

# Rules and assessment criteria in Gwydir Management Zone D

This document summarises the rules for granting and amending flood work approvals in Management Zone D within the *Floodplain Management Plan for the Gwydir Valley Floodplain 2016*. The rules include amendments made to the plan in 2023.

The following rules are a guide only. Refer to the ‘as made’ section of the NSW legislation website for the detailed legal instrument written in the required statutory format. For more information about flood work approvals visit WaterNSW’s [website](#) or call 1300 662 077.

## Management Zone D – Special protection floodways (Lower Gingham)

Management Zone D is a special protection zone in the Lower Gingham Watercourse for areas of ecological or cultural significance or both.

Type of work	Rules
<b>Stock refuge</b>	A flood work approval must not be granted or amended to authorise the construction or modification of a stock refuge in Management Zone D unless, in the Minister’s opinion, the stock refuge is or is proposed to be: - no more than 10ha in any single location with Management Zone D, and - no more than 5% of the total area of the landholding.
<b>Infrastructure protection works</b>	A flood work approval must not be granted or amended to authorise the construction or modification of an infrastructure protection work in Management Zone D unless, in the Minister’s opinion, the infrastructure protection work is or is proposed to be constructed: <ul style="list-style-type: none"> <li>• so that the area enclosed by the infrastructure protection work accounts for no more than 10% of the total area of the landholding on a landholding of less than or equal to 20 ha in area in Management Zone D, or</li> <li>• so that the area enclosed by the infrastructure protection work accounts for no more than the greater of 2 ha or 1% of the total area of the landholding on a landholding of greater than 20 ha in area in Management Zone D, and</li> <li>• so that the area enclosed by the infrastructure protection work will block no more than 5% of the width of Management Zone D at the location of the works</li> </ul>

Type of work	Rules
<p><b>Ecological enhancement works</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction of an ecological enhancement work in the Management Zone D unless, in the Minister's opinion, the work is for the purpose of providing a positive outcome for a flood-dependent ecological asset or any other ecological asset specified in local, state or Commonwealth environmental plans, policy or legislation, including any of the following:</p> <ul style="list-style-type: none"> <li>• <i>Basin Plan 2012</i> (Cth),</li> <li>• <i>Biodiversity Conservation Act 2016</i>,</li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth),</li> <li>• the long-term watering plan for the Gwydir surface water resource plan area under the <i>Basin Plan 2012</i> (Cth),</li> <li>• <i>National Parks and Wildlife Act 1974</i>,</li> <li>• <i>Fisheries Management Act 1994</i>,</li> <li>• NSW Wetland Policy 2010,</li> <li>• Fisheries NSW <i>Policy and Guidelines for Fish Habitat Conservation and Management</i> (2013 update),</li> <li>• any other source that, in the Minister's opinion, is relevant.</li> </ul>
<p><b>Aboriginal cultural value enhancement works</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction of an Aboriginal cultural value enhancement work in the Management Zone D unless, in the Minister's opinion, the work is for the purpose of providing a positive outcome for a flood-dependent Aboriginal cultural value or any other Aboriginal cultural value listed in any of the following:</p> <ul style="list-style-type: none"> <li>• Aboriginal Heritage Information Management System,</li> <li>• Murray-Darling Basin Authority Aboriginal Submissions Database,</li> <li>• NSW State Heritage Register,</li> <li>• Commonwealth Heritage List,</li> <li>• any other source that, in the Minister's opinion, is relevant.</li> </ul>
<p><b>Heritage site enhancement works</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction of a heritage site enhancement work in the Management Zone D unless, in the Minister's opinion, the work is for the purpose of providing a positive outcome for a flood-dependent heritage site or any other heritage site listed in any of the following:</p> <ul style="list-style-type: none"> <li>• Aboriginal Heritage Information Management System,</li> <li>• Murray-Darling Basin Authority Aboriginal Submissions Database,</li> <li>• NSW State Heritage Register,</li> <li>• NSW State Heritage Inventory,</li> <li>• Historic Heritage Information Management System,</li> <li>• Commonwealth Heritage List,</li> <li>• any other source that, in the Minister's opinion, is relevant.</li> </ul>

## Existing flood structures and works

Type of work	Rule
<p><b>Existing works (unapproved)</b></p>	<p>A flood work approval must not be granted to authorise an existing unlicensed work in Management Zone D unless in the Minister’s opinion, the existing unlicensed work:</p> <ul style="list-style-type: none"> <li>• was constructed prior to the commencement of the Lower Gingham Floodplain Management Plan (May 2006) and is, in the Minister’s opinion, for an access road, or</li> <li>• was constructed prior to the commencement of this Plan (12 August 2016) and is for a stock refuge or an infrastructure protection work, and</li> <li>• as at the date of application, the flood structure is not the subject of:                             <ul style="list-style-type: none"> <li>– an undetermined controlled work application under Part 8 of the <i>Water Act 1912</i>, or</li> <li>– a previously refused Part 8 application of the <i>Water Act 1912</i>, or</li> <li>– an undetermined flood work application under the <i>Water Management Act 2000</i>, or</li> <li>– a previously refused flood work application under the <i>Water Management Act 2000</i>, and</li> <li>– is assessed against the assessment criteria described for Management Zone D.</li> </ul> </li> </ul>
<p><b>Existing works (modify an approved flood work)</b></p>	<p>A flood work approval must not be granted to authorise the amendment of an existing approved work in Management Zone D so that it does not comply with the rules of Management Zone D, unless in the Minister’s opinion, the flood work:</p> <ul style="list-style-type: none"> <li>• was constructed as at the commencement of this Plan (12 August 2016) and</li> <li>• the proposed modification of the flood work will reduce the impact of the works on flow patterns (distribution of flows, drainage, depth or velocity) in Management Zone D, and</li> <li>• is assessed against the assessment criteria described for Management Zone D</li> </ul>

## Assessment criteria

Flood work applications in Management Zone D must be assessed against the following assessment criteria. The assessment criteria are a guide only. Refer to the NSW legislation website for the detailed legal instrument written in the required statutory format.

For more information about flood work approvals visit WaterNSW’s [website](#) or call 1300 662 077. Applicants may be required to submit technical studies or supporting information to demonstrate that a flood work or proposed flood work meets the criteria outlined in the plan.

Theme	Assessment criteria
<p><b>Ecological impacts</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction or modification of a flood work in Management Zone D unless, in the Minister’s opinion the flood work will be constructed to maintain adequate flood connectivity to flood-dependent ecological assets, and to facilitate fish passage, under a range of flood scenarios, including at a minimum, scenarios for the 2004 and 2012 design floods.</p>
<p><b>Cultural impacts</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction or modification of a flood work in Management Zone D unless, in the Minister’s opinion the flood work will be constructed to maintain adequate flood connectivity to flood-dependent Aboriginal cultural values, and heritage sites, under a range of flood scenarios, including at a minimum, scenarios for the 2004 and 2012 design floods.</p> <p>A flood work approval must not be granted or amended to authorise the construction or modification of a flood work in Management Zone D unless, in the Minister’s opinion the construction of the flood work is not likely to disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site.</p>
<p><b>Local drainage impacts</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction or modification of a flood work in Management Zone D unless, in the Minister’s opinion the flood work will be constructed to maintain adequate drainage on adjacent landholdings and other landholdings that may be affected by the proposed flood work.</p>
<p><b>Cumulative impact</b></p>	<p>A flood work approval must not be granted or amended to authorise the construction of a flood work in Management Zone D unless, the Minister has considered the cumulative impact of the proposed flood work and other existing works on the landholding may have on adjacent landholdings and other landholdings that may be affected by the proposed flood work and the floodplain environment.</p>

## Exemptions

Some activities considered low-risk or covered by other legislation may be exempt from an approval. Please see WaterNSW’s [Exemptions to flood work approvals fact sheet](#).

## More information

More information about the Gwydir Valley Floodplain Management Plan on the NSW Department of Planning and Environment’s website, [www.industry.nsw.gov.au/water/plans-programs/plans/valleys/gwydir-valley](http://www.industry.nsw.gov.au/water/plans-programs/plans/valleys/gwydir-valley)