

Improving protection of wetlands in inland New South Wales

This document, updated in November 2024, explains how the NSW Government is providing improved protection to wetlands as part of the replacement of inland unregulated water sharing plans.

Water sharing plans (plans) are the primary legal framework for managing water access and sharing in NSW. The plans are valid for 10 years from their start date.

The Natural Resources Commission formally reviews a plan near the end of its 10-year term. The review identifies any changes necessary to deliver better outcomes for all water users, including the environment. In their review of the inland unregulated water sharing plans, the Natural Resources Commission recommended all replacement plans include rules to protect significant wetlands within their plan areas.

There are 6 remaining inland unregulated plans due to be replaced by mid-2025. The Department of Climate Change, Energy, the Environment and Water (the department) has committed to improving wetland protection in these unregulated plans as they are replaced.

Improving protection for wetlands

The department is responding to a Natural Resources Commission (NRC) recommendation to improve protection for significant wetlands when unregulated plans are replaced. Wetlands to receive protections include internationally (Ramsar), nationally and regionally significant wetlands within the plan area. For some plans this recommendation has been broadened to include culturally significant wetlands, where known.

Wetlands are dynamic living entities and are an important part of the natural environment. All wetlands are integral to landscape processes such as nutrient cycling, detention and slow release of flood water, and trapping of sediments. Wetlands form a vital component of regional and national biodiversity by providing habitat for a wide range of animals and plants.

The department, in its response to the NRC recommendation, committed to consider options to improve protection of significant wetlands during the plan replacement process. The department has developed a draft policy that includes a method to identify wetlands suitable to receive improved protection within each water sharing plan area and to outline the new restrictions that will

apply. This method identifies wetlands based on an agreed set of criteria and the draft policy outlines restrictions to limit water extraction and development at current levels to ensure no further impact on those wetlands.

The draft policy has considered the existing rules for protecting wetlands in the Border Rivers and Gwydir unregulated water sharing plans. The department's Water Group and Biodiversity, Conservation and Science group are collaborating to further refine the policy. Feedback received during the public exhibition of inland plans will be considered before the draft policy is finalised.

What protection is being proposed

The installation of pumps and impounding structures as well as the volume of licensed water that can be taken from wetlands, pose risks to maintaining the ecological character of significant wetlands. Plans will include rules to manage the impacts of these activities for those wetlands, which will be identified by the plan as "WSP [water sharing plan] prescribed wetlands" and shown on a "WSP prescribed wetlands map" for that plan area.

Water supply works approvals

Draft inland unregulated plans will propose to prohibit new or amended surface water supply works being constructed within a WSP prescribed wetland. In addition, for Ramsar wetlands, no new or amended works may be constructed within, or within 3km upstream of, that wetland. These rules will not apply to replacement of current surface water supply works. A replacement water supply work is considered to be a work constructed and used to extract water from the same water source, is the same size or smaller and is within 20m of the existing water supply work. Please see the draft plan for full definition of a replacement water supply work.

In WSP prescribed wetlands, new water supply works approvals may still be granted, if it can be demonstrated that the work will cause no more than minimal harm. This assessment will be undertaken as part of the works approval application process.

However, where a current water sharing plan identifies and applies stricter rules to specific wetlands, the no more than minimal harm provision may not apply. Those wetlands will be identified as a "WSP prescribed wetlands from prior WSP" and their stricter rules retained.

Trade

Trade into wetlands shown on a water sharing plan's WSP prescribed wetlands map will also be prohibited. This reflects the intent of limiting extraction to current levels of development within high environmental value areas.

Other existing protections

Inland unregulated plans already include rules which provide protection for in-river and off-river pools (lagoons, wetlands, billabongs etc). In most plans this is a standard rule which specifies “no drawdown” of pools is permitted. There are some circumstances where a limited drawdown is permitted consistent with the *Macro water sharing plans-the approach for unregulated rivers, Access and trading rules for pools (August 2011)*.

Method for identifying wetlands

Multiple data sets are available to help identify wetlands to include in the plans. The department has developed a method that can be used for all inland unregulated plans using the most relevant data sets. Proposed wetlands are reviewed by an Interagency Regional Working Group and refined where other information is available to support the change.

The department created a list and accompanying maps of regionally important wetlands in a plan area by using spatial data from:

- the Long Term Water Plan for the relevant water sharing plan area,
- Ramsar (internationally important) wetlands listings,
- existing lists of wetlands already in plans,
- Endangered Ecological Communities of the plan area that are wetlands, and
- regionally significant cultural wetlands (if known).

The following spatial datasets were also examined by the department to identify water bodies within broader inundation footprints identified therein:

- Directory of Important Wetlands of Australia
- Ecological assets listed in floodplain management plan in management zone D.

Finally, the department considered a wetland’s persistence in both wet and dry times, its rate of drying, and ecological and landscape context.

Wetlands nominated for inclusion in the water sharing plan are assessed against the identifying criteria and discussed with the department’s Biodiversity Conservation and Science group, the Department of Primary Industries & Regional Development (DPIRD) Fisheries, DPIRD Agriculture and scientists from within the department’s Water Group, before a final decision is made about their inclusion as a WSP prescribed wetland.

Every 10 years, when the water sharing plan is replaced, the department will review the plan’s WSP prescribed wetlands.

Feedback on the proposed WSP prescribed wetlands

Public exhibition of the water sharing plan enables the community and stakeholders to provide feedback on the proposed wetlands and associated rules to protect these areas. It also provides an opportunity to seek further information on wetlands which are culturally or environmentally significant which have not been identified by the planning process.

All feedback received will be considered by the department when finalising the draft plan and the policy to improve protection of wetlands. To provide feedback on the proposed protection of wetlands a submission form is available on the department's [website](#).

More information

To read the draft water sharing plan, background document and other fact sheets, including the report cards for the plan area, visit [the department's website](#).