

Revised protections for inland NSW wetlands – March 2025

A fact sheet to explain changes to draft WSP Prescribed Wetland maps and other wetland protections in inland water sharing plans. Prepared for the period of comment 4 to 23 March 2025.

Summary

- Proposed rules to protect wetlands in inland unregulated water sharing plans (WSP) have been updated.
- Draft WSP Prescribed Wetlands maps have been revised after listening to the feedback we received during the public exhibition of the plans between November 2024 and January 2025 and we have updated our data sources.
- To accompany the map changes, we are proposing to introduce off-river pool rules to prohibit new works and trades, in areas where they don't currently apply.
- The updated approach is open for a period of comment from 4 to 23 March 2025.
- The final approach will later be applied to existing inland unregulated plans replaced in 2024, intended in the second half of the year.

What it means for landholders:

- If the revised WSP Prescribed Wetlands map does show a wetland on your property, the WSP prescribed wetlands rules restricting new water supply works and trade will apply.
- If the revised WSP prescribed wetlands map does not show a wetland on your property, the WSP prescribed wetlands rules will not apply. You may be subject to existing or new off-river pool rules.

What we suggest you do:

- To see if you have a wetland on your property,
 - read this fact sheet
 - look at the revised interactive wetlands maps on the department's website.

- If you wish, provide comment on the updated wetlands protections approach by emailing wspconsultation@dpie.nsw.gov.au by 23 March 2025. Please including your name and the relevant unregulated plan name in the subject line.

Why we are proposing rules to protect wetlands

Wetlands form a vital component of regional and national biodiversity by providing habitat for a wide range of animals and plants.

The department is responding to a Natural Resources Commission (NRC) recommendation to work with agency partners to improve protection for significant wetlands when unregulated water sharing plans are replaced. We're proposing rules that protect internationally (Ramsar), nationally and regionally important wetlands within the plan area.

More information can be found in the fact sheet 'Improving protection of wetlands in inland New South Wales'.

What was first proposed

In 2023 and 2024 the department proposed new rules intended to prevent further water supply works and trade into wetland areas shown on draft WSP Prescribed Wetland maps in unregulated water sharing plan areas.

The rules provided for:

- no new water supply works in mapped prescribed wetland areas or Ramsar sites, unless there would be no more than minimal harm
- no new water supply works within 3 km upstream of Ramsar sites, unless there would be no more than minimal harm
- replacement works to be permitted
- no trade into or between these mapped wetlands, only within the individual wetland
- any existing protections for specific wetlands to be retained, for example in Gwydir and Border Rivers unregulated plans.

Why the maps were revised

Concerns about the accuracy of wetland maps were initially raised in 2023/2024 during public exhibition of a first batch of 6 unregulated plans. At that time, the department amended draft wetlands maps on a plan-by-plan basis before the plans were gazetted in mid-2024.

During public exhibition of a second batch of plans between November 2024 and January 2025, the department received significant feedback on the proposed wetland maps. The main concerns reported were:

- mapping inaccuracy and boundary errors
- lack of clarity about how mapped wetlands were identified
- concerns about potential legal and land value implications
- lack of time to provide feedback.

The department extended public exhibition, provided clarifying information through a webinar and FAQs, and committed to review the wetland mapping and protections and release revised maps in early March 2025.

The department has reviewed the inclusion the use of specific mapping data sources, considered the feedback and updated the approach to new wetlands protections.

The new approach

Instead of using only a wetland map to define where wetland protections apply, the draft plans will use 2 mechanisms to protect targeted wetland areas:

- a revised WSP Prescribed Wetlands map using only key data sources
- rules to restrict new works and trade into ‘off-river pools’.

How the draft maps have been revised

The draft maps released for public exhibition identified wetlands using the method outlined in the fact sheet ‘Identifying wetlands for inclusion in water’. The wetlands webinar held on 9 December 2024 further explained the original mapping method.

The revised maps only show wetlands from these sources:

- Ramsar
- Directory of Important Wetlands of Australia (DIWA)
- Wetlands already receiving protections under the current WSP
- Floodplain Management Plan (FMP) Zone D/SP¹

¹ Northern FMPs use “Zone D” while southern FMPs use “Special Protection” (SP) zones to describe the same class of features – ecological and/or cultural assets.

Note: The revised Murrumbidgee wetlands map includes WSP Prescribed Wetlands located within the Draft Murrumbidgee FMP Zone Special Protection (SP), previously consulted on through the floodplain management planning process.

Where to access the revised wetland maps

Revised interactive wetland maps are published on the department's website for comment. See <https://water.nsw.gov.au/water-sharing-plans>.

Proposed expansion of off-river pool rules

About off-river pools

Off-river pools are defined in water sharing plans as follows:

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 begins to flow during high flows.

These pools fill during high flow events where the river or stream breaks its banks or are intermittently filled by a high-flow effluent from a river or as a result of overland flow during or following periods of rainfall. They may also be dependent on groundwater to maintain water levels in times of no flow. This category of pools includes most natural lagoons and billabongs.

Off-river pool rules

Various protections for off-river pools already exist in the current inland unregulated plans currently being replaced:

- No new works or trades onto off-river pools already apply in Namoi and Peel, Murrumbidgee and some of the Lachlan unregulated plan areas.
- No drawdown of off-river and in-river pools is the default rule for most plans (except Murrumbidgee where some drawdown is allowed).

Similar rules exist in coastal WSPs.

No changes are proposed to existing off-river pool rules for new works and trade in the above mentioned plans. The no more than minimum harm provision when assessing new works applications will not apply.

Off-river pools that have been modified, for example have a channel connecting them to a stream or have an existing earthwork to augment them are not considered a natural pool.

Plans where new off-river pool rule are proposed

It is proposed to introduce new rules that prohibit new water supply works and trade onto off-river pools - unless there would be no more than minimal harm - in the following unregulated plans currently undergoing replacement:

- Gwydir – excluding specified lagoons and wetland with existing rules.
- Macquaire/Wambuul-Bogan.
- Lachlan – areas not already subject to those rules.
- Barwon-Darling.

Other changes

Trade rule exceptions in specific WSP Prescribed Wetlands

An exception from the 'no trade in' rule is proposed only in circumstances where it would reduce existing operations. This aligns with the intent of not allowing further water supply works or extraction beyond current permitted levels.

Some wetlands identified on the revised maps have been heavily modified and form part of licensed water/irrigation infrastructure. There are operated as water storages where their water levels are managed artificially and actively supplemented from other non-wetland sources.

For example, a water user may hold a single water access licence (WAL) with multiple water supply works attached, including a work on a river and a work on the WSP Prescribed Wetland. Current operations would involve water take from river, temporarily moving it into the prescribed wetland, then moving it out into a distribution network or for use.

The intent of the 'no trade in' rule for WSP prescribed wetlands is to not increase the demand on them beyond current levels, particularly in dry times when they are not likely to receive natural inflows. Applying the 'no trade' in' rule in the above circumstances would prevent the WAL holder from trading onto their licence and taking water through their river work. The WSP prescribed wetland rules are not intended to impact take from rivers.

What to do if you think this applies to you

The department has identified some instances in northern valleys where we believe this is the case and will reach out to affected licence holders. We are in the process of assessing the southern valleys.

However, if the revised maps include proposed WSP Prescribed Wetland on your property that you use as part of a water distribution system/network, please let us know by writing to us at wspconsultation@dpie.nsw.gov.au to ensure your case is considered.

Changes will be applied to inland unregulated plans made in 2024

The department will also apply the final wetlands protections approach to 6 existing unregulated plans that were remade in 2024. These plan areas are:

- Intersecting Streams
- Border Rivers
- Castlereagh
- Murray
- Lower Murray Darling
- North Western.

The review and public consultation is intended in the second half of this year.