



THE BASIN PLAN IMPLEMENTATION

Lachlan Alluvium Consultation Report

Schedule C

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Acknowledgement of Traditional Owners

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

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

We acknowledge that the people of the Barkandji and Maljangapa, Nari Nari, Ngayampaa, Wiradjuri and Yita Yita Nations hold a significant connection to the lands in which the Lachlan Alluvium exists.

The Lachlan Alluvium holds great areas of spiritual, cultural and economic importance to the First Nation people. The NSW Government recognises the connection of the people of these nations to the water.

We recognise the intrinsic connection of Traditional Owners to country and acknowledge their contribution to the management of the Lachlan Alluvium landscape and natural resources.

The 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.

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

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

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1. Introduction

1.1. The role of this 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 Lachlan Alluvium WRP area in order to further the development of the Lachlan Alluvium WRP and inform changes to the Lachlan Alluvial 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 and Environment – Water Group 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. Lachlan Alluvium WRP Area

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

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

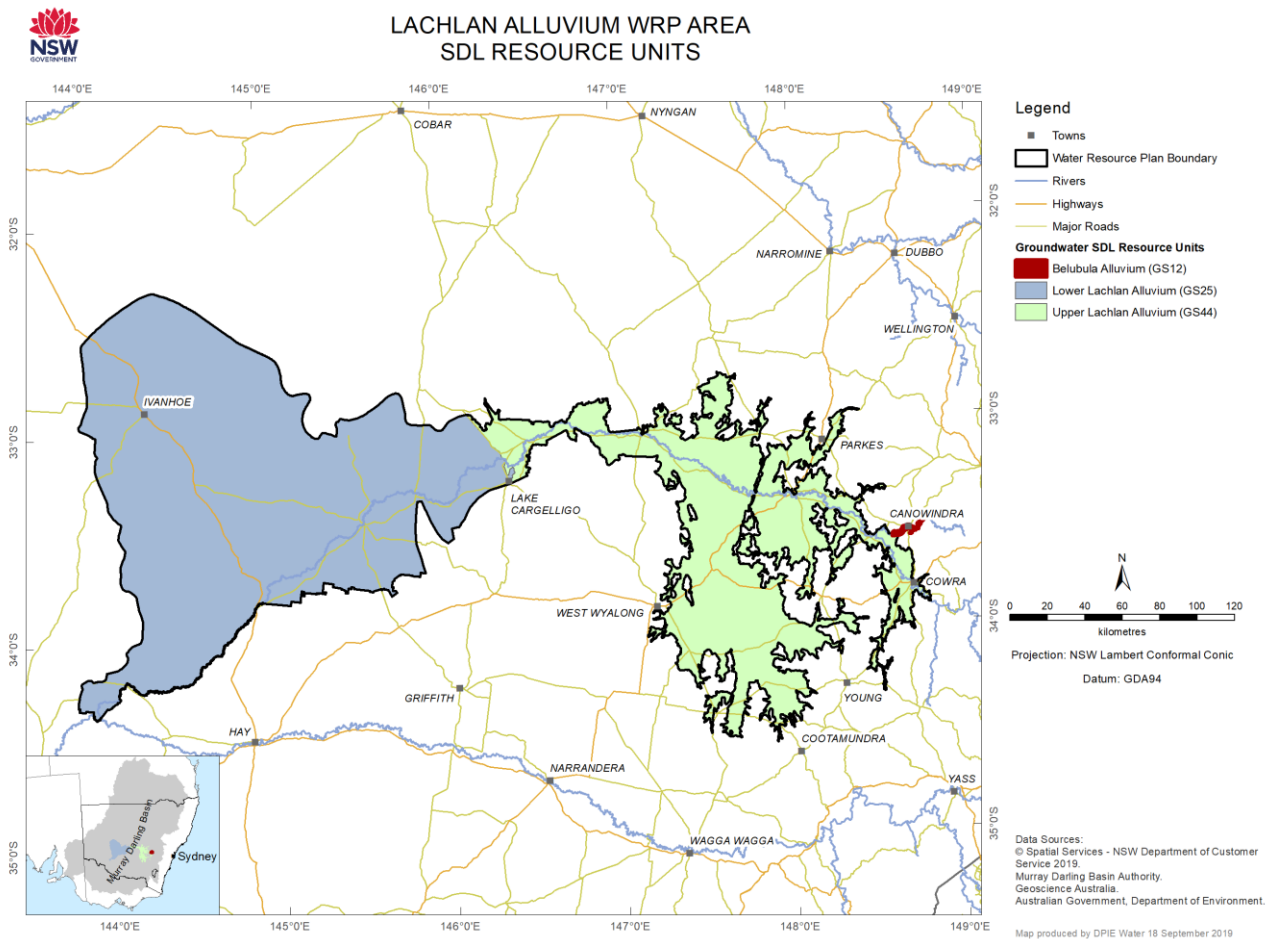


Figure 1. GW10 Lachlan Alluvium Water Resource Plan Area

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 Lachlan Alluvium WRP. The general public and stakeholders had opportunity to provide comment during the early phase of WRP development through the Status and Issues phase (Section 2.1.1) and then again in the later stages of WRP development during the public exhibition phase (Section 2.1.2).

2.1.1. Status and issues phase

The Lachlan Alluvium WRP Status and Issues Paper (NSW Department of Primary Industries, now the Department of Planning and Environment) was released for public comment on 17 February 2017. This can be viewed at https://www.industry.nsw.gov.au/__data/assets/pdf_file/0005/157352/Lachlan-GW-WRP-SIP.pdf

Eight public submissions on this paper were received and within these submissions 50 issues were raised. Issues raised in submissions were logged on the Submissions Database System. This system was developed specifically for capturing comments made to the 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 department 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 Lachlan Alluvial Groundwater Sources 2020* and draft Lachlan Alluvium WRP were released for public comment on 25 September 2018. They can be viewed at [industry.nsw.gov.au/draft-lachlan-alluvium-wrp](https://www.industry.nsw.gov.au/draft-lachlan-alluvium-wrp).

During this phase, the NSW Department of Planning, Industry and Environment and former NSW Department of Industry (now NSW Department of Planning and Environment) communicated with stakeholders in a number of ways.

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

Eight public submissions were received on the draft WRP and amended WSP. 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 primarily through a Groundwater Stakeholder Advisory Panel (SAP) and with First Nations (see section 2.3). The SAP consisted of representatives of key stakeholders and government agencies. Their role was to provide a forum where draft elements of the WRP could be reviewed, and various interests and views could be put forward and discussed to promote common understanding. The SAP was the focal point for targeted consultation for the Lachlan WRP.

Additionally, targeted consultation was undertaken at a more local level with representatives from Lower Lachlan groundwater users and other stakeholders including Lachlan Valley Water (see section 2.2.2).

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 (MDBA)
- Seven regional representatives of the NSW Irrigators Council
- NSW Nature Conservation Council
- Murray Lower Darling Rivers Indigenous Nations (MLDRIN)
- Northern Basin Aboriginal Nations (NBAN)
- Inland Rivers Network
- NSW Minerals Council
- Local Government NSW

The SAP Terms of Reference can be viewed here

www.industry.nsw.gov.au/__data/assets/pdf_file/0009/146844/Stakeholder-advisory-panel-terms-of-reference.pdf. Broadly, the SAP is an advisory panel charged with helping to identify issues, examine options, and provided 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 (GDE) • 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 5: <ul style="list-style-type: none"> • Lachlan Alluvium Water Resource Plan • Lachlan Alluvium Water Sharing Plan 	Sydney, NSW	3 August 2018

SAP Meeting (Number & Description)	Location	Date
<ul style="list-style-type: none"> 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 		
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 Lachlan

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

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

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

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

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

2.2.3. Workshops for all stakeholder advisory panels

The department 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 department's 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:

1. State-wide planning assumptions
2. The WRP including the LTWP, Risk Assessment and Water Quality Management Plan
3. MDBA compliance framework
4. Water Renewal Taskforce update
5. First Nation engagement and cultural water
6. Northern Basin Floodplain Harvesting and Northern watering event and Southern Basin SDL Adjustment Mechanism and Pre-requisite Policy Measures.
7. Groundwater policy update.

2.3. First Nation consultation

The Lachlan Alluvium WRP area is located within the traditional lands of, and is significant to, the Barkandji and Maljangapa, Nari Nari, Ngiyampaa, Wiradjuri and Yita Yita Aboriginal Nations and Traditional Owners. The department has spent time engaging and consulting Traditional Owners of these groups to identify and record objectives and outcomes for Aboriginal spiritual and cultural values and uses of water resources within the Lachlan Alluvium WRP area.

Consultation with Traditional Owners was undertaken using a nation-based model. The department facilitated the gathering of cultural information from Traditional Owners in line with a consultation model that vests 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 in Attachments A to D.

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 Nation:** Three Traditional Owners participated in face to face interviews.

- **Nari Nari Nation:** In total, four Senior Traditional Owners representing two different family groups were interviewed and spoke for a broad range of communities and different areas of, Nari Nari Country.
- **Ngiyampaa Nation:** Eight Senior Traditional Owners were interviewed. They represented 15 different family groups and approximately 1,100 people of the Ngiyampaa Nation.
- **Wiradjuri Nation (Lachlan):** Three Traditional Owners were interviewed. They represented several different family groups, as well as broad range of communities and different areas of Wiradjuri Country.
- **Yita Yita Nation:** Seven Traditional Owners were interviewed. These Traditional Owners represented seven different family groups, represented different people and spoke for a broad range of communities and different areas of Yita Yita Nation Country

2.3.2. Workshops

Following on from the face-to-face interviews, First Nation consultation workshops were held. To date workshops that have been held and finalised include:

- **Barkandji and Maljangapa Nation:** Five workshops were held in Bourke, Broken Hill, Menindee, Wentworth and Wilcannia in September and October 2019. Approximately 30 people attended the workshops.
- **Nari Nari Nation:** One workshop was held in Hay in November 2018. A total of eight participants attended including three Traditional Owners.
- **Ngiyampaa Nation:** - Three workshops were held in July 2018. A total of 17 participants, including five Traditional Owners attended the workshops.
- **Wiradjuri Nation (Lachlan):** Four workshops were held between December 2018 and January 2019 in Euabalong, Condobolin, Forbes and Cowra. A total of 31 Traditional Owners participants attended.
- **Yita Yita Nation:** A one-day Workshop was held in Balranald on 9th April 2019 with a total of eight First Nation 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 A to D 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.

Information is not yet included in this Schedule or as an attached report for the Barkandji and Maljangapa Nation.

NSW will continue to work with the Barkandji and Maljangapa Nation. Subject to their agreement, the department will incorporate the Nation's objectives and outcomes for the management and use of water resources of the WRPA based on their values and uses into this WRP at a later date. NSW will provide a progress report on this work to the MDBA within two years of accreditation of this WRP

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 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 and Maljangapa** - Barkandji Maljangapa Native Title Prescribed Body Corporate, Menindee Land Council, Bourke Community Working Party
- **Nari Nari** - Hay Local Aboriginal Land Council, Nari Nari Tribal Council
- **Ngiyampaa** - Murdi Paaki Regional Assembly, Mt Grenfell and Mt Gundabooka committee
- **Wiradjuri** - No organisations specifically listed in First Nation report
- **Yita Yita** - Balranald Local Aboriginal Land Council

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 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 Lachlan 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 Lachlan Alluvium WRP.
10.53(1)	That consultation with relevant Indigenous organisations was undertaken, including with the Murray Lower Darling Rivers Indigenous Nations.	Regular contact occurred with the Executive of MLDRIN throughout the planning process. MLDRIN 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 the <i>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 <i>Native Title Act 1993</i> in relation to the water resources of the Lachlan 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 and MLDRIN provided advice on the Nation-based consultation approach undertaken by the department. MLDRIN provided contacts for the MLDRIN Delegates of each Nation group. These contacts sometimes, but not always, became the Nation organiser. The Nation organiser guided the Nation consultation process

		<p>and gave advice, input and recommendations on which Traditional Owners to engage.</p> <p>This resulted in the relevant Traditional Owners for the Lachlan Alluvium WRP area being represented. More details on Indigenous representation can be seen in the First Nations Consultation Reports, Attachments A to D of Schedule C.</p>
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 A to D and section 2.3.4 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 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 A to E and section 2.3.4 of this 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?	<p>The risks to Indigenous Values and Uses are outlined in First Nations Consultation Reports, Attachments A to D of Schedule C. The risks identified by the Nations are summarised in a separate table in section 3.4 of the Water Resource Plan.</p>
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 attachments A to D of Schedule C.</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	<p>Improved water sharing plan objectives ensure protection for Indigenous values and uses aligned with practical strategies and quantifiable performance indicators</p>

interim water resource plan for the
WRPA

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 Lachlan 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 Lachlan 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 Lachlan 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://www.dpie.nsw.gov.au/water/plans-and-programs/regional-water-strategies/what-we-heard/lachlan-regional-water-strategy>

Table 3. Aboriginal peoples' objectives 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 high priority groundwater-dependent ecosystems, (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"> – Access to clean and safe water that is not contaminated (Wiradjuri- Lachlan) – Higher water levels. (Yita Yita Nation)
<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. 	<ul style="list-style-type: none"> – Higher water levels. (Yita Yita Nation)
<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 salinity levels (total dissolved solids), (d) the recorded values of groundwater levels. 	<ul style="list-style-type: none"> – Rivers, creeks and bodies of water function together as a flowing system. (Ngiyampaa 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, 	<ul style="list-style-type: none"> – To achieve social and economic outcomes and well-being for Nari Nari people (Nari Nari)

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- (c) to contribute to the maintenance of groundwater salinity levels (total dissolved solids) within ranges that maintain a beneficial use category that supports groundwater-dependent businesses.
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- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows—
 - (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.
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- (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.
 - (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—
 - (a) the economic benefits of water extraction and use,
 - (b) the economic benefits of water trading as demonstrated by—
 - 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 allocations assigned,
 - (c) the recorded values of salinity levels (total dissolved solids),
 - (d) the recorded values of groundwater levels.

WSP Aboriginal cultural objectives

First Nations Aboriginal cultural objectives

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- (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.
 - (2) The targeted Aboriginal cultural objectives of this Plan are as follows—
 - (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,
 - (d) to contribute to the maintenance of groundwater salinity (total dissolved solids) within existing ranges that support groundwater-dependent Aboriginal cultural values and uses.
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- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows—
 - (a) manage access to groundwater consistently with the exercise of native title rights,
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- (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.

- (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.
- (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—
 - (a) the use of water by Aboriginal people, by measuring factors including—
 - 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 salinity levels (total dissolved solids),
 - (e) the recorded values of groundwater levels.

WSP social and cultural objectives

First Nations social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to groundwater to support groundwater-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are as follows—
 - (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,
 - (c) to contribute to the maintenance of groundwater salinity (total dissolved solids) within ranges that maintain a beneficial use category that supports groundwater-dependent community uses.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows—

- To achieve social and economic outcomes and well-being for Nari Nari people (Nari Nari)
- Water available for domestic use is clean and healthy. (Ngiyampaa Nation)
- Greater equity and balance between stakeholders is achieved in water allocations. (Ngiyampaa Nation)
- Access to clean and safe water that is not contaminated (Wiradjuri- Lachlan)

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- (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.
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- (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.
 - (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—
 - (a) the social and cultural uses of water during the term of this Plan, by measuring factors including—
 - i. the extent to which basic landholder rights and licensed domestic and stock purposes have been met, and
 - ii. the extent to which local water utility access licence requirements have been met,
 - (b) the recorded values of salinity levels (total dissolved solids),
 - (c) the recorded values of groundwater levels.
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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.**Nari Nari**

- Nari Nari Nation hold cultural water entitlements. (Nari Nari)
- Nari Nari Nation provides pathways for Nari Nari people, especially youth, to work in water management and caring for country activities. (Nari Nari)
- To be responsible for all gayini (water) that comes on to Nari Nari country (Nari Nari)
- To promote cultural land management (Nari Nari)
- Nari Nari Nation participate in all aspects of water management on Nari Nari country. (Nari Nari)
- To establish and maintain strong and productive relationships (Nari Nari)

Ngiyampaa

- The Ngiyampaa people continue partnerships to use and monitor environmental water. (Ngiyampaa Nation)
- Ngiyampaa people are employed in water management in roles including conservation and monitoring. (Ngiyampaa Nation)
- Ngiyampaa economic interests are encouraged and supported. (Ngiyampaa Nation)
- The Ngiyampaa Nation is compensated for the impact of poor water management on their culture, people and communities. (Ngiyampaa Nation)
- The Ngiyampaa people revive their practice of using waterways for the transfer of knowledge. (Ngiyampaa Nation)
- The Ngiyampaa people continue and revive cultural practices by waterways. (Ngiyampaa Nation)
- Ngiyampaa people regain cultural authority over their waters. (Ngiyampaa Nation)
- The Ngiyampaa people receive cultural flows. (Ngiyampaa Nation)
- The Ngiyampaa people are given control over their water interests to continue their role as custodians. (Ngiyampaa Nation)
- The Ngiyampaa Nation is given its own water allocation. (Ngiyampaa Nation)
- Strong, respectful and effective partnerships are built between the Ngiyampaa Nation and its people and other stakeholders in water planning. (Ngiyampaa Nation)
- Ngiyampaa people are informed clearly and consistently about water policy, planning and practices. (Ngiyampaa Nation)
- The Ngiyampaa Nation has strong, coordinated representation in water planning. (Ngiyampaa Nation)
- The Ngiyampaa people are able to access their culturally important water-dependent sites and areas. (Ngiyampaa Nation)

Wiradjuri

- Cultural practices are continued and revived (Wiradjuri- Lachlan)
- Wiradjuri people can use the rivers for transfer of knowledge (Wiradjuri- Lachlan)
- Access to culturally important water dependant sites and areas (Wiradjuri- Lachlan)
- Allocation of cultural flows to Wiradjuri people for cultural practices (Wiradjuri- Lachlan)
- Wiradjuri people are involved in managing the rivers and conservation (Wiradjuri- Lachlan)
- Wiradjuri people can continue their role as custodians (Wiradjuri- Lachlan)
- Acknowledgement of Wiradjuri people's custodianship of water is recognised and written into future WRP and policies (Wiradjuri- Lachlan)
- Illegal activity along the river is monitored and policed (Wiradjuri- Lachlan)
- Wiradjuri people continue to be engaged and represented in water planning (Wiradjuri- Lachlan)

Yita Yita

- Aboriginal River Watch Management Program implemented Nation by Nation and self-governed. (Yita Yita Nation)
- Effective management of chemical and poisons run off into the water table and the surface water. (Yita Yita Nation)
- Reduce farming negative impacts on land and water by implementing a one in seven-year rotation cycle for paddocks to naturally regenerate. (Yita Yita Nation)
- Genuine long-term career/employment opportunities for First Nations people. (Yita Yita Nation)
- More cultural flows. (Yita Yita Nation)
- Respect for cultural sites and water spirits. (Yita Yita Nation)
- First Nations control or genuine inclusion in the management of the water and the land. (Yita Yita Nation)
- First Nations youth connected/re-connected to Country, (land and water). (Yita Yita Nation)
- Restrict private land ownership from encroaching on riverbanks to increase accessibility. (Yita Yita Nation)

Attachment A. Nari Nari Nation Consultation Report

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

Attachment B. Ngiyampaa Nation Consultation Report

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

Attachment C. Wiradjuri Nation Consultation Report

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.

Attachment D. Yita Yita Nation Consultation Report

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