

## Management Zone CU—rules and assessment criteria

Plan commenced: 11 September 2020

Term of the plan: 10 years

### Rules summary

**The following rules are a guide only. Refer to the NSW legislation website for the detailed legal instrument written in the required statutory framework.**

**For more information about the flood work application process please call 1300 662 077.**

**Table 1. Rules for Management Zone CU**

Ref.	Rule
43(2)	<p><b>All flood works</b></p> <p>The granting or amending of a flood work approval for a flood work in MZ CU is only permitted if, in the minister's opinion, the flood work satisfies the assessment criteria for MZ C (clause 42) where references to MZ C are taken to be references to MZ CU.</p>

### Assessment criteria summary

All flood work applications in MZ CU must be assessed against assessment criteria under subclauses 42(3) (a) to (d). Assessment criteria 42(4) and (5) may be applied at the discretion of the minister.

**The assessment criteria are a guide only. Refer to the NSW legislation website for the detailed legal instrument written in the required statutory framework.**

**For more information about the flood work application process please 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.

**Table 2. Assessment criteria for Management Zone CU**

Clause	Criterion
42(3)	<p><b>Ecological and cultural impacts</b></p> <p>A flood work must, in the minister's opinion:</p> <ul style="list-style-type: none"> <li>(a) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the large design flood and small design flood:                             <ul style="list-style-type: none"> <li>(i) flood-dependent ecological assets,</li> <li>(ii) facilitation of fish passage, and</li> </ul> </li> <li>(b) maintain adequate flood connectivity to the following under a range of flood scenarios including, at a minimum, scenarios for the large design flood and small design flood:                             <ul style="list-style-type: none"> <li>(i) flood-dependent Aboriginal cultural values,</li> <li>(ii) flood-dependent heritage sites</li> </ul> </li> </ul>

Clause	Criterion
	(c) not be constructed or modified if the construction or modification is likely to disturb the ground surface of a heritage site or cause more than minimal erosion to a heritage site.
42(3)(d)	<p><b>Drainage impacts</b></p> <p>A flood work must, in the minister's opinion, maintain adequate drainage on landholdings (including adjacent landholdings) that may be affected by the proposed flood work.</p>
42(4)(a)	<p><b>Hydraulic local impacts</b></p> <p>Unless the minister otherwise determines, in granting or amending the flood work approval of a flood work in MZ C (or MZ CU), the minister must consider whether the construction or modification of the flood work on a landholding on which it is located would be likely to:</p> <p><b>Redistribution</b></p> <p>redistribute the peak flood flow by greater than 5% on adjacent landholdings and other landholdings that may be affected by the proposed flood work when compared to the peak flood flow under existing development conditions for one or more flood scenarios.</p>
42(4)(b)	<p><b>Flood levels</b></p> <p>increase flood levels by greater than 20 cm on adjacent landholdings and other landholdings that may be affected by the proposed flood work when compared to flood levels under pre-development and existing development conditions for one or more flood scenarios.</p>
42(4)(c)	<p><b>Flood flow velocities</b></p> <p>increase flow velocity by more than 50% on the landholding, adjacent landholdings and other landholdings that may be affected by the proposed flood work when compared to flow velocities under pre-development and existing development conditions for one or more flood scenarios, unless:</p> <ul style="list-style-type: none"> <li>(i) increases greater than 50% are in isolated areas on the landholding and the landholder mitigates the impact on the flood wave so that the average impact across the landholding does not exceed 50%, and</li> <li>(ii) increases in flow velocity do not exceed 50% at the boundary of the landholding.</li> </ul>
42(4)(d)	<p><b>Flood levels and impacts on high value infrastructure</b></p> <p>increase flood levels resulting in impacts on high value infrastructure when compared to flood levels under pre-development and existing development conditions for one or more flood scenarios.</p>
42(4)(e)	<p><b>Flow velocities and soil erodibility</b></p> <p>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 proposed flood work, taking into account the ground cover on those landholdings.</p>
42(5)	<p><b>Hydraulic cumulative impacts</b></p> <p>Unless the minister otherwise determines, in granting or amending the flood work approval for a</p>

Clause	Criterion
	<p>flood work in MZ C (or MZ CU), the minister must consider whether the construction of a flood work would be likely to:</p> <ul style="list-style-type: none"><li>(a) redistribute the peak flood flow by greater than 5% under existing development conditions at any of the peak discharge calculation locations shown in the Peak Flood Flow Distribution (1976) Map, or</li><li>(b) redistribute peak flood flow by greater than 5% at any location and under any other flood scenario considered relevant by the minister.</li></ul>

## More information

More information about the Border Rivers Valley Floodplain Management Plan 2020 is available at the NSW Department of Planning, Industry and Environment's website

[www.industry.nsw.gov.au/water](http://www.industry.nsw.gov.au/water)

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