



THE BASIN PLAN IMPLEMENTATION

Darling Alluvium Consultation Report

Schedule C

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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 and Maljangapa, Budjiti, Euahlayi, Murrawarri, Ngemba, and Wailwan Nations hold a significant connection to the lands in which the Darling Alluvium occurs.

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

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

We thank the Elders, representatives of the Barkandji and Maljangapa, Budjiti, Euahlayi, 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 20 surface water and groundwater WRPs being developed by the NSW Government. 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 NSW water sharing plans (WSPs).

1.2. The Basin Plan 2012 (*Water Act 2007*—Commonwealth)

The Basin Plan provides a coordinated approach to managing Basin water resources across Queensland, NSW, ACT, Victoria and South Australia. In NSW, the plan came into effect following the signing of Inter-governmental and National Partnership Agreements in 2014. As lead agency, the Department of Planning and Environment – Water Group (the department) is working with is working together with agencies including the Department of Planning and Environment – Environment and Heritage Group 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 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.

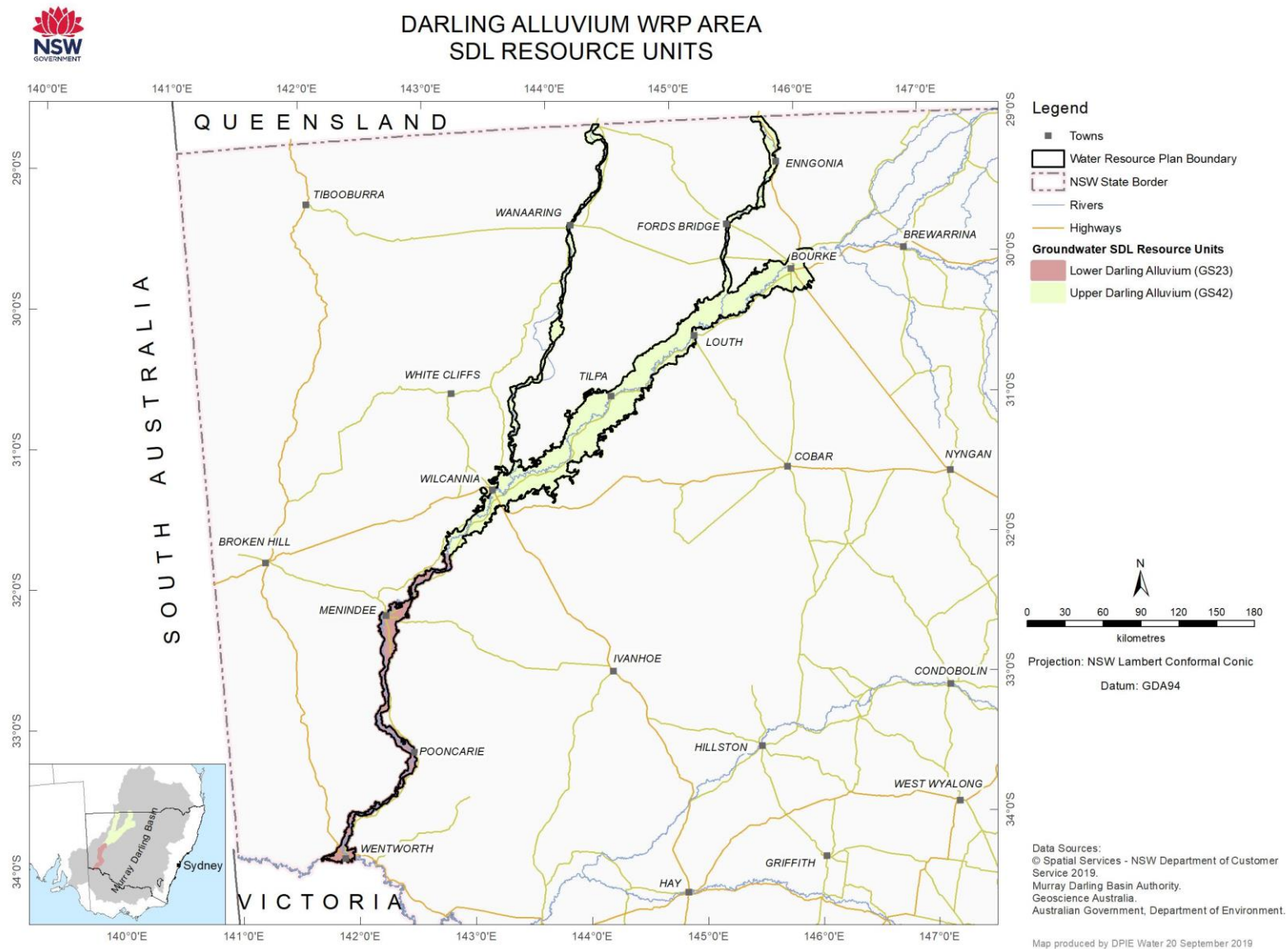


Figure 1. Darling Alluvium Water Resource Plan Area.

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 targeted consultation (section 2.2.) and the public exhibition phase (section 2.1.2).

2.1.1. Status and issues phase

The Darling Alluvium WRP Status and Issues Paper (Department of Primary Industries Water, now the Department of Planning and Environment) was released for public comment on 12 May 2017. This can be viewed at 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 the department during targeted consultation, as formal written submissions following public exhibition, and by the stakeholder advisory or other panels.

An Issues Assessment Report was prepared by the former NSW Department of Industry (now Department of Planning and Environment) for internal and inter-agency analysis, as well as for consideration by 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 draft *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020* and draft Darling Alluvium WRP were released for public comment on the 15th 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 communicated with stakeholders in a number of ways.

- Stakeholder specific consultations
- Public information sessions
- Department of Planning, Industry and Environment (now Department of Planning 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 received four submissions on the draft WRP and associated documents, raising thirteen issues for consideration. Submissions were prioritised and assessed with any new issues progressed with further consultation undertaken where required.

2.2. Targeted consultation

Targeted consultation was undertaken for groundwater WRPs through a Groundwater Stakeholder Advisory Panel (SAP) and with First Nations (see section 2.3). The SAP consists of representatives of key stakeholders and government agencies. Their role was to provide a forum where draft elements of the WRP could be reviewed, and various interests and views could be put forward and discussed to promote common understanding. The SAP was the focal point for targeted consultation for this plan.

Additionally, targeted consultation was undertaken at a more local level via an information and feedback session for water users and other interested stakeholders in Pooncarie NSW on 31 July 2019.

2.2.1. NSW Groundwater SAP

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

- Department of Primary Industries – Water (now Department of Planning and Environment – Water Group)
- Office of Environment and Heritage (now Department of Planning and Environment – Environment and Heritage Group)
- 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

Broadly, the SAP was an advisory panel that were charged with helping to identify issues, examine options, and provide the department with feedback and advice throughout the development of WRPs.

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

Table 1. Groundwater WRP SAP meetings.

SAP meeting (Number & description)	Location	Date
SAP Meeting 1: - <ul style="list-style-type: none"> • Introduction to the SAP and the Terms of Reference • WRP Process – Road Map • Status and Issues • Resource Descriptions • WRP Evaluation Report • Risk Assessment • The Way Forward 	Sydney, NSW	8 September 2017
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 • Incident Response Guidelines and Extreme Events Policy • 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 (Number & description)	Location	Date
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	3 August 2018
SAP Meeting 6: - <ul style="list-style-type: none"> • Feedback on consultation to date • Draft Final Lachlan Alluvium Water Resource Plan (WRP) – summary of changes (public exhibition and MDBA assessment feedback) • MDBA assessment feedback process and timeframe • Progress on the Macquarie-Castlereagh, Murrumbidgee and Gwydir Alluvium WRP - outcomes of public exhibition • Update on progress on the remaining draft Groundwater Water Resource Plans 	Sydney, NSW	25 January 2019

2.2.2. Lower Darling stakeholders

A targeted consultation meeting was held with seventeen Lower Darling groundwater users and other stakeholders in Pooncarie NSW on July 31 2019.

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

- an update on the water resource plan development,
- the status of the Lower Darling groundwater source,
- Lower Darling groundwater access rules which were not achieving the intended outcome.

Most aquifer access licences in the Lower Darling Alluvium are for the drought maintenance. Under the former water sharing plan, water could only be taken when regulated river surface water allocations were zero, denying access licence holders from water access at times when surface water is not available. Landholders requested that these rules be removed or changed so that water can be accessed as intended, when surface water availability is low.

2.2.3. Workshop for all stakeholder advisory panels

The Department of Planning, Industry and Environment (now Department of Planning and Environment) convened two *All SAP* workshops during the course of WRP development. Both workshops were held in Sydney, the first on 11 – 12 December 2017 and the second on 5 – 6 June 2018. Attendees included representatives from all WRP SAP committees and key NSW government agencies including the MDBA and CEWO. The first *All SAP* workshop covered three main topics:

- NSW Government's response to recent reviews and the departments approach to its responsibilities within the Murray-Darling Basin
- key NSW policy issues requiring resolution in order to progress WRP development

- how SAPs and agencies can work together to deliver the water resource plans over the next 12–18 months.

The second *All SAP* workshop covered seven main topics:

- 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
- Groundwater policy update.

2.2.4. Interjurisdictional consultation

The connectivity between the Darling Alluvium WRP area and other, adjacent SDL resources units is described in the Darling Alluvium Risk Assessment (Table 3-1 of Schedule D). The risks to water users in the connected SDL resource units was assessed in the Darling Alluvium Risk Assessment (Table 4-14 of Schedule D).

Both the Victorian Department of Environment, Land, Water and Planning (DELWP) and the Queensland Department of Natural Resources, Mines and Energy (DNRME) had the opportunity to comment on the draft *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020* and the draft Darling Alluvium WRP through the following forums:

- during the public exhibition of the draft plan outlined in Section 2.1.2 of this consultation report
- existing Basin State water management forums, including the Water Resource Plan Working Group and Basin Officials Committee.

2.3. First Nation consultation

The Darling Alluvium WRP area is located within the traditional lands of, and is significant to, the Barkandji and Maljangapa, Budjiti, Euahlayi, Murrawarri, Ngemba, and Wailwan Nations and Traditional Owners. Department of Planning, Industry and Environment (now Department of Planning and Environment) has spending time engaging and consulting Traditional Owners from these groups to identify and record objectives and outcomes for Aboriginal spiritual and cultural values and uses of water resources within the Darling Alluvium WRP area.

Consultation with Traditional Owners was undertaken using a nation-based model. The Department of Planning, Industry and Environment - Water (now Department of Planning and Environment – Water) facilitated the gathering of cultural information from Traditional Owners in line with a consultation model that vest the ownership of cultural information with the Traditional Owners. The consultation model was also designed to respond to participants' wishes to bring attention to the negative effects of social inequity resulting from dispossession and cutting of cultural bonds to water resources. In addition, the consultation was an important opportunity for the department to share knowledge and insight into how water is managed in NSW. As such, the engagement activities were responsive to participants' desire to understand how water policy and management decisions are made.

Further, the consultation model was designed to be respectful of the wishes of participants, including their preferences for dealing with sensitive and difficult topics. These aspects of the consultation model were critical to build trust and confidence that engagement on water resource management would be positive and achieve good outcomes for First Nations in NSW. Where available, the Nation reports including the documentation of cultural objectives, values and uses are attached to this schedule.

Information relating to the Barkandji and Maljangapa Nations is not yet included in this Schedule or as an attached report. NSW engaged with the Barkandji and Maljangapa Traditional Owners through the Barkandji Native Title Group Aboriginal Corporation, who formally requested that they be consulted directly, rather than via MLDRIN or NBAN. The Barkandji Native Title Group Aboriginal Corporation also advised that Barkandji and Maljangapa Traditional Owners should be consulted together. NSW will continue to work with the Barkandji and Maljangapa Nations and the Board of the Barkandji Native Title Group Aboriginal Corporation.

2.3.1. Face-to-face interviews

A series of face-to-face interviews were undertaken with Senior Traditional Owners. Senior Traditional Owners 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 Traditional Owners participated in these interviews, who 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.

Nations where interviews have been completed include:

- **Barkandji and Maljangapa:** Three Traditional Owners participated in face-to-face interviews.
- **Budjiti:** Five Senior Traditional Owners representing two different family groups were interviewed.
- **Euahlayi:** Face to face interviews were conducted with six Traditional Owners representing 17 different family groups.
- **Murrawarri:** Face to face interviews were conducted with seven Murrawarri Senior Traditional Owners, including the Nation Organiser.
- **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.

Nations where interviews were not finalised include:

- **Wailwan:** No face-to-face interviews have been conducted due to time constraints before the planned workshop, however during the workshop it was clearly outlined that should any Wailwan Nation members be identified as wishing to participate in a face-to-face interview, meetings could be arranged.

2.3.2. Workshops

Following on from the face-to-face interviews First Nation consultation workshops were held in the following Nation areas:

- **Barkandji and Maljangapa:** Five workshops were held in Bourke, Broken Hill, Menindee, Wentworth and Wilcannia in June and October 2019.
- **Budjiti:** Two workshops were conducted in August 2019. A total of five participants including four Budjiti Traditional Owners attended.
- **Euahlayi:** One workshop was held in November 2019. A total of 8 Euahlayi Traditional Owners attended.
- **Murrawarri:** One workshop was held in August 2019. A total of five Murrawarri Senior Traditional Owners and one interested community member attended the workshop.
- **Ngemba:** Two workshops were held in October and November 2018. A total of 13 Ngemba Traditional Owners attended.
- **Wailwan:** Two workshops were held in March 2018 with approximately 16 participants attending.

Common themes were used to guide discussion in the workshops. These were established during the face-to-face interviews and included:

- Water is life
- Healthy Country and people
- Cultural continuity and revival
- Custodianship and jurisdiction
- Compensation and redress
- Management and control
- Communication and partnerships
- Water access
- Water quality
- Communication and input on water from the department.

2.3.3. Consultation outcomes

This Schedule and attached reports include information relating to:

- the social, spiritual and cultural objectives
- strategies for achieving these objectives
- the social, spiritual and cultural values
- the social, spiritual and cultural uses and
- views of Indigenous people with respect to cultural flows.

Reports on the outcomes of the consultation with each nation group are included as Attachments B to F of this consultation report.

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.

In addition to consulting with Traditional Owners, the NSW Government consulted with several organisations, including Native Title Services Corporation (NTS Corp), Local Aboriginal Land Councils (LALCS), Aboriginal Medical Services (AMS) and where relevant the local community working party of the Murdi Paaki Regional Assembly. It was the role of the First Nations Community Organiser to assist the Department in identifying key stakeholders, including Aboriginal Organisations, who were contacted.

Information about the Aboriginal Organisations contacted during consultation is provided in some of the First Nation reports, but not all. Where it is available it is summarised here:

- **Barkandji:** Barkandji Maljangapa Native Title Prescribed Body Corporate, Menindee Land Council and Bourke Community Working Party.
- **Budjiti:** No organisations specifically listed in First Nation report.
- **Euahlayi:** No organisations specifically listed in First Nation report.
- **Murrawarri:** Murrawarri Nation Tribal Council.
- **Ngemba:** Brewarrina Ngemba Community Working Party, Bourke's Maragnuka and Ngemba Ngyiamppa Wailwan Wangaaypuwan Native Title Applicant group.
- **Wailwan:** No organisations specifically listed in First Nation report.

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 WRP area.
- The consultation had regard to the views of Indigenous people with respect to cultural associations with the groundwater resources of this WRP area.

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.	An overview of the objectives and values are in Section 1.3.1 of the Darling Alluvium WRP.
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 Northern Basin Aboriginal Nations (NBAN).	Regular contact occurred with the Executive of NBAN throughout the planning process. 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> .	<p>The department decided that it was not appropriate to conduct general discussions about Native Title where a Nation had not lodged an application or received a determination.</p> <p>It is therefore not considered appropriate for the Nation report to state the details of the discussions. To the extent that Nation participants wished to include issues relating to Indigenous Land Use Agreements and claims under the Native Title Act 1993 in relation to the water resources of the Darling Alluvium WRP area, these views are included in respective Nation reports.</p> <p>A letter was sent to NTS Corp to advise them that further consultations on country would occur and seeking advice on how to consult with Native Title group(s).</p>
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. More information is included in Chapter 4 of the Water Resource Plan.
10.53(1)(c)	WRP prepared having regard to the inclusion of Indigenous representation in the preparation and implementation of the plan.	NBAN provided advice on the Nation-based consultation approach undertaken by NSW Department of Planning, Industry and Environment (now Department of Planning and Environment). NBAN provided contacts

		for the NBAN Delegates of each Nation group. These contacts sometimes, but not always, became the Nation organiser. The Nation organiser guided the Nation consultation process and gave advice, input and recommendations on which 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 B 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 in relation to social, cultural, spiritual and customary objectives and strategies.</p> <p>More detail on strategies and objectives can be found in the First Nations Consultation Reports, Attachments B to F, and section 2.3.4 of this 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>The consultation process undertaken by NSW Department of Planning, Industry and Environment was designed to follow cultural protocols to ensure active and informed participation of Indigenous people, within the timeframes available.</p> <p>Relationships with Traditional Owners and a shared understanding of water management were developed 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 B 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 B to F of Schedule C. The risks identified by the Nations are summarised in a separate table in section 3.4 of the Water Resource Plan.
10.54	That the consultation has regard to the views of Indigenous people with respect to cultural flows.	<p>Throughout the First Nations consultation, cultural flows were a key theme raised as cultural practices and events are supported by cultural flows.</p> <p>Views of Aboriginal people with respect to cultural flows are set out in section 4.4 of the Water Resource Plan. See also</p>

attachments B to F of Schedule C.

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 water sharing plan objectives ensure protection for Indigenous values and uses aligned with practical strategies and quantifiable performance indicators.
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The Nation consultations have identified areas for further development in pursuit of Aboriginal objectives and outcomes in water management, including Cultural Heritage, Native Title and cultural flows. The NSW Government has taken several initiatives in this regard, with the most important of these being the development and implementation of the 2021 NSW Water Strategy¹ and the upcoming Western Regional Water Strategy².

NSW has been working with other jurisdictions to finalise the new inland waters target under the National Agreement on 'Closing the Gap'. The objective of the target is consistent with the NSW Government's commitment in the NSW Water Strategy to increase Aboriginal ownership of and access to water. NSW will work in partnership with Aboriginal communities to design and implement actions to meet the target.

2.3.4. Alignment between First Nations and water sharing plan objectives

Water sharing plan objectives are only partially able to address First Nations objectives identified in this WRP area. WSP objectives align broadly with First Nations objectives in relation to protection of native plant and animal species. Other WSP objectives are partially aligned with First Nations objectives, for example in regard to clean water in rivers and healthy water for domestic use. Water sharing plan objectives also align to an extent with First Nations objectives relating to cultural practices associated with water sources. Water sharing plans have provision for access to water for cultural and Native Title purposes, which are an important objective for First Nations in this area. Table 3 demonstrates the alignment between First Nations and targeted water sharing plan objectives in the *Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020*.

Some of the First Nations objectives do not directly relate to current water sharing plan objectives, and some fall outside of the scope of water sharing under the WMA 2000. As outlined above, the NSW Government is committed to exploring the full range of Aboriginal objectives through the NSW Water Strategy and the NSW Aboriginal Water Strategy within it, and the upcoming Western Regional Water Strategy. A full range of strategies will be developed in partnership with Aboriginal people over the coming years. Their implementation is likely to involve not only communities, but a range of government and non-government players, legislative frameworks and programs.

First Nations objectives in this area also focused on culturally appropriate consultation, inclusion, and ownership of information. This is addressed through the Department's engagement program with First Nations.

¹ <https://dpie.nsw.gov.au/water/plans-and-programs/nsw-water-strategy>

² <https://water.dpie.nsw.gov.au/plans-and-programs/regional-water-strategies/upcoming-public-exhibition/western-regional-water-strategy>

Table 3. Aboriginal peoples' objectives and outcomes in water resource management

WSP environmental objectives	First Nations environmental objectives
<p>(1) The broad environmental objective of this Plan is to protect the condition of the groundwater sources and their groundwater-dependent ecosystems over the term of this Plan.</p> <p>(2) The targeted environmental objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) to protect the extent and condition of high priority groundwater-dependent ecosystems, (b) to contribute to the maintenance of salinity levels (total dissolved solids) within water quality target ranges that support instream groundwater-dependent ecosystems in the Lower Darling Alluvial Groundwater Source and the extent of the freshwater lens of the Darling alluvium, (c) to contribute to the prevention of structural damage to aquifers of the groundwater sources resulting from groundwater extraction. 	<ul style="list-style-type: none"> – Greater equity and balance between stakeholders is achieved in water allocations. (Euahlayi Nations). – Environmental flows (as distinct from cultural flows) and other mechanisms restore water environments to good health, including clean, good quality water in rivers and creeks and functioning riparian zones. (Murrwarri Nation). – Clean, healthy water in a flowing, connected system. (Ngemba). – Water environments are restored to good health, including clean, good quality water in rivers and creeks and functioning riparian zones (Ngemba). – We want to see water allocated in this order of importance: Quality life water for people and all wildlife and plants. Environmental water: and Commercial water (Wailwan).
<p>(3) The strategies for reaching the targeted environmental objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) reserve all water for the environment in excess of the limits to the availability of water, (b) manage extractions under access licences and basic landholder rights within the limits to the availability of water, (c) manage the construction and use of water supply works to minimise impacts on high priority groundwater dependent ecosystems and groundwater quality. 	
<p>(4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.</p> <p>(5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes in trends in ecological condition during the term of this Plan, as assessed using one or more of the following—</p> <ul style="list-style-type: none"> (a) the extent and recorded condition of high priority groundwater-dependent ecosystems, (b) the recorded condition of target populations of high priority groundwater-dependent native vegetation, (c) the recorded values of groundwater levels. 	<ul style="list-style-type: none"> – Rivers, creeks and bodies of water function together as a flowing, connected system. (Euahlayi Nations). – Rivers, creeks and bodies of water function together as a flowing, connected system. (Murrwarri Nation).
WSP economic objectives	First Nations economic objectives
<p>(1) The broad economic objective of this Plan is to provide access to groundwater to optimise economic benefits for groundwater-dependent businesses and local economies.</p> <p>(2) The targeted economic objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) to provide groundwater trading opportunities for groundwater-dependent businesses, (b) to provide access to groundwater in the long term for groundwater-dependent businesses. 	
<p>(3) The strategies for reaching the targeted economic objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) provide a clear framework for sharing water among water users, (b) where possible and subject to assessment of local impacts, provide for flexibility of access to water and trade of water allocations and entitlements within the groundwater sources, (c) manage extractions to specified limits over the long term. 	
<p>(4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.</p> <p>(5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan as assessed using one or more of the following—</p> <ul style="list-style-type: none"> (a) the economic benefits of water extraction and use, (b) the economic benefits of water trading as demonstrated by— <ul style="list-style-type: none"> i. the annual number or volume of share components of access licences transferred or assigned, and ii. the weighted average unit price of share components of access licences transferred or assigned, and iii. the annual volume of water allocations assigned, and iv. the weighted average unit price of water allocation assigned, (c) the recorded values of groundwater levels. 	

WSP Aboriginal cultural objectives	First Nations Aboriginal cultural objectives
<p>(1) The broad Aboriginal cultural objective of this Plan is to maintain the spiritual, social, customary and economic values and uses of groundwater by Aboriginal people.</p> <p>(2) The targeted Aboriginal cultural objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) to provide access to groundwater in the exercise of native title rights, (b) to provide access to groundwater for Aboriginal cultural use, (c) to protect groundwater-dependent culturally significant areas. 	<ul style="list-style-type: none"> - Important Euahlayi cultural sites are revived, with consistently maintained water levels. (Euahlayi Nations). - Greater equity and balance between stakeholders is achieved in water allocations. (Euahlayi Nations).
<p>(3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) manage access to groundwater consistently with the exercise of native title rights, (b) provide for groundwater associated with Aboriginal cultural values and purposes, (c) manage extractions under access licences and basic landholder rights within the extraction limits, (d) manage the construction and use of water supply works to minimise impacts on groundwater quality, (e) manage the construction and use of water supply works to minimise impacts on groundwater-dependent culturally significant areas. 	
<p>(4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.</p> <p>(5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan as assessed using one or more of the following—</p> <ul style="list-style-type: none"> (a) the use of water by Aboriginal people, by measuring factors including— <ul style="list-style-type: none"> i. the extent to which native title rights are capable of being exercised, consistent with any determination of native title, ii. the extent to which access to water has contributed to the achievement of Aboriginal cultural outcomes, (b) the extent to which Aboriginal people have considered the operation of this Plan to be beneficial to meeting their needs for groundwater-dependent Aboriginal cultural uses and values, (c) the extent to which changes in the use of water by Aboriginal people can be attributed to the strategies in subclause (3) and the provisions in this Plan, (d) the recorded values of groundwater levels. 	<ul style="list-style-type: none"> - Important Euahlayi cultural sites are revived, with consistently maintained water levels. (Euahlayi Nations).
WSP social and cultural objectives	First Nations social and cultural objectives
<p>(1) The broad social and cultural objective of this Plan is to provide access to groundwater to support groundwater-dependent social and cultural values.</p> <p>(2) The targeted social and cultural objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) to provide for access to water for basic landholder rights, town water supply and licensed domestic and stock purposes, (b) to provide for access to water for groundwater-dependent cultural and community purposes. 	<ul style="list-style-type: none"> - Greater equity and balance between stakeholders is achieved in water allocations. (Euahlayi Nations). - Health and wellbeing of the Ngemba community and its people. (Ngemba). - We would like to see the water licence holders unable to sell or trade the water and/or licences. (Wailwan).
<p>(3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) provide groundwater for basic landholder rights, town water supply, and for licensed domestic and stock purposes, (b) manage the construction and use of water supply works to minimise impacts on basic landholder rights and town water supply, (c) manage the construction and use of water supply works to minimise impacts on groundwater quality. 	<ul style="list-style-type: none"> - We would like to see the water licence holders unable to sell or trade the water and/or licences. (Wailwan).
<p>(4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.</p> <p>(5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan as assessed using one or more of the following—</p> <ul style="list-style-type: none"> (a) the social and cultural uses of water during the term of this Plan, by measuring factors including— <ul style="list-style-type: none"> i. the extent to which basic landholder rights and licensed domestic and stock rights have been met, and ii. the extent to which local water utility access licence requirements have been met, (b) the recorded values of groundwater levels. 	

Water sharing plans are not able to address a range of First Nations objectives, for example issues with access to and maintenance of cultural sites. Water sharing plans are also unable to address objectives relating to broader issues such as employment opportunities, land use, and systemic inequity. Table 4 identifies First Nation objectives that are not identified as part of targeted objectives in the water sharing plans.

Table 4. First Nation objectives where there has been no identified targeted water sharing plan objectives.

Budjiti
<ul style="list-style-type: none"> - Budjiti Nation participate in all aspects of natural resource management of the Paroo River country. (Budjiti Nation) - To achieve cultural, spiritual, social and economic outcomes and well-being for Budjiti people. (Budjiti Nation) - To have a cultural flow allocation for Budjiti people. (Budjiti Nation) - To establish and maintain strong and productive relationships. (Budjiti Nation) - To promote cultural land management. (Budjiti Nation)
Euahlayi
<ul style="list-style-type: none"> - Monitoring and compliance procedures around water sharing and extraction are more transparent and effective. (Euahlayi Nations) - The Euahlayi people establish a strategic plan to engage in the benefits of environmental water. (Euahlayi Nations) - Euahlayi people are employed in water management as water rangers for conservation and monitoring. (Euahlayi Nations) - The Euahlayi Nation has its own water allocation. (Euahlayi Nations) - Euahlayi people have ownership of culturally important lands and waters. (Euahlayi Nations) - The Euahlayi people receive water in the form of cultural flows. (Euahlayi Nations) - Strong, respectful and effective partnerships are built between the Euahlayi Nation and other stakeholders in water planning. (Euahlayi Nations) - The Euahlayi people have access to their culturally important water-dependent sites and areas. (Euahlayi Nations) - The Euahlayi people revive their practice of using waterways for the transfer of knowledge. (Euahlayi Nations) - The Euahlayi people continue and revive cultural practices by waterways. (Euahlayi Nations) - The impact of infrastructure on flow of water in Euahlayi Country is addressed in consultation with Euahlayi representatives. (Euahlayi Nations) - The Euahlayi people manage their own water interests. (Euahlayi Nations) - The Euahlayi people have control over their own water governance model and processes. (Euahlayi Nations) - The Euahlayi Nation has strong, coordinated representation within the NSW Department of Planning, Industry and Environment - Water. (Euahlayi Nations) - The Euahlayi people continue to build on partnerships with other First Nations for water management. (Euahlayi Nations) - Consultation with Euahlayi people regarding their water interests is consistent, culturally appropriate and effective. (Euahlayi Nations) - The Queensland and New South Wales governments coordinate their water management practices. (Euahlayi Nations)
Murrawarri
<ul style="list-style-type: none"> - The Murrawarri Nation is adequately financially resourced to participate in the water market. (Murrawarri Nation) - The Murrawarri Nation is given its own water allocation. (Murrawarri Nation) - The Murrawarri people can continue their role as owners and managers of their Country and water. (Murrawarri Nation) - A water compact is developed and signed between First Nations. (Murrawarri Nation) - Through the Murrawarri People's Council and the People's Administration, the Murrawarri Nation have control over their own water governance model and processes. (Murrawarri Nation) - Murrawarri people have ownership of their Country and waterways. (Murrawarri Nation) - The long term development of skills and capacity of the Murrawarri people in water and land management is built through employment and training programs. (Murrawarri Nation) - Murrawarri water-related economic interests are encouraged and supported. (Murrawarri Nation) - The Murrawarri people have access to their culturally important water-dependent sites and areas. (Murrawarri Nation) - The Murrawarri Nation has strong, coordinated representation within NSW Department of Planning, Industry and Environment - Water. (Murrawarri Nation) - Cultural events and celebrations are held regularly on and near waterways. (Murrawarri Nation) - The Murrawarri people are able to continue and revive cultural and spiritual practices by waterways. (Murrawarri Nation) - Strong, respectful and effective partnerships are built between the Murrawarri Nation, government and other stakeholders in water planning. (Murrawarri Nation)

Ngemba

- Cultural sites, including the Ngunnhu (fish traps), are protected and mapped, with access granted. (Ngemba)
- Ngemba ownership of their lands and waters, managed through a cultural governance model. (Ngemba)
- Partnerships between government and Ngemba Nation raise cultural awareness. (Ngemba)
- Effective partnerships built between Ngemba Nation and other water stakeholders, including First Nations. (Ngemba)
- The Ngemba Nation has representation within Department of Planning, Industry and Environment for effective consultation and co-management. (Ngemba)
- The Ngemba people continue partnerships with other First Nations for water management. (Ngemba)
- Ngemba people are employed in water management in roles including conservation and monitoring. (Ngemba)
- Ngemba economic interests are encouraged and supported and cultural flows granted. (Ngemba)
- Ngemba people are employed in water management in roles including conservation and monitoring. (Ngemba)
- Ngemba economic interests are encouraged and supported. (Ngemba)
- The Ngemba people revive their practice of using waterways for the transfer of knowledge. (Ngemba)
- Waterways used for cultural practices, including transfer of knowledge. (Ngemba)
- The Ngemba people have control over their water interests to continue their role as custodians. (Ngemba)
- The Ngemba Nation is given its own water allocation for greater equity. (Ngemba)
- The Ngunnhu are protected as an important cultural site. (Ngemba)
- Cultural knowledge, practices and sites along waterways are comprehensively mapped. (Ngemba)
- The Ngemba people continue and revive cultural practices by waterways. (Ngemba)
- The Ngemba people have access to their culturally important water-dependent sites and areas. (Ngemba)
- Ngemba people have ownership of culturally important lands and waters. (Ngemba)
- The Ngemba people receive water in the form of cultural flows. (Ngemba)
- Cultural awareness is built across government departments. (Ngemba)
- Ngemba people are informed clearly and consistently about water policy, planning and practices. (Ngemba)
- The Ngemba people have control over their own water governance model and processes. (Ngemba)
- The Ngemba people have control over their water interests to continue their role as custodians. (Ngemba)
- The Ngemba Nation is given its own water allocation. (Ngemba)
- Greater equity and balance between stakeholders is achieved in water allocations. (Ngemba)
- Strong, respectful and effective partnerships are built between the Ngemba Nation and other stakeholders in water planning. (Ngemba)
- Ngemba people are informed clearly and consistently about water policy, planning and practices. (Ngemba)
- The Ngemba Nation has strong, coordinated representation within NSW Department of Planning, Industry and Environment – Water. (Ngemba)
- The Ngemba people use and monitor environmental water in partnership with NSW Department of Planning, Industry and Environment - Water and Department of Planning, Industry and Environment – Biodiversity and Conservation. (Ngemba)
- Consultation with Ngemba people regarding their water interests is consistent, culturally appropriate and effective. (Ngemba)

Wailwan

- Education of non-Aboriginal people on the knowledge of how to care for land and water is paramount and we would like to see that happening. (Wailwan)
- Fracking is an issue of concern for our rivers' that we do not like. We want more information and consultation about it in our area. (Wailwan)
- To have cultural flows for bush tucker gardens to be developed and maintained. (Wailwan)
- We don't want any more taking away from Aboriginal people. We want consultation and to be the decision makers and stop having decisions made for us in direct contravention of Aboriginal lore and culture. (Wailwan)
- An Aboriginal seat at the table on a permanent basis regarding water sharing management is what we would like to see happen now and in the future. (Wailwan)
- Aboriginal people need to have first input into land and water issues and matters. (Wailwan)
- To obtain a seat on the Stakeholders Advisory Panel. (Wailwan)
- An exclusion zone for private ownership of riverbank land is sought by Wailwan Nation members. (Wailwan)
- We would like to see legislation that unused or unwanted water licences should be returned only to government. (Wailwan)
- We would like to see water viewed as a public good not a private commodity. (Wailwan)
- Aboriginal control equals strength in identity. We want to see more control of and over our own lives and water is a significant part of our life story. (Wailwan)
- Implementation of an appropriate filter system to reduce loss of fish into channels. (Wailwan)
- Enforce regulatory deterrents developed to discourage pollution of waterways. (Wailwan)
- Proper enforcement of irrigation cut-off limits. (Wailwan)

Attachment B. Budjiti Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Budjiti 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 Budjiti people for the management of their water-dependent values and uses.

Attachment C. Euahlayi Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Euahlayi 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 Euahlayi people for the management of their water-dependent values and uses.

Attachment D. Murrawarri Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Murrawarri 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 Murrawarri people for the management of their water-dependent values and uses.

Attachment E. Ngemba Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Ngemba 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 Ngemba people for the management of their water-dependent values and uses.

Attachment F. Wailwan Nation Consultation Report

This report outlines the process and findings of consultation undertaken with the Wailwan 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 Wailwan people for the management of their water-dependent values and uses.