



THE BASIN PLAN IMPLEMENTATION

Darling Alluvium Water Resource Plan Consultation Report

Appendix C

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NSW Department of Planning, Industry and Environment – Biodiversity and Conservation

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Acknowledgement of Traditional Owners

New South Wales Government proudly acknowledges the Aboriginal community of NSW and their rich and diverse culture and pay respect to their Elders past, present and future.

The NSW Government acknowledges Aboriginal people as Australia's First Peoples and the Traditional Owners and Custodians of the lands and waters, practising the oldest living culture on earth.

We acknowledge that the people of the Barkandji, Budjiti, Euahlayi, Murrawarri, Ngemba, and Wailwan Nations hold a significant connection to the lands in which the Darling Alluvium occurs.

The Darling Alluvium holds great areas of spiritual, cultural and economic importance to the First Nation people. The NSW Government recognises the connection of the people of these nations to the water.

We recognise the intrinsic connection of Traditional Owners to country and acknowledge their contribution to the management of the Darling Alluvium landscape and natural resources.

Department of Planning, Industry and Environment understands the need for consultation and inclusion of Traditional Owner knowledge, values and uses in water planning to ensure we are working towards equality in objectives and outcomes.

Department of Planning, Industry and Environment is committed to continue relationships and building strong partnerships with our First Nation People.

We thank the Elders, representatives of the Barkandji, Budjiti, Euahlayli, Murrawarri, Ngemba, and Wailwan Aboriginal Nations, and the Aboriginal community who provided their knowledge throughout the planning process.

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1. Introduction

1.1. The role of the consultation report

Consultation with stakeholders and the community is at the forefront of the development of New South Wales (NSW) Water Resource Plans (WRPs). Consultation has been undertaken for each of the 22 surface water and groundwater WRPs being developed by the NSW Government. The purpose of this report is to describe the consultation that was undertaken as part of the development of the WRPs. Specifically, this report will detail the public consultation, both broad and targeted that took place within the Darling Alluvium WRP area in order to further the development of the Darling Alluvium WRP and inform changes to the Darling Alluvium Water Sharing Plan (WSP).

1.2. The Basin Plan 2012 (Water Act 2007—Commonwealth)

The Basin Plan provides a coordinated approach to managing Basin water resources across Queensland, NSW, ACT, Victoria and South Australia. In NSW, the plan came into effect following the signing of Inter-governmental and National Partnership Agreements in 2014. As lead agency, the Department of Planning, Industry and Environment is working with other agencies to implement the plan. It requires NSW to develop WRPs for each area within the Murray-Darling Basin. The development of each WRP is guided by the requirements set out in Chapter 10 of the Basin Plan. Consultation and the views of local communities are an integral part of the preparation and development of WRPs and the following requirements of the Basin Plan are assessed in relation to consultation.

10.07 Consultation to be demonstrated

(1) A water resource plan prepared by a Basin State must contain a description of the consultation in relation to the plan (including in relation to any part of the plan), if any, that was undertaken before the State gave the plan to the Authority under subsection 63(1) of the Act.

10.26 Planning for environmental watering

(1) A water resource plan must provide for environmental watering to occur...
(2) For the purposes of subsection (1), the water resource plan must be prepared having regard to:
(b) the views of local communities, including bodies established by a Basin State that express community views in relation to environmental watering.

10.53 Consultation and preparation of water resource plan

(1) A water resource plan must be prepared having regard to the views of relevant Indigenous organisations with respect to the matters identified under section 10.52.

1.3. Darling Alluvium WRP Area

The Darling Alluvium Water Resource Plan area (GW7 – Murray-Darling Basin reference number) is composed of two SDL resource units as shown in Figure 1. The boundaries of these SDL resource units reflect those of the corresponding groundwater sources managed under the *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020*.

The *Upper Darling Alluvium (GS42)* includes the alluvial deposits associated with the:

- section of the Paroo River from the Queensland border to the river's junction with the Darling River near Wilcannia, known as the Paroo Alluvial Groundwater Source,
- section of the Warrego River from the Queensland border to the river's junction with the Darling river downstream of Bourke known as the Warrego Alluvial Groundwater Source and,
- Upper Darling River, commencing east of Bourke and extending south west to a channel constriction between Menindee and Wilcannia known as the Upper Darling Alluvial Groundwater Source.

The *Lower Darling Alluvium (GS23)* includes the alluvial deposits associated with the lower Darling River, commencing north of Menindee and extending to the junction with the Murray River, known as the Lower Darling Alluvial Groundwater Source.



DARLING ALLUVIUM WRP AREA SDL RESOURCE UNITS

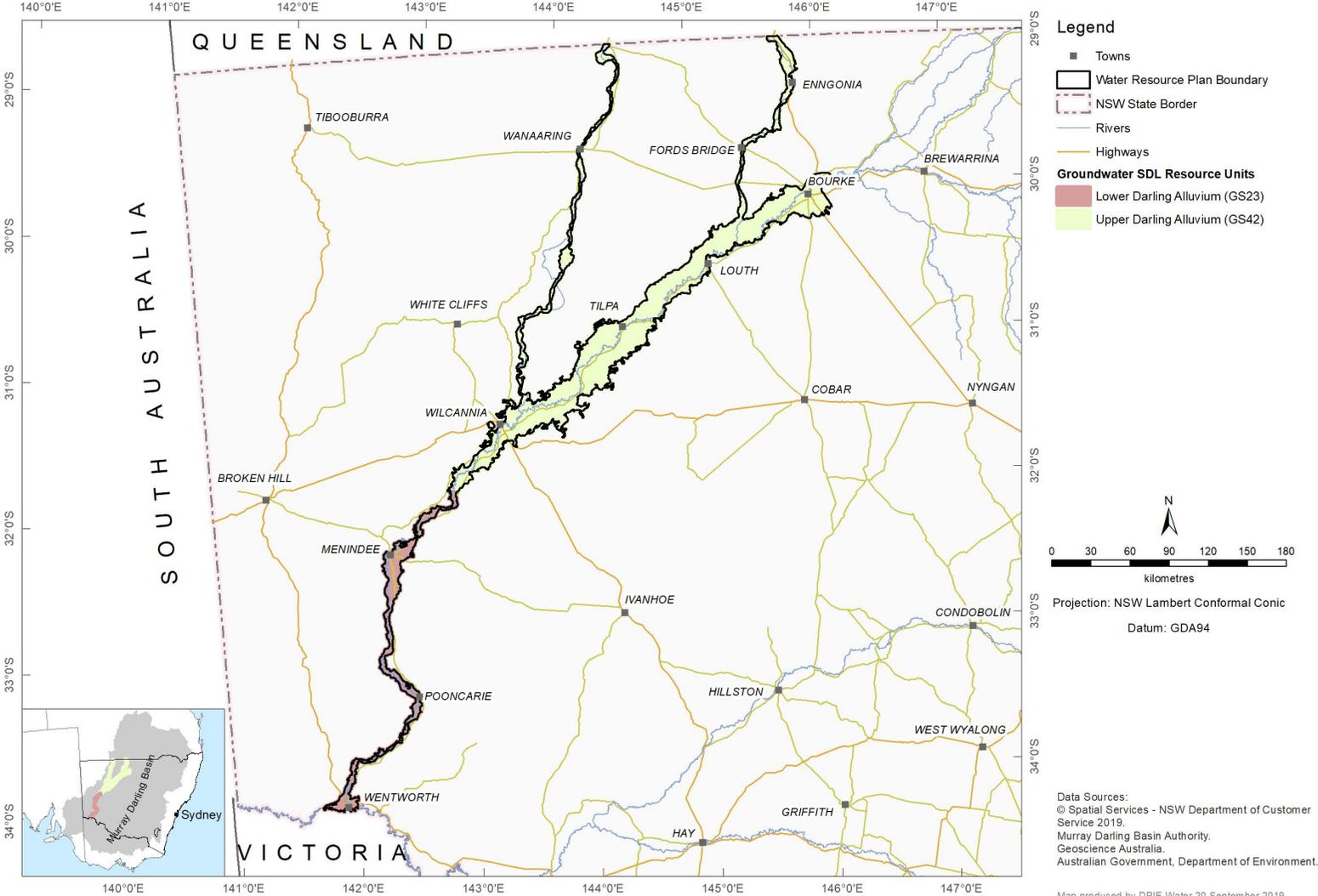


Figure 1. Darling Alluvium Water Resource Plan Area.

2. Consultation

2.1. Broad public consultation

Stakeholder consultation is an essential part of the development of NSW WRPs and was undertaken throughout the development of the Darling Alluvium WRP. The general public and stakeholders had opportunity to provide comment during the early phase of WRP development through the Status and Issues phase (Section 2.1.1) and then again in the later stages of WRP development during the public exhibition phase (Section 2.1.2).

2.1.1. Status and issues phase

The Darling Alluvium WRP Status and Issues Paper (former NSW Department of Industry) was released for public comment on 12 May 2017. This can be viewed at (https://www.industry.nsw.gov.au/__data/assets/pdf_file/0010/157348/Darling-GW-SIP.pdf).

Two public submissions on this paper were received and within these submissions 36 issues were raised. Issues raised in submissions were logged on the Submissions Database System. This system was developed specifically for capturing comments made to NSW Department of Industry (now Department of Planning, Industry and Environment) during targeted consultation, as formal written submissions following public exhibition, and by the stakeholder advisory or other panels.

An Issues Assessment Report was prepared by the former NSW Department of Industry for internal and inter-agency analysis, as well as for consideration by the Groundwater Stakeholder Advisory Panel. The Issues Assessment Report informed decisions for option prioritisation leading into the Strategy and Rule Development Phase of WRP development.

2.1.2. Public exhibition phase

The *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020* and draft Darling Alluvium WRP were released for public comment on the 15th July 2019. They can be viewed at (<https://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts>).

During this phase, the Department of Planning, Industry and Environment will communicate with stakeholders in a number of ways.

- Stakeholder specific consultations
- Public information sessions
- Department of Planning, Industry and Environment website
- Submission email address
- Telephone number for inquiries
- Have Your Say website
- One-on-One consultations (where appropriate)
- Emails to stakeholders
- Local media – media releases
- Social media – tile advertising
- Local press advertising

The Department of Planning, Industry and Environment received four submissions on the draft WRP and associated documents, raising thirteen issues for consideration. Submissions were prioritised and assessed with any new issues progressed with further consultation undertaken where required.

2.2. Targeted consultation

Targeted consultation was undertaken for groundwater WRPs through a Groundwater Stakeholder Advisory Panel (SAP). The SAP consists of representatives of key stakeholders and government agencies. Their role was to provide a forum where draft elements of the WRP could be reviewed, and various interests and views could be put forward and discussed to promote common understanding. The SAP is the focal point for targeted consultation for this plan.

2.2.1. NSW Groundwater SAP

The Groundwater SAP, established in August 2017 takes its membership from the following stakeholder groups or interests:

- Department of Planning, Industry and Environment – Water Group
- Department of Planning, Industry and Environment – Biodiversity and Conservation (formerly Office of Environment and Heritage)
- Murray-Darling Basin Authority
- Seven regional representatives of the NSW Irrigators Council
- NSW Nature Conservation Council
- Murray Lower Darling Rivers Indigenous Nations (MLDRIN)
- Northern Basin Aboriginal Nations (NBAN)
- Inland Rivers Network
- NSW Minerals Council
- Local Government NSW

The SAP Terms of Reference can be viewed here

www.industry.nsw.gov.au/__data/assets/pdf_file/0009/146844/Stakeholder-advisory-panel-terms-of-reference.pdf www.industry.nsw.gov.au/__data/assets/pdf_file/0009/146844/Stakeholder-advisory-panel-terms-of-reference.pdf. Broadly, the SAP is an advisory panel that has been charged with helping to identify issues, examine options, and provide Department of Planning, Industry and Environment with feedback and advice throughout the development of WRPs.

The number of SAP meetings held as part of the Groundwater WRP development and the issues that were discussed at these meetings can be seen in Table 1.

Table 1. Groundwater WRP SAP meetings.

SAP meeting (Number & description)	Location	Date
<p>SAP Meeting 1: -</p> <ul style="list-style-type: none"> • Introduction to the SAP and the Terms of Reference • WRP Process – Road Map • Status and Issues • Resource Descriptions • WRP Evaluation Report • Risk Assessment • The Way Forward 	Sydney, NSW	8 September 2017
<p>SAP Meeting 2: -</p> <ul style="list-style-type: none"> • Resource Descriptions and Risk Assessment - update • Sustainable Diversions Limits and Long Term Average Annual Extraction Limits • Entitlements • Groundwater Dependent Ecosystems • Issues assessments • Consultation strategy 	Sydney, NSW	31 October 2017
<p>SAP Meeting 3:-</p> <ul style="list-style-type: none"> • Water Renewal Task Force • Modelling • Incident Response Guidelines and Extreme Events Policy • Indigenous Consultation • Compliance with LTAAEL • Permitted Take (MDBA) <ul style="list-style-type: none"> ○ SDL Compliance ○ Groundwater Amendments Disallowance • Permitted Take • Issues Assessment Report • Risk Assessment Feedback Report 	Sydney, NSW	14 March 2018
<p>SAP Meeting 4:-</p> <ul style="list-style-type: none"> • GW WRP development....The road ahead • SDL/LTAAEL Amended Policy Proposal • Annual Permitted Take/SDL Compliance • Recharge/Specification Environmental Water • GDE Policy Proposal • WSP Policy Proposals; <ol style="list-style-type: none"> 1. Local Impacts Management, 2. Distance Rules, 3. Account Management Rules, 4. Trade, 5. Contamination Sources 6. Connectivity • WSP/Split Merge Process 	Sydney, NSW	17 May 2018

SAP meeting (Number & description)	Location	Date
SAP Meeting 5:- <ul style="list-style-type: none"> Lachlan Alluvium Water Resource Plan Lachlan Alluvium Water Sharing Plan Lachlan Alluvium Water Quality Management Plan NSW Groundwater Environmental Monitoring, Evaluation and Reporting Plan Account management Rules, Carryover and Available Water Determinations Aboriginal Engagement / Cultural Water for the Ngemba Billabong 	Sydney, NSW	15 August 2018
SAP Meeting 6:- <ul style="list-style-type: none"> Final Lachlan Alluvium Water Resource Plan (WRP) – summary of changes (public exhibition and MDBA assessment feedback) Progress on the Macquarie-Castlereagh, Murrumbidgee and Gwydir Alluvium WRP - summary of changes (public exhibition) Update on progress on the remaining draft Groundwater Water Resource Plans 	Sydney, NSW	25 January 2019

2.2.2. Lower Darling stakeholders

A targeted consultation meeting was held with seventeen Lower Darling groundwater users and other stakeholders in Pooncarie NSW on July 31 2019.

The meeting followed up on previous issues discussed with groundwater users and other stakeholders, specifically:

- an update on the water resource plan development,
- the status of the Lower Darling groundwater source,
- Lower Darling groundwater access rules which were not achieving the intended outcome.

Most aquifer access licences in the Lower Darling Alluvium are for the drought maintenance of permanent plantings. According to existing rules, water can only be taken when regulated river surface water determinations are zero, denying access licence holders from water access at times when surface water is not available. Landholders requested that these rules be removed or changed so that water can be accessed as intended.

2.2.3. Workshop for all stakeholder advisory panels

The Department of Planning, Industry and Environment convened two 'All SAP' workshops during the course of WRP development. Both workshops were held in Sydney, the first on 11 – 12 December 2017 and the second on 5 – 6 June 2018. Attendees included representatives from all WRP SAP committees and key NSW government agencies including the MDBA and CEWO. The first 'all SAP' workshop covered three main topics:

- NSW Government's response to recent reviews and how the Department of Planning, Industry and Environment will approach its responsibilities within the Murray-Darling Basin
- Key NSW policy issues requiring resolution in order to progress WRP development
- How SAPs and agencies can work together to deliver the water resource plans over the next 12–18 months.

The second 'all SAP' workshop covered seven main topics:

- State-wide planning assumptions
- The WRP including the LTWP, Risk Assessment and Water Quality Management Plan
- MDBA compliance framework

- Water Renewal Taskforce update
- First Nation engagement and cultural water
- Northern Basin Floodplain Harvesting and Northern watering event and Southern Basin SDL Adjustment Mechanism and Pre-requisite Policy Measures
- Groundwater policy update

2.2.4. Interjurisdictional consultation

Department of Planning Industry and Environment consulted with representatives from the Queensland Department of Natural Resources, Mines and Energy (DNRME) during the development of the draft *Water Sharing Plan for the NSW Border Rivers Alluvium 2020* and the draft NSW Border Rivers Alluvium WRP to ensure adequate consideration was given to the connected nature of the groundwater resources.

Consultation included:

- Two meetings at officer level to discuss the principles and considerations for interstate groundwater trade between NSW and Queensland (3rd May 2019 and 16th July 2019)
- Notification to Queensland officers that the draft WRP and draft WSP were on public exhibition
- Two DNRME representatives attended the NSW Border Rivers Alluvium WRP public exhibition meeting in Texas on 8th August 2019.
- A meeting at officer level to discuss the principles and considerations to provide for the co-operative management and equitable sharing of resources between NSW and Victoria and (25 October 2018).
- Exchange and discussion of draft plan content to align between NSW and Victoria jurisdictions for shared resources.

2.3. First Nation consultation

The Darling Alluvium WRP area is located within the traditional lands of, and is significant to, the Barkandji, Budjiti, Euahlayi, Murrawarri, Ngemba, and Wailwan Nations and traditional owners. Department of Planning, Industry and Environment is spending time engaging and consulting traditional owners from these groups to identify and record objectives and outcomes in regard to Aboriginal spiritual and cultural values and uses within the Darling Alluvium WRP area.

Consultation with traditional owners was undertaken using a nation-based model. Department of Planning, Industry and Environment is facilitating the gathering of cultural information from traditional owners. The reports including the development of cultural objectives, values and uses are attached in Attachments A to F.

2.3.1. Face-to-face interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs). Senior TOs who participated in the face-to-face interviews were drawn from three separate categories—grassroots, Native Title applicants and suggestions from other interview participants. Several TOs participated in these interviews, represented a large number of people in their own family groups and spoke for a broad range of communities and different areas of Nations. These interviews assisted in formulating the discussion undertaken in the workshops.

- **Barkandji:** Three Traditional Owners participated in face to face interviews.
- **Budjiti:** Five Senior Traditional Owners representing two different family groups were interviewed
- **Euahlayi:** Face to face interviews were conducted with six Traditional Owners representing 17 different family groups.
- **Murrawarri:** Face to face interviews were conducted with seven Murrawarri Senior Traditional Owners, including the Nation Organiser.

- **Ngemba:** Seven Traditional Owners representing nine different family groups and approximately 2000 community members were interviewed and spoke for a broad range of communities and different areas of Ngemba Country.
- **Wailwan:** No face to face interviews have been conducted due to time constraints before the planned workshop, however during the workshop it was clearly outlined that should any Wailwan Nation members be identified as wishing to participate in a face to face interview, meetings could be arranged.

2.3.2. Workshops

Following on from the face-to-face interviews First Nation consultation workshops were held in the following Nation areas:

- **Barkandji:** Five workshops were held in Bourke, Broken Hill, Menindee, Wentworth and Wilcannia in June and October 2019.
- **Budjiti:** Two workshops were conducted in August 2019. A total of five participants including four Budjiti Traditional Owners attended.
- **Euahlayi:** One workshop was held in November 2019. A total of 8 Euahlayi Traditional Owners attended.
- **Murrawarri:** One workshop was held in August 2019. A total of five Murrawarri Senior Traditional Owners and one interested community member attended the workshop.
- **Ngemba:** Two workshops were held in October and November 2018. A total of 13 Ngemba Traditional Owners attended.
- **Wailwan:** Two workshops were held in March 2018 with approximately 16 participants attending.

Common themes were used to guide discussion in the workshops. These were established during the face-to-face interviews and included:

- Water is life
- Healthy Country and people
- Cultural continuity and revival
- Custodianship and jurisdiction
- Compensation and redress
- Management and control
- Communication and partnerships
- Water access
- Water quality
- Communication and input on water from Department of Planning, Industry and Environment.

2.3.3. Consultation outcomes

Reports on the outcomes of the consultation with each nation group are included as Attachments A to F of this consultation report.

These reports demonstrate that:

- The WRP was developed in a way that had genuine regard to objectives and outcomes in respect of social, spiritual and cultural values and uses of the water resources by Traditional Owners.
- Consultation with relevant Indigenous organisations was undertaken, including with the Northern Basin Aboriginal Nations and Murray Lower Darling Rivers Indigenous Nations.

In addition to consulting with Traditional Owners, the NSW Government consulted with several organisations (e.g. native title, LALCS) Murdi Paaki working group, MLDRIN and NBAN. This demonstrates that:

- The consultation had regard to the views of relevant Indigenous organisations with respect to inclusion of Indigenous representation in the preparation and implementation of the plan.
- The consultation had regard to the views of relevant Indigenous organisations with respect to Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives.
- The consultation had regard to the views of relevant Indigenous organisations with respect to the encouragement of active and informed participation of Indigenous people.
- The consultation had regard to the views of relevant Indigenous organisations with respect to risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.
- The consultation had regard to the views of Indigenous people with respect to cultural associations with the groundwater resources of this WRPA.

The consultation with the First Nations included the outcomes listed in Table 2.

Table 2. First Nations consultation outcomes.

Section	Requirement	Outcome
10.52(1)	WRP identifies objectives and outcomes toward the management of the water resource desirable to Indigenous people.	Consultation completed in conjunction with Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and Northern Basin Aboriginal Nations (NBAN).
10.52(2)	WRP developed with genuine regard to objectives and outcomes in respect of social, spiritual and cultural values and uses by Indigenous people.	An overview of the objectives and values are in Section 1.3.1, of the Darling Alluvium WRP.
10.53(1)	That consultation with relevant Indigenous organisations was undertaken, including with the Murray Lower Darling Rivers Indigenous Nations.	MLDRIN and NBAN assisted as nation organisers and had an important role in the consultation process.
10.53(1)(a)	WRP prepared having regard to the views of relevant Indigenous organisations with respect to native title rights, native title claims and Indigenous Land Use Agreements provided for by <i>the Native Title Act, 1993</i> .	Discussions on native title rights, native title claims and Indigenous Land Use Agreements and the Native Title Act 1993 in relation to the water resources of the Darling catchment. A letter was sent out to NTS Corp to advise on further consultations on country and how they would like to be engaged.
10.53(1)(b)	WRP prepared having regard to the views of relevant Indigenous organisations towards registered Aboriginal heritage relating to the water resources of the WRPA.	Local Aboriginal Lands Councils were invited; opportunities arose for them to speak of any listed sites on the heritage register throughout the workshop sessions.
10.53(1)(c)	WRP prepared having regard to the inclusion of Indigenous representation in the preparation and implementation of the plan.	MLDRIN and NBAN provided direct input via recommendations on the appropriate Traditional Owners to engage. This resulted in the relevant Traditional Owners for the Darling Alluvium WRP area being represented. More details on Indigenous representation can be seen in the First Nations Consultation Reports, Attachments A to F of Schedule C.
10.53(1)(d)	WRP prepared having regard to the views of relevant Indigenous organisations towards Indigenous social, cultural, spiritual and customary objectives and strategies for achieving these objectives.	Consultation included what people would want in the future. More detail on strategies can be seen in the First Nations Consultation Reports, Attachments A to F of Schedule C.
10.53(1)(e)	WRP prepared having regard to the views of relevant Indigenous organisations towards encouragement of active and informed participation of Indigenous people.	Relationships developed with Elders and a shared understanding of water management prior to conducting workshops with the broader group of First Nation Traditional Owners. More detail on the engagement process can be seen in the First Nations Consultation Reports, Attachments A to F of Schedule C.
10.53(1)(f)	WRP prepared having regard to the views of relevant Indigenous organisations towards risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.	The risks to Indigenous Values and Uses are outline in First Nations Consultation Reports, Attachments A to F of Schedule C.
10.54	That the consultation has regard to the views of Indigenous people with respect to cultural flows.	Additional consultation underway as part of the Basin Plan commitments package following the Basin Plan Amendment deal. Department of Planning, Industry and Environment is working with MDBA, NBAN and MLDRIN and conversations will be continued.
10.55	WRP provides at least the same level of protection of Indigenous values and Indigenous uses as provided in a transitional or an interim water resource plan for the WRPA.	Improved objectives ensure protection for Indigenous values and uses aligned with practical strategies and quantifiable performance indicators.

Appendix A. Barkandji Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Barkandji Nation for the development of water resource plans (WRPs) in NSW, for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan. It outlines the consultation process and methodology, making recommendations for future consultation with First Nations people. It presents findings on the objectives and outcomes of the Barkandji people for the management of their water-dependent values and uses.

Appendix B. Budjiti Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Budjiti Nation for the development of water resource plans (WRPs) in NSW, for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan. It outlines the consultation process and methodology, making recommendations for future consultation with First Nations people. It presents findings on the objectives and outcomes of the Budjiti people for the management of their water-dependent values and uses.

Appendix C. Euahlayi Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Euahlayi Nation for the development of water resource plans (WRPs) in NSW, for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan. It outlines the consultation process and methodology, making recommendations for future consultation with First Nations people. It presents findings on the objectives and outcomes of the Euahlayi people for the management of their water-dependent values and uses.

Appendix D. Murrwarri Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Murrwarri Nation for the development of water resource plans (WRPs) in NSW, for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan. It outlines the consultation process and methodology, making recommendations for future consultation with First Nations people. It presents findings on the objectives and outcomes of the Murrwarri people for the management of their water-dependent values and uses.

Appendix E. Ngemba Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Ngemba Nation for the development of water resource plans (WRPs) in NSW, for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan. It outlines the consultation process and methodology, making recommendations for future consultation with First Nations people. It presents findings on the objectives and outcomes of the Ngemba people for the management of their water-dependent values and uses.

Appendix F. Wailwan Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Wailwan Nation for the development of water resource plans (WRPs) in NSW, for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan. It outlines the consultation process and methodology, making recommendations for future consultation with First Nations people. It presents findings on the objectives and outcomes of the Wailwan people for the management of their water-dependent values and uses.