

**SELECT COMMITTEE ON THE PROPOSAL TO RAISE THE  
WARRAGAMBA DAM WALL HEARING – 06 November 2020**

**SUPPLEMENTARY QUESTIONS**

**1. Was there an agreement between Water NSW and the Registered Aboriginal Parties in regards to the methodology for the field work to be conducted as part of the development of the Aboriginal Cultural Heritage Assessment?**

No

A draft methodology was prepared by Niche, we (RAPs) were asked to read it and comment on it. A few changes were made. For example, the search area was changed. Many of us were not happy with the final document and have voiced our concerns many times, the size of the survey area and the time frame of which it was to be done by were I think the biggest concerns for the RAPs.

There was no agreement. There was no consent given for Niche to undertake this work and we were not any choice about who was to do the work.

**a. If not, can you explain your involvement in the development of the methodology?**

We read it and commented on the draft.

**2. What is your understanding of how the Aboriginal significance ratings for sites identified in the Cultural Heritage Assessment determined?**

Renee Regal (Niche Project lead) said that because she couldn't see what was underneath the ground at particular sites, things were determined as 'low significance'

**a. Are you aware of what methodology was used to determine the significance ratings?**

I don't believe there was a methodology to determine significance.

**b. What was your involvement, if any, in developing any methodology for determining significance ratings?**

None. We were not involved in determining significance ratings and actively objected to them at the consultation meetings with WaterNSW and Niche.

**c. Were you asked for advice in regards to the significance of the sites before the ratings were determined?**

No

**d. Were you offered an opportunity to provide any feedback on the significance ratings once they were made?**

Yes we were able to comment on the report at a consultation meeting held on 22 July 2019, and in our submission however Niche and Water refused to change the 'scientific' significance ratings of the sites at our request during this meeting. In refusing to change the 'scientific' significance, Niche and Water said there would be no archaeological investigations undertaken whatsoever to further determine their significance rating. Instead, they said we could come up with our own 'cultural significance rating for the sites. The description of the sites and the names given to our sites in the report made it very difficult to know what site was being discussed or where it was located. It was claimed on a few instances that some sites no longer existed.

**3. Were you given an opportunity to review or provide feedback on the final Aboriginal Cultural Heritage Assessment?**

No. I Asked if we would be able to review the final document before it went on public display and I was told we could not. We could comment on it only when the EIS was released for public exhibition.

**a. If yes, was your feedback considered in the final Assessment?**

We haven't been given the final document as such. However, a document was published by the Herald on 26 September 2020 with our comments in it. Our feedback has not been considered in that document and only selected sections of our comments were included. The feedback given to our comments in that leaked report was woefully inadequate.

**b. If not, what is your understanding of why not?**

I don't know.

**c. Do you feel the assessment has been written in a way that is understandable to Aboriginal stakeholders?**

No, it was made clear to us at the 22 July 2019 meeting by Kate Kernaghan of WaterNSW that the report wasn't written with Aboriginal people in mind, but rather was written for government . That raised questions such as 'how do you expect people to comment on a report they don't understand'? Renee Regal of Niche then said 'Niche could assist us in writing our responses by transcribing them for us over the telephone or in person', particularly for Registered Aboriginal Parties that could not read or write.

**4. How would you describe your experience in dealing with the following organisations in your involvement in the development of the Aboriginal Cultural Heritage Assessment:**

- a. Water NSW**
- b. SMEC**
- c. Niche**

The whole process has been demoralising and completely disingenuous. Concerns have not been addressed, emails are unanswered, or we have been given vague and inadequate answers to questions. Things are not followed through with, and there is always a vagueness about the extent and duration of the inundation that would occur.

We have lost all confidence in the process and believe it to be just a 'tick the box' exercise with no real consultation and engagement with taking place. We request a new consultant be chosen by local Aboriginal people to undertake the assessment again and must be undertaken with full clarity that local Aboriginal people do not give free, prior and informed consent for the project to proceed, as was outlined in a letter sent to the Ministers for Planning, Western Sydney and Environment on 28 August 2020.

**5. Do you believe your concerns or any issues raised by you as part of the consultation process to date have been listened to or addressed fairly?**

No. I don't think they are interested in what we have to say.

**a. How would you describe the way in which any concerns you have raised have been listened to or addressed?**

They don't listen to anything we have to say that isn't consistent with the project and I don't think anything has been addressed at all. Our concerns are brushed off, emails are unanswered and issues are ignored.

**6. Are you aware of any plans to conduct archaeological investigations of any cultural heritage sites within the planned inundation areas?**

We have been told by WaterNSW and Niche that there will be no archaeological investigations as part of the current assessments. However, there are vague mentions from time-to-time that once the project is approved, a Heritage Management Plan will be written and a provision for further investigations may be included within this. It has been in the context of WaterNSW undertaking this post-approval Heritage Management Plan that references have been made by WaterNSW and Niche about Aboriginal people obtaining jobs and access to the concerns lands.

**a. What is your understanding of these plans?**

They maybe included in the post-approval Heritage Management Plan .

**b. How were you informed of these plans?**

We were told at the 22 July 2019 meeting that if the project is approved, further investigators may go ahead as part of the Heritage Management Plan that has not been written yet.

**c. What involvement have you had in any site selection or development of the investigation plans?**

None.

**7. In the inquiry hearing you suggested that representatives of Water NSW and Niche offered inducements by way of access to sites or employment in exchange for your support for the project. Do you have anything to add to your comments at the hearing on this point?**

We were told if the project went ahead we would be given access to places we are currently locked out of and jobs. I took that as inducements to support the project.

**8. Do you have any documentation or other evidence that supports your evidence on this point to the inquiry?**

Yes I sent 2 lots of notes/minutes taken by two different RAPs at the 22 July 2019 meeting to the inquiry.