

THE BASIN PLAN

NSW Border Rivers Water Resource Plan Consultation Report

Schedule C

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NSW Border Rivers Water Resource Plan Consultation Report

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More information

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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 Gomeroi/Kamilaroi, Kambuwai, Githabul, Kwiambul, Ngarabul and Bigambul Nations hold a significant connection to the lands in the NSW Border Rivers Water Resource Plan Area fall upon.

The NSW Border Rivers 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 NSW Border Rivers Water Resource Plan Area landscape and natural resources.

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.

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

We thank the Elders, representatives of the Gomeroi/Kamilaroi, Kambuwai, Githabul, Kwiambul, Ngarabul and Bigambul 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 NSW Border Rivers WRP and inform changes to the NSW Border Rivers regulated and unregulated Water Sharing Plans (WSPs).

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

The 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, NSW Department of Industry is working with the Office of Environment and Heritage (OEH) and 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 NSW Border Rivers WRP area

The NSW Border Rivers WRP area is located within the Border Rivers catchment, which forms part of the Murray—Darling Basin in Northern NSW. It is bounded by the Queensland Border Rivers region to the north, the Gwydir catchment to the south, the Barwon River to the west and the slopes of the Great Dividing Range to the east. The NSW Border Rivers WRP will cover all the surface water resources of the NSW Border River Valley (see Figure 1). It includes the regulated river system; unregulated rivers flowing into the regulated river systems; unregulated effluent rivers flowing out of the regulated river system on the plains and water captured through farm dams.

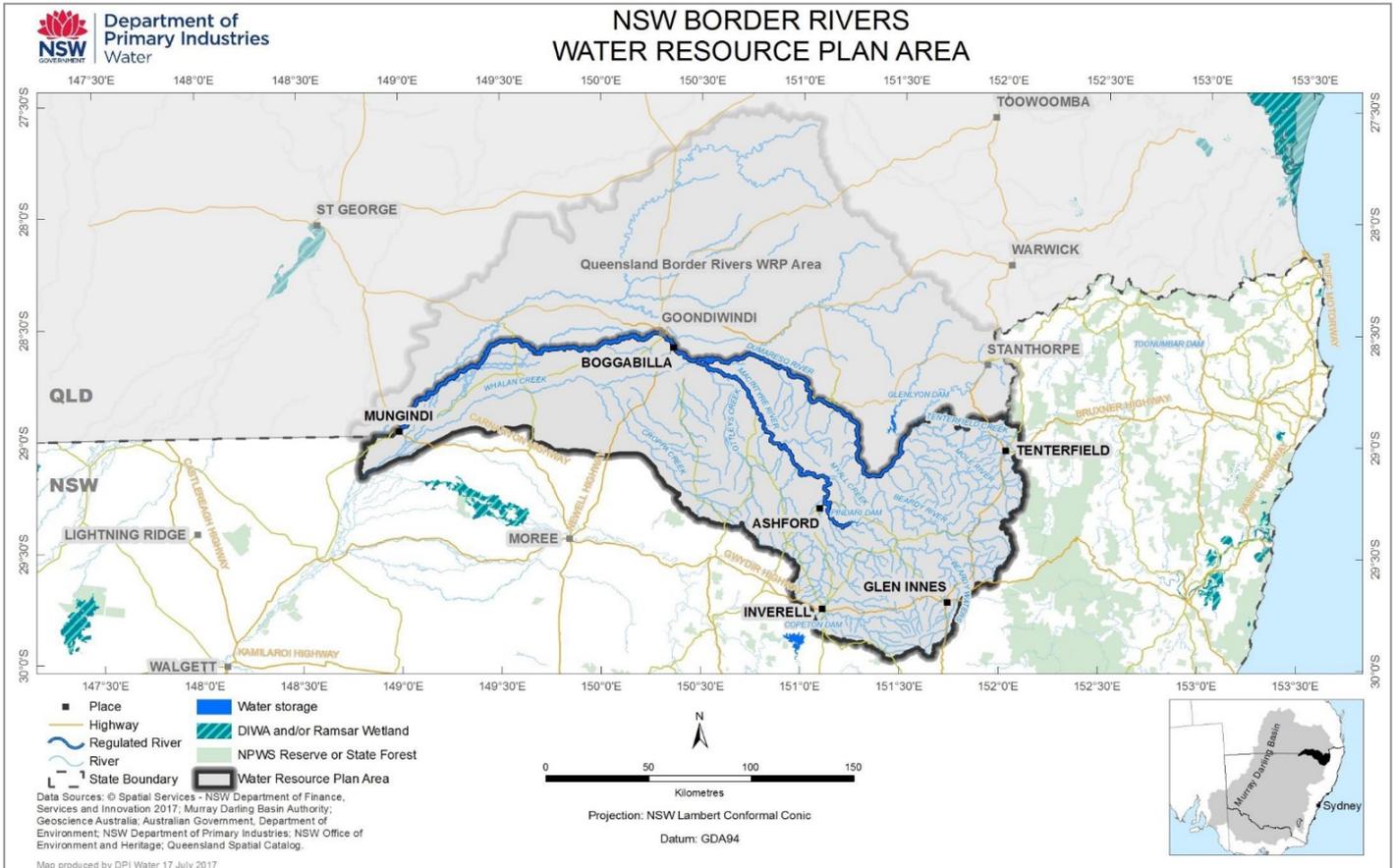


Figure 1 - SW16 NSW Border Rivers Water Resource Plan Area

2 Consultation

Stakeholder consultation is an essential part of the development of NSW WRPs and was undertaken throughout the development of the NSW Border Rivers 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 *NSW Border Rivers Water Resource Plan - Status and Issues Paper* (NSW Department of Industry, April 2017) was released for public comment on 13 April 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 NSW Department of Industry website: industry.nsw.gov.au.

Fifteen public submissions on this paper were received and within these submissions 231 issues were raised. Further examination and discussion was undertaken by NSW Department of Industry 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. This information was presented to the NSW Border Rivers stakeholder advisory panel (see Section 2.2.1) and informed decisions for option prioritisation leading into the strategy and rule development phase of WRP development.

Key issues identified for consideration included:

- recommend continuous accounting for supplementary water
- adopt an 'End of System Flow' requirement
- review access to supplementary water rules
- identify and improve current rules in relation to the delivery of environmental water
- review the trade limit imposed on General Security licenses

2.1.2 Public Exhibition Phase

The amended NSW Border Rivers Regulated WSP, NSW Border Rivers Unregulated WSP and draft NSW Border Rivers WRP is available for public comment as part of the public exhibition phase.

During this phase NSW Department of Industry 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
- public information sessions (early evening sessions)
- NSW Department of Industry website
- submission email address
- telephone number for enquiries
- 'Have Your Say' website
- emails to stakeholders
- local media and press advertising

NSW Department of Industry is seeking submissions on the draft WRP and amended WSPs. Supporting documents are available to provide context and background information.

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

2.2 Targeted consultation

Targeted consultation was undertaken for each surface water WRP primarily through a stakeholder advisory panel (SAP). The SAP is one of the main mechanisms to involve key stakeholders in the planning process for the regulated rivers. The SAPs provide a forum where competing interests can be aired and discussed to promote common understanding. Where further consultation is required, NSW Department of Industry will also liaise directly with other representative groups or individuals such as identified experts, Aboriginal communities, local councils, local water users and other interest groups. However for the NSW Border Rivers, WRP no additional consultation was undertaken.

All aspects of the WRP development, including the review of relevant water sharing arrangements, have been prepared with regard to the views of local communities in relation to environmental watering. This has been

achieved primarily through the SAP, where key components and proposed changes to water sharing rules have been considered and discussed in detail. Environmental watering has been a consistent theme during these discussions with various views expressed by members.

Proposals to change planned environmental water (PEW) rules have been developed in close consultation with OEH and DPI Fisheries consistent with WSP objectives and where possible using environmental water requirements in the draft long term watering plans (LTWPs) to ensure the best environmental outcomes using PEW.

2.2.1 NSW Border Rivers SAP

The main role of the SAP is to help identify issues, examine options and provide NSW Department of Industry with feedback and advice throughout the development of WRPs. The NSW Border Rivers SAP, was established and met in May 2017. The following stakeholder groups or interests are represented by SAP membership:

- NSW Office of Environment and Heritage (OEH)
- NSW Department of Primary Industries—Fisheries (DPI Fisheries)
- NSW Department of Industry
- WaterNSW
- Murray Darling Basin Authority (MDBA)
- Commonwealth Environmental Water Office (CEWO)
- NSW Border Rivers Customer Advisory Group (CAG)
- Border Rivers Food & Fibre (BRFF)
- Border Rivers Customer Service Committee (CSC)
- Natural Resources Commission (NRC)
- Indigenous representatives nominated by Northern Basin Aboriginal Nations (NBAN)

The SAP terms of reference can be viewed on the department’s website at industry.nsw.gov.au/water/plans-programs/water-resource-plans/stakeholder.

Information and technical reports have been discussed with the SAP throughout the WRP development. SAP meetings held as part of the NSW Border Rivers WRP development and the key agenda items that were discussed at these meetings can be seen in Table 1.

Table 1 NSW Border Rivers WRP SAP Meetings

SAP Meeting	SAP Meeting Description	Location	Date
1	<ul style="list-style-type: none"> • WRP roadmap and timelines • SAP revised terms of reference (ToR) • SAP scope, roles and responsibilities • Status and issues paper • Issues assessment and prioritisation of options • Strategy rules and development 	Moree, NSW	25 May 2017
2	<ul style="list-style-type: none"> • Resource description • Risk assessment executive summary • Baseline diversion limit (BDL) and pre basin plan (PBP) report • Prioritisation analysis approach table 	Goondiwindi, QLD	13 September 2017

3	<ul style="list-style-type: none"> • Issues assessment report • Water markets in NSW report • Update on 2 baseline reports and 5 scenarios including discussion 	Goondiwindi, QLD	27 November 2017
4	<ul style="list-style-type: none"> • Issues assessment report • Modelling scenarios • Long term watering plan • Water quality technical report • Salinity technical report • NRC water sharing plan review • Extreme events – incident response guide 	Goondiwindi, QLD	1 March 2018
5	<ul style="list-style-type: none"> • QLD DNRME update • Pindari stimulus events • Ecological objectives • Socio-economic objectives • Cultural objectives • Environmental water requirements • WRP template 	Goondiwindi, QLD	28 June 2018
6	<ul style="list-style-type: none"> • QLD DNRME update • Water quality management plan • Updated baseline diversion limit (BDL) and pre basin plan (PBP) report • Long term watering plan • Water sharing amendments report 	Goondiwindi, NSW	16 October 2018

2.2.2 Workshops for all stakeholder advisory panels

NSW Department of Industry convened two ‘all stakeholder advisory panel’ workshops during the course of WRP development. Both workshops were held in Sydney, the first on 11 and 12 December 2017 and the second on 5 and 6 June 2018. Attendees included representatives from all stakeholder advisory panels involved in water resource plan development. Key NSW government agencies including OEH and DPI Fisheries. The MDBA and CEWO were also represented.

The first workshop covered the following 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
- role of modelling and planning assumptions in NSW’s water resource planning
- management of environmental water
- how SAPs and agencies can work together to deliver the water resource plans over the next 12–18 months.

The second workshop addressed unresolved matters identified as part of the first meeting. NSW Department of Industry provided an update on key reforms and shared information on the water resource planning process. The workshop also provided an opportunity to seek stakeholder input and collaborate on critical issues.

Sessions focussed on the following 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 (PPMs)

-
- Groundwater policy update.

2.3 Healthy Floodplains Project

The NSW Healthy Floodplains project is an Australian and NSW Government-funded project that aims to reform water management on northern basin floodplains. The purpose of the project is to administer and manage floodplain extractions and undertake valley-wide Floodplain Management Plans to maintain connectivity to existing floodplain habitat. This will be done by implementing the NSW Floodplain Harvesting Policy (2013) which will licence water extractions from the designated floodplain.

The project will be rolled out in the Gwydir, Border Rivers, Namoi, Macquarie and Barwon-Darling valleys.

There are two simultaneous, but separate, programs of the NSW Healthy Floodplains Project, the:

1. Floodplain Management Planning Program

Extensive consultation was undertaken as part of the development of the NSW Border Rivers Valley Wide Floodplain Management Plan. Targeted consultation with key stakeholders was held in Goondiwindi, Mungindi and Toomelah during August – September 2016. NSW Department of Industry and OEHL road tested the proposed NSW Border Rivers Valley Wide Floodplain Management Plan boundary, management zones and rules with 34 key stakeholders over 8 targeted consultation events. A range of stakeholders were represented including local landholders, indigenous community, environmental local government, agency, and industry.

The draft NSW Border Rivers Valley FMP was placed on public exhibition during 15 December 2017 to 9 March 2018. A total of 15 submissions were received during the exhibition period and 58 items of Inquiry. As a result of the feedback received a number of changes were made. The NSW Border Rivers Valley Floodplain Management Plan is due to commence in December 2018.

2. Floodplain Harvesting Program

The NSW Floodplain Harvesting Policy was endorsed by the NSW Government in 2013 following a period of extensive consultation with all stakeholders from 2008. The policy aims to bring all legitimate floodplain harvesting diversions (those from historically approved infrastructure) within the water licensing framework under the *Water Management Act 2000*.

Public consultation on proposed amendments to the policy occurred at the Stakeholder Advisory Panel Policy Forum in December 2017 and as part of the Water Reform Action Plan consultation in March and April 2018. Stakeholder feedback was sought on the following:

- management of rainfall runoff
- monitoring of floodplain harvesting take
- proposed approach to account management rules for floodplain harvesting.

The consultation period formally closed on 15 April 2018 with over 50 submissions being received. More information on the outcomes from community engagement is available on the NSW Department of Industry's website (industry.nsw.gov.au/water-reform/consultation).

To ensure the effective implementation of the policy, NSW Department of Industry has delayed the release of floodplain harvesting entitlements and is holding a series of stakeholder workshop sessions across NSW. The upcoming workshop series provides a genuine opportunity for input and feedback on model conceptualisation and assumptions.

To improve stakeholder confidence, the department, together with the Murray Darling Basin Authority, has commissioned an independent review of the policy's implementation. The focus of the independent review is to

ensure that the modelling is technically robust, based on the best available information and that implementation of the policy is consistent with relevant legislation and other related policies.

This process will delay the release of the draft floodplain entitlement licences to mid-2019.

2.5 Long Term Watering 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.

A key element in the development of the LTWPs involved consultation with Environmental Water Advisory Groups (EWAGs). These groups are established by OEH in the majority of NSW's regulated catchments and are made up of riparian landholders, representatives of Aboriginal organisations, irrigators and relevant government agencies. They meet to discuss watering options and test scenarios - to ensure river and wetland health outcomes are maximised through the use of environmental water.

The development of the LTWP involved incorporating the best available information and scientific advice. In addition to the consultation undertaken with EWAGs, OEH has sought feedback from other various stakeholders, including:

- Stakeholder Advisory Panels established to input into Water Resource Plan development
- 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 NSW Border Rivers LTWP will be placed on public exhibition at the same time as the draft NSW Border Rivers WRP to ensure efficient stakeholder engagement. OEH will consider all feedback when finalising the NSW Border Rivers LTWP.

3 First Nation Consultation

The NSW Border Rivers WRP area is located within the traditional lands of, and is significant to, the Gomeroi/Kamilaroi, Kambuwai, Githabul, Kwiambul, Ngarabul and Bigambul Aboriginal 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 NSW Border Rivers 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 2. The consultation reports will become available as appendices as they are finalised.

Table 2 - Status of consultation and reports for each Nation

Nation	Consultant	Consultation Status	Consultation Report Status	Appendix
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Gomeroid/Kamilaroi	Dhurrangal Solutions	Complete	Complete	A
Kawambul	Murravin	In progress	In progress	B
Bigumbul	Murravin	In progress	In progress	C
Kwiambul	Murravin	In progress	In progress	D
Ngarabul	Big River	In progress	In progress	E
Githabul	Big River	In progress	In progress	F

3.1 Gomeroid/Kamilaroi Nation

Gomeroid Nation boundaries cross over six surface water and seven 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; and
- Indigenous Data Sovereignty.

3.1.1 Face to Face Interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs) from the Gomeroid 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 Gomeroid 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 A

3.1.2 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 Gomeroid community and capture their views and opinions on objectives, outcomes, values and uses for the NSW Border Rivers 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 A (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 A).

3.1.3 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 and described throughout Section 1 of the *Lachlan Surface Water WRP* and Appendix A.

Table 3 – 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 NSW Border Rivers WRP. Detailed information on the objectives and outcomes considered in respect of values and uses can be found in Section 7 of Appendix A.</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 Native Title (NT) representatives Local Aboriginal Land Councils (LALCs), Aboriginal Medical Services (AMS), committees and social media groups. Further information on this is described throughout Appendix A.</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 NSW Border Rivers 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 A.</p> <p>Community WRP workshops were held (Appendix A) 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 Ngiyampaa Nation.</p>

Refer to Chapter 1, Section 1.7.1 of the NSW Border Rivers Surface Water WRP and Appendix A.

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

Appendix A 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.

It was of high importance that the various phases of 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:

- respect for contemporary cultural framework
- flexibility
- collaboration
- quality assurance
- clear communication
- building tangible outcomes
- inclusivity and accessibility
- Indigenous data sovereignty

These principles can be mapped against the MDBA Part 14 Guidelines and Best Practice Methods employed are outlined in Appendix A (Table 3).

That the consultation had regard to the views of relevant Indigenous organisations with respect to encouragement of active and informed participation of Indigenous people

NSW Department of Industry followed cultural protocols to ensure active and informed participation of Indigenous people.

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.

More detail on the engagement process is Chapter 1, Section 1.7.1 of the WRP and and Appendix A.

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

The First Nation consultation determined that the Gomeroi Nation see the following as their main risks to water-dependent values and uses:

water resource plan area?

- 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

The risks to Indigenous Values and Uses are outline in Table 1.3 of the WRP and Section 7.2 of Appendix A.

That the consultation have regard to the views of Indigenous people with respect to cultural flows?

Throughout the First Nations consultation, cultural flows was a key theme as cultural practices and events are supported by cultural flows. The Gomeroi people would also like to receive information about cultural flows including application, policies and their release.

The consultation determined that the Gomeroi people would like to see cultural flows allocated to the Gomeroi 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.

NSW Department of Industry is working with MDBA and NBAN and consultations 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 A.

3.2 Kambuwal Nation

Kambuwal Nation boundaries cross over three surface water and five 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 will be 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; and
 - Indigenous Data Sovereignty.

3.2.1 Face to Face Interviews

A series of face-to-face interviews will be undertaken with Senior Traditional Owners (TOs) from the Kambuwal Nation in early 2019. Senior TOs who will participate in the face-to-face interviews will be drawn from three categories – Grassroots, Native Title applicants and suggestions from other interview participants. TOs will represent their own family groups and speak for a broad range of communities and different areas of the Kambuwal Nation. These interviews will assist in formulating the discussion undertaken in the workshops to be held in early 2019.

The process involved in identifying Senior TOs and the questions they were asked can be reviewed in detail in Appendix B once the consultation report is complete.

3.2.2 Workshops

Workshops will take place in early 2019. These workshops will provide NSW Department of Industry the opportunity to engage with the wider Kambuwal community and capture their views and opinions on objectives, outcomes, values and uses for the NSW Border Rivers WRP area. Common themes will be used to guide discussion in the workshops and will be established during the face-to-face interviews

Detailed workshop participant data can be viewed in Appendix B once the consultation has been completed and the consultation report has been finalised. The two step consultation process will identify the values and uses of the Kambuwal Nation. The risks to those values and uses will also be acknowledged and further built on to develop objectives and outcomes for water management. .

3.2.3 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 Kambuwal Nations Consultation Reports as Appendix B 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, 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, 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.

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- 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.

3.3 Bigumbul Nation

Bigumbul Nation boundaries cross over four surface water and six 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 will be 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; and
- Indigenous Data Sovereignty.

3.3.1 Face to Face Interviews

Face to face interviews will not be conducted as requested by the nation delegate and a community workshop will be held in lieu to review nation report and information gathered from QLD department. NSW Department of Industry worked with relevant Queensland department to obtain relevant information as requested by the Nation delegates so not to over-consult the Bigumbul nation.

The process involved in identifying Senior TOs and the questions they were asked can be reviewed in detail in Appendix C once the consultation report is complete.

3.3.2 Workshops

As stated above, on the request of the nation delegate, NSW will work with the Queensland Government to use the information already provided by Bigumbul Nation. A community workshop will be held to provide an opportunity for the Bigumbul community to make further comments after the information has been received. Detailed workshop participant data can be viewed in Appendix C once the report is finalised and becomes available.

Bigumbul Nation's values and uses will be identified from this consultation. The risks to those values and uses will also be acknowledged and will be further built on to develop objectives and outcomes for water management (see Appendix C).

3.3.3 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 Bigumbul Nations Consultation Reports as Appendix C 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, 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), 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.

3.4 Kwiambul Nation

Kwiambul Nation boundaries cross over one 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 will be 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; and
- Indigenous Data Sovereignty.

3.4.1 Face to Face Interviews

A series of face-to-face interviews will be undertaken with Senior Traditional Owners (TOs) from the Kwiambul Nation in late November 2018 and early December 2018. Senior TOs who will participate in the face-to-face

interviews have been 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 Kwiambul Nation. These interviews assisted in formulating the discussion undertaken in the workshops held in November 2018.

The process involved in identifying Senior TOs and the questions they were asked can be reviewed in detail in Appendix D when the report is finalised and becomes available.

3.4.2 Workshops

Following on from the face-to-face interviews, First Nation consultation workshops were held Newcastle in November 2018 and will be held in Ashford in early December 2018. These workshops will provide NSW Department of Industry the opportunity to engage with the wider Kwiambul community and capture their views and opinions on objectives, outcomes, values and uses for the NSW Border Rivers WRP area. Common themes will be used to guide discussion in the workshops and will be established during the face-to-face interviews.

Detailed workshop participant data can be viewed in Appendix D once the consultation report is finalised.

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

3.4.3 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 Kwiambul Nations Consultation Reports as Appendix D 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, 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.

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

3.5 Ngarabul Nation

Ngarabul Nation boundaries cross over one surface water and three 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 will be 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; and
- Indigenous Data Sovereignty.

3.5.1 Face to Face Interviews

Consultation will be undertaken with the Glen Innis Land Council with the aim of connecting with Traditional Owners of the Ngarabul Nation in December 2018. TOs who will participate in the face-to-face interviews will be drawn from three categories – Grassroots, Native Title applicants and suggestions from other interview participants. TOs represent their own family groups and will speak for a broad range of communities and different areas of Ngarabul Nation. These interviews will assist in formulating the discussion undertaken in the workshops held in December 2018.

The process involved in identifying TOs and the questions they were asked can be reviewed in detail in Appendix E once the report is finalised.

3.5.2 Workshops

Following on from the face-to-face interviews, First Nation consultation workshops will be held in 2018. These workshops will provide NSW Department of Industry the opportunity to engage with the wider Ngarabul community and capture their views and opinions on objectives, outcomes, values and uses for the NSW Border Rivers WRP area. Common themes will be used to guide discussion in the workshops and will be established during the face-to-face interviews.

. Detailed workshop participant data can be viewed in Appendix E once the consultation report has been completed.

As a result of this two-step consultation process Ngarabul 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 E).

3.5.3 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 Ngarabul Nations Consultation Reports as Appendix 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, 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.

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

3.6 Githabul Nation

Githabul Nation boundaries cross over three surface water and three 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; and
- Indigenous Data Sovereignty.

3.6.1 Face to Face Interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs) from the Githabul Nation in late September 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 Githabul 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 F once the report is finalised.

3.6.2 Workshops

First Nation consultation workshops were held in Woodenbong in September 2018. These workshops gave NSW Department of Industry the opportunity to engage with the wider Githabul community and capture their views and opinions on objectives, outcomes, values and uses for the NSW Border Rivers WRP area. Common themes were used to guide discussion in the workshops. These were established during the face-to-face interviews.

Detailed workshop participant data can be viewed in Appendix F once the consultation report has been completed. In addition to Githabul participants, representatives from, NSW Department of Industry and OEH also attended the workshops.

As a result of this two-step consultation process, Githabul 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 F).

3.6.3 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 Githabul Nations Consultation Reports as Appendix F 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:

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- 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), 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.

Appendix A – Gomeroi/Kamilaroi Nation Consultation Report

Appendix B – Kawambul Nation Consultation Report

Appendix C – Bigumbul Nation Consultation Report

Appendix D – Kwiambul Nation Consultation Report

Appendix E – Ngarabul Nation Consultation Report

Appendix F – Githabul Nation Consultation Report