

THE BASIN PLAN

Lachlan Alluvium Water Resource Plan Consultation Report

Schedule C

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Lachlan Alluvium Water Resource Plan Consultation Report

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More information

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Acknowledgments

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Acknowledgement of Traditional Owners

The 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.

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 Nari Nari, Ngiyampaa, Wiradjuri and Yita Yita Nations hold a significant connection to the lands in which the Lachlan Alluvium fall upon.

The Lachlan 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 Lachlan Alluvium landscape and natural resources.

The NSW Department of Industry 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 NSW Department of Industry is committed to continuing relationships and building strong partnerships with our First Nation People.

We thank the Elders, representatives of the Nari Nari, Ngiyampaa, Wiradjuri and Yita Yita Nations, and the Aboriginal community who provided their knowledge throughout the planning process.

Contents

Acknowledgement of Traditional Owners	i
1 Introduction	1
1.1 The role of the consultation report.....	1
1.2 The Basin Plan 2012 (<i>Water Act 2007—Commonwealth</i>)	1
1.3 Lachlan Alluvium WRP Area	2
2 Consultation.....	4
2.1 Broad public consultation.....	4
2.1.1 Status and issues phase.....	4
2.1.2 Public exhibition phase.....	4
2.2 Targeted Consultation.....	5
2.2.1 NSW Groundwater SAP	5
2.2.2 Lower Lachlan	6
2.2.3 All SAP	7
2.3 First Nation Consultation.....	7
2.3.1 Face-to-face Interviews.....	7
2.3.2 Workshops.....	8
2.3.3 Consultation Outcomes.....	8

Figures

Figure 1. GW10 Lachlan Alluvium Water Resource Plan Area	3
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Tables

Table 1: Groundwater WRP SAP Meetings.....	5
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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 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 Lachlan Alluvium WRP area in order to further the development of the Lachlan Alluvium WRP and inform changes to the Lachlan Alluvium Water Sharing Plans (WSPs).

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 NSW Department of Industry 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 Lachlan Alluvium WRP Area

The Lachlan Alluvium Water Resource Plan covers groundwater within the alluvial deposits associated with the Lachlan River, including its tributaries and anabranches from approximately 40 km upstream of Cowra at its eastern extent to Oxley and Ivanhoe at its western extremity.

The Lachlan Water Resource Plan includes three SDL resource units: the Belubula Alluvium, Upper Lachlan Alluvium and Lower Lachlan Alluvium (Figure 1). The boundaries of these sustainable diversion limit (SDL) resource units reflect those of the corresponding groundwater sources managed under NSW water sharing plans.

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 Lachlan 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 Lachlan Alluvium WRP Status and Issues Paper (NSW Department of Industry) was released for public comment on 17 February 2017. This can be viewed at www.water.nsw.gov.au/__data/assets/pdf_file/0007/698146/Status-and-Issues-Paper-Lachlan-GW-WRP_170217_final_1.pdf.

Eight public submissions on this paper were received and within these submissions 50 issues were raised. Issues raised in submissions were logged on the Submissions Database System. This system was developed specifically for capturing comments made to the 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 the 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 Lachlan Alluvial Groundwater Sources 2018 and draft Lachlan Alluvium WRP were released for public comment on 25 September 2018. They can be viewed at industry.nsw.gov.au/draft-lachlan-alluvium-wrp.

During this phase, the NSW Department of Industry communicated with stakeholders in a number of ways.

- Stakeholder-specific consultations
- Public information sessions (early evening sessions)
- NSW Department of Industry 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 NSW Department of Industry accepted submissions on the draft WRP and amended WSP. Supporting documents were made available to provide context and background information.

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

2.2 Targeted Consultation

Targeted consultation was undertaken for groundwater WRPs through a Groundwater Stakeholder Advisory Panel (SAP). The SAP consisted 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 the various interests and views put forward and discussed to promote common understanding. The SAP was 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:

- NSW Department of Industry
- 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 www.water.nsw.gov.au/water-management/water-resource-plans/Groundwater-SAP-terms-of-reference.pdf. Broadly, the SAP is an advisory panel that has been charged with helping to identify issues, examine options, and provide the NSW Department of Industry 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 (GDE) • Issues assessments • Consultation strategy 	Sydney, NSW	31 October 2017

SAP Meeting (Number & Description)	Location	Date
SAP Meeting 3:- <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
SAP Meeting 4:- <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 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:-	Sydney, NSW	21 September 2018

2.2.2 Lower Lachlan

A targeted consultation meeting was held with twelve groundwater users and other stakeholders in Hillston NSW on 24 May 2018.

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

1. an update on the water resource plan development
2. managing local impacts around Hillston, including the assessment of new bores and trades
3. groundwater-dependent ecosystems, identification and management.

Feedback received from Lachlan Valley Water on the preferred approach to prevent and manage the impact of new bores or permanent transfers on other bores in the vicinity includes improving the notification of applications so that the process is appropriate for current communication methods and is more transparent.

Lachlan Valley Water also expressed concerns on the option to revisit the conditions placed on a new bore or transfer if the impacts on other bores are higher than assessed. The potential for retrospective change carries considerable risk because licence holders are making significant investments based on the decision about an application.

2.2.3 All SAP

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:

1. NSW Government's response to recent reviews and how the NSW Department of Industry will approach its responsibilities within the Murray–Darling Basin
2. Key NSW policy issues requiring resolution in order to progress WRP development
3. 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 Lachlan Alluvium WRP area is located within the traditional lands of, and is significant to, the Nari Nari, Ngiyampaa, Wiradjuri and Yita Yita Aboriginal Nations and traditional owners. NSW Department of Industry has spent time engaging and consulting traditional owners of the Nari Nari, Ngiyampaa, Wiradjuri and Yita Yita people to identify and record objectives and outcomes in regard to Aboriginal spiritual and cultural values and uses within the Lachlan Alluvium WRP area.

Consultation with traditional owners was undertaken using a nation-based model. NSW Department of Industry facilitated 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 Senior Traditional Owners (TOs) from the Ngiyampaa Nation in July 2018. 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, which represented over 500 people in their own family groups and spoke for a broad range of communities and different areas of Ngiyampaa Nation. These interviews assisted in formulating the discussion undertaken in the workshops held in late July 2018.

Wiradjuri, Yita Yita and Nari Nari Nation face-to-face interviews will be carried out over September–October 2018.

2.3.2 Workshops

Following on from the face-to-face interviews, First Nation consultation workshops were held in Lake Cargelligo, Ivanhoe and Cobar for the Ngiyampaa Nation.

Wiradjuri Nation workshops to follow will be held in Bathurst, Dubbo, Wellington, Forbes, Cowra, Condobolin, Lake Cargelligo, Albury, Tumut, Wagga Wagga and Darlington Point NSW.

Nari Nari Nation workshops to follow will be held in Hay NSW.

Yita Yita Nation workshops to follow will be held in Balranald NSW.

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 NSW Department of Industry.

2.3.3 Consultation Outcomes

Reports on the outcomes of the consultation with each nation group will be included as attachments A to D of this Consultation report as they become available.

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.