

THE BASIN PLAN

Intersecting Streams Surface Water Resource Plan Consultation Report

Schedule C

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Intersecting Streams Surface Water Resource Plan Consultation Report

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NOTE: On 1 July 2019, NSW Department of Industry became part of NSW Department of Planning, Industry and Environment. Any references to Department of Industry in this document, except where made in a historical context, can be taken to refer to Department of Planning, Industry and Environment.

More information

Department of Planning, Industry and Environment—Water

www.industry.nsw.gov.au/water

Acknowledgments

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Aboriginal acknowledgement

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

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

We acknowledge that the people of the Barkandji, Budjiti, Euahlayi, Gomeroi/Kamilaroi, Guwamu/Kooma, Kunja, Murrwarri, and Ngemba Nations hold a significant connection to the lands in the Intersecting Streams Water Resource Plan Area.

The Intersecting Streams Water Resource Plan Area holds great areas of spiritual, cultural and economic importance to the First Nation people and NSW recognises the connection of the water to the people of these nations.

We recognise the intrinsic connection of Traditional Owners to country and acknowledge their contribution to the management of the Intersecting Streams Water Resource Plan Area landscape and natural resources.

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

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

We thank the Elders, representatives of Barkandji, Budjiti, Euahlayi, Gomeroi/Kamilaroi, Guwamu/Kooma Kunja, Murrwarri, and Ngemba Nations and 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 20 surface water and groundwater WRPs being developed by NSW. The purpose of this report is to describe the consultation that was undertaken. Specifically, this report will detail the public consultation, both broad and targeted, that took place to further the development of the Intersecting Streams Surface WRP and inform changes to the Intersecting Streams Unregulated Rivers Water Sharing Plan (WSP).

1.2 The Basin Plan 2012 (*Water Act 2007 Cwlth*)

The Murray-Darling Basin Plan 2012 (the Basin Plan) provides a coordinated approach to managing water within the Murray-Darling Basin across Queensland, NSW, Australian Capital Territory, Victoria and South Australia. In NSW, the Basin Plan came into effect following the signing of Inter-governmental and National Partnership Agreements in 2014. As lead agency, Department of Planning, Industry and Environment is working with the NSW Office of Environment and Heritage (OEH) and NSW Department of Primary Industries (DPI Fisheries) to implement the Basin 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. The following requirements of the Basin Plan will be 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 Intersecting Streams Surface WRP area

The Intersecting Streams Surface WRP (SW13) covers all surface water resources of the Intersecting Streams (Figure 1). The Intersecting Streams Unregulated Water Sources comprises all the rivers in the 5 water sources which intersect the NSW/Queensland Border to the west of the Barwon River at Mungindi to the western edge of the Paroo water source and the Murray-Darling Basin, and 1 water source Yanda Creek which flows northward from its headwaters near Cobar, NSW. The five water sources which intersect the NSW/Queensland Border are the Moonie River water source, the Narran River water source, the Culgoa River water source, the Warrego River water source and the Paroo River water source.

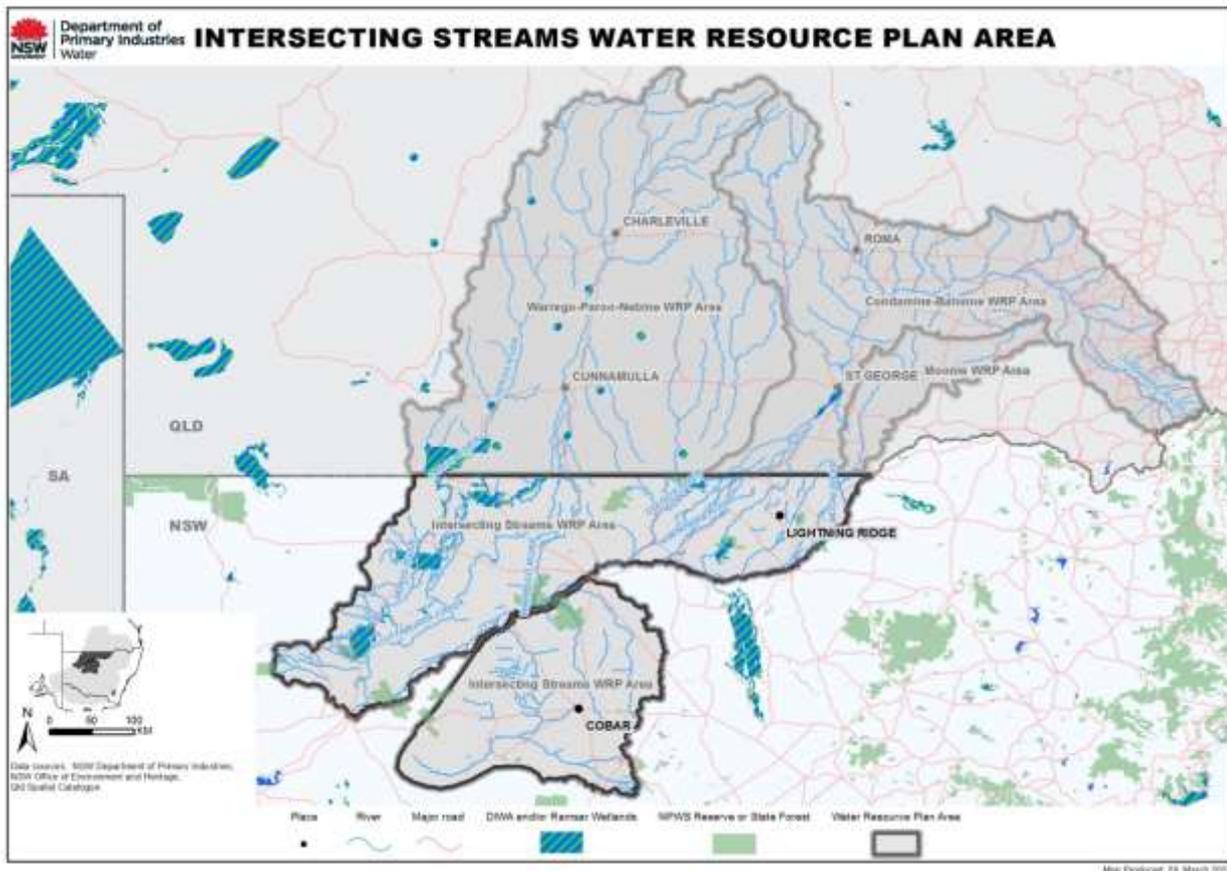


Figure 1-1 SW13 Intersecting Streams Surface WRPA

2 Consultation

Stakeholder consultation is an essential part of the development of NSW WRPs and was undertaken throughout the development of the Intersecting Streams Surface 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 Broad public consultation

2.1.1 Status and issues phase

The *Intersecting Streams Water Resource Plan - Status and Issues Paper* (NSW Department of Industry, 2017) was released for public comment on 12 May 2017. The paper compiled the issues raised

as part of the WSP replacement process and provided an opportunity for stakeholders to raise additional issues to be considered during the development of each WRP. The paper is available on the Department of Planning, Industry and Environment website: www.industry.nsw.gov.au/water

Eight public submissions on this paper were received and within these submissions 100 issues were raised. Further examination and discussion was undertaken by the department on the issues in order to prepare an Issues Assessment Report. The Issues Assessment Report presented issues raised as part of WSP replacement, as well as those raised recently through the public exhibition of the Status and Issues Document. The report indicated whether an issue is to be considered further during the water resource planning process along with those not to be progressed and the reasons why.

Key issues identified for consideration included:

- Review of the current Interstate trade rules in light of Basin Plan requirements

2.1.2 Public exhibition phase

The amended WSP for the Intersecting Streams Unregulated Rivers water sources 2011, is available for public comment as part of the public exhibition phase.

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

- Community meetings and face to face appointments
- Targeted consultation with specific communities directly affected by significant rule changes
- Print and virtual media campaign

Department of Planning, Industry and Environment is seeking submissions on the draft WRP and amended WSP. Supporting documents are available to provide context and background information.

Public submissions received on the draft WRP and amended WSP will be uploaded to a submissions database system and will be considered when finalising the WRP. Department of Planning, Industry and Environment will focus on issues that are raised during public exhibition that have a material effect on the proposed changes.

2.2 Long term water plan

OEH is developing long-term water plans (LTWPs) across all nine NSW Murray-Darling Basin catchments. These plans link to the basin-scale plans developed by the MDBA, and include detailed objectives, targets and watering requirements for priority species and processes within, and between, catchments.

The development of the LTWP involved incorporating the best available information and scientific advice. OEH has sought feedback from other various stakeholders, including:

- Interagency Consultation Groups, established in each LTWP catchment, that include relevant agency staff and scientists with expertise in the area
- Other key regional stakeholder groups

Consultation undertaken by OEH is guided by a communications and engagement strategy. This ensures that OEH meet the community's expectation surrounding information on environmental water and its management.

It is intended that the draft Intersecting Streams LTWP will be placed on public exhibition at the same time as the draft Intersecting Streams Surface WRP to ensure efficient stakeholder engagement. OEH will consider all feedback when finalising the Intersecting Streams LTWP.

3 First Nation Consultation

The Intersecting Streams WRP area is located within the traditional lands of, and is significant to, the Barkandji, Budjiti, Euahlayi, Gomeroi/Kamilaroi, Guwamu/Kooma, Kunja, Murrawarri, and Ngemba, Nations and traditional owners. NSW Department of Industry has committed to engaging and consulting with various nations to identify and record objectives and outcomes in regard to Aboriginal spiritual and cultural values and uses within the Intersecting Streams Surface WRP area. Consultation undertaken followed a nation-based model, which allows individual Nations to contribute to WRPs and assist the government to make better decisions in water planning.

NSW Department of Industry engaged the services of a number of consultancies to facilitate the gathering of cultural information from traditional owners. The consultation and report status, and the consultant engaged, is listed in Table 3-1. The consultation reports will become available as appendices as they are finalised.

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 representatives of the Gomeroi Nation from grassroots to senior Traditional Owner level.

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.

NSW will not be seeking Commonwealth accreditation of this plan until the Aboriginal consultation is completed.

Table 3-1 Status of consultation and report for each Nation

Nation	Consultant	Consultation Status	Consultation Report Status	Appendix
Barkandji	Dhirranggal Solutions	In progress	In progress	A
Budjiti	Eurah Australia	In progress	In progress	B
Euahlayi	Dhirranggal Solutions	In progress	In progress	C
Gomeroi/Kamilaroi	Dhirranggal Solutions	Complete	Complete	D
Guwamu/Kooma	Eurah Australia	In progress	In progress	E
Kunja	Eurah Australia	In progress	In progress	F
Murrawarri	Dhirranggal Solutions	In progress	In progress	G
Ngemba	Dhirranggal Solutions	Complete	Complete	H

3.1 Barkandji Nation

NSW is yet to complete this consultation. Following consultation, a more detailed discussion of the objectives and outcomes for Aboriginal values and uses developed through this consultative process will be included in the Barkandji Nation Consultation Report as Appendix A of this consultation report.

3.2 Budjiti Nation

NSW is yet to complete this consultation. Following consultation, a more detailed discussion of the objectives and outcomes for Aboriginal values and uses developed through this consultative process will be included in the Budjiti Nation Consultation Report as Appendix B of this consultation report.

3.3 Euahlayi Nation

NSW is yet to complete this consultation. Following consultation, a more detailed discussion of the objectives and outcomes for Aboriginal values and uses developed through this consultative process will be included in the Euahlayi Nation Consultation Report as Appendix C of this consultation report.

3.4 Gomeroi/Kamilaroi Nation

Gomeroi Nation boundaries cross over six surface water and seven groundwater NSW WRP areas. The consultation process adhered to the Murray Darling Basin Plan Part 14 Guidelines for meeting Basin Plan Chapter 10 requirements. The process was underpinned by eight principles for culturally appropriate consultation:

- Respect for the Contemporary Cultural Framework
- Flexibility
- Collaboration
- Quality Assurance
- Clear Communication
- Building Tangible Outcomes
- Inclusivity and Accessibility
- Indigenous Data Sovereignty.

3.4.1 Face to Face Interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs) from the Gomeroi Nation in late March 2018. Senior TOs who participated in the face-to-face interviews were drawn from three categories – Grassroots, Native Title applicants and suggestions from other interview participants. Eight TOs participated in these interviews, they represented their own family groups and spoke for a broad range of communities and different areas of Gomeroi Nation. These interviews assisted in formulating the discussion undertaken in the workshops held in April 2018.

The process involved in identifying Senior TOs and the questions they were asked can be reviewed in detail in Appendix D.

3.4.2 Workshops

Following on from the face-to-face interviews First Nation consultation workshops were held in Tamworth, Walgett, Moree and Tingha in April 2018. These workshops gave NSW Department of Industry the opportunity to engage with the wider Gomeroi community and capture their views and opinions on objectives, outcomes, values and uses for the Intersecting Streams Surface WRP area. 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

A total of 31 people representing 25 family groups participated in the 4 workshops, including 31 Gomeroi TOs. Detailed workshop participant data can be viewed in Appendix D (Table 4). In addition to Gomeroi participants representatives from Northern Basin Aboriginal Nations, NSW Department of Industry and OEHL also attended the workshops.

As a result of this two-step consultation process Gomeroi Nation's values and uses were identified. The risks to those values and uses were also acknowledged and these were further built on to develop objectives and outcomes for water management (see Appendix D).

3.4.3 Consultation Outcomes

Successful outcomes included a total of 36 Gomeroi people consulted, representing a broad set of families; the use of data agreements to safeguard First Nations Cultural Knowledge; engagement with a nation-based traditional governance model; and comprehensive findings. Participants gave positive feedback about new nation-based consultation processes. A series of recommendations suggest improvements for future consultations to make them more culturally appropriate.

The consultation with the Gomeroi Nation satisfied the Basin-Plan outcomes as demonstrated in Table 3-2 and described throughout Chapter 1 of the *Intersecting Streams Surface WRP* and Appendix D.

Table 3-2 - Gomeroi Nation consultation outcomes

Requirement	Outcome
<p>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 Aboriginal people.</p>	<p>NSW Department of Industry completed Nations consultation in conjunction with NBAN. The process developed objectives and outcomes that have respect for social, spiritual and cultural values and uses for water resources.</p> <p>An overview of the objectives and values are in Chapter 1 Section 1.2.3 Table 1.2 of the Intersecting Streams Surface WRP. Detailed information on the objectives and outcomes considered in respect of values and uses can be found in Section 7 of Appendix D.</p>
<p>That consultation with relevant Indigenous organisations was undertaken, including with the Northern Murray-Darling Basin Aboriginal Nations</p>	<p>Consultation was undertaken with relevant Indigenous organisations such as NBAN and LALC's. NBAN played a key role in the consultation and were brought on-board to be nation organisers and had an important role in phases 3 and 4 of the process. They also advised on methods to ensure the consultation was culturally appropriate. NSW Department of Industry worked with NBAN to appoint a Nation Organiser to suggest appropriate Traditional Owners to engage with. NBAN representatives were present at all workshops. Development of the stakeholder list also involved a desktop analysis of external and internal governance structures, including Local Aboriginal Land Councils (LALCs), Aboriginal Medical Services (AMS), committees and social media groups. Further information on this is described throughout Appendix E.</p>
<p>That the consultation had 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 the Native Title Act 1993 in relation to the water resources of the WRPA</p>	<p>Discussions on native title rights, native title claims and Indigenous Land Use Agreements and the <i>Native Title Act 1993</i> in relation to the water resources of the Intersecting Streams area were held throughout the consultation.</p> <p>A letter was sent out to NTS Corp to advise on further consultations on country and how they would like to be engaged. One representative from NTS Corp was in attendance at the workshops held. Any comments made can be found in Appendix E.</p> <p>Community WRP workshops were held (Appendix E) and invitations were emailed to a wide range of people and organisations including Native Title applicants and claimants.</p>
<p>That the consultation had regard to the views of relevant Indigenous organisations with respect to registered Aboriginal heritage relating to the water resources of the WRPA</p>	<p>Local Aboriginal Lands Councils were invited via email, opportunities arose for them to speak of any listed sites on the heritage register throughout the workshop sessions.</p>
<p>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</p>	<p>NSW Department of Industry directly engaged with NBAN to engage a Nation Organiser to suggest appropriate Traditional Owners to engage with. The consultation process utilised a representative from NBAN for the Gomeroi Nation.</p> <p>Refer to Chapter 1, Section 1.7.1 of the Intersecting Streams Surface Water WRP and Appendix D.</p>

Requirement	Outcome
<p>That 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</p>	<p>Appendix D in Section 7.3 details the various objectives that were identified with the desired outcomes and also outlines strategies to achieve these outcomes. Objectives and values are summarised in Table 1.2 of the WRP.</p> <p>It was of high importance that the consultation process was culturally appropriate. Traditional Owners that were interviewed gave guidance on culturally appropriate venues within towns, cultural protocols to be followed and culturally appropriate communication techniques. Eight principles were developed to assist with this:</p> <ul style="list-style-type: none"> • respect for contemporary cultural framework • flexibility • collaboration • quality assurance • clear communication • building tangible outcomes • inclusivity and accessibility • Indigenous data sovereignty <p>These principles can be mapped against the MDBA Part 14 Guidelines and Best Practice Methods employed are outlined in Appendix D (Table 3).</p>
<p>That the consultation had regard to the views of relevant Indigenous organisations with respect to encouragement of active and informed participation of Indigenous people</p>	<p>NSW Department of Industry followed cultural protocols to ensure active and informed participation of Indigenous people.</p> <p>In the First Nations Consultation, the Gomeroi people were encouraged to attend workshops in four different locations. Culturally appropriate consultation required Senior Traditional Owners to be appointed through a Nation Organiser (NBAN) and be interviewed prior to other stakeholders. In this interview they were encouraged to provide the department with guidance about how they would like the interview conducted, including choice of venue, food, recording options and a walk 'On Country'. A stakeholder list was developed and the wider Gomeroi community were invited to participate in workshops, where Traditional Owners were invited to give input on the identified risks, objectives and outcomes based on their water-dependent values and uses. These workshops were also a platform to give information about the water planning process and build a relationship for future consultation.</p> <p>More detail on the engagement process is Chapter 1, Section 1.7.1 of the WRP and and Appendix D.</p>

Requirement	Outcome
<p>That 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</p>	<p>The First Nation consultation determined that the Gomeri Nation see the following as their main risks to water-dependent values and uses:</p> <ul style="list-style-type: none"> • inequity across the system • agricultural land use, particularly cotton and cattle • infrastructure controlled flows • illegal activity and monitoring and compliance practices • governance and capacity • government communications • government policy and practices • conflicting value systems between themselves, government and the wider community • consultation practices • mining • pest animals and invasive species • pollution • access issues and fencing <p>The risks to Indigenous Values and Uses are outline in Table 1.3 of the WRP and Section 7.2 of Appendix D.</p>
<p>That the consultation have regard to the views of Indigenous people with respect to cultural flows?</p>	<p>Throughout the First Nations consultation, cultural flows was a key theme as cultural practices and events are supported by cultural flows. The Gomeri people would also like to receive information about cultural flows including application, polciies and their release.</p> <p>The consultation determined that the Gomeri people would like to see cultural flows allocated to the Gomeri people, distinct to environmental flows, for the purpose of cultural practices and events, and to support fishing practices and fish breeding. They would also like to be given information about cultural flows including applications, policies and their release and would like to be employed to conduct research on the benefits and reach of these flows.</p> <p>NSW Department of Industry is working with MDBA and NBAN and consultation to codify cultural flows into the relevant WSPs will be continued. Additional consultation is underway as part of the Basin Plan commitments package following the Basin Plan Amendment deal . This is discussed in section 1.7.1 of the WRP and Appendix D.</p>

3.5 Guwamu/Kooma

NSW is yet to complete this consultation. Following consultation, a more detailed discussion of the objectives and outcomes for Aboriginal values and uses developed through this consultative process will be included in the Guwamu/Kooma Nation Consultation Report as Appendix D of this consultation report.

3.6 Kunja Nation

NSW is yet to complete this consultation. Following consultation, a more detailed discussion of the objectives and outcomes for Aboriginal values and uses developed through this consultative process will be included in the Kunja Nation Consultation Report as Appendix F of this report.

3.7 Murrawarri Nation

NSW is yet to complete this consultation. Following consultation, a more detailed discussion of the objectives and outcomes for Aboriginal values and uses developed through this consultative process will be included in the Murrawarri Nation Consultation Report as Appendix G of this report.

3.8 Ngemba Nation

Ngemba Nation boundaries cross over two surface water and two groundwater WRP areas. The consultation process adhered to the Murray Darling Basin Plan Part 14 Guidelines for meeting Basin Plan Chapter 10 requirements. The process was underpinned by eight principles for culturally appropriate consultation:

- Respect for the Contemporary Cultural Framework
- Flexibility
- Collaboration
- Quality Assurance
- Clear Communication
- Building Tangible Outcomes
- Inclusivity and Accessibility
- Indigenous Data Sovereignty.

3.8.1 Face to Face Interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs) from the Ngemba Nation in late September, early October 2018. Senior TOs who participated in the face-to-face interviews were drawn from three categories – Grassroots, Native Title applicants and suggestions from other interview participants. Seven TOs participated in these interviews, they represented their own family groups and spoke for a broad range of communities and different areas of Ngemba Nation. These interviews assisted in formulating the discussion undertaken in the workshops held in April 2018.

The process involved in identifying Senior TOs and the questions they were asked can be reviewed in detail in Appendix H.

3.8.2 Workshops

Following on from the face-to-face interviews First Nation consultation workshops were held in Bourke and Brewarrina in early November 2018. These workshops provided NSW Department of Industry with the opportunity to engage with the wider Ngemba community and capture their views and opinions on objectives, outcomes, values and uses for the Intersecting Streams Surface WRP area. 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

Detailed workshop participant data can be viewed in Appendix H. In addition to Ngemba participants, representatives from Northern Basin Aboriginal Nations, NSW Department of Industry and OEH also attended the workshops.

As a result of this two-step consultation process Ngemba Nation’s values and uses were identified. The risks to those values and uses were also acknowledged and these were further built on to develop objectives and outcomes for water management (see Appendix H).

3.8.3 Consultation Outcomes

Successful outcomes included a total of 15 Ngemba people consulted across all phases of consultation, representing a broad set of families; the use of data agreements to safeguard First Nations Cultural Knowledge; engagement with a nation-based traditional governance model; and comprehensive findings. Participants gave positive feedback about new nation-based consultation processes. A series of recommendations suggest improvements for future consultations to make them more culturally appropriate.

The consultation with the Ngemba Nation satisfied the Basin-Plan outcomes as demonstrated in Table 3-3 and described throughout Chapter 1 of the *Intersecting Streams Surface WRP* and Appendix H.

Table 3-3 - Ngemba Nation consultation outcomes

Requirement	Outcome
<p>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 Aboriginal people.</p>	<p>NSW Department of Industry completed Nations consultation in conjunction with NBAN and the Ngemba Nation. The process developed objectives and outcomes that have regard to social, spiritual and cultural values and uses for water resources.</p> <p>An overview of the objectives and values are in Chapter 1 Section 1.2.3 Table 1.4 of the <i>Intersecting Streams Surface WRP</i>. Detailed information on the objectives and outcomes considered in respect of values and uses can be found in Section 7 of Appendix H.</p>
<p>That consultation with relevant Indigenous organisations was undertaken, including with the Northern Murray-Darling Basin Aboriginal Nation</p>	<p>Consultation was undertaken with relevant Indigenous organisations such as NBAN and LALC’s. NBAN played a key role in the consultation and were brought on-board as nation organisers and had an important role in phases 3 and 4 of the process. They also advised on methods to ensure the consultation was culturally appropriate. NSW Department of Industry worked with NBAN to appoint a Nation Organiser to suggest appropriate Traditional Owners to engage with. NBAN representatives were present at all workshops. Development of the stakeholder list also involved a desktop analysis of external and internal governance structures, including Local Aboriginal Land Councils (LALCs), Aboriginal Medical Services (AMS), committees and social media groups. Further information on this is described throughout Appendix H.</p>

Requirement	Outcome
<p>That the consultation had 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 the Native Title Act 1993 in relation to the water resources of the WRPA</p>	<p>Discussions on native title rights, native title claims and Indigenous Land Use Agreements and the <i>Native Title Act 1993</i> in relation to the water resources of the Intersecting Streams area were held throughout the consultation.</p> <p>A letter was sent out to NTS Corp to advise on further consultations on country and how they would like to be engaged. One representative from NTS Corp was in attendance at the workshops held. Any comments made can be found in Appendix D.</p> <p>Community WRP workshops were held (Appendix D) and invitations were emailed to a wide range of people and organisations including Native Title applicants and claimants.</p>
<p>That the consultation had regard to the views of relevant Indigenous organisations with respect to registered Aboriginal heritage relating to the water resources of the WRPA</p>	<p>The Ngemba Nation are custodians of the <i>Ngunnhu</i> or fish traps on the Barwon River at Brewarrina, the centrepiece of the Ngemba Nation. The <i>Ngunnhu</i> represent their custodianship, jurisdiction, rights and interests on Country as well as symbolise interconnectedness between neighbouring nations. This is comprehensively discussed in Section 5 of the Ngemba Nation consultation report found in Appendix H. Local Aboriginal Lands Councils were invited via email, opportunities arose for them to speak of any listed sites on the heritage register throughout the workshop sessions.</p>
<p>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</p>	<p>NSW Department of Industry engaged a Nation representative through NBAN to provide cultural guidance and help facilitate interviews, workshops and the reviews. In this particular case, the cultural consultant from Dhirranggal Solutions was also a Senior Ngemba Traditional Owner, connected culturally to the Nation Organiser as a representative of grassroots, internal and external Ngemba governance bodies.</p> <p>Refer to Chapter 1, Section 1.7.1 of the Intersecting Streams Surface Water WRP and Appendix H.</p>

Requirement	Outcome
<p>That 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</p>	<p>Appendix H in Section 6.5 details the various objectives that were identified with the desired outcomes and also outlines strategies to achieve these outcomes. A summary of key findings is provided in Table 2 of the Ngemba Nation consultation report. Objectives and values are summarised in Table 1.4 of the WRP.</p> <p>It was of high importance that the consultation process was culturally appropriate. Traditional Owners that were interviewed gave guidance on culturally appropriate venues within towns, cultural protocols to be followed and culturally appropriate communication techniques. Eight principles were developed to assist with this:</p> <ul style="list-style-type: none"> • respect for contemporary cultural framework • flexibility • collaboration • quality assurance • clear communication • building tangible outcomes • inclusivity and accessibility • Indigenous data sovereignty <p>These principles can be mapped against the MDBA Part 14 Guidelines and Best Practice Methods employed are outlined in Appendix H (Table 3).</p>
<p>That the consultation had regard to the views of relevant Indigenous organisations with respect to encouragement of active and informed participation of Indigenous people</p>	<p>NSW Department of Industry followed cultural protocols to ensure active and informed participation of Indigenous people.</p> <p>In the First Nations Consultation, the Ngemba people were encouraged to attend workshops in four different locations. Culturally appropriate consultation required Senior Traditional Owners to be appointed through a Nation Organiser (NBAN) and be interviewed prior to other stakeholders. In this interview they were encouraged to provide the department with guidance about how they would like the interview conducted, including choice of venue, food, recording options and a walk 'On Country'. A stakeholder list was developed and the wider Ngemba community were invited to participate in workshops, where Traditional Owners were invited to give input on the identified risks, objectives and outcomes based on their water-dependent values and uses. These workshops were also a platform to give information about the water planning process and build a relationship for future consultation.</p> <p>More detail on the engagement process is Chapter 1, Section 1.7.1 of the WRP and and Appendix H.</p>

Requirement	Outcome
<p>That 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</p>	<p>The First Nation consultation determined that the Ngemba Nation see the following as their main risks to water-dependent values and uses:</p> <ul style="list-style-type: none"> • Invasive species • Unnatural flows and levels • Colonisation • Unrecognised First Nations governance and jurisdiction • Dispossession • Poor resourcing and lack of information • Industry • Water allocations • Monitoring and compliance practices • Infrastructure • Government policies and practices • Cultural differences • Consultation practices <p>The risks to Indigenous Values and Uses are outline in Table 1.5 of the WRP and were developed from Section 6.4 of Appendix H.</p>
<p>That the consultation have regard to the views of Indigenous people with respect to cultural flows</p>	<p>Throughout the First Nations consultation, cultural flows was a key theme as cultural practices and events are supported by cultural flows. For Ngemba people cultural flow is a natural flow, <i>'a permanent flow that's coming through the weir pools or down through the river system.'</i></p> <p>Ngemba traditional owners seek opportunities for partnerships with other bodies, including the private sector, with established conservation groups and government such as working with the Office of Environment and Heritage to bring together benefits of both environmental and cultural flows.</p> <p>Ngemba people would also like to receive information about cultural flows including application, policies and their release. Consultation determined that the Ngemba people would like to see cultural flows allocated to the Ngemba people, distinct to environmental flows, for the purpose of cultural practices and events, to support fishing practices, fish breeding and the gathering of bush tucker. The Ngemba people would like to be supported to run billabong restoration projects in each community with cultural flows.</p> <p>NSW Department of Industry is working with MDBA and NBAN and consultation to codify cultural flows into the relevant WSPs will be continued. Additional consultation is underway as part of the Basin Plan commitments package following the Basin Plan Amendment deal. This is discussed in section 1.7.1 of the WRP and Appendix H.</p>

Organisations including NSW Aboriginal Land Council, Local Aboriginal Land Councils, native title groups and other relevant Aboriginal organisations were also consulted.

Appendix A - Culturally Appropriate First Nations Consultation Barkandji Nation Consultation Report Development of NSW Water Resource Plans

In progress

Appendix B – Culturally Appropriate First Nations Consultation Budjiti Nation Consultation Report Development of NSW Water Resource Plans

In progress

Appendix C – Culturally Appropriate First Nations Consultation Euahlayi Nation Consultation Report Development of NSW Water Resource Plans

In progress

Appendix D – Culturally Appropriate First Nations Consultation Gomeroi/Kamilaroi Nation Consultation Report Development of NSW Water Resource Plans

This report is available at www.industry.nsw.gov.au/intersecting-streams-surface-wrp

Appendix E – Culturally Appropriate First Nations Consultation Guwamu (Kooma) Nation Consultation Report Development of NSW Water Resource Plans

In progress

Appendix F – Culturally Appropriate First Nations Consultation Kunja Nation Consultation Report Development of NSW Water Resource Plans

In progress

Appendix G – Culturally Appropriate First Nations Consultation Murrawarri Nation Consultation Report Development of NSW Water Resource Plans

In progress

Appendix H – Culturally Appropriate First Nations Consultation Ngemba Nation Consultation Report Development of NSW Water Resource Plans

This report is available at www.industry.nsw.gov.au/intersecting-streams-surface-wrp