

Revised approach to water supply works and trade rules for inland NSW wetlands

This document answers frequently asked questions about the revised approach to proposed works and trade rules for wetlands in inland unregulated water sharing plans as at March 2025.

What are the proposed water supply works and trade rules for wetlands?

Rules are proposed for new water supply works and trades in certain wetlands to ensure **no further** water supply demand is placed on those wetlands beyond current levels. Proposed rules are:

Water supply works

- No new water supply works in a mapped 'WSP prescribed wetland' or 'Ramsar wetland', unless there would be no more than minimal harm.
- No new water supply works within 3km upstream of a 'Ramsar wetland', unless there would be no more than minimal harm.
- Replacement water supply works would be allowed, that is, works of the same size and location.
- Existing water supply work rules for 'WSP prescribed wetlands from prior WSP' – meaning wetlands already subject to rules in current water sharing plans and which are now shown on a map – would be kept.

Trade

- No trade of entitlement or allocations into, or between different, 'WSP prescribed wetlands' or 'Ramsar wetlands'.
- Trades within the same 'WSP prescribed wetland' or 'Ramsar wetland' would be allowed.
- Existing trade rules for 'WSP prescribed wetlands from prior WSP' would be kept.

What is the purpose of a WSP prescribed wetlands map? Does it define what is and isn't a wetland?

No, the map does not define what is and isn't a wetland.

The map shows locations where proposed rules for water supply works and trades would apply.

When finalised, it will form part of a WSP.

In this case, the term ‘prescribed wetland’ is used to describe wetlands the WSP ‘prescribes’ – or applies – specific rules to.

What changes have been made to proposed rules and proposed WSP prescribed wetlands maps since public exhibition?

Since public exhibition, the department has revised the approach for works and trade rules in wetlands, including to:

- Use only priority wetland data layers, reducing the number of wetlands shown on the maps.
- Apply works and trades rules for ‘off-river pools’ in inland areas where they don’t already apply.
- Propose exceptions to trade restrictions for ‘WSP prescribed wetlands’ in specific circumstances.
- Propose to apply the same approach to inland unregulated plans remade in 2024 via consultation and amendment.

What is an off-river pool?

Off-river pool means a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size) and is located on:

- a flood-runner or floodplain, or
- 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 overland flow during/following rainfall. They may also be dependent on groundwater to maintain water levels in times of no flow.

If an off-river pool has been modified, for example a channel connects it to a stream or there is existing earthworks to augment storage and/or flow, it does not meet the definition above as it is not considered a natural pool.

What is a wetland?

The [NSW Wetlands Policy](#) provides a full definition of a wetland. In summary:

- 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.
- Wetlands be inundated cyclically, intermittently or permanently.

- 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.

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

The revised maps show up to 3 categories of wetlands. Why do the maps show different categories and what does each category mean?

The proposed rules do not apply to all wetlands. The maps show 3 categories of wetlands because different rules are proposed for each of those 3 categories, as outlined in Table 1. Table 1 also outlines rules proposed to apply 'within 3km upstream of' Ramsar wetlands as works and trade restrictions are proposed in those locations too.

Table 1: Proposed rules for each wetland category shown on the revised WSP Prescribed Wetland Maps showing where works and trade would be allowed

Wetland category	Water supply works assessed as having <u>more than</u> minimal harm	Water supply works assessed as having minimal or no harm	Trade into	Trade within
Ramsar	No	Yes	No	Yes
Ramsar - within 3 km upstream of	No	Yes	No	Yes
WSP Prescribed Wetland	No	Yes	No	Yes
WSP Prescribed Wetland from prior WSP	No	No	Rules in current plan kept	Rules in current plan kept

Why can't I see 'off-river pools' on the maps?

Off-river pools are defined using a description in the plan (see definition above) and not by reference to an area shown on the map.

Do the proposed rules mean I have to remove my existing water supply work?

No.

The proposed rules only apply to new water supply works.

Will my land title or land use be affected by the proposed 'WSP prescribed wetland' rules?

No.

The proposed rules only apply to the location of new water supply works and trades managed under the *Water Management Act 2000*. Land use and zoning in NSW is dealt with under other legislation.

Will the proposed rules stop me from obtaining a cultivation consent for the area on my property identified as a WSP prescribed wetland?

No.

Some landholders carry out cultivation on Crown land which may be identified as a 'WSP prescribed wetland'. Consent for this cultivation is dealt with under other legislation (the *Crown Land Management Act 2016*, Schedule 3) and will not be impacted by the proposed WSP prescribed wetlands rules.

The revised maps show a 'WSP Prescribed Wetland' on my property. Does this mean I can't apply for a water supply work within 3km upstream of it?

No.

The 'within 3 km upstream' rule does not apply to areas shown on the maps as 'WSP prescribed wetlands' or 'WSP Prescribed Wetlands from prior WSP'.

The 'within 3 km upstream' rule only applies to 'Ramsar wetlands', shown on the maps in green - a different colour to the prescribed wetlands.

Applications can still be made for new water supply works in a prescribed wetland (or in or within 3km upstream of a Ramsar wetland) and may be approved if there would be no more than minimal harm.

The revised map shows less wetlands. Has the department missed wetlands?

No.

The proposed rules do not apply to every wetland. Revised maps only show wetlands from the below sources:

- Ramsar wetlands
- Persistent wetlands identified in the Directory of Important Wetlands of Australia (DIWA)
- Wetlands identified in the current (2012) WSPs
- Persistent wetlands identified within management zone D or SP in a Floodplain Management Plan

Has the department ground-truthed every wetland on the revised maps?

No.

The revised maps now use data from the sources outlined above which have previously been verified through other processes.

Landholders can email wspconsultation@dpie.nsw.gov.au if they have concerns that a wetland on their property is not covered by one of those sources.

Revised maps show a 'WSP prescribed wetland' on my property that is a lagoon that only holds water because a block bank constructed was there decades ago. It is not natural so shouldn't it be removed from the map?

Only the 'off-river pools' definition has a requirement for the pool to be natural.

Proposed rules for Ramsar and WSP prescribed wetlands acknowledge existing water supply works and infrastructure may be present. The rules provide for existing works and uses to be kept by only applying restrictions to NEW works and trades.

I have a 'WSP prescribed wetland' mapped on my property that I use for storing water I transfer from a river/creek. I think it should be exempt from the proposed trade rule. What should I do?

Email wspconsultation@dpie.nsw.gov.au with details of the wetland, your WAL and water supply works, advising you're seeking an exemption from the proposed trade rule. The department will consider your circumstances when finalising the approach for works and trades in wetlands after the period of comment has closed on 23 March 2025.

What does 'within 3 km upstream' of a wetland mean? Is it restricted to defined channels or does it include overland flows?

The 'within 3 km upstream' restriction only applies to Ramsar wetlands. Upstream relates to the direction of flow within the relevant watercourse (river, stream, creek) that flows into the Ramsar wetland. It does not relate to the direction of overland flow.

Will this apply to water supply works to access water under Basic Landholder Rights?

Only if the Water Management Act requires you to obtain a water supply works approval for the form of Basic Landholder Right you are accessing.

What information has the department provided to help understand the proposed rules for works and trade in different wetland areas?

The department developed factsheets, maps, and wetland specific webinars to help stakeholders understand the proposed rules for works and trades in wetlands.

Fact sheets on both the original and revised approaches are available at:

<https://www.dpie.nsw.gov.au/water/our-work/plans-and-strategies/water-sharing-plans/public-exhibition>

During public exhibition from November 2024 until February 2025, FAQs and a link to the webinar was placed on each WSP's webpage. To find them

1. Click the above link
2. Go to the 'Recent public exhibitions – closed' section
3. Select the draft plan you are interested in
4. Scroll down to find to the FAQs and webinar link.