

Compliance with the Minister's duty under section 9 of the Water Management Act 2000 – making of the Floodplain Management Plan for the Billabong Creek Floodplain 2026

This document details how the Ministers have promoted and given effect to the water management principles of the *Water Management Act 2000* in the making of the *Floodplain Management Plan for the Billabong Creek Floodplain 2026*.

Compliance with section 9 duty

Making a floodplain management plan requires the approval of the NSW Minister for Water and the agreement of the NSW Minister for the Environment. When making a plan, section 9 of the *Water Management Act 2000* (the WM Act) requires the ministers to take all reasonable steps to promote the water management principles.

In addition to the principles set out at 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.
- b) The impacts of flood works on other water users should be avoided or minimised.
- 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 agreement of the Minister for the Environment to make the *Floodplain Management Plan for the Billabong Creek Floodplain 2026* (the plan). In doing so, the ministers ensured that they promote the water management principles of the WM Act as detailed below.

How the plans protect water sources and dependent ecosystems

The key mechanism for protecting water sources and their dependent ecosystems in the plan is the framework for the granting and amending of flood work approvals as set out in Part 7. The specific rules in Part 7 aim to protect explicit flood-dependent ecological, cultural and heritage assets and values on the floodplain while minimising the risk to life and property from the effects of flooding.

How climate change has been considered in making the plan

Current climate change modelling does not provide a clear view on the likelihood or extent of change in the Billabong Creek Floodplain within the 10-year period of the plan. The plan provides for a number of circumstances and matters in relation to which the plan may be amended, and the Minister for Water can amend the plan at any time with the concurrence of the Minister for the Environment, if it is in the public interest to do so.

The plan contains an amendment provision which commits to the inclusion of rules that respond to climate change prior to 1 July 2029.

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 in making the plan. Refer to the tables below for details.

Table 1 describes how the plan promotes 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.

Table 1. How the plan promotes the water management principle of section 5(2)(a)

How we have promoted the principle in Section 5(2)(a)	Relevant plan provisions
The plan protects and restores the floodplain through the establishment of rules to manage the granting or amendment of flood work approvals. This ensures flood flow connectivity is maintained throughout the floodplain and flood-dependent ecological, cultural and heritage assets and values are protected and restored through continued access to flood flows.	Part 7 and the Plan Map

How we have promoted the principle in Section 5(2)(a)	Relevant plan provisions
The plan protects and restores the floodplain through the inclusion of rules specific to the granting or amending of flood works that aim to enhance ecological outcomes (ecological enhancement works), while also managing impacts on other floodplain users and the environment.	Part 7
The plan protects and restores the floodplain through the inclusion of rules and assessment criteria for flood works that ensures changes in flood flow velocity are minimised in the floodplain and that ground disturbance or erosion of Aboriginal cultural values and heritage sites is minimised. This contributes to minimising erosion and consequential impacts on floodplain ecosystems.	Part 7
The plan protects and restores the floodplain through the identification of flood-dependent ecological assets in the floodplain. This information is used to inform the development of the management zones and to assist in the assessment of flood work applications against the rules in Part 7.	Ecological Assets Map
The plan protects and restores the floodplain through the inclusion of objectives, strategies and performance indicators which will provide measurable evidence of whether outcomes have been achieved.	Part 2

Table 2 describes how the plan promotes 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.

Table 2. How the plan promotes the water management principle of section 5(2)(b)

How we have promoted the principle in Section 5(2)(b)	Relevant plan provisions
The plan protects habitats, animals and plants that benefit from water through the same provisions set out above in relation to section 5(2)(a).	Part 7 and the Plan map

Table 3 describes how the plan promotes the water management principle of section 5(2)(c):

The water quality of all water sources should be protected and, wherever possible, enhanced.

Table 3. How the plan promotes the water management principle of section 5(2)(c)

How we have promoted the principle in Section 5(2)(c)	Relevant plan provisions
The plan sets the following objective in relation to the preservation and enhancement of water quality: contribute to the protection of water quality within the floodplain to support flood-dependent ecosystems and social, cultural and economic values.	Part 2
The first strategy designed to achieve this objective is the establishment of rules and assessment criteria for flood work approvals that ensure flow velocity is minimised in the floodplain. This prevents erosion and consequential impacts on water quality.	Part 7
The second strategy designed to achieve this objective is the proposed mandatory condition that requires all flood works to minimise erosion during construction and use.	Part 8

Table 4 describes how the plan promotes 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.

Table 4. How the plan promotes the water management principle of section 5(2)(d)

How we have promoted the principle in Section 5(2)(d)	Relevant plan provisions
The plan manages cumulative impacts through the rules for the granting or amending of flood work approvals. These rules include hydraulic assessment criteria that apply to applications for flood work approvals in each management zone.	Part 7 and the Plan Map

Table 5 describes how the plan promotes the water management principle of section 5(2)(e):

Geographical and other features of Aboriginal significance should be protected.

Table 5. How the plan promotes the water management principle of section 5(2)(e)

How we have promoted the principle in Section 5(2)(e)	Relevant plan provisions
The plan sets the following objective in relation to the protection of features of Aboriginal cultural significance: contribute to the protection of the following flood-dependent and flood-impacted Aboriginal cultural values in the floodplain.	Part 2
To achieve the objective specified above, the plan the establishes rules and assessment criteria for flood work approvals to ensure that: • flood flow connectivity is maintained to flood-dependent Aboriginal cultural assets and values • ground disturbance of Aboriginal cultural values is avoided • flood works cause no more than minimal erosion to flood-impacted Aboriginal cultural values. The rules in the plan also provide a pathway for the approval of flood works that are for the purpose of protecting or enhancing identified Aboriginal cultural values, while also managing impacts on other floodplain users and the environment.	Part 7

Table 6 describes how the plan promotes the water management principle of section 5(2)(f):

Geographical and other features of major cultural, heritage or spiritual significance should be protected.

Table 6. How the plan promotes the water management principle of section 5(2)(f)

How we have promoted the principle in Section 5(2)(f)	Relevant plan provisions
The plan contributes 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). The rules in the plan provide a pathway for the approval of flood works that are for the purpose of protecting or enhancing identified heritage sites, while also managing impacts on other floodplain users and the environment.	Part 7

Table 7 describes how the plan promotes the water management principle of section 5(2)(g):

The social and economic benefits to the community should be maximised.

Table 7. How the plan promotes the water management principle of section 5(2)(g)

How we have promoted the principle in Section 5(2)(g)	Relevant plan provisions
The plan maximises the social and economic benefits to the community by applying rules to applications for flood work approvals that minimise flooding impacts on neighbours by steering inappropriate development away from high-risk floodways and minimising changes to flood behaviour in other areas.	Part 7 and the Plan Map
The plan maximises the social and economic benefits to the community by applying a standardised rule set about where flood works can and cannot be built resulting in improved clarity for landholders.	Part 7
The plan maximises the social and economic benefits to the community by identifying areas of the floodplain that pose the greatest risk to life and property during times of flood resulting in improved flood risk awareness.	Floodway Network Map
The plan maximises the social and economic benefits to the community by publishing maps and associated data that supports a coordinated flood preparedness and flood response.	Plan Map and Floodway Network Map
The plan maximises the social and economic benefits to the community by setting rules that protect the passage of floodwater through the floodplain to flood-dependent Aboriginal cultural assets and values, resulting in cultural benefits and, in turn, social and economic benefits to the community.	Part 7

Table 8 describes how the plan promotes the water management principle of section 5(2)(h):

The principles of adaptive management should be applied, which should be responsive to monitoring and improvements in understanding of ecological water requirements.

Table 8. How the plan promotes the water management principles of section 5(2)(h)

How we have promoted the principle in Section 5(2)(h)	Relevant plan provisions
The plan is reviewed at 10-year intervals to indicate if it remains fit for purpose. The plan includes a set of objectives, strategies, and performance indicators. Monitoring of these indicators could trigger an earlier review of the plan, if necessary.	Part 2

How we have promoted the principle in Section 5(2)(h)	Relevant plan provisions
The plan sets out the circumstances when the plan may be amended in the future. In addition to the standard amendment provisions, the plan includes a specific amendment provision to add or modify rules for the purpose of responding to climate change (prior to 1 July 2029).	Part 9

Table 9 describes how the plan promotes the water management principle of section 5(6)(a):

Floodplain management must avoid or minimise land degradation and, where possible, land must be rehabilitated.

Table 9. How the plan promotes the water management principle of section 5(6)(a)

How principle has been promoted in Section 5(6)(a)	Relevant plan provisions
The plan avoids or minimises land degradation and promotes land rehabilitation through the rules for the granting or amending of flood work approvals and the designation of management zones. The rules and assessment criteria have been designed to ensure that the following impacts of flood works are considered in the assessment and determination of flood work applications: • ecological impacts • local drainage impacts • local hydraulic impacts (flow velocity, flood flow redistribution, flood levels and impacts on high value infrastructure) • cumulative hydraulic impacts on a valley scale. The plan also includes rules specific to the granting or amending of flood works that aim to enhance ecological outcomes, while ensuring that flooding impacts on other floodplain users and the environment are minimised.	Part 7 and the Plan Map

Table 10 describes how the plan promotes the water management principle of section 5(6)(b):

The impact of flood works on other water users should be avoided or minimised.

Table 10. How the plan promotes the water management principle of section 5(6)(b)

How principle has been promoted in Section 5(6)(b)	Relevant plan provisions
The plan aims to avoid or minimise the impact of flood works on other water users through the rules for granting or amending of flood work approvals through the same provisions set out above in relation to section 5(6)(a).	Part 7 and the Plan Map

Table 11 describes how the plan promotes 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.

Table 11. How the plan promotes the water management principle of section 5(6)(c)

How principle has been promoted in Section 5(6)(c)	Relevant plan provisions
The plan sets the following objective in relation the risk to life and property: contribute to the minimisation of the risk to life and property from the effects of flooding in the floodplain. Monitoring of this objective could result in a review of the plan, if necessary.	Part 2
To achieve the objective above, the floodway network identifies areas of the floodplain that pose the greatest risk to life and property during times of flood. This contributes to improved flood risk awareness in the valley and may be used for future property and business planning.	Floodway Network Map
The plan establishes rules and assessment criteria for flood work approvals to steer inappropriate development away from high-risk floodways and ensure that flooding impacts on neighbouring properties and the environment are minimised or avoided.	Part 7
The plan allows for critical flood works such as access roads, stock refuges and infrastructure protection works to be constructed which ensures life and property can be protected during times of flood.	Part 7

How the plan deals with floodplain management provisions

Table 12. How the plan deals with the floodplain management provisions in section 29

Floodplain management provision	How the provision has been dealt with in the plan	Relevant plan provisions
Section 29(a) - identification of the existing and natural flooding regimes in the area, in terms of the frequency, duration, nature and extent of flooding	The plan includes a comprehensive summary of the existing and natural flooding regimes in the floodplain.	Part 3
Section 29(b) - the identification of the ecological benefits of flooding in the area, with particular regard to wetlands and other floodplain ecosystems and groundwater recharge	The plan identifies: - the ecological benefits of flooding in the floodplain - ecological assets and values that are dependent on flooding.	Part 4 and the Ecological Asset Map
Section 29(c) - the identification of existing flood works in the area and the way they are managed, their benefits in terms of the protection they give to life and property, and their ecological impacts, including cumulative impacts	The plan identifies existing flood works within the floodplain, including the types of existing flood works and the number of approved existing flood works. The plan acknowledges the benefits of existing flood works in the floodplain in terms of the protection they give to life and property, and their cultural, socio-economic and ecological impacts, including cumulative impacts. Existing approved flood works have been incorporated into the floodway network and the designation of the management zones. Provisions have been included for existing works in the rules for management zones A, SP and B.	Part 5 Part 7 and the Floodway Network Map and Plan Map

Floodplain management provision	How the provision has been dealt with in the plan	Relevant plan provisions
Section 29(d) - the risk to life and property from the effects of flooding	The plan deals with the risk to life and property from the effects of flooding through the establishment of: • a floodway network that identifies areas of the floodplain where the risk to life and property is greatest • management zones with rules for the granting and amending of flood work approvals in each zone (including assessment criteria and cumulative impact assessment).	Part 6 and the Floodway Network Map Part 7 and the Plan Map

More information

To read the floodplain management plan and supporting fact sheets, visit the department's [Billabong Creek floodplain](#) page.