



Works and trade rules in prescribed wetlands - Revised approach 2025

Inland unregulated water sharing plans

Peter Hyde

Director Inland Planning

Amy Halliday

Manager Surface Water Inland Planning

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Acknowledgement of Country

The Department of Climate Change, Energy, the Environment and Water acknowledges that it stands on Aboriginal land.

We acknowledge the Traditional Custodians of the land and water, and we show our respect for Elders past, present and emerging.

We do this through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

Agenda

- Why we proposed new works and trade rules for wetlands
 - What we proposed
 - What we heard and how we responded
 - Revised approach
 - Next steps
 - Q & A
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Why we're changing works and trade rules in wetlands



- Response to a Natural Resources Commission (NRC) recommendation to improve protection for significant wetlands when unregulated plans are replaced.
- Wetlands form a vital component of regional and national biodiversity by providing habitat for a wide range of animals and plants.
- We're proposing rules for works and trades to protect internationally (Ramsar), nationally and regionally important wetlands within the plan area.

What is a wetland?

The NSW Wetland Policy defines a wetland as :

Wetlands are areas of land that are wet by surface water or groundwater, or both, for long enough that the plants and animals in them are adapted to, and depend on, moist conditions for at least part of their lifecycle.

Can be inundated cyclically, intermittently or permanently

Examples of wetlands include lakes, lagoons, floodplains, swamps, bogs, billabongs and marshes.

Many wetlands are not always wet. This issue is especially relevant for identifying wetlands on floodplains, where wetland extent may vary according to the size and duration of the last flood.



What we proposed

Intent

- No further water supply works or extraction beyond current permitted levels
- No impact to existing operations

Rules

- No new water supply works in mapped prescribed wetland areas or Ramsar sites, *unless* no more than minimal harm.
- No new water supply works within 3km upstream of Ramsar sites, *unless* no more than minimal harm.
- Replacement works allowed, existing wetland protections kept
- No trade into/between wetlands, only within.

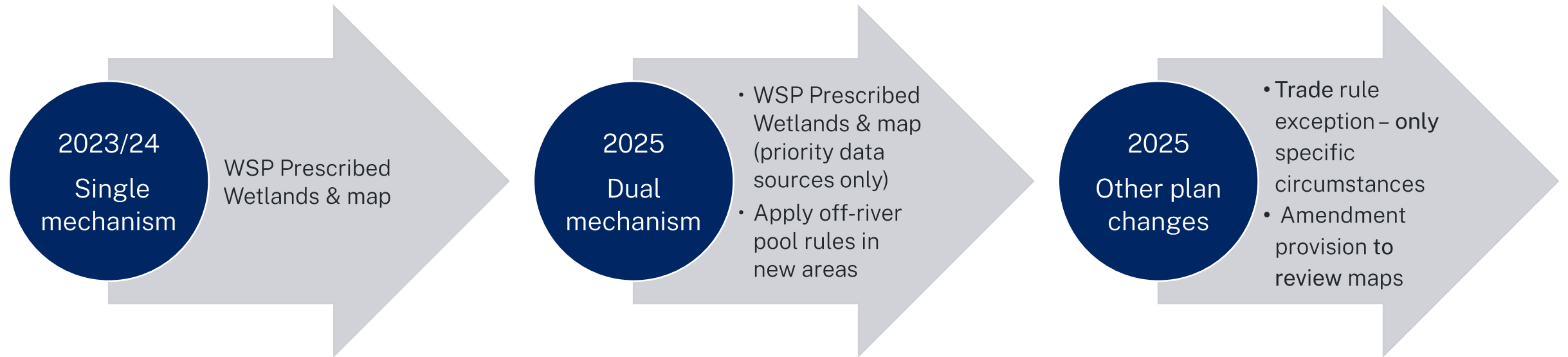
What we heard in 2023-24

- Not enough time to provide feedback on proposed changes for wetlands
 - Seeking more information on how wetland areas were identified
 - Strong concern about what wetland maps will be used for in future
 - No confidence in the mapping, obvious errors
 - Should not rely on landholders to find errors
 - Concern about what legal implications are for landholders
 - Concern on potential land value impacts (banks/investors) with large portions of cultivated land identified
 - ‘Wetland’ terminology – need a definition
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How we responded to feedback

- Extended public exhibition
 - General draft plan issues to 10 Jan 2025
 - Wetland submissions to 2 Feb 2025
- Provided clarifying information
 - Wetlands webinar 9 Dec 2024
 - FAQs about the proposed rules
- Considered the substantial feedback about the proposed rules and draft maps
- Worked with agency partners to revise the approach to address concerns while still meeting the NRC recommendation

Revised approach – March 2025



Revised map approach – 2025

1. WSP Prescribed Wetlands

- Same rules and a map used to define 'WSP prescribed wetlands' but ...
- Maps based only on priority data sources:
 - Ramsar wetlands
 - Directory of Important Wetlands of Australia (DIWA) – persistent wetlands
 - Wetlands protected by current plans
 - Floodplain Management Plan Zone D/SP – persistent wetlands

Rationale

- Higher confidence data sources previously consulted on through other processes

Change in prescribed wetlands November 24 to March 25

Water Sharing Plan	Draft Map Nov 24	Revised Map Mar 25
Draft Barwon-Darling Unregulated River Water Source 2025	10	10
Draft Gwydir Unregulated River Water Sources 2025	346	60
Draft Lachlan Unregulated River Water Sources 2025*	261	31
Draft Macquarie/Wambuul-Bogan Unregulated Rivers Water Sources 2025	331	134
Draft Murrumbidgee Unregulated River Water Sources 2025	1476	99
Draft Namoi and Peel Unregulated Rivers Water Sources 2025	273	11

2. Off-river pool rules (works and trade)

- Current off-river pool rules retained:
 - No new works or trades onto off river pools (Namoi-Peel/Murrumbidgee/some of Lachlan/some Gwydir lagoons & wetlands)
- Off-river pool rules introduced to new areas inland:
 - No new works or trades onto off river pools, *unless* no more than minimal harm (Macquarie/Wambuul-Bogan, Barwon-Darling, rest of Lachlan and Gwydir)

Rationale

- No reduction of existing protections in areas already subject to off-river pool rules
- Protects more natural pools, lakes and lagoons located off-river in inland areas
- Onsite assessment occurs upon assessment of works application – targeted ground-truthing
- Provides protection and mitigates concerns about unintended use of map layer

Revised approach – March 2025 (slide 2/4)

off-river pool means a natural pool, lagoon or lake that is not within a river or stream, regardless of stream size, and located on —

- a) a flood-runner or floodplain, or
- b) an effluent that only flows during high flows.



3. Trade rule exceptions only in specific circumstances

- Only draft prescribed wetlands currently operated as approved water storages
 - Water levels managed artificially
 - Single WAL, multiple works on river/stream and wetland
 - Take from river into wetland, then out into distribution network/for use
- No new works unless no more than minimal harm and replacement works allowed
- Eligible WALs to be listed in plan

Rationale

- Wetland meets criteria but trade rules would *reduce* current operations-not hold the line
 - If applied, it would prevent trade to WAL and take from river.
- Instances identified in the northern valleys. Seeking advice to confirm/identity others.
- Please advise if you think this applies to you.

Revised approach – March 2025 (slide 4/4)

Example of trade exemption:

Water pumped from river/creek into wetland for storage then pumped out for distribution/use



Next steps

- We have taken your concerns seriously and revised our approach
- We will:
 - Consider feedback on the revised maps and approach to protect wetlands
 - Finalise the approach for draft 2025 plans
 - Apply the final approach to 6 unregulated plans made in 2024, with consultation – Q3/Q4 this year.
 - Review and amend WSP Prescribed Wetlands maps, with consultation:
 - as FMPs are made – for example Lachlan, Billabong
 - within the first 5 years of the plan.

Quick facts

- Only internationally recognised Ramsar wetlands have the 'within 3km upstream' rule
- The draft rules relate to water access (water supply works and trade) under the WMA Act. They do not:
 - change land use or land zoning – EP&A Act
 - impact cultivation consents – Crown Lands Act
- Existing works are not affected – we aren't stopping current activities
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Next steps and how to make a submission

- We will consider all feedback received when finalising the draft plan and the policy to improve protection of wetlands.
- To provide feedback on the Revised approach to protect wetlands a submission form is available on the department's website.
- Wetlands submissions close 23 March 2025

water.dpie.nsw.gov.au/have-your-say

