

*BASIN PLAN 2012*

# Darling Alluvium Water Resource Plan Consultation Report

**Schedule C**

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**Darling Alluvium Water Resource Plan Consultation Report**

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

**More information**

Department of Planning, Industry and Environment—Water

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

**Acknowledgments**

NSW Office of Environment and Heritage

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# Acknowledgement of Traditional Owners

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

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

We acknowledge that the people of the Barkandji, Budjiti, Euahlayi, Murrawarri, Ngemba, and Wailwan Nations hold a significant connection to the lands in which the Darling Alluvium fall upon.

The Darling 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 Darling Alluvium landscape and natural resources.

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

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

We thank the Elders, representatives of the Barkandji, Budjiti, Euahlayli, Murrawarri, Ngemba, and Wailwan Aboriginal Nations, and the 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 Darling Alluvium WRP area in order to further the development of the Darling Alluvium WRP and inform changes to the Darling Alluvium Water Sharing Plan (WSP).

## 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 Department of Planning, Industry and Environment is working with other agencies 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 Darling Alluvium WRP Area

The Darling Alluvium Water Resource Plan area (GW7 – Murray-Darling Basin reference number) is composed of two 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 Darling Alluvial Groundwater Sources 2020*.

The *Upper Darling Alluvium (GS42)* includes the alluvial deposits associated with the:

- section of the Paroo River from the Queensland border to the river's junction with the Darling River near Wilcannia, known as the Paroo Alluvial Groundwater Source,
- section of the Warrego River from the Queensland border to the river's junction with the Darling river downstream of Bourke known as the Warrego Alluvial Groundwater Source and,
- Upper Darling River, commencing east of Bourke and extending south west to a channel constriction between Menindee and Wilcannia known as the Upper Darling Alluvial Groundwater Source.

The *Lower Darling Alluvium (GS23)* includes the alluvial deposits associated with the lower Darling River, commencing north of Menindee and extending to the junction with the Murray River, known as the Lower Darling Alluvial Groundwater Source.



### DARLING ALLUVIUM WATER RESOURCE PLAN AREA

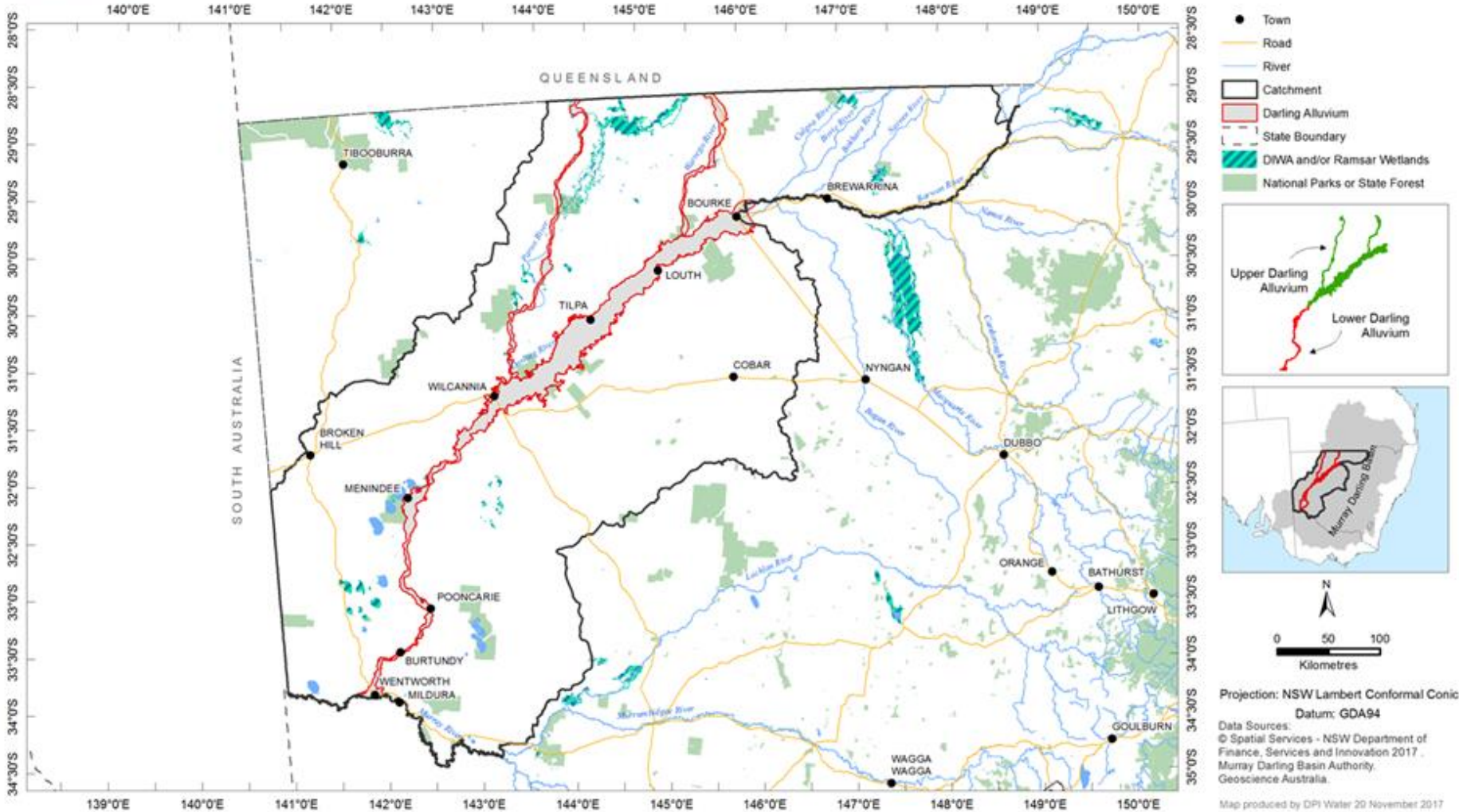


Figure 1. Darling Alluvium Water Resource Plan Area



## 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 Darling 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 Darling Alluvium WRP Status and Issues Paper (NSW Department of Industry) was released for public comment on 12 May 2017. This can be viewed here ([https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0010/157348/Darling-GW-SIP.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0010/157348/Darling-GW-SIP.pdf)).

Two public submissions on this paper were received and within these submissions 36 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 (now Department of Planning, Industry and Environment) 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 Darling Alluvial Groundwater Sources 2020* and draft Darling Alluvium WRP were released for public comment on the 15<sup>th</sup> July 2019. They can be viewed at (<https://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts>).

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

- Stakeholder specific consultations
- Public information sessions
- Department of Planning, Industry and Environment website
- Submission email address
- Telephone number for inquiries
- Have Your Say website
- One-on-One consultations (where appropriate)
- Emails to stakeholders
- Local media – media releases
- Social media – tile advertising
- Local press advertising



The Department of Planning, Industry and Environment will accept submissions on the draft WRP and amended WSP. Supporting documents have been made available to provide context and background information.

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

## 2.2 Targeted consultation

Targeted consultation has been undertaken for groundwater WRPs 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 this plan.

### 2.2.1 NSW groundwater stakeholder advisory panel

The Groundwater SAP, established in August 2017 takes its membership from the following stakeholder groups or interests:

- Department of Planning, Industry and Environment
- Office of Environment and Heritage (OEH)
- Murray Darling Basin Authority
- Seven regional representatives of the NSW Irrigators Council
- NSW Nature Conservation Council
- Murray Lower Darling Rivers Indigenous Nations (MLDRIN)
- Northern Basin Aboriginal Nations (NBAN)
- Inland Rivers Network
- NSW Minerals Council
- Local Government NSW

The SAP Terms of Reference can be viewed here (<https://www.water.nsw.gov.au/water-management/water-resource-plans/Groundwater-SAP-terms-of-reference.pdf>). Broadly, they are an advisory panel that have been charged with helping to identify issues, examine options, and provide Department of Planning, Industry and Environment with feedback and advice throughout the development of WRPs.

The number of SAP meetings held as part of the Groundwater WRP development and the issues that were discussed at these meetings can be seen in Table 1.

**Table 1: Groundwater WRP SAP Meetings**

SAP Meeting (Number & Description)	Location	Date
<b>SAP Meeting 1: -</b> <ul style="list-style-type: none"> <li>• Introduction to the SAP and the Terms of Reference</li> <li>• WRP Process – Road Map</li> <li>• Status and Issues</li> <li>• Resource Descriptions</li> <li>• WRP Evaluation Report</li> <li>• Risk Assessment</li> </ul>	Sydney, NSW	08 September 2017

SAP Meeting (Number & Description)	Location	Date
<ul style="list-style-type: none"> <li>The Way Forward</li> </ul>		
<p><b>SAP Meeting 2: -</b></p> <ul style="list-style-type: none"> <li>Resource Descriptions and Risk Assessment - update</li> <li>Sustainable Diversions Limits and Long Term Average Annual Extraction Limits</li> <li>Entitlements</li> <li>Groundwater Dependent Ecosystems</li> <li>Issues assessments</li> <li>Consultation strategy</li> </ul>	Sydney, NSW	31 October 2017
<p><b>SAP Meeting 3:-</b></p> <ul style="list-style-type: none"> <li>Water Renewal Task Force</li> <li>Modelling</li> <li>IR Guideline</li> <li>Indigenous Consultation</li> <li>Compliance with LTAAEL</li> <li>Permitted Take (MDBA) <ul style="list-style-type: none"> <li>SDL Compliance</li> <li>Groundwater Amendments Disallowance</li> </ul> </li> <li>Permitted Take</li> <li>Issues Assessment Report</li> <li>Risk Assessment Feedback Report</li> </ul>	Sydney, NSW	14 March 2018
<p><b>SAP Meeting 4:-</b></p> <ul style="list-style-type: none"> <li>GW WRP development...The road ahead</li> <li>SDL/LTAAEL Amended Policy Proposal</li> <li>Annual Permitted Take/SDL Compliance</li> <li>Recharge/Specification Environmental Water</li> <li>GDE Policy Proposal</li> <li>WSP Policy Proposals; <ol style="list-style-type: none"> <li>Local Impacts Management,</li> <li>Distance Rules,</li> <li>Account Management Rules,</li> <li>Trade,</li> <li>Contamination Sources</li> <li>Connectivity</li> </ol> </li> <li>WSP/Split Merge Process</li> </ul>	Sydney, NSW	17 May 2018
<p><b>SAP Meeting 5:-</b></p> <ul style="list-style-type: none"> <li>Lachlan Alluvium Water Resource Plan</li> <li>Lachlan Alluvium Water Sharing Plan</li> <li>Lachlan Alluvium Water Quality Management Plan</li> <li>NSW Groundwater Environmental Monitoring, Evaluation and Reporting Plan</li> <li>Account management Rules, Carryover and Available Water Determinations</li> <li>Aboriginal Engagement / Cultural Water for the Ngemba Billabong</li> </ul>	Sydney, NSW	15 August 2018

SAP Meeting (Number & Description)	Location	Date
<p><b>SAP Meeting 6:-</b></p> <ul style="list-style-type: none"> <li>Final Lachlan Alluvium Water Resource Plan (WRP) – summary of changes (public exhibition and MDBA assessment feedback)</li> <li>Progress on the Macquarie-Castlereagh, Murrumbidgee and Gwydir Alluvium WRP - summary of changes (public exhibition)</li> <li>Update on progress on the remaining draft Groundwater Water Resource Plans</li> </ul>	Sydney, NSW	25 January 2019

### 2.2.1 Workshop for all stakeholder advisory panels

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 Department of Planning, Industry and Environment 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

### 2.2.2 Lower Darling stakeholders

## 2.3 First Nations consultation

The Darling Alluvium WRP area is located within the traditional lands of, and is significant to, the Barkandji, Budjiti, Euahlayi, Murrwarri, Ngemba, and Wailwan Nations and traditional owners. Department of Planning, Industry and Environment is spending time engaging and consulting traditional owners of the Barkandji, Budjiti, Euahlayi, Murrwarri, Ngemba, and Wailwan people to identify and record objectives and outcomes in regard to Aboriginal spiritual and cultural values and uses within the Darling Alluvium WRP area.

Consultation with traditional owners is being undertaken using a nation-based model. Department of Planning, Industry and Environment is facilitating the gathering of cultural information from traditional owners. The reports including the development of cultural objectives, values and uses are currently being prepared.

### 2.3.1 Face-to-face interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners (TOs). 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 a large number of people in their own family groups and spoke for a broad range of communities and different areas of Nations. These interviews assisted in formulating the discussion undertaken in the workshops.

- **Barkandji:** (report to be prepared).
- **Budjiti:** (report to be prepared).
- **Euahlayi:** (report to be prepared).
- **Murrawarri:** (report to be prepared).
- **Ngemba:** Seven Traditional Owners representing nine different family groups and approximately 2000 community members were interviewed and spoke for a broad range of communities and different areas of Ngemba Country.
- **Wailwan:** (report to be prepared).

### 2.3.2 Workshops

Following on from the face-to-face interviews First Nation consultation workshops have been held in Brewarrina and Bourke for the Ngemba Nation and will be held across relevant locations for the Barkandji, Budjiti, Euahlayi, Murrawarri, and Wailwan Nations.

- **Barkandji:** (report to be prepared).
- **Budjiti:** (report to be prepared).
- **Euahlayi:** (report to be prepared).
- **Murrawarri:** (report to be prepared).
- **Ngemba:** Two workshops were held in October and November 2018. A total of 13 Ngemba Traditional Owners attended.
- **Wailwan:** (report to be prepared).

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 partnerships
- Water access
- Water quality
- Communication and input on water from Department of Planning, Industry and Environment.

### 2.3.3 Consultation outcomes

Reports on the outcomes of the consultation with each nation group will be included as Attachments A to F 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.

The consultation with the First Nations included the outcomes listed in Table 2.

Table 2: First Nations consultation outcomes

Section	Requirement	Outcome
10.52(1)	WRP identifies objectives and outcomes toward the management of the water resource desirable to Indigenous people.	Consultation completed in conjunction with Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and Northern Basin Aboriginal Nations (NBAN).
10.52(2)	WRP developed with genuine regard to objectives and outcomes in respect of social, spiritual and cultural values and uses by Indigenous people.	An overview of the objectives and values are in Section 1.3.1, of the Darling Alluvium WRP.
10.53(1)	That consultation with relevant Indigenous organisations was undertaken, including with the Murray Lower Darling Rivers Indigenous Nations.	MLDRIN and NBAN assisted as nation organisers and had an important role in the consultation process.
10.53(1)(a)	WRP prepared having regard to the views of relevant Indigenous organisations with respect to native title rights, native title claims and Indigenous Land Use Agreements provided for by <i>the Native Title Act, 1993</i> .	Discussions on native title rights, native title claims and Indigenous Land Use Agreements and the Native Title Act 1993 in relation to the water resources of the Darling catchment. A letter was sent out to NTS Corp to advise on further consultations on country and how they would like to be engaged.
10.53(1)(b)	WRP prepared having regard to the views of relevant Indigenous organisations towards registered Aboriginal heritage relating to the water resources of the WRPA.	Local Aboriginal Lands Councils were invited; opportunities arose for them to speak of any listed sites on the heritage register throughout the workshop sessions.
10.53(1)(c)	WRP prepared having regard to the inclusion of Indigenous representation in the preparation and implementation of the plan.	MLDRIN and NBAN provided direct input via recommendations on the appropriate Traditional Owners to engage. This resulted in the relevant Traditional Owners for the Darling Alluvium WRP area being represented. More details on Indigenous representation can be seen in the First Nations Consultation Reports, Attachments A to F of Schedule C.

10.53(1)(d)	WRP prepared having regard to the views of relevant Indigenous organisations towards Indigenous social, cultural, spiritual and customary objectives and strategies for achieving these objectives.	<p>Consultation included what people would want in the future.</p> <p>More detail on strategies can be seen in the First Nations Consultation Reports, Attachments A to F of Schedule C.</p>
10.53(1)(e)	WRP prepared having regard to the views of relevant Indigenous organisations towards encouragement of active and informed participation of Indigenous people.	<p>Relationships developed with Elders and a shared understanding of water management prior to conducting workshops with the broader group of First Nation Traditional Owners.</p> <p>More detail on the engagement process can be seen in the First Nations Consultation Reports, Attachments A to F of Schedule C.</p>
10.53(1)(f)	WRP prepared having regard to the views of relevant Indigenous organisations towards risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.	The risks to Indigenous Values and Uses are outline in First Nations Consultation Reports, Attachments A to F of Schedule C.
10.54	That the consultation has regard to the views of Indigenous people with respect to cultural flows.	<p>Additional consultation underway as part of the Basin Plan commitments package following the Basin Plan Amendment deal.</p> <p>Department of Planning, Industry and Environment is working with MDBA, NBAN and MLDRIN and conversations will be continued.</p>
10.55	WRP provides at least the same level of protection of Indigenous values and Indigenous uses as provided in a transitional or an interim water resource plan for the WRPA.	Improved objectives ensure protection for Indigenous values and uses aligned with practical strategies and quantifiable performance indicators.



Attachment 1.      Barkandji Nation Consultation  
Report

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# Attachment 2. Budjiti Nation Consultation Report

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# Attachment 3. Euahlayi Nation Consultation Report

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# Attachment 4.      Murrawarri Nation Consultation Report

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# Attachment 5. Ngemba Nation Consultation Report

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# Attachment 6. Wailwan Nation Consultation Report

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