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Premier & Cabinet

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 Date: *18/02/2021*  
 Resolved to publish *Yes / No*

A3127688  
HMD19/56

1M19/19153

**Briefing: Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts  
FOR APPROVAL**

## Warragamba Dam Wall

**Purpose:** Seek the Minister's approval of a letter in response to Trish Doyle MP and David Harris MP. Inform the Minister on the status of the Gundungurra Cultural Landscape Aboriginal Place nomination which embraces the Wollondilly and Coxs Rivers.

**Analysis:** In their correspondence to Minister Harwin, Trish Doyle MP and David Harris MP ask:

- the Minister show respect to the cultural values of the area potentially affected by the proposed raising of the Warragamba Dam wall
- the Minister support several specific requests related to the Environmental Impact Statement process for the dam.

There is an Aboriginal Place nomination currently in Preliminary Investigation stage, however the issues referred to in the above-mentioned letter relate to a State Significant Development project, which is a matter for the Minister for Planning and Public Spaces, the Hon Rob Stokes MP.

### Recommendations

1. **Note** the issues raised in the letter fall under the responsibility of Minister Stokes.
2. **Sign** the response to Trish Doyle MP and David Harris MP (at Attachment A) referring the matter to Minister Stokes.
3. **Note** the preliminary assessment of an Aboriginal place for the "Gundungurra Cultural Landscape Aboriginal Place" - which overlaps significantly with area to be affected by proposed raising of the Warragamba Dam Wall.

### Department Approval

MINISTER = THIS IS AN EMERGENT ISSUE THAT WARRANTS A FULL MINISTER BRIEFING

<p>Pauline McKenzie Executive Director, Heritage NSW DPC</p> <p>Date: 12/09/2019</p>	<p>Kate Foy Deputy Secretary Community Engagement DPC</p> <p>Date: 18.9.19</p>	<p>Minister's Approval <i>Agree</i></p> <p>Approved Not Approved</p> <p>Date: 11.10.19</p>
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## Key reasons

### Environmental Impact Assessment process

As owner and operator of the dam, WaterNSW is leading the dam-raising project and is currently preparing a comprehensive Environmental Impact Statement to seek environmental and planning approvals.

The project is a controlled action requiring approval under the Environment Protection and Biodiversity Conservation Act 1999. The Commonwealth Minister for the Environment has the approval role. Any questions related to planning approval for this project should be referred to the Minister for Planning and Public Spaces, the Hon Rob Stokes MP.

### Aboriginal place

Sharyn Halls and Merle Williams nominated the Gundungurra Cultural Landscape as an Aboriginal place under s84 of the *NPW Act* in July 2018.

The nomination sets out a robust set of cultural values for the area, including:

- the strong association of the rivers with song-line of the ancestral beings Mirrigan and Gurangatch, the Quoll and the Eel;
- As a place where Aboriginal families lived and maintained connection with Country into the twentieth century;
- As a place Aboriginal people have continued to visit, maintain knowledge, teach and research.

Ongoing consultation with community members is confirming and extending our understanding of these values and of how they relate to the landscape and its features. Recommendations will be made to the Minister when the full assessment of the Aboriginal place has been carried out.

### Consultation

Heritage NSW is currently working through the preliminary investigation of the Aboriginal Place and is liaising with:

- Aboriginal community to establish the cultural values of the place
- WaterNSW and National Parks and Wildlife Service (NPWS) to discuss land ownership and management responsibilities within the nominated boundary, and the implications of a potential Aboriginal place declaration

Several areas of private ownership are also within the nominated boundary, and consultation with any additional owners will commence once discussions with the two primary owners have advanced further.

Heritage NSW is working to ensure each party understands an Aboriginal place may be able to be declared as well as the dam wall being raised, and how the declaration of an Aboriginal place would not prevent the dam wall from being raised.

### Attachments

Attachment	Title
A	Letter response to Trish Doyle MP and David Harris MP
B	Raising of Warragamba Dam, Trish Doyle MP and David Harris MP



**The Honourable Don Harwin MLC**

Leader of the Government in the Legislative Council  
Special Minister of State, Minister for the Public Service and Employee Relations,  
Aboriginal Affairs, and the Arts  
Vice-President of the Executive Council

Ref: A3127688 / IM19/19153  
HMD19/56

Ms Trish Doyle MP,  
State Member for Blue Mountains  
Mr David Harris MP,  
Shadow Minister for Aboriginal Affairs and Treaty  
c/o 132 Macquarie Road  
SPRINGWOOD NSW 2777

Dear Ms Doyle and Mr Harris

Thank you for your correspondence regarding the 16 August 2019 community meeting about the raising of the Warragamba Dam wall, and the representations made by Traditional Owners on the timing and resourcing of the assessment of cultural values.

I understand Heritage, Department of Premier and Cabinet, has received an Aboriginal Place nomination for the Gundungurra Cultural Landscape. Ongoing consultation with community members is being undertaken in relation to this nomination.

Questions related to the planning approval for the Warragamba Dam Wall project should be referred to my colleague, the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP. A copy of your letter has been referred to Minister Stokes for his consideration.

WaterNSW is leading the dam-raising project and is preparing the Environmental Impact Statement (EIS). I urge you to discuss the timing and resourcing for the Environmental Impact Statement with WaterNSW.

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely

**Don Harwin MLC**

Leader of the Government in the Legislative Council  
Special Minister of State  
Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts  
Vice-President of the Executive Council

CC: The Hon. Rob Stokes, Minister for Planning and Public Spaces

DATE: 11.10.19