

# Compliance with water management principles - amending the rules for flood enhancement works in northern inland floodplain management plans

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The NSW Government has amended floodplain management plans in the northern Murray–Darling Basin. This document explains how the amendments comply with the water management principles of the *Water Management Act 2000*.

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## Requirements for amending a floodplain management plan

Amending a floodplain management plan requires the approval of the NSW Minister for Water and the agreement by the NSW Minister for the Environment (this is known as ‘concurrence’). Section 9 of the *Water Management Act 2000* (the WM Act) also requires everyone exercising functions under the WM Act to take all reasonable steps to promote the water management principles.

In addition to the principles set out in section 5(2) of the WM Act, section 5(6) includes the following floodplain management principles:

- a. floodplain management must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
- b. the impacts of flood works on other water users should be avoided or minimised, and
- c. the existing and future risk to human life and property arising from occupation of floodplains must be minimised.

The Minister for Water obtained the concurrence of the Minister for Environment to amend the following floodplain management plans (the plans):

- Floodplain Management Plan for the Barwon–Darling Valley Floodplain 2017
- Floodplain Management Plan for the Border Rivers Valley Floodplain 2020
- Floodplain Management Plan for the Gwydir Valley Floodplain 2016
- Floodplain Management Plan for the Lower Namoi Valley Floodplain 2020

- Floodplain Management Plan for the Macquarie Valley Floodplain 2021
- Floodplain Management Plan for the Upper Namoi Valley Floodplain 2019.

In amending the plans, the Ministers ensured the water management principles were promoted as detailed below.

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## How the plans protect water sources and dependent ecosystems

The key mechanism for protecting water sources and their dependent ecosystems in the plans is the framework for the granting or amending of flood work approvals as set out in Part 8. The specific rules in Part 8 of each plan aim to protect explicit flood-dependent ecological, Aboriginal cultural and heritage assets and values on the floodplain while minimising the risk to life and property from the effects of flooding.

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## How we have promoted water management principles

The NSW Government has taken all reasonable steps to promote the water management principles set out in the WM Act and to ensure the plans reflect these principles. Refer to the tables below for details. Principles that are not affected by these amendments are not included below.

Table 1. How the plan amendments promote the water management principle of section 5(2)(a) – Water sources, floodplains and dependent ecosystems (including groundwater and wetlands) should be protected and restored and, where possible, land should not be degraded

| How we have promoted the principle in Section 5(2)(a)   | Relevant plan provisions   |
|---|----------------------------|
| <p>The plans protect and restore the floodplain by managing the granting or amendment of flood work approvals and the designation of management zones. This ensures flood flow connectivity is maintained throughout the floodplain and flood-dependent ecological, Aboriginal cultural and heritage assets and values are protected and restored through continued access to flood flows.</p> <p>The plans include rules specific to the granting or amending of flood work approvals that aim to enhance ecological outcomes (flood enhancement works), while also managing impacts on other floodplain users and the environment. The plan amendments improve clarity and interpretation on the specific requirements for flood enhancement works to ensure that applications for flood work approvals align with the intent of the rules to enhance ecological, Aboriginal cultural or heritage outcomes. The following additional requirements will apply to flood enhancement works:</p> <ul style="list-style-type: none"> <li>• the primary purpose of the flood works must be to improve flood connectivity to a recognised flood-dependent ecological asset, Aboriginal cultural value or heritage asset (such as a wetland) on the floodplain</li> <li>• the improvement in flood connectivity must contribute to the protection or conservation of one or more flood-dependent assets on the floodplain</li> <li>• the flood works must be part of a government program that is in place and remains current at the time of the application.</li> </ul> | <p>Part 8 in each plan</p> |

Table 2. How the plan amendments promote the water management principle of section 5(2)(b) – Habitats, animals and plants that benefit from water or are potentially affected by managed activities should be protected and (in the case of habitats) restored

| How we have promoted the principle in Section 5(2)(b)   | Relevant plan provisions   |
|---|----------------------------|
| <p>The plans and the amendments protect habitats, animals and plants that benefits from water through the same provisions set out above in relation to section 5 (2) (a).</p> | <p>Part 8 in each plan</p> |

Table 3. How the plan amendments promote the water management principle of section 5(2)(c) – The water quality of all water sources should be protected and, wherever possible, enhanced

| How we have promoted the principle in Section 5(2)(c)   | Relevant plan provisions   |
|---|----------------------------|
| <p>The plans protect and enhance water quality by maintaining flood flow connectivity within the floodplain and minimising erosion impacts caused by flood work development. This is dealt with in the rules for the granting or amending of flood work approvals and the designation of management zones.</p> <p>The plan amendments protect and enhance water quality through the same provisions set out above in relation to section 5 (2) (a).</p> | <p>Part 8 in each plan</p> |

Table 4. How the plan amendments promote the water management principle of section 5(2)(d) – The cumulative impacts of water management licences and approvals and other activities on water sources and their dependent ecosystems, should be considered and minimised

| How we have promoted the principle in Section 5(2)(d)  | Relevant plan provisions   |
|--|----------------------------|
| <p>The plans manage cumulative impacts through the rules for the granting or amending of flood work approvals.</p> | <p>Part 8 in each plan</p> |

Table 5. How the plan amendments promote the water management principle of section 5(2)(e) – Geographical and other features of Aboriginal significance should be protected

| How we have promoted the principle in Section 5(2)(e)   | Relevant plan provisions   |
|---|----------------------------|
| <p>The plans contribute to the protection of Aboriginal cultural values on the floodplain, by establishing rules for the granting or amending of flood work approvals, which include provisions to maintain flood flow connectivity to flood-dependent Aboriginal cultural assets and values, and to avoid ground disturbance of a heritage site or cause more than minimal erosion to a heritage site.</p> <p>The plan amendments improve clarity and interpretation on the specific requirements for Aboriginal cultural value enhancement works to ensure that applications for flood works align with the intent of the rules to enhance Aboriginal cultural assets and values. The following additional requirements will apply to Aboriginal cultural enhancement works:</p> <ul style="list-style-type: none"> <li>• the primary purpose of the flood works must be to improve flood connectivity to a recognised Aboriginal cultural value on the floodplain (such as a lagoon listed on AHIMS)</li> <li>• the improvement in flood connectivity must contribute to the protection or conservation of one or more flood-dependent Aboriginal cultural values on the floodplain</li> <li>• the flood works must be part of a government program that is in place and remains current at the time of the application (such as a cultural watering plan).</li> </ul> | <p>Part 8 in each plan</p> |

Table 6. How the plan amendments promote the water management principle of section 5(2)(f) – Geographical and other features of major cultural, heritage or spiritual significance should be protected

| How we have promoted the principle in Section 5(2)(f)  | Relevant plan provisions   |
|--|----------------------------|
| <p>The plans contribute to the protection of cultural assets and values, including heritage sites, through the same provisions set out above in relation to section 5 (2) (e).</p> <p>The plan amendments improve clarity and interpretation on the specific requirements for heritage site enhancement works to ensure that applications for flood works align with the intent of the rules to protect and conserve heritage sites. The following additional requirements will apply to heritage site enhancement works:</p> <ul style="list-style-type: none"> <li>• the primary purpose of the flood works must be to improve flood connectivity to a recognised heritage site on the floodplain (such as a wetland listed on the NSW Heritage register)</li> <li>• the improvement in flood connectivity must contribute to the protection or conservation of one or more flood-dependent heritage sites on the floodplain</li> <li>• the flood works must be part of a government program that is in place and remains current at the time of the application.</li> </ul> | <p>Part 8 in each plan</p> |

Table 7. How the plan amendments promote the water management principle of section 5(2)(g) – The social and economic benefits to the community should be maximised

| How we have promoted the principle in Section 5(2)(g)  | Relevant plan provisions   |
|--|----------------------------|
| <p>The plan maximises the social and economic benefits to the community by facilitating the granting or amending of flood work approvals. The plan amendments improve clarity and interpretation on the specific requirements for flood works that are for the primary purpose of enhancing identified flood-dependent Aboriginal cultural values and heritage sites on the floodplain, resulting in cultural benefits and, in turn, social and economic benefits to the community.</p> <p>While flood enhancement works are required to be part of an active government program at the time of application, applicants will not be limited to government agencies. All landholders on the floodplain, including individual private landholders, are encouraged to participate in water and natural resource management programs that provide social and economic benefits to the community.</p> | <p>Part 8 in each plan</p> |

Table 8. How the plan amendments promote the water management principle of section 5(6)(a) – Floodplain management must avoid or minimise land degradation and, where possible, land must be rehabilitated

| How principle has been promoted in Section 5(6)(a)   | Relevant plan provisions   |
|--|----------------------------|
| <p>The plans avoid or minimise land degradation and promote land rehabilitation through the rules for the granting or amending of flood work approvals and the designation of management zones.</p> <p>The plan amendments avoid or minimise land degradation and promote land rehabilitation through improved clarity and interpretation on the specific requirements for flood enhancement works, whilst ensuring impacts on other floodplain users and the environment are minimised.</p> | <p>Part 8 in each plan</p> |

Table 9. How the plan amendments promote the water management principle of section 5(6)(b) – The impact of flood works on other water users should be avoided or minimised

| How principle has been promoted in Section 5(6)(b)   | Relevant plan provisions   |
|--|----------------------------|
| <p>The plans aim to avoid or minimise the impact of flood works on other water users through the rules for granting or amending of flood work approvals.</p> | <p>Part 8 in each plan</p> |

Table 10. How the plan amendments promote the water management principle of section 5(6)(c) – The existing and future risk to human life and property arising from occupation of floodplains must be minimised

| How principle has been promoted in Section 5(6)(c)  | Relevant plan provisions   |
|---|----------------------------|
| <p>The plans contribute to minimising the risk to human life and property from the effects of flooding through the rules for granting or amending of flood work approvals. In most instances, the rules allow for minor but essential flood works such as access roads, stock refuges and infrastructure protection works within high-risk floodways.</p> | <p>Part 8 in each plan</p> |

## More information

To read the floodplain management plans, supporting fact sheets and the process for amending floodplain management plans, visit the department’s website: [water.nsw.gov.au/floodplain-management](http://water.nsw.gov.au/floodplain-management)