

BASIN PLAN 2012

NSW Border Rivers Alluvium Water Resource Plan Consultation Report

Schedule C

Published by Department of Planning, Industry and Environment

NSW Border Rivers Alluvium Water Resource Plan Consultation Report

First published July 2019

INT17/226715

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

dpie.nsw.gov.au

Acknowledgments

NSW Office of Environment and Heritage

© State of New South Wales through Department of Planning, Industry and Environment 2019. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 2019) and may not be accurate, current or complete. The State of New South Wales (including the Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Aboriginal acknowledgement

The 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 practicing the oldest living culture on earth.

We acknowledge that the people of the Bigambul, Githabul, Kambuwal, Gomeroi/Kamilaroi and Kwiambul Nations hold a significant connection to the lands in which the NSW Border Rivers Alluvium fall upon.

The NSW Border Rivers 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 NSW Border Rivers Alluvium landscape and natural resources.

The 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.

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

We thank the Elders, representatives of the Bigambul, Githabul, Kambuwal, Gomeroi/Kamilaroi and Kwiambul Nations and Aboriginal community who provided their knowledge throughout the planning process.

Contents

Aboriginal acknowledgement	i
1 Introduction	3
1.1 The role of the consultation report	3
1.2 The Basin Plan 2012 (Water Act 2007)	3
1.3 NSW Border Rivers Alluvium WRP Area	4
2 Consultation	6
2.1 Broad public consultation	6
2.1.1 Status and issues phase	6
2.1.2 Public exhibition phase	6
2.2 Targeted consultation	7
2.2.1 NSW Groundwater SAP	7
2.2.2 Workshops for all stakeholder advisory panels	9
2.3 First Nation consultation	9
2.3.1 Face to face Interviews	9
2.3.2 Workshops	10
2.3.3 Consultation outcomes	10
Attachment A – Bigambul First Nations Consultation	13
Attachment B – Githabul First Nations Consultation	14
Attachment C – Kambuwal First Nations Consultation	15
Attachment D – Gomeroi/Kamilaroi First Nations Consultation	16
Attachment E – Kwiambul First Nations Consultation	17

Figures

Figure 1 NSW Border Rivers Alluvium Water Resource Plan Area	5
--	---

Tables

Table 1: Groundwater WRP SAP Meetings	7
Table 2: First Nations consultation outcomes	11

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 NSW. 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 NSW Border Rivers Alluvium WRP area in order to further the development of the NSW Border Rivers Alluvium WRP and inform changes to the NSW Border Rivers Alluvial Water Sharing Plan (WSP).

1.2 The Basin Plan 2012 (Water Act 2007)

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 together with agencies including Office of Environment and Heritage (OEH) 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 NSW Border Rivers Alluvium WRP Area

The groundwater resources of the NSW Border Rivers Alluvium WRP area include all of the main alluvial deposits associated with the Dumaresq River, the Macintyre River and Ottleys Creek. The WRP area extends downstream from Mingoola along the Dumaresq and Macintyre Rivers to approximately 20 km downstream of Boggabilla. It also includes the alluvium along the Macintyre River from approximately 20 km upstream of Yetman to its confluence with the Dumaresq River and a 44 km reach of the Ottleys Creek upstream of its confluence with the Macintyre River.

The New South Wales Border Rivers Alluvium WRP area (GW18 - Murray-Darling Basin reference number) is composed of two SDL resource units: the NSW Border Rivers Alluvium (GS32); and the NSW Border Rivers Tributary Alluvium (GS33) shown in Figure 1 inset map. These two SDL resource units correlate to four groundwater sources currently covered by the *Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Sources 2020*.

- *NSW Border Rivers Alluvium (GS32)* corresponds to the NSW Border Rivers Upstream Keetah Bridge Alluvial Groundwater Source and the NSW Border Rivers Downstream Keetah Bridge Alluvial Groundwater Source in the *Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Sources 2020*. The NSW Border Rivers Alluvium (GS32) extends along a 250 km continuous reach of the Dumaresq and Macintyre Rivers as shown in Figure 1. Within the alluvium a shallow and a deep aquifer system can be identified. From upstream of Keetah Bridge to Mingoola, the floodplain is up to 4.5 km wide and the deep aquifer is in a palaeochannel that ranges from a narrow gorge less than 300 m wide to up to 1.5 km wide. The current channel of the Dumaresq River does not coincide with the deep palaeochannel which meanders below the floodplain between NSW and Queensland. In NSW, the deeper aquifer only occurs upstream of Keetah Bridge. Downstream from Keetah Bridge the paleochannel meanders into Queensland on the northern side of the Dumaresq River, the shallow aquifer is within 500 m to 7 km wide floodplain.
- *NSW Border Rivers Tributary Alluvium (GS33)* corresponds to the Macintyre Alluvial Groundwater Source and the Ottley's Creek Alluvial Groundwater Source in the *Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Sources 2020*. NSW Border Rivers Tributary Alluvium is the alluvium along the Macintyre River and Ottleys Creek. It commences on the Macintyre River about 9 km upstream of the confluence of the Macintyre River and the Dumaresq River. The floodplain ranges from 700 m to 4.8 km wide and the sediments have a maximum thickness of 42 metres. The alluvium along Ottleys Creek is within a floodplain ranging from 230 m to 4.7 km width and a maximum thickness of 24 metres.

BORDER RIVERS ALLUVIUM WATER RESOURCE PLAN (WRP) AREA

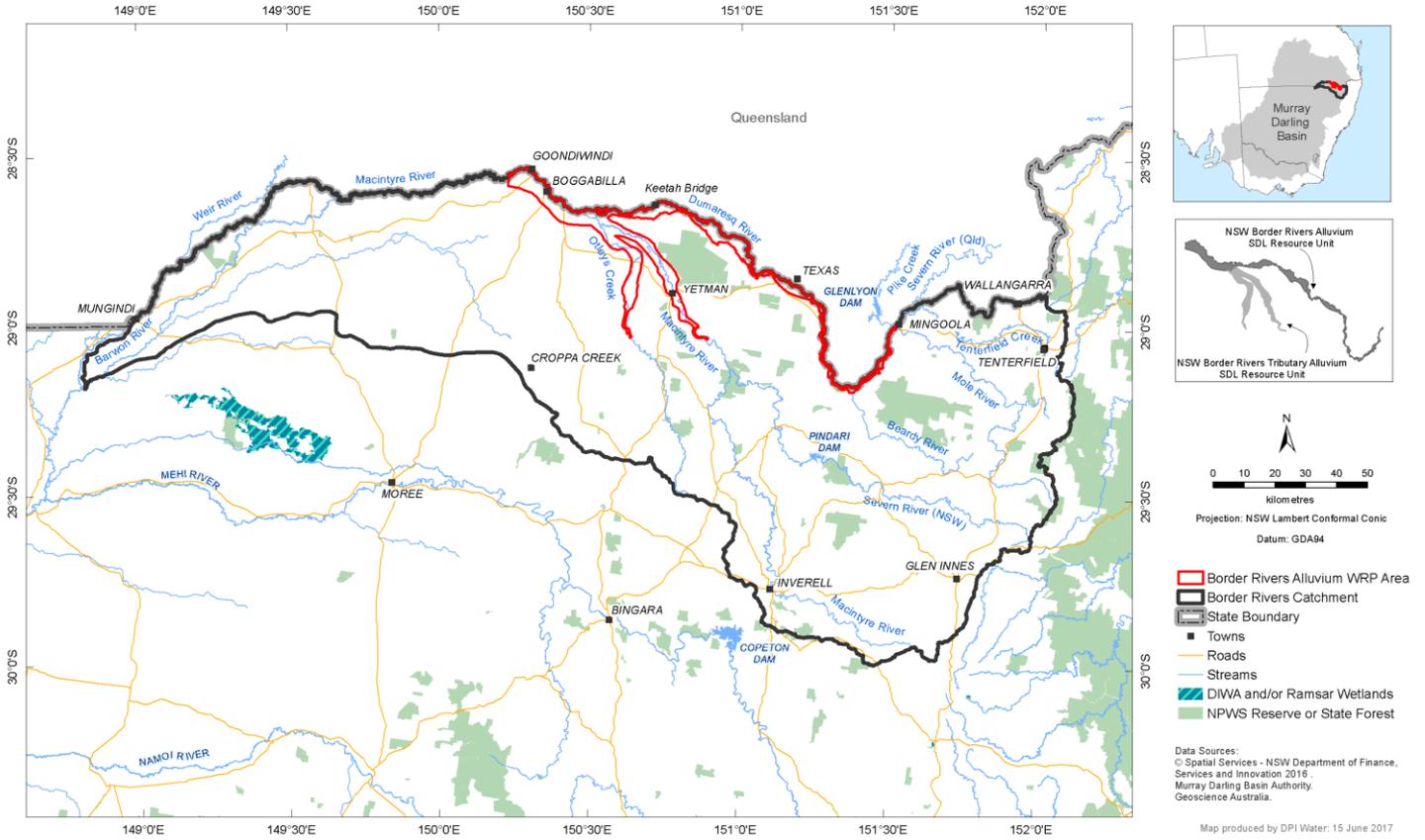


Figure 1 NSW Border Rivers Alluvium Water Resource Plan Area

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 NSW Border Rivers 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 targeted consultation (section 2.2) and the public exhibition phase (Section 2.1.2).

2.1.1 Status and issues phase

The NSW Border Rivers Alluvium WRP Status and Issues Paper (NSW Department of Industry) was released for public comment on 17 February 2017. This can be viewed here:

(https://www.industry.nsw.gov.au/_data/assets/pdf_file/0006/157362/NSW-BorderRivers-GW-WRP-SIP.pdf).

Two public submissions on this paper were received and within these submissions 21 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 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 NSW Department of Industry for internal and inter-agency analysis, as well as for consideration of 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 NSW Border Rivers Alluvial Groundwater Sources 2020* and draft NSW Border Rivers Alluvium WRP were released for public comment on the 15th July 2019. They can be viewed here:

(<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 will accept submissions on the draft WRP and amended WSP. Supporting documents have been made available to provide context and background information.

Public submissions received on the draft WRP and amended WSP will be prioritised and any new issues progressed for further consultation with the Groundwater SAP.

2.2 Targeted consultation

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

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
- Office of Environment and Heritage (OEH)
- 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 (<https://www.water.nsw.gov.au/water-management/water-resource-plans/Groundwater-SAP-terms-of-reference.pdf>). Broadly, they are an advisory panel that have 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
SAP Meeting 1: - <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	08 September 2017

SAP Meeting (Number & Description)	Location	Date
<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 • IR Guideline • 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
<p>SAP Meeting 5:-</p> <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
<p>SAP Meeting 6:-</p> <ul style="list-style-type: none"> • Feedback on consultation to date • Draft Final Lachlan Alluvium Water Resource Plan (WRP) – summary of 	Sydney, NSW	25 January 2019

SAP Meeting (Number & Description)	Location	Date
changes (from public exhibition and initial MDBA assessment feedback) <ul style="list-style-type: none"> • MDBA assessment feedback process and timeframe • Progress on the Macquarie-Castlereagh, Murrumbidgee and Gwydir Alluvium WRP - outcomes of public exhibition, revisions • Update on progress on the remaining draft Groundwater Water Resource Plans 		

2.2.2 Workshops for all stakeholder advisory panels

The NSW Department of Industry 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 NSW Department of Industry 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:

1. State-wide planning assumptions
2. The WRP including the LTWP, Risk Assessment and Water Quality Management Plan
3. MDBA compliance framework
4. Water Renewal Taskforce update
5. First Nation engagement and cultural water
6. Northern Basin Floodplain Harvesting and Northern watering event and Southern Basin SDL Adjustment Mechanism and Pre-requisite Policy Measures
7. Groundwater policy update

2.3 First Nation consultation

The NSW Border Rivers Alluvium WRP area is located within the traditional lands of, and is significant to, the Bigambul, Githabul, Kambuwal, Gomeroi/Kamilaroi and Kwiambul Aboriginal Nations and traditional owners. Department of Planning, Industry and Environment is spending time engaging and consulting traditional owners of these Nations people to identify and record objectives and outcomes in regard to Aboriginal spiritual and cultural values and uses within the NSW Border Rivers Alluvium WRP area.

Consultation with traditional owners is being 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 currently being prepared.

2.3.1 Face to face Interviews

A series of face-to-face interviews were undertaken with eight Senior Traditional Owners (TOs) from the Gomeroi/Kamilaroi Nation. These individuals represented eight different family groups and 12,320 different people. Face to Face interviews with Senior Traditional Owners from the Bigambul, Githabul Kambuwal and Kwiambul Nations are currently being undertaken. Senior TOs who participate in the face-to-face interviews are drawn from three separate categories – grassroots, Native Title applicants and suggestions from other

interview participants. These interviews will assist in formulating the discussion undertaken in workshops with the Nations.

2.3.2 Workshops

Following on from the face-to-face interviews, First Nation consultation workshops were held.

- **Bigambul**
- **Githabul**
- **Kambuwal**
- **Gomerroi/Kamilaroi** Four workshops were held in Tamworth, Walgett, Moree and Tingha in April 2018. A total of 30 Traditional Owners attended the workshops along with 1 other participant, representing 22 different family groups.
- **Kwiambul**

Common themes are used to guide discussion in the workshops. These are established during the face-to-face interviews and may include:

- Water is life
- Healthy Country and people
- Cultural continuity and revival
- Custodianship and jurisdiction
- Compensation and redress
- Management and control
- Communication and partnership

2.3.3 Consultation outcomes

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 Nation Consultation Reports, as Attachments A to E of Schedule C. Organisations, including NSW Aboriginal Land Council, Local Aboriginal Land Councils, native title groups and other relevant Aboriginal organisations, will also be consulted.

These reports aim to 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.

In addition to consulting with Traditional Owners, NSW 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 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 has 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 First Nation consultation is completed.

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 Northern Basin Aboriginal Nations (NBAN). Consultation completed in conjunction with 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 NSW Border Rivers Alluvium WRP.
10.53(1)	That consultation with relevant Indigenous organisations was undertaken, including with the Murray Lower Darling Rivers Indigenous Nations.	MLDRIN 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 the Native Title Act 1993	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 NSW Border Rivers catchments. 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	NBAN provided direct input via recommendations on the appropriate Traditional Owners to engage.

	in the preparation and implementation of the plan	This resulted in the relevant Traditional Owners for the NSW Border Rivers Alluvium WRP area being represented. More details on Indigenous representation can be seen in the First Nations Consultation Reports, Attachments A to E 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	<p>Consultation included what people would want in the future.</p> <p>More detail on strategies can be seen in the First Nations Consultation Reports, Attachments A to E of Schedule C</p>
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	<p>Relationships developed with Elders and a shared understanding of water management prior to conducting workshops with the broader group of First Nation Traditional Owners.</p> <p>More detail on the engagement process can be seen in the First Nations Consultation Reports, Attachments A to E of Schedule C</p>
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 E of Schedule C.
10.54	That the consultation has regard to the views of Indigenous people with respect to cultural flows	<p>Additional consultation underway as part of the Basin Plan commitments package following the Basin Plan Amendment deal.</p> <p>Department of Planning, Industry and Environment is working with MDBA and NBAN and conversations will be continued</p>
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

Attachment A – Bigambul First Nations Consultation

DRAFT

Attachment B – Githabul First Nations Consultation

DRAFT

Attachment C – Kambuwal First Nations Consultation

DRAFT

Attachment D – Gomeroi/Kamilaroi First Nations Consultation

DRAFT

Attachment E – Kwiambul First Nations Consultation

DRAFT