

THE BASIN PLAN

Murray Alluvium Water Resource Plan Consultation Report

Schedule C

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Murray Alluvium Water Resource Plan Consultation Report

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Aboriginal acknowledgement

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.

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 Barapa Barapa, Bangerang, Nyeri Nyeri, Tati Tat, Wadi Wadi, Wemba Wemba, Weki Weki, Wiradjuri and Yorta Yorta Nations hold a significant connection to the lands in which the Murray Alluvium lie.

The Murray Alluvium holds great areas of spiritual, cultural and economic importance to the First Nations 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 Murray Alluvium 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 continue future relationships and building strong partnerships with our First Nations people.

We thank the Elders, representatives of the Barapa Barapa, Bangerang, Nyeri Nyeri, Tati Tati, Wadi Wadi, Wemba Wemba, Weki Weki, Wiradjuri and Yorta Yorta 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 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 Murray Alluvium WRP area in order to further the development of the Murray Alluvium WRP and inform changes to the Murray 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 NSW Department of Industry are 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 Murray Alluvium WRP Area

The groundwater resources of the Murray Alluvium include the main alluvial deposits associated with the Murray River, including its tributaries and anabranches. The WRP area consists of two narrow alluvial branches associated with Billabong Creek in the north east and the upper Murray in the south-east, and the broad floodplain of the lower Murray extending west to approximately 200km from the South Australian border. The southern boundary of the Murray Alluvium is defined by the NSW-Victorian border.

The Murray Alluvium Water Resource Plan area (GW8 – Murray-Darling Basin reference number) is composed of four SDL resource units as shown in Figure 1. The boundaries of these SDL resource units reflect those of the corresponding groundwater sources managed under the *Water Sharing Plan for the Murray Alluvial Groundwater Sources 2019*.

- *Billabong Creek Alluvium (GS13)* corresponding to the Billabong Creek Alluvial groundwater source in the *Water Sharing Plan for the Murray Alluvial Groundwater Sources 2019*. The alluvium is composed of a shallow and deep aquifer system narrowly following the course of Billabong Creek and feeder creeks. The shallow aquifer is approximately 40m deep in the Cowra formation's poorly sorted sands and gravels, interlayered with yellow-brown clays. This is underlain by the deep aquifer system which is within the Lachlan formation made up of coarse sands and gravels interbedded with fine grey clays extending to a depth of 100m.
- *Upper Murray Alluvium (GS46)*, which corresponds to the Upper Murray groundwater source in the *Water Sharing Plan for the Murray Alluvial Groundwater Sources 2019*. This SDL resource unit commences east of Albury, narrowing and then widening as it follows the Murray River/NSW border to the west. The western boundary of the unit is north east of Corowa, where it meets the Lower Murray Shallow and Lower Murray groundwater sources. The alluvium consists of unconsolidated valley fill sediments made up of grey coloured clays and coarse sediments from fine sands to cobbles. Water is extracted from the sand and gravel layers of a shallow aquifer which is up to 40m deep and a deep aquifer which extends to a depth of approximately 100m.
- *Lower Murray Shallow Alluvium (GS27a) and Lower Murray Deep Alluvium (GS27b)*, correspond to the Lower Murray Shallow groundwater source and the Lower Murray groundwater source in the *Water Sharing Plan for the Murray Alluvial Groundwater Sources 2019*, with the former directly overlying the latter. These units are within the Murray Basin and consist of broadly deposited valley fill sediments gradually narrowing from Moama to Kyalite in the north-west. The upper alluvium is within the Shepparton formation and is underlain by the Calivil Formation and the Renmark group. The shallow and deep aquifers are not defined by these sedimentary boundaries but instead are defined by depth. The Shallow Alluvium is defined as the upper 20 metres and most groundwater extraction is from the sand lenses of prior streams. The Deep Alluvium extends to a depth of approximately 350m with thick gravel and sand layers suitable for water extraction within the various sedimentary units.



Murray Alluvium WRP area and SDL resource units

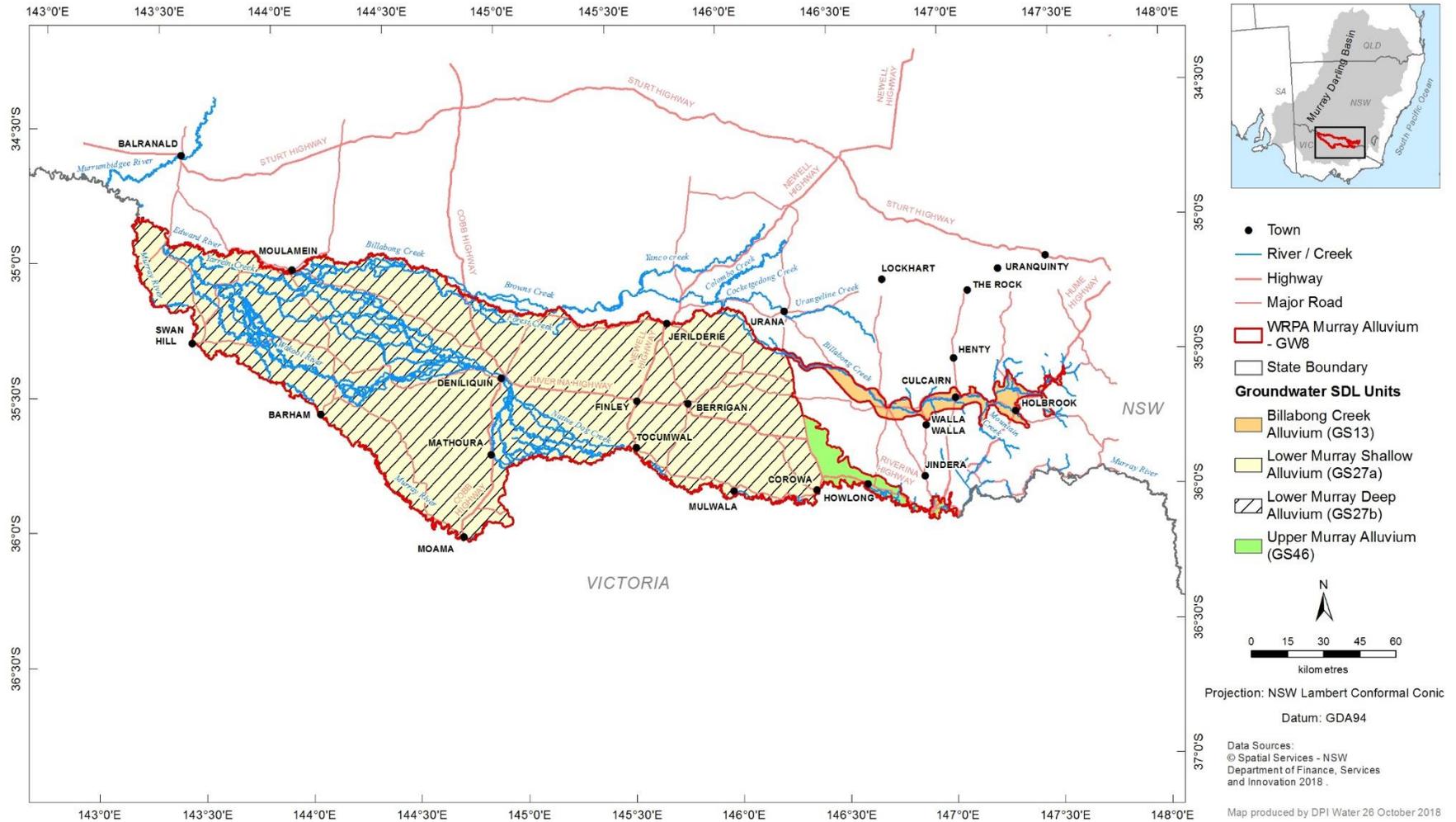


Figure 1. Murray Alluvium Water Resource Plan Area

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 Murray 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 Murray Alluvium WRP Status and Issues Paper (NSW Department of Industry) was released for public comment on 13 April 2017. This can be viewed here (https://www.industry.nsw.gov.au/_data/assets/pdf_file/0009/157356/Murray-GW-WRP-SIP.pdf).

Four public submissions on this paper were received and within these submissions 30 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 Murray Alluvial Groundwater Sources 2019* and draft Murray Alluvium WRP were released for public comment on the 11th June 2019. They can be viewed here (<https://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts>).

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

- Stakeholder specific consultations
- Public information 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 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 Murray Alluvium WRP.

Additionally, targeted consultation was undertaken at a more local level via an information and feedback session held for ten invited local stakeholder representatives across the Murray Alluvium WRP area in late 2018.

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 (<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 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
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 	Sydney, NSW	08 September 2017

<ul style="list-style-type: none"> • Risk Assessment • The Way Forward 		
SAP Meeting 2:- <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
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 th August 2018
SAP Meeting 6:-	Sydney, NSW	25 January 2019

<ul style="list-style-type: none"> • Feedback from public exhibition process to date • Summary of subsequent proposed changes to Lachlan Alluvium Water Resource Plan and Lachlan Alluvium Water Sharing Plan • MDBA assessment feedback process and timeframe • Progress on the Macquarie –Castlereagh, Murrumbidgee and Gwydir Alluvium WRP – outcomes of public exhibition <p>Update on progress on the remaining draft Groundwater Water Resource Plans</p>		
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2.2.2 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 Nations 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

2.2.3 Local stakeholder consultation

NSW Department of Industry convened a two hour information and feedback session for ten local stakeholder representatives from across the Murray WRP area in December 2018. The purpose of the session was to provide background information regarding the Water Resource Planning process and to highlight proposed changes to the Murray Alluvial Water Sharing Plans arising from the Water Resource Planning process.

Preliminary feedback was provided highlighting the following issues:

- Stakeholder communication process, timing and feedback options
- Methods for assessing compliance with extraction limits
- Mechanism to manage compliance with extraction limits
- Connectivity with other groundwater sources (including interstate)

2.3 First Nations consultation

The Murray Alluvium WRP area is located within the traditional lands of, and is significant to, the Barapa Barapa, Bangerang, Nyeri Nyeri, Tati Tati, Wadi Wadi, Wemba Wemba, Weki Weki, Wiradjuri and Yorta Yorta Aboriginal Nations and traditional owners. NSW Department of Industry are spending time engaging and consulting traditional owners of the Barapa Barapa, Bangerang, Nyeri Nyeri, Tati Tati, Wadi Wadi, Wemba

Wemba, Weki Weki, Wiradjuri and Yorta Yorta people to identify and record objectives and outcomes in regard to Aboriginal spiritual and cultural values and uses within the Murray Alluvium WRP area.

The Taungurung Nation is identified on the MDBA map of Traditional Owner groups for groundwater water resources plans relevant to the Murray Alluvium WRP however MLDRIN has confirmed that this Nation does not have any interest in NSW water resource plans.

Consultation with traditional owners is being undertaken using a nation-based model. NSW Department of Industry 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.

The NSW Department of Industry acknowledges that we are yet to complete consultation with all the First Nations in the Murray Alluvium WRP area. The WRP will not be provided to the Commonwealth Minister for accreditation until we have completed consultation with all the First Nations in Murray WRP area or exhausted all avenues to complete the consultation.

2.3.1 Face to face interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs) from the Bangerang, Barapa Barapa and Wiradjuri Nations during September and October 2018 and from the Wadi Wadi Nation During October and November 2018. Face to face interviews with Traditional Owners from the Nyeri Nyeri, Tati Tati, Wemba Wemba, Weki Weki and Yorta Yorta will be undertaken during 2019. Senior TOs who are participating 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 culturally appropriate discussion undertaken in the workshops held in October and November 2018 and to be held during 2019 the Murray Alluvium WRP area.

2.3.2 Workshops

Following on from the face-to-face interviews First Nations consultation, workshops will be held at various locations during 2019.

Common themes will be used to guide discussion in the workshops. These are being 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

Barapa Barapa Nation: One workshop was held in Shepparton, Victoria in February 2019. There were a total of nine participants who signed the attendance sheet. Five themes emerged from the analysis of the qualitative data gathered through the process: Water is “everything”, Grave concerns, Cultural connections, Accessibility and Management of the waterways.

Bangerang Nation: TBA

Nyeri Nyeri Nation: TBA

Tati Tati Nation: TBA

Wadi Wadi Nation: A two day workshop was held in Swan Hill in October 2018 with approximately 60 participants attending. Six themes emerged from the analysis of the qualitative data gathered through the process: Water is Life; Care of Waterways; Cultural Connections; Accessibility; First Nations Management and Stewardship. Refer to Attachment C:

Wemba Wemba Nation: TBA

Weki Weki Nation: TBA

Wiradjuri Nation: TBA

Yorta Yorta Nation: TBA

Wadi Wadi Nation: TBA

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 Barapa Barapa, Bangerang, Nyeri Nyeri, Tati Tati, Wadi Wadi, Wemba Wemba, Weki Weki, Wiradjuri and Yorta Yorta Nation Consultation Reports as Attachments A to I 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 Aboriginal consultation is completed.

Attachment A – Barapa Barapa First Nations Consultation - TBA

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

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Attachment B –Bangerang First Nations Consultation - TBA

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

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Attachment C –Nyeri Nyeri First Nations Consultation - TBA

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

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Attachment D – Tati Tati First Nations Consultation - TBA

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

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Attachment E – Wadi Wadi First Nations Consultation -

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

Refer to <https://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/murray-alluvium>

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Attachment F – Wemba Wemba First Nations Consultation - TBA

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

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Attachment G – Weki Weki First Nations Consultation - TBA

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

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Attachment H – Wiradjuri First Nations Consultation - TBA

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

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Attachment I – Yorta Yorta First Nations Consultation - TBA

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

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