow direction at the location of the work.

Example—If Management Zone A is 100m wide, measured perpendicular to the flood flow direction at the location of the work, the work must not obstruct more than 5m of Management Zone A.

41 Specific requirements for infrastructure protection works

A flood work approval for an infrastructure protection work must not be granted or amended unless, in the Minister's opinion, each of the following is satisfied—

(a) either—

(i) where no more than 20ha of the landholding is in Management Zone A—the work encloses no more than 10% of the landholding, or

Example—For a landholding of 100ha and where 20ha of the landholding is in Management Zone A, the work must enclose no more than 10ha.

(ii) otherwise— the work encloses no more than 2ha or 1% of the landholding, whichever is greater, and

Example—For a landholding of 100ha and where 30ha of the landholding is in Management Zone A, the work must enclose no more than 2ha or 1ha (1%), whichever is greater.

(b) the work obstructs no more than 5% of the width of Management Zone A, measured perpendicular to the flood flow direction at the location of the work.

Example—If Management Zone A is 100m wide, measured perpendicular to the flood flow direction at the location of the work, the work must not obstruct more than 5m of Management Zone A.

42 Specific requirements for stock refuges

A flood work approval for a stock refuge must not be granted or amended unless, in the Minister's opinion—

(a) the area of the stock refuge is no more than 10ha and no other stock refuge is nearby,

(b) the total area of stock refuges on the landholding is no more than 5% the landholding, and

Example—For a landholding of 100ha, the work must be no more than 5ha.

(c) the stock refuge obstructs no more than 5% of the width of Management Zone A, measured perpendicular to the flood flow direction at the location of the stock refuge.

Example—If Management Zone A is 100m wide, measured perpendicular to the flood flow direction at the location of the work, the work must not obstruct more than 5m of Management Zone A.

43 Specific requirements for supply channels

(1) A flood work approval for a supply channel must not be granted or amended unless, in the Minister's opinion, the supply channel—

(a) is below the natural surface level,

(b) is constructed to ensure the adequate passage of floodwater and prevention of diversion of floodwater from natural flow paths, and

(c) is constructed to ensure the spoil associated with the construction and maintenance of the supply channel—

(i) forms a windrow that—

(A) is parallel to the flood flow direction

(B) obstructs no more than 5% of the width of Management Zone A, measured perpendicular to the flood flow direction at the location of the supply channel, or

Example— If Management Zone A is 100m wide, measured perpendicular to the flood flow direction at the location of the work, the work must not obstruct more than 5m of Management Zone A.

(ii) is no higher than 10cm above the natural surface level.

(2) The Minister may require that a structure be put in place at a low point of the supply channel to meet the requirements of subsection (1)(b).

Subdivision 2 Flood enhancement works in Management Zone A

44 Application

This subdivision applies to approvals to construct or use flood enhancement works in Management Zone A.

45 Requirements for flood enhancement works

A flood work approval for a flood enhancement work must not be granted or amended

unless, in the Minister's opinion, the following apply—

(a) the approval is for the following types of flood work—

(i) an Aboriginal cultural value enhancement work,

(ii) an ecological enhancement work,

(iii) a heritage site enhancement work,

(b) the flood enhancement work is or will be part of a government program that is in place, and remains current, at the time of application,

(c) the flood enhancement work described in the application complies with the specific requirements for the work under this subdivision, and

(d) the flood enhancement work described in the application satisfies the assessment criteria set out in sections 52 and 53.

46 Specific requirements for Aboriginal cultural value enhancement works

A flood work approval for an Aboriginal cultural value enhancement work must not be granted or amended unless, in the Minister's opinion—

(a) the work is for the primary purpose of improving flood connectivity to a flood-dependent Aboriginal cultural value, and

(b) the improvement in flood connectivity contributes to the protection or conservation of one or more flood-dependent Aboriginal cultural values.

47 Specific requirements for ecological enhancement works

A flood work approval for an ecological enhancement work must not be granted or amended unless, in the Minister's opinion—

(a) the work is for the primary purpose of improving flood connectivity to a flood-dependent ecological asset, and

(b) the improvement in flood connectivity contributes to the protection or conservation of one or more flood-dependent ecological assets, and

(c) the flood-dependent ecological asset is specified in local, state or Commonwealth environmental plans, policy or legislation, including—

(i) the *Basin Plan 2012* of the Commonwealth,

(ii) the *Biodiversity Conservation Act 2016*,

(iii) the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,

(iv) the long-term water plan for the Murrumbidgee surface water resource plan area under the *Basin Plan 2012* of the Commonwealth,

(v) the *National Parks and Wildlife Act 1974*,

(vi) the *Fisheries Management Act 1994*,

(vii) the NSW Wetland Policy 2010,

(viii) the Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (2013 update),

(ix) any other source the Minister considers relevant.

48 Specific requirements for heritage site enhancement works

A flood work approval for a heritage site enhancement work must not be granted or amended unless, in the Minister's opinion—

(a) the work is for the primary purpose of improving flood connectivity to a flood-dependent heritage site, and

(b) the improvement in flood connectivity contributes to the protection or conservation of one or more flood-dependent heritage sites.

Subdivision 3 Existing flood works in Management Zone A

49 Application

This subdivision applies to flood work approvals to use flood works in Management Zone A that were constructed before the commencement of this Plan and do not satisfy the requirements under section 37.

50 Requirements for granting flood work approval

A flood work approval must not be granted unless, in the Minister's opinion, the following apply—

(a) the approval is for the following types of flood work—

(i) an access road,

(ii) an infrastructure protection work,

(iii) a stock refuge,

(iv) a supply channel, and

(b) at the date of application, the flood work is not the subject of a previously refused application for the following—

(i) an approval for a controlled work under the repealed Part 8 of the *Water Act 1912*, or

(ii) a flood work approval under the Act, and

(c) the flood work described in the application satisfies the assessment criteria in section 52, and

(d) the cumulative impact assessment under section 54 has been completed.

51 Requirements for amending flood work approval

A flood work approval must not be amended unless, in the Minister's opinion—

(a) the flood work will have a reduced impact on flow patterns in Management Zone A, including impacts on flow distribution, depth, drainage or velocity, and

(b) the flood work described in the application satisfies the assessment criteria in section 52, and

(c) the cumulative impact assessment under section 54 has been completed.

Subdivision 4 Assessment criteria for flood works in Management Zone A

52 Assessment criteria for flood works

A flood work must, in the Minister's opinion—

(a) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood—

(i) flood-dependent Aboriginal cultural values,

(ii) flood-dependent ecological assets,

(iii) flood-dependent heritage sites, and

(b) maintain adequate flood connectivity to facilitate fish passage under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood, and

(c) not disturb the ground surface of an Aboriginal cultural value or cause more than minimal erosion to an Aboriginal cultural value, and

(d) not disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site, and

(e) maintain adequate drainage on landholdings that may be affected by the flood work, including adjacent landholdings.

53 Assessment criteria for flood enhancement works

(1) A flood enhancement work must not, in the Minister's opinion, be likely to—

(a) redistribute the peak flood flow by more than 5% on adjacent landholdings and other landholdings that may be affected by the flood work when compared to the peak flood flow under existing development conditions for a range of flood scenarios including, at a minimum, a scenario for the relevant large design flood, or

(b) increase flood levels by more than 20cm on adjacent landholdings and other landholdings that may be affected by the flood work when compared to peak flood levels under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, or

(c) increase flow velocity by more than 50% on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work when compared to flow velocity under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, unless—

(i) increases of more than 50% are in isolated areas on the landholding and the landholder mitigates the impact of the flood wave so that the average impact across the landholding is not more than 50%, and

(ii) increases in flow velocity are not more than 50% at the boundary of the landholding, or

(d) increase flood levels resulting in impacts on high value infrastructure when compared to flood levels under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, or

(e) increase flow velocity by an amount that, in the Minister's opinion, is likely to have more than a minimal impact on soil erodibility on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work, taking into account the ground cover on those landholdings.

(2) A flood enhancement work must not, in the Minister's opinion, be likely to—

(a) redistribute the peak flood flow by more than 5% at a peak discharge calculation location shown on the Peak Flood Flow Distribution (2022) Map, when compared to redistribution under existing development conditions, or

(b) redistribute the peak flood flow by more than 5% at a location and under any other flood scenario the Minister considers relevant.

54 Cumulative impact assessment

The Minister must consider the cumulative impact of the flood work and all existing flood works on the landholding on the following—

(a) adjacent landholdings,

(b) other landholdings the flood work may affect,

(c) the Floodplain.

Division 3 Granting or amending flood work approvals in Management Zone B

Subdivision 1 Flood works in Management Zone B

55 Application

(1) This division applies to approvals to construct or use flood works in Management Zone B.

(2) This subdivision does not apply to an approval if Subdivision 2 applies.

56 Requirements for flood works

(1) A flood work approval must not be granted or amended in relation to an application to which section 57 applies, unless the flood work described in the application satisfies the assessment criteria in section 58(1), (2) and (3).

(2) A flood work approval must not be granted or amended in relation to an application to which section 57 does not apply, unless the flood work described in the application satisfies the assessment criteria in section 58(1).

(3) In determining an application for a flood work approval to which section 57 does not apply, the Minister may require an application to satisfy the requirements of section 58(2) and (3).

57 Requirement to advertise certain applications for flood work approval

(1) This section applies to applications for flood work approval if, in the Minister's opinion, the following apply—

(a) the flood work is higher than 40cm above the natural surface level at any location,

(b) the flood work is a stock refuge and the following apply—

(i) the stock refuge has an area of more than 10ha and no other stock refuge is nearby, and

(ii) the total area of stock refuges on the landholding is more than 5% of the landholding,

(c) the flood work is an infrastructure protection work with an area that is greater than 1% of the total area of the landholding on which it is located.

(2) For the Regulation, section 26(1)(c), an application to which this section applies must be advertised.

58 Assessment criteria

(1) A flood work must, in the Minister's opinion—

(a) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood—

(i) flood-dependent Aboriginal cultural values,

(ii) flood-dependent ecological assets,

(iii) flood-dependent heritage sites, and

(b) maintain adequate flood connectivity to facilitate fish passage under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood, and

(c) not disturb the ground surface of an Aboriginal cultural value or cause more than minimal erosion to an Aboriginal cultural value, and

(d) not disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site, and

(e) maintain adequate drainage on landholdings that may be affected by the flood work, including adjacent landholdings.

(2) A flood work to which section 57 applies must not, in the Minister's opinion, be likely to—

(a) redistribute the peak flood flow by more than 5% on adjacent landholdings and other landholdings that may be affected by the flood work when compared to the peak flood flow under existing development conditions for a range of flood scenarios including, at a minimum, a scenario for the relevant large design flood, or

(b) increase flood levels by more than 20cm on adjacent landholdings and other landholdings that may be affected by the flood work when compared to peak flood levels under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, or

(c) increase flow velocity by more than 50% on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work when compared to flow velocity under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, unless—

(i) increases of more than 50% are in isolated areas on the landholding and the landholder mitigates the impact of the flood wave so that the average impact across the landholding is not more than 50%, and

(ii) increases in flow velocity are not more than 50% at the boundary of the landholding, or

(d) increase flood levels resulting in impacts on high value infrastructure when compared to flood levels under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, or

(e) increase flow velocity by an amount that, in the Minister's opinion, is likely to have more than a minimal impact on soil erodibility on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work, taking into account the ground cover on those landholdings.

(3) A flood work must not, in the Minister's opinion, be likely to—

(a) redistribute the peak flood flow by more than 5% at a peak discharge calculation location shown on the Peak Flood Flow Distribution (2022) Map, when compared to redistribution under existing development conditions, or

(b) redistribute the peak flood flow by more than 5% at a location and under any other flood scenario the Minister considers relevant.

Subdivision 2 Existing flood works in Management Zone B

59 Application

(1) This subdivision applies to flood work approvals to use flood works in Management Zone B if:

(a) the application for a flood work approval is made on or before 30 June 2029, and

(b) the flood work described in the application was constructed before 7 July 2000, and

(c) all of the following do not apply—

(i) the flood work will cause a significant impact on high value infrastructure,

(ii) there are existing flood works nearby that have a condition limiting the height of the work,

(iii) the flood work may create a new flow path or restore an old flow path.

60 Assessment criteria

(1) A flood work must, in the Minister's opinion—

(a) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood—

(i) flood-dependent Aboriginal cultural values,

(ii) flood-dependent ecological assets,

(iii) flood-dependent heritage sites, and

(b) maintain adequate flood connectivity to facilitate fish passage under a range of flood scenarios including, at a minimum, scenarios for the relevant large design

flood and relevant small design flood, and

(c) not disturb the ground surface of an Aboriginal cultural value or cause more than minimal erosion to an Aboriginal cultural value, and

(d) not disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site, and

(e) maintain adequate drainage on landholdings that may be affected by the flood work, including adjacent landholdings.

Division 4 Granting or amending flood work approvals in Management Zone C

61 Application

This division applies to approvals to construct or use flood works in Management Zone C.

62 Requirements for flood works

A flood work approval must not be granted or amended unless, in the Minister's opinion, the flood work described in the application satisfies the assessment criteria in sections 63 and 64.

63 Assessment criteria

A flood work must, in the Minister's opinion—

(a) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood—

(i) flood-dependent Aboriginal cultural values,

(ii) flood-dependent ecological assets,

(iii) flood-dependent heritage sites, and

(b) maintain adequate flood connectivity to facilitate fish passage under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood, and

(c) maintain adequate flow connectivity to other floodplain ecosystems, and

(d) not disturb the ground surface of an Aboriginal cultural value or cause more than minimal erosion to an Aboriginal cultural value, and

(e) not disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site, and

(f) maintain adequate drainage on landholdings that may be affected by the flood work, including adjacent landholdings.

64 Additional assessment criteria

(1) This section applies if—

(a) the flood work will cause a significant impact on high value infrastructure, or

(b) there are existing flood works nearby that have a condition limiting the height of the work, or

(c) the flood work may create a new flow path or restore an old flow path.

(2) The Minister must consider whether the flood work would be likely to—

(a) redistribute the peak flood flow by more than 5% on adjacent landholdings and other landholdings that may be affected by the flood work when compared to the peak flood flow under existing development conditions for one or more flood scenarios, or

(b) increase flood levels by more than 20cm on adjacent landholdings and other landholdings that may be affected by the flood work when compared to flood levels under the natural flooding regime and existing development conditions for one or more flood scenarios, or

(c) increase flow velocity by more than 50% on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work when compared to flow velocity under the natural flooding regime and existing development conditions for one or more flood scenarios, unless—

(i) increases of more than 50% are in isolated areas on the landholding and the landholder mitigates the impact of the flood wave so that the average impact across the landholding is not more than 50%, and

(ii) increases in flow velocity are not more than 50% at the boundary of the landholding, or

(d) increase flood levels resulting in impacts on high value infrastructure when compared to flood levels under the natural flooding regime and existing development conditions for one or more flood scenarios, or

(e) increase flow velocity by an amount that, in the Minister's opinion, is likely to have more than a minimal impact on soil erodibility on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work, taking into account the ground cover on those landholdings.

(3) The Minister must consider whether the flood work would be likely to—

(a) redistribute the peak flood flow by more than 5% under existing development conditions at a peak discharge calculation location shown on the Peak Flood Flow Distribution (2022) Map, or

(b) redistribute the peak flood flow by more than 5% at a location and under any other flood scenario the Minister considers relevant.

Division 5 Granting or amending flood work approvals in Management Zone CU

65 Application

This division applies to approvals to construct or use flood works in Management Zone CU.

66 Requirements for flood works

A flood work approval must not be granted or amended unless, in the Minister's opinion, the flood work described in the application satisfies the assessment criteria in sections 63 and 64.

Division 6 Granting or amending flood work approvals in Management Zone SP

Subdivision 1 Flood enhancement works in Management Zone SP

67 Application

This subdivision applies to approvals to construct or use flood works in Management Zone SP.

68 Requirements for flood works

A flood work approval must not be granted or amended unless, in the Minister's opinion, the following apply—

(a) the approval is for the following types of flood work—

(i) an Aboriginal cultural value enhancement work,

(ii) an ecological enhancement work,

(iii) a heritage site enhancement work,

(b) the flood enhancement work is or will be part of a government program that is in place and remains current at the time of the application,

(c) the flood enhancement work described in the application complies with the specific requirements for the work under this subdivision,

(d) the flood enhancement work described in the application satisfies the assessment criteria set out in section 75.

69 Specific requirements for Aboriginal cultural value enhancement works

A flood work approval for an Aboriginal cultural value enhancement work must not be granted or amended unless, in the Minister's opinion—

(a) the work is for the primary purpose of improving flood connectivity to a flood-dependent Aboriginal cultural value, and

(b) the improvement in flood connectivity contributes to the protection or conservation of one or more flood-dependent Aboriginal cultural values.

70 Specific requirements for ecological enhancement works

A flood work approval for an ecological enhancement work must not be granted or amended unless, in the Minister's opinion—

(a) the work is for the primary purpose of improving flood connectivity to a flood-dependent ecological asset, and

(b) the improvement in flood connectivity contributes to the protection or conservation of one or more flood-dependent ecological assets, and

(c) the flood-dependent ecological asset is specified in local, state or Commonwealth environmental plans, policy or legislation, including—

(i) the *Basin Plan 2012* of the Commonwealth,

(ii) the *Biodiversity Conservation Act 2016*,

(iii) the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,

(iv) the long-term watering plan for the Murrumbidgee surface water resource plan area under the *Basin Plan 2012* of the Commonwealth,

(v) the *National Parks and Wildlife Act 1974*,

(vi) the *Fisheries Management Act 1994*,

(vii) the NSW Wetland Policy 2010,

(viii) the Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (2013 update),

(ix) any other source the Minister considers relevant.

71 Specific requirements for heritage site enhancement works

A flood work approval for a heritage site enhancement work must not be granted or amended unless, in the Minister's opinion—

(a) the work is for the primary purpose of improving flood connectivity to a flood-dependent heritage site, and

(b) the improvement in flood connectivity contributes to the protection or conservation of one or more flood-dependent heritage sites.

Subdivision 2 Existing flood works in Management Zone SP

72 Application

This subdivision applies to approvals to use flood works in Management Zone SP that were constructed before the commencement of this Plan and do not satisfy the requirements under Subdivision 1.

73 Requirements for granting flood work approval

A flood work approval must not be granted unless, in the Minister's opinion, the following apply—

(a) the approval is for the following types of flood work—

(i) an access road,

(ii) an infrastructure protection work,

(iii) a stock refuge, or

(iv) a supply channel,

(b) at the date of application, the flood work is not the subject of a previously refused application, for the following—

(i) an approval for a controlled work under the repealed Part 8 of the *Water Act 1912*,

(ii) a flood work approval under the Act,

(c) the flood work described in the application satisfies the assessment criteria in section 75(1),

(d) the cumulative impact assessment under section 76 has been completed.

74 Requirements for amending flood work approval

A flood work approval must not be amended unless, in the Minister's opinion—

(a) the flood work will have a reduced impact on flow patterns in Management Zone SP, including impacts on flow distribution, drainage, depth or velocity,

and

(b) the flood work described in the application satisfies the assessment criteria in section 75(1), and

(c) the cumulative impact assessment under section 76 has been completed.

Subdivision 3 Assessment criteria for flood works in Management Zone SP

75 Assessment criteria

(1) A flood work must, in the Minister's opinion—

(a) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood—

(i) flood-dependent Aboriginal cultural values,

(ii) flood-dependent ecological assets,

(iii) flood-dependent heritage sites, and

(b) maintain adequate flood connectivity to facilitate fish passage under a range of flood scenarios including, at a minimum, scenarios for the relevant large design flood and relevant small design flood, and

(c) not disturb the ground surface of an Aboriginal cultural value or cause more than minimal erosion to an Aboriginal cultural value, and

(d) not disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site, and

(e) maintain adequate drainage on landholdings that may be affected by the flood work, including adjacent landholdings.

(2) A flood work must not, in the Minister's opinion, be likely to—

(a) redistribute the peak flood flow by more than 5% on adjacent landholdings and other landholdings that may be affected by the flood work when compared to the peak flood flow under existing development conditions for a range of flood scenarios including, at a minimum, a scenario for the relevant large design flood, or

(b) increase flood levels by more than 20cm on adjacent landholdings and other landholdings that may be affected by the flood work when compared to peak flood levels under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, or

(c) increase flow velocity by more than 50% on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work when compared to flow velocity under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, unless—

(i) increases of more than 50% are in isolated areas on the landholding and the landholder mitigates the impact of the flood wave so that the average impact across the landholding is not more than 50%, and

(ii) increases in flow velocity are not more than 50% at the boundary of the

landholding, or

(d) increase flood levels resulting in impacts on high value infrastructure when compared to flood levels under the natural flooding regime and existing development conditions for a range of flood scenarios, including at a minimum, a scenario for the relevant large design flood, or

(e) increase flow velocity by an amount that, in the Minister's opinion, is likely to have more than a minimal impact on soil erodibility on the landholding, adjacent landholdings and other landholdings that may be affected by the flood work, taking into account the ground cover on those landholdings.

(3) A flood work must not, in the Minister's opinion, be likely to—

(a) redistribute the peak flood flow by more than 5% at a peak discharge calculation location shown on the Peak Flood Flow Distribution (2022) Map, when compared to redistribution under existing development conditions, or

(b) redistribute the peak flood flow by more than 5% at a location and under any other flood scenario the Minister considers relevant.

76 Cumulative impact assessment

The Minister must consider the cumulative impact of the flood work and all existing flood works on the landholding on the following—

(a) adjacent landholdings,

(b) other landholdings the flood work may affect,

(c) the Floodplain.

Part 8 Mandatory conditions—the Act, section 17(c)

77 General

(1) In this part, unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries on the Department's website.

(2) Each flood work approval must be subject to the following mandatory conditions—

(a) the conditions required by sections 78 and 79,

(b) other conditions required to implement the provisions of this Plan.

78 Flood work decommissioning condition

(1) The approval holder must notify the Minister in writing of any intention to decommission a flood work at least 60 days before commencing decommissioning.

(2) The notice must include a work plan for the decommissioning.

(3) The Minister may, within 60 days of receiving notice under this clause, give a direction that the flood work—

(a) must not be decommissioned, or

(b) must be decommissioned in accordance with the requirements specified in the direction.

(4) The approval holder must not decommission the flood work if the Minister has given a direction that the work must not be decommissioned.

(5) In decommissioning the flood work, the approval holder must—

(a) comply with the work plan,

(b) if the Minister has given a direction— comply with the requirements specified in the direction, and

(c) ensure the area is returned to the natural surface level.

(6) Within 60 days of the flood work being decommissioned, the approval holder must notify the Minister in writing that the flood work has been decommissioned and provide details of the decommissioning.

79 Water quality condition

The approval holder must take reasonable steps to ensure the construction and use of the flood work minimises erosion and release of sediment into the floodplain.

Part 9 Amendment of this Plan—the Act, section 17(d)

80 Amendments

(1) This Plan may be amended as follows—

(a) to apply this Plan to additional areas or to modify or remove areas to which this Plan applies,

(b) to amend a map adopted by this Plan,

(c) to add, remove or modify a management zone using any of the following information as determined by the Minister—

(i) an aerial photograph or equivalent satellite image showing flood inundation at the property scale of either the relevant large design flood or relevant small design flood,

(ii) oblique photographs showing flood inundation of either the relevant large design flood or relevant small design flood that contain verifiable landmarks,

(iii) oblique photographs of flood survey marks that can be verified for either the relevant large design flood or relevant small design flood,

(iv) a hydraulic study which provides velocity and depth information for the relevant large design flood or relevant small design flood,

(v) other supporting information,

(d) to amend the description of the natural flooding regime,

(e) to amend the description of the existing flooding regime,

(f) to add, remove or modify the design floods used to establish the floodway network,

(g) to amend the description of the ecological benefits of flooding,

(h) to amend the description of flood-dependent Aboriginal cultural values,

(i) to amend the description of flood-dependent heritage sites,

(j) to add, remove or modify rules for granting or amending flood work approvals,

(k) to add rules for the removal or modification of existing flood works,

(l) to add, remove or modify requirements for the decommissioning of flood works,

(m) to add, remove or modify requirements if the approval holder intends to permanently cease using a flood work,

(n) to add, remove or modify a definition,

(o) before 1 July 2029—to add or modify provisions for the purpose of responding to climate change,

(p) to make amendment consequential on an amendment to the Act or regulations.

(2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

Schedule 1 Dictionary

section 5

Aboriginal cultural values means sites, objects, landscapes or resources that are important to Aboriginal people as part of their continuing culture and beliefs, listed in—

(a) the Aboriginal Heritage Information Management System,

(b) the NSW State Heritage Register,

(c) the Commonwealth Heritage List, or

(d) any other source that, in the Minister's opinion, is relevant.

Aboriginal cultural value enhancement work—see section 35.

Aboriginal cultural value protection work—see section 35.

Act means the *Water Management Act 2000*.

annual exceedance probability or ***AEP*** is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage (%).

Example—A flood with an AEP of 5% means there is a 5% chance that a flood of same size or larger will occur in a year.

areas of groundwater recharge are areas where water from a flood event leaks through the soil profile into the underlying aquifers.

borrow—see section 35.

design flood is a flood of known magnitude or annual exceedance probability that can be modelled and is selected to design floodway networks.

ecological assets are wetlands or other floodplain ecosystems, including watercourses that depend on flooding to maintain their ecological character and areas where groundwater reserves are recharged by floodwaters.

Ecological Assets Map means the Floodplain Management Plan for the Billabong Creek Floodplain Ecological Assets Map 2026 (FMP045_Version 1).

ecological enhancement work—see section 35.

ecological values—see section 16.

existing development conditions—see section 35.

fish passage refers to connectivity that facilitates the movement of native fish species between upstream and downstream habitats (longitudinal connectivity) and adjacent riparian and floodplain areas (lateral connectivity); areas that are important for fish passage include rivers, creeks and flood flow paths.

flood connectivity 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 riverine systems.

flood flow direction—see section 35.

flood wave—see section 35.

flood-dependent Aboriginal cultural values are Aboriginal cultural values in the Floodplain

that rely on flooding to maintain their Aboriginal cultural values.

flood-dependent assets are Aboriginal cultural values, ecological assets or heritage sites that have important ecological or cultural features which rely on inundation by floodwaters to sustain essential processes.

flood-dependent ecological assets are ecological assets located within the floodway network in the Floodplain that rely on flooding to maintain their ecological values and are shown on the Ecological Assets Map.

flood-dependent heritage sites are heritage sites in the Floodplain that rely on flooding to maintain their heritage values.

flood enhancement work means a flood work for the purpose of improving flood connectivity to flood-dependent assets.

flood-impacted assets are Aboriginal cultural values, ecological assets or heritage sites that have important ecological or cultural features which are negatively impacted by inundation by floodwaters.

flooding regime means the characteristics of flooding, including the frequency, duration, nature and extent of flooding.

floodway network is a depiction of the passage of floodwater in the Floodplain, which is used to define management zones for planning, assessing and managing flood works in the Floodplain.

Floodway Network Map means the Floodplain Management Plan for the Billabong Creek Floodplain Floodway Network Map 2026 (FMP044_Version 1).

floodways are areas where a significant discharge of floodwater occurs during the relevant large design flood and relevant small design flood.

flow connectivity means the unimpeded passage of overland flow through the floodplain.

heritage site means a cultural heritage object or place that is listed in—

(a) the NSW State Heritage Register,

(b) the NSW State Heritage Inventory,

(c) the Aboriginal Heritage Information Management System,

(d) the Historic Heritage Information Management System,

(e) the Commonwealth Heritage List, or

(f) any other source that, in the Minister's opinion, is relevant.

heritage site enhancement work—see section 35.

heritage site protection work—see section 35.

high value infrastructure includes houses/dwellings, infrastructure protection works, town levees, stockyards, sheds and pump sites, but does not include farm levee banks, irrigation development, fences and other such works.

infrastructure protection work means a flood work that is for the purpose of protecting houses, stock yards and other major infrastructure in times of flooding, such as machinery sheds.

large design flood (2010) means the design flood of October 2010, which represents 3.3% AEP in the Billabong Creek at Walbundrie gauge (410091).

large design flood (2022) means the design flood of December 2022, which represents 5% AEP in the Billabong Creek at Jerilderie gauge (410016).

Large Design Flood Map means the Floodplain Management Plan for the Billabong Creek Floodplain Large Design Flood Map (FMP046 Version 1).

natural flooding regime—see section 11.

natural surface level means the average undisturbed surface level nearby a flood work.

other floodplain ecosystems are ecological assets located outside the floodway network in the Floodplain and are shown on the Ecological Assets Map.

peak discharge calculation location—see section 35.

Peak Flood Flow Distribution (2022) Map means the Floodplain Management Plan for the Billabong Creek Floodplain Peak Flood Flow Distribution Map (2022) 2025 (FMP048_Version 1).

Plan Map means the Floodplain Management Plan for the Billabong Creek Floodplain Plan Map 2026 (FMP043_Version 1).

primary access road—see section 35.

Regulation means the *Water Management (General) Regulation 2018*.

relevant large design flood means the large design flood (2010) or the large design flood (2022) as relevant to the flood work, based on the location of the flood work as shown on the Large Design Flood Map.

relevant small design flood means the small design flood (2010) or the small design flood (2011) as relevant to the flood work, based on the location of the flood work as shown on the Small Design Flood Map.

small design flood (2010) means the design flood of October to November 2010, which represents 26% AEP in the Billabong Creek at Conargo (Puckawidgee) gauge (410017).

small design flood (2011) means the design flood of March 2011, which represents 17% AEP in the Billabong Creek at Walbundrie gauge (410091).

Small Design Flood Map means the Floodplain Management Plan for the Billabong Creek Floodplain Small Design Flood Map 2026 (FMP047 Version 1).

spoil—see section 35.

stock refuge means a flood work that is for the purpose of protecting stock in times of flooding.

supply channel means a channel that is for the purpose of conveying water but does not include a tailwater drain.
Note—Tailwater drain is defined in the Regulation, section 39B(2).

the Floodplain—see section 3.

wetland means areas of land that are wet by surface water or groundwater, or both, for long enough periods that the plants and animals in them have adapted to, and depend on, moist conditions for at least part of their lifecycle; they include areas that are inundated cyclically,

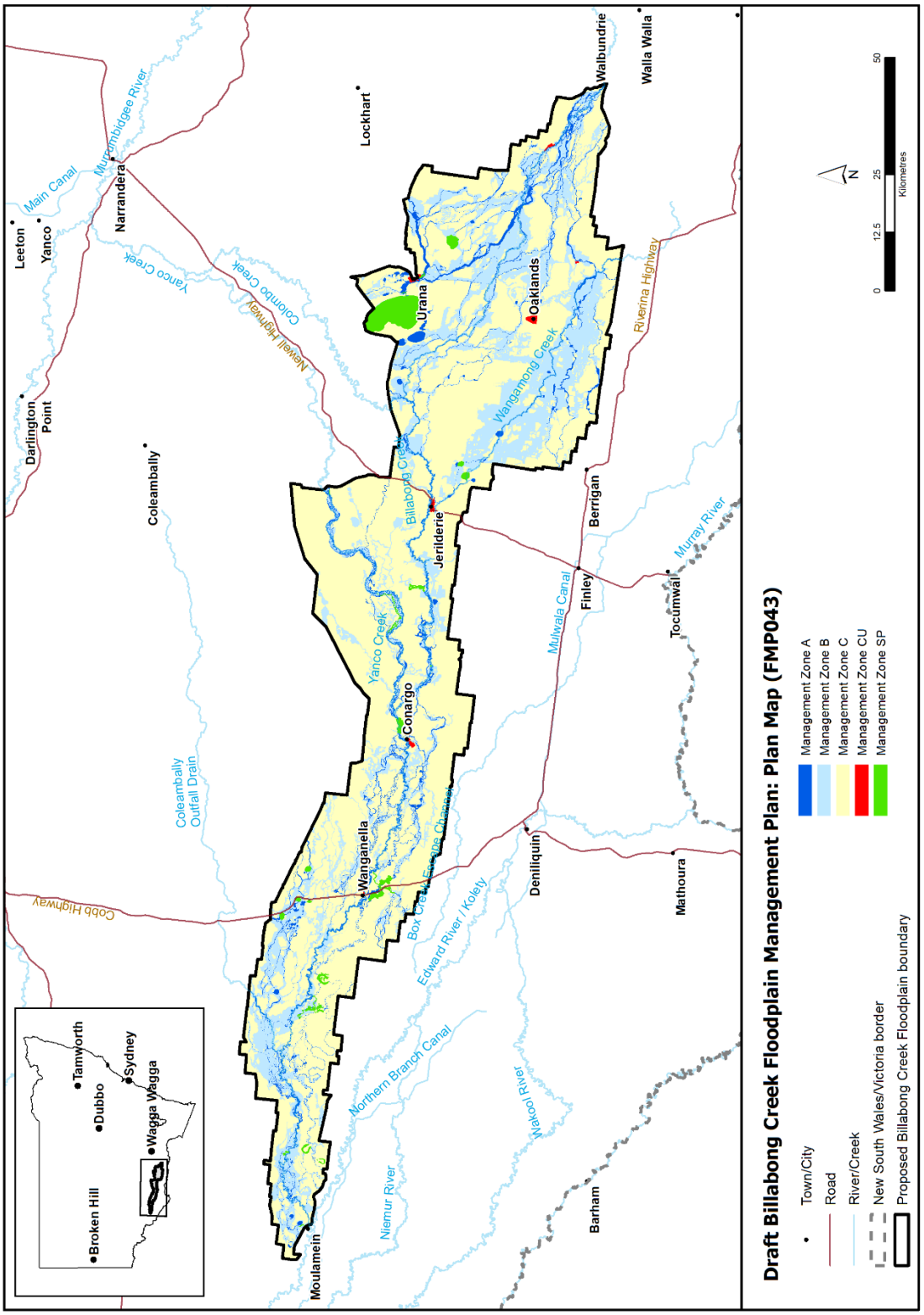
intermittently or permanently with fresh, brackish or saline water, which is generally still or slow moving except in distributary channels.

Note—Examples of wetlands include lakes, lagoons, rivers, floodplains, swamps, billabongs and marshes.

windrow—see section 35.

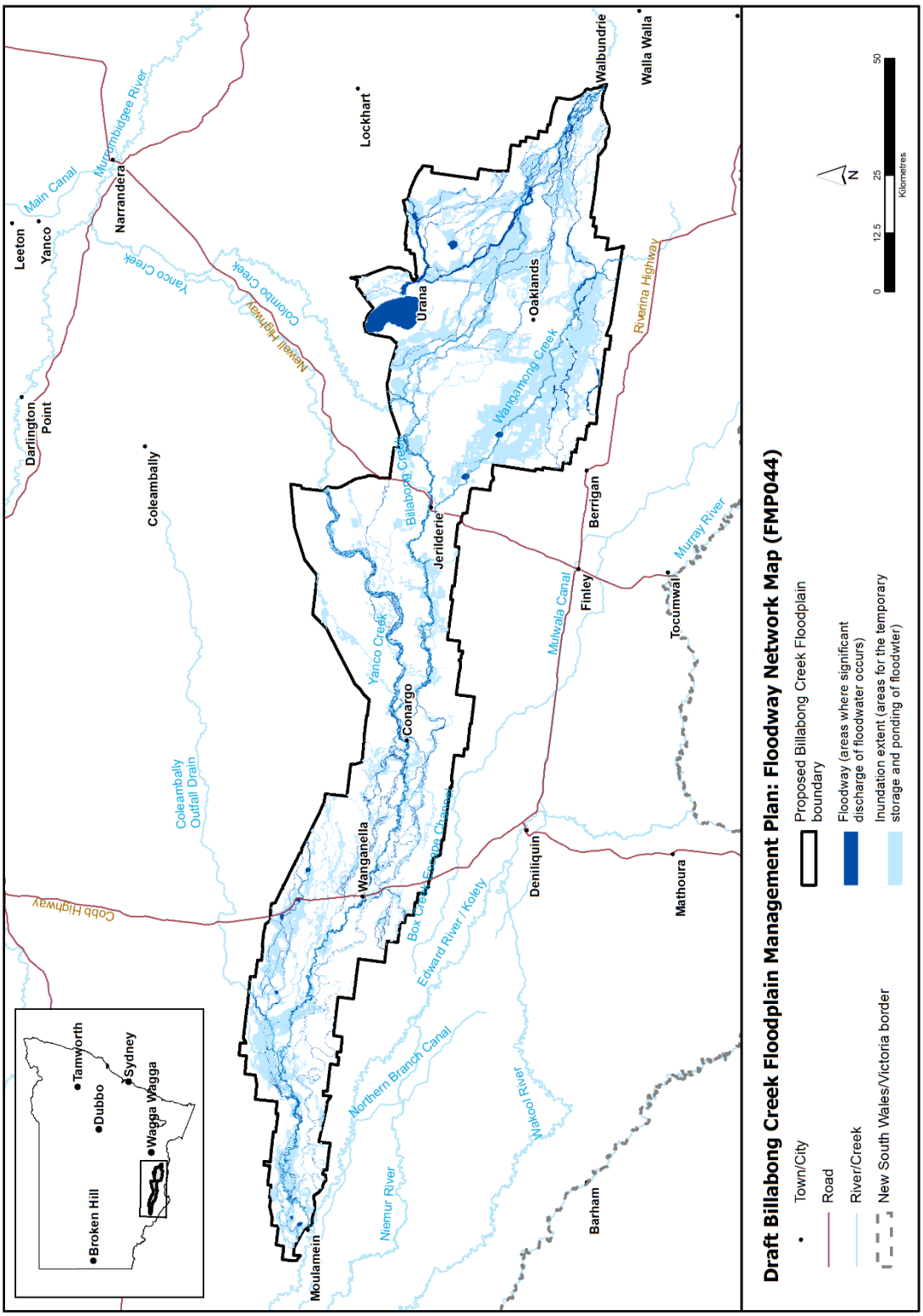
Appendix 1 Overview of the Plan Map

Overview of the Floodplain Management Plan Map (FMP043_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.



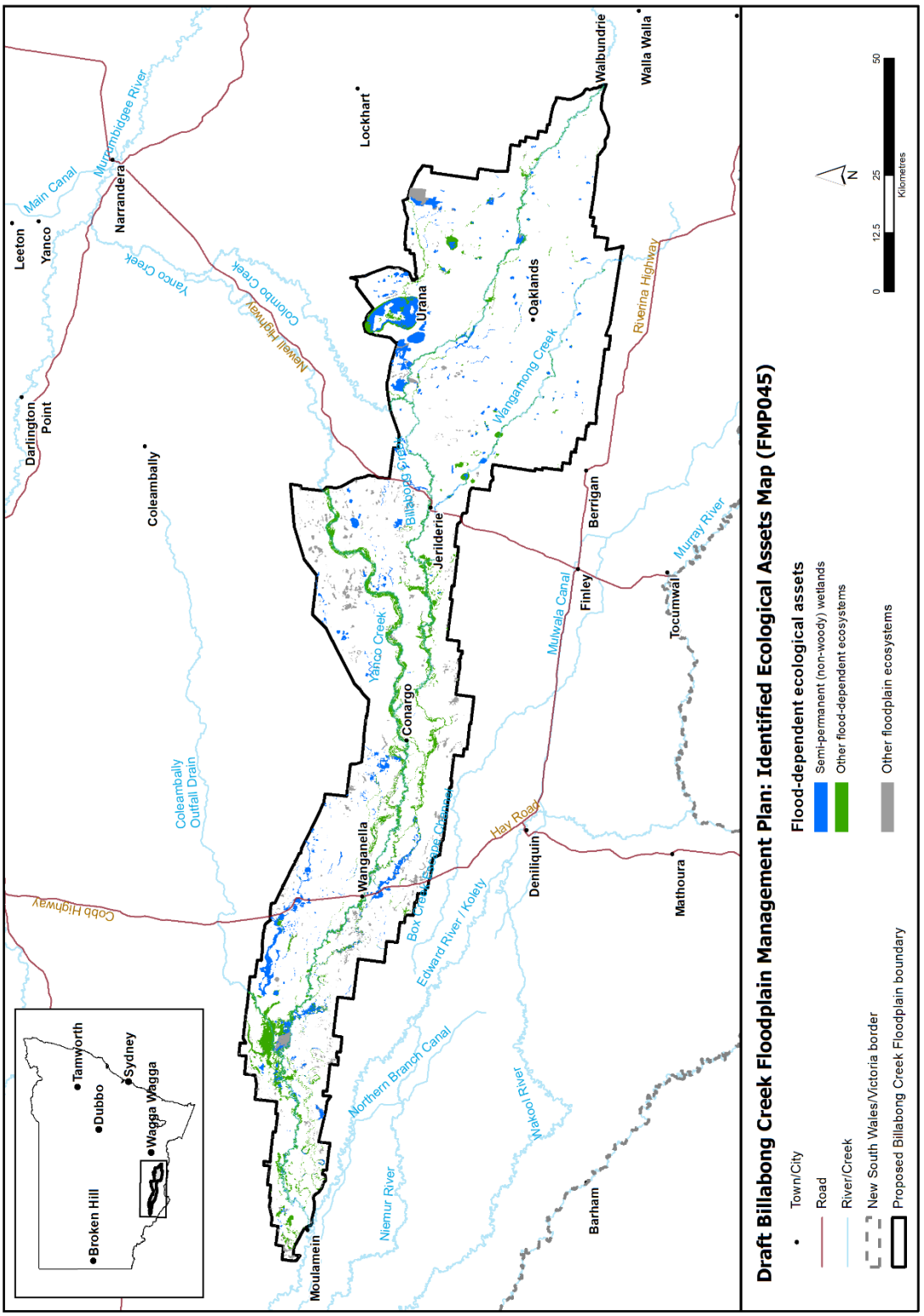
Appendix 2 Overview of the Floodway Network Map

Overview of the Floodway Network Map (FMP044_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.



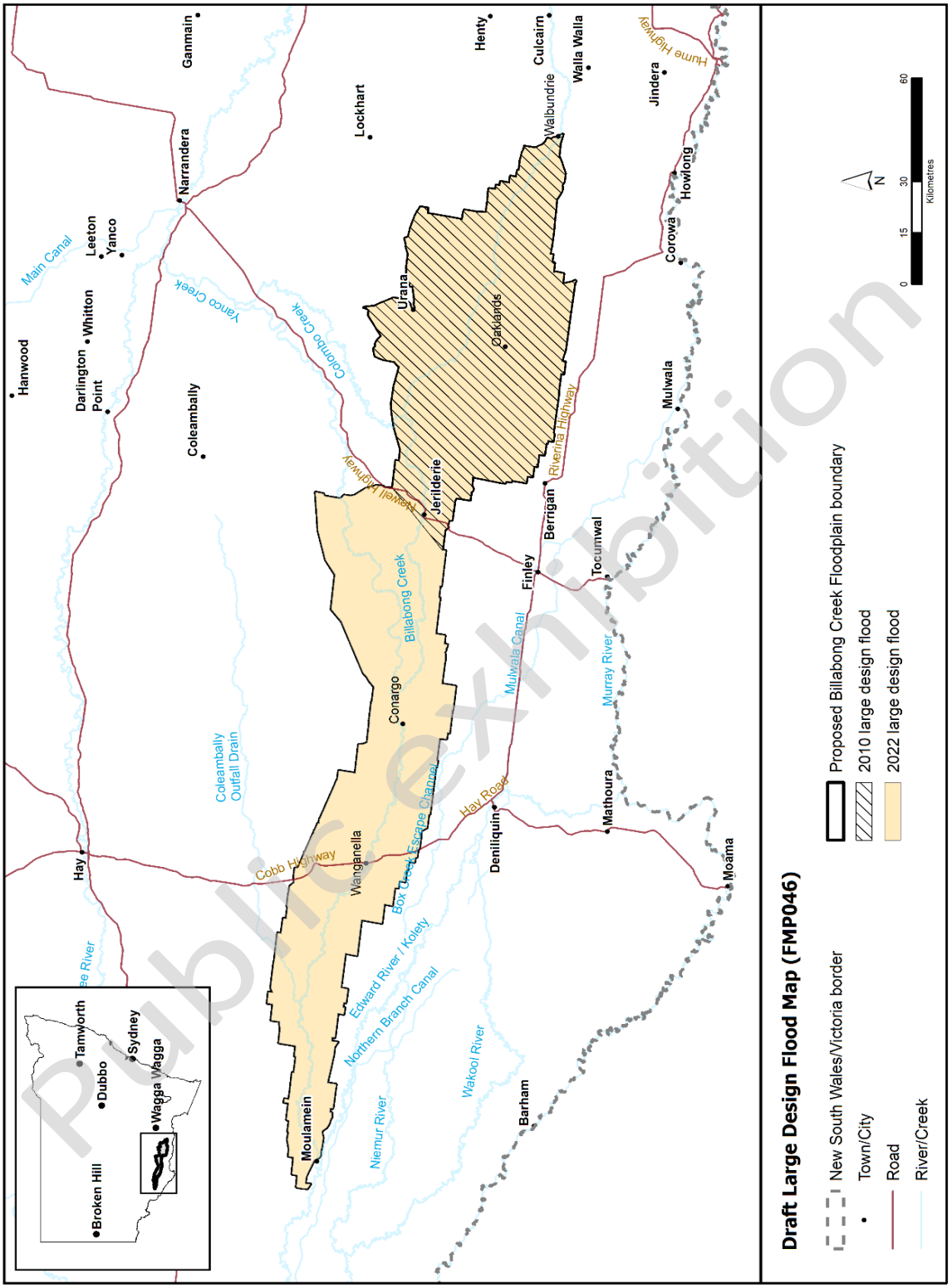
Appendix 3 Overview of the Ecological Assets Map

Overview of the Ecological Assets Map (FMP045_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.



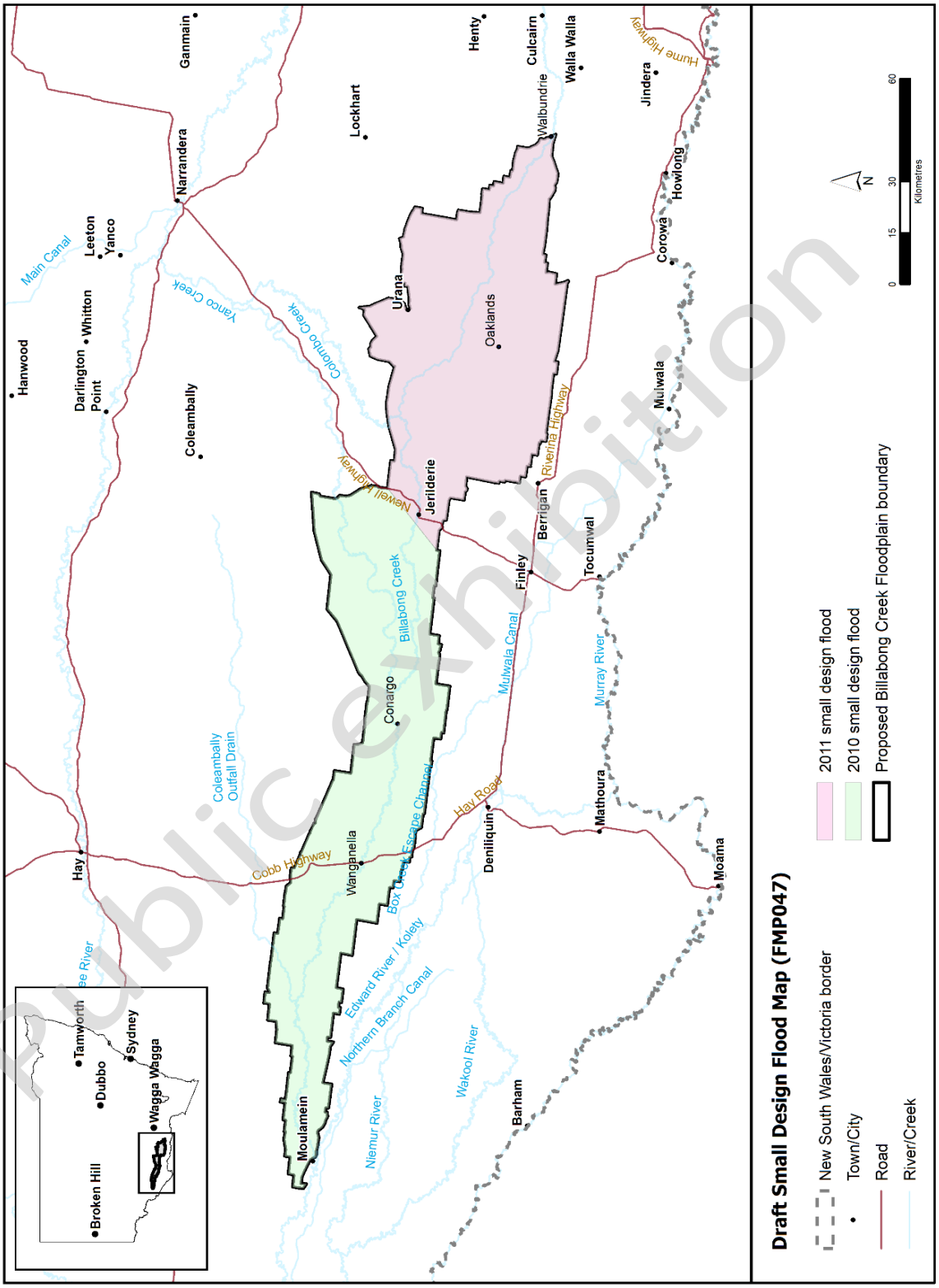
Appendix 4 Overview of the Large Design Flood Map

Overview of the Large Design Flood Map (FMP046_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain .



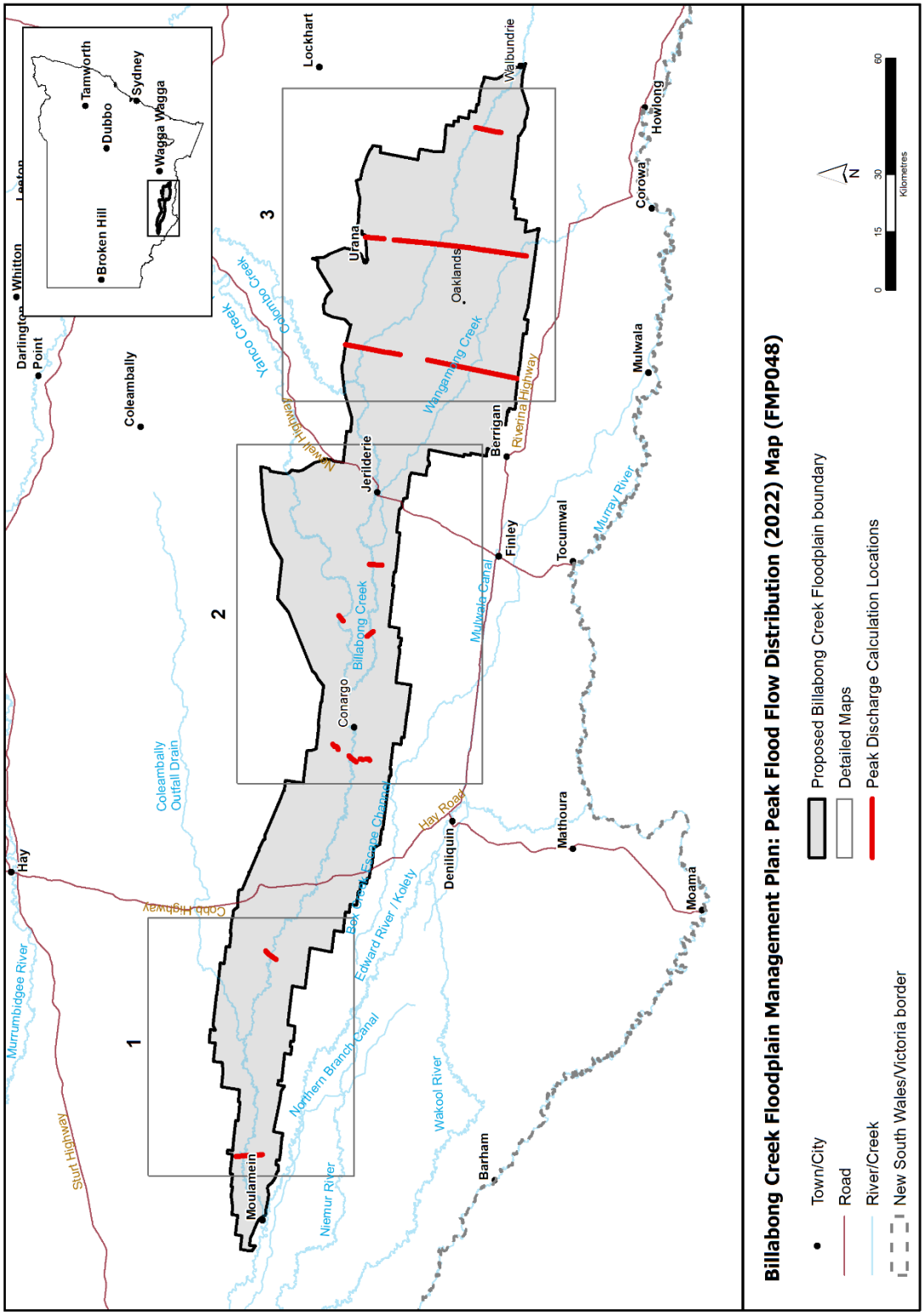
Appendix 5 Overview of the Small Design Flood Map

Overview of the Small Design Flood Map (FMP047_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2025.

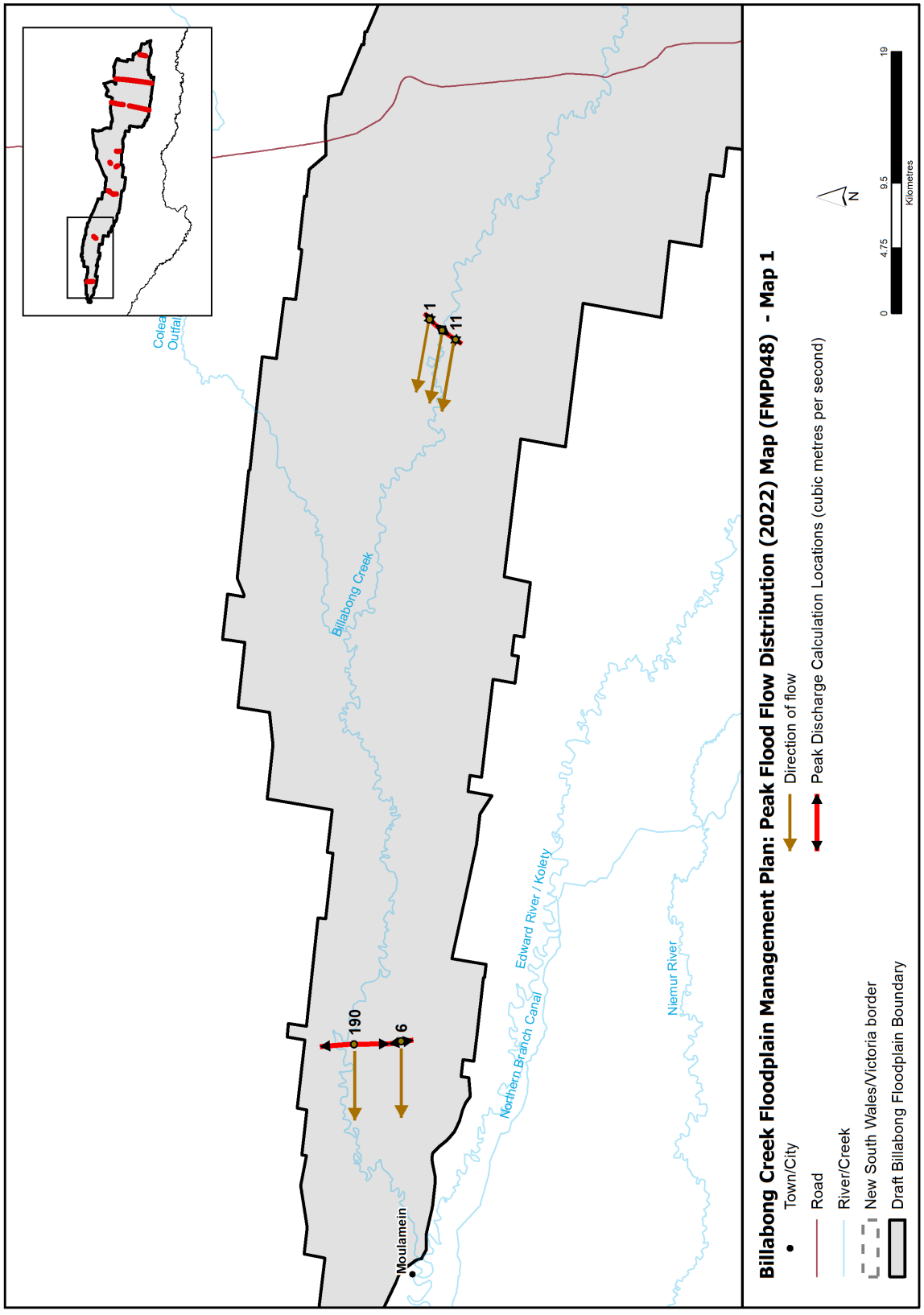


Appendix 6 Overview of the Peak Flood Flow Distribution (2022) Map

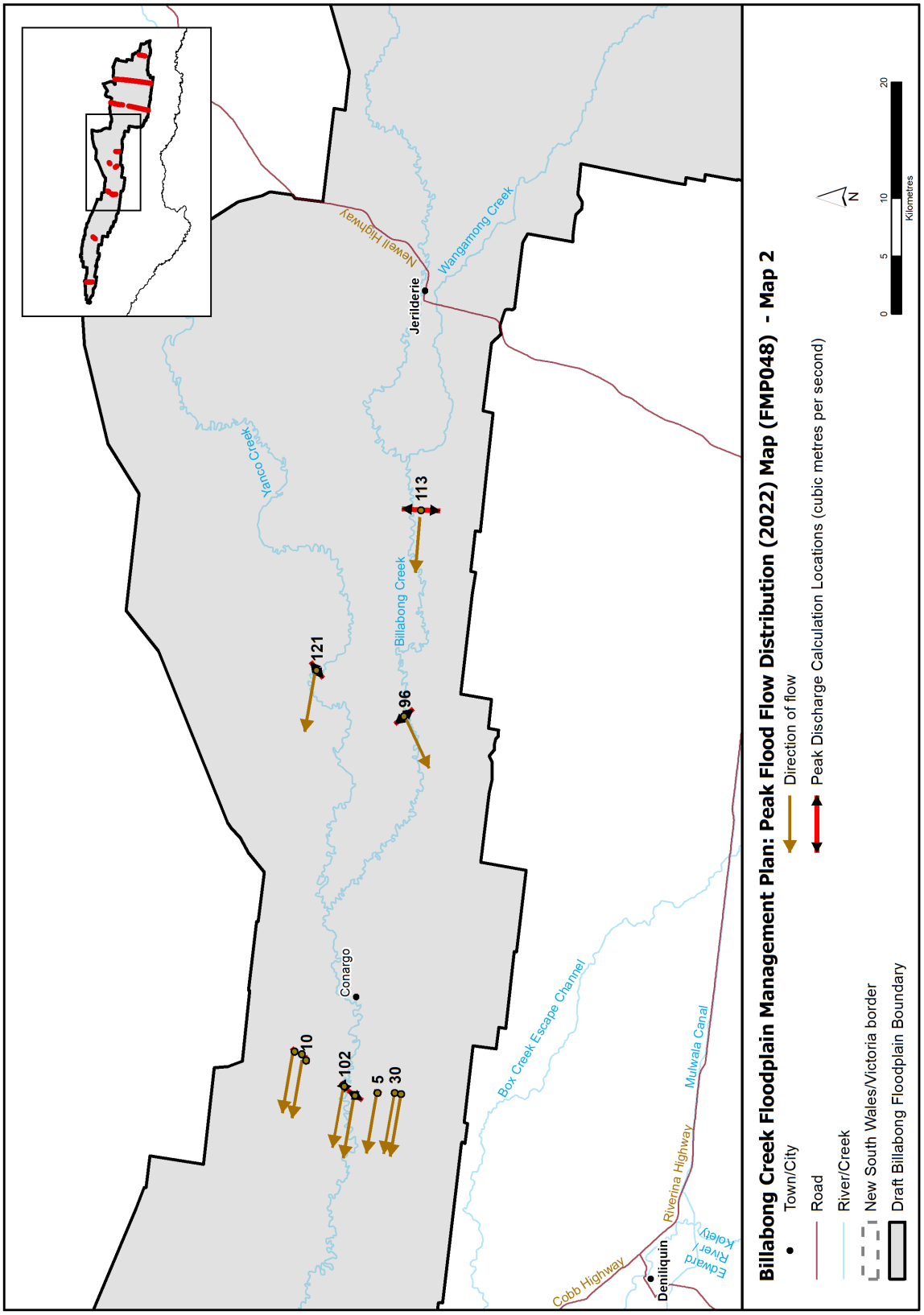
Overview of the Peak Flood Flow Distribution (2022) Map (FMP048_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.



Map 1 of the Peak Flood Flow Distribution (2022) Map (FMP048_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.



Map 2 of the Peak Flood Flow Distribution (2022) Map (FMP048_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.



Map 3 of the Peak Flood Flow Distribution (2022) Map (FMP048_Version 1), Floodplain Management Plan for the Billabong Creek Floodplain 2026.