

Warragamba Dam Wall and EIS issues

Issue: There are concerns about Aboriginal Cultural Heritage assessment conducted as part of an Environmental Impact Statement (EIS) for the raising of the Warragamba Dam Wall.

Purpose

To inform the Minister about the Aboriginal Place nomination and EIS issues related to the Warragamba Dam Wall project.

- Heritage NSW (HNSW) has found the EIS to be inadequate. HNSW has provided comments to assist with improving the document and is working with WaterNSW to have these adopted (Attachment A).

Key Issues

The dam project is a controlled action requiring approval under the *Environment Protection and Biodiversity Conservation Act 1999* and assessed under bilateral agreement between NSW (SSI-8441) and Commonwealth Governments (2017/7940).

- Numerous issues regarding the EIS have been raised since 2018 and these have not been addressed in a proactive manner by WaterNSW.
- The Commonwealth Department of Agriculture, Water and Environment (DAWE) are also highlighting similar issues about the impact on Aboriginal cultural heritage.
- The EIS has identified at least 330 Aboriginal sites with an acknowledgement that only approximately 27% of the potential impacted area has been surveyed.
- A high-level coordinating group (including the Secretary of Department of Planning, Industry and Environment) is meeting on a weekly basis to address the issues of the EIS including Aboriginal cultural heritage.

HNSW received an Aboriginal Place nomination for an area that includes Warragamba Dam. Consultation has provided clear and articulate reasoning for the significance of this place.

- The Gundungurra cultural landscape – Coss' to Wollondilly Rivers was nominated for consideration as an Aboriginal Place on 18 July 2018.
- The nomination connects the Coss' to Wollondilly Rivers, around the current Warragamba Dam, with the creation story 'The Journey of Gurangatch and Mirrigan' a well-known story documented by Robert Matthews and first published in 1908.
- Initial HNSW assessment and consultation indicates this large site is highly significant to the people of NSW.
- HNSW first provided comment in 2018 at a meeting requested by WaterNSW to present preliminary findings and discuss issues related to the Aboriginal Place.

Consultation

- HNSW is engaging with WaterNSW on the anthropological assessment work for the EIS.

Recommendations

- Note the content of the brief and its attachment.

DPC final approver	Kate Foy Deputy Secretary, DPC	<div style="border: 2px solid red; padding: 5px;"> <p>Document tendered by <i>Mr Justin Field</i> Rec'd By <i>Tina Morowski</i> Date: <i>18 / 02 / 2021</i> Resubmitted: <i>18 / 02 / 2021</i> Approved / Not Approved / Noted</p> </div>
Minister Harwin's comments	Date:	
Responsible Officer	<u>Juanita</u> McCarthy, Manager Aboriginal Cultural Heritage Regulation Branch,	

Attachment A

Issues with the EIS

- Heritage NSW has provided clear and consistent advice regarding the inadequacies of this Aboriginal cultural heritage assessment. High-level issues include:
 - Inadequate consultation with the Aboriginal community
 - Clear opposition from the Aboriginal community
 - Inadequate assessment of cultural values (tangible and intangible) of the site
 - Absence of analysis of the features recorded, and no extrapolation of data to indicate potential site extent
 - Need for clear modelling of what the inundation likelihood is at various levels
 - Need for modelling of likely impacts to Aboriginal cultural heritage (ACH) of the likely inundation at various levels
 - The EIS is missing a significant opportunity to positively impact local community with mitigation measures

Recommendations from Heritage NSW on the EIS

- A stand-alone anthropological report to address identification and assessment of cultural values, how they relate to the archaeology and landscape and the impact of the proposal on cultural values.
- Further archaeological assessment of potential archaeological deposits (PADS), specific site types including comparative analysis and the impact of flooding both temporary and permanent on the archaeological record.
- Integration of the above information into an assessment of the impacts and significance of what will be impacted and what can be avoided.
- Development of conservation, mitigation and management options for the above.
- Development of a cultural heritage management plan (CHMP) plan prior to submission.

Meeting 4 August 2020

- Meeting 4 August 2020 to discuss recommendations as described above.
 - Note that prior to the meeting all our recommendations were categorised by Water NSW as outside the scope of the project, in an action list compiled to facilitate an agreed pathway to an EIS that met the requirements;
 - HNSW clarified again that Water NSW is reading the Secretaries Environmental Assessment Requirements (SEARs) guidelines incorrectly, particularly in relation to recommended Anthropology report (first recommended by ACH Regulation Archaeologists in 2018, and supported in a meeting by Karen Harragon, Director Social and Other Infrastructure Assessments, DPIE). HNSW position is that they do not meet the SEARs as the EIS currently stands;
 - HNSW reiterated the need for an anthropological report. No indication provided at meeting on whether this recommendation will now be accepted;
 - Reiterated need for further analysis – the report is currently a good base-report, but a large number of important questions remain un-addressed including: how the sites relate to each other and the overall cultural landscape; how they have been ranked; how the likely impacts of the proposal on particular sites have been determined, and what cultural and scientific impact the proposal would have on the significance of this cultural landscape overall;
 - Reiterated additional requirement post-bushfires, for report to provide an understanding of likely impacts of fire events in study area, and impact on cultural values of the area, its cultural values and its sites; and any compounding or exacerbating effects of this on likely impact of proposed dam project;
 - Reiterated the need for further consultation, and/or better articulation of the methods and outcomes of consultation with Registered Aboriginal Parties in the body of the report;
 - Water NSW committed to updating 'action list' and provide to meeting participants by Friday 7 August.

Current Position

- Water NSW is working with their consultants to draw together all anthropological information from parts of the existing EIS, from other aspects that were gathered during the project and via the Aboriginal Place nomination process.
- An independent anthropologist will be engaged to review this material, identify the gaps and undertake further work as required.
- Heritage NSW is assisting Water NSW with the provision of briefs and information on previous completed anthropological assessments.
- Heritage NSW will continue to work with Water NSW and DPIE to assist in meeting timeframes for the public exhibition of the EIS.
- Water NSW will report back to the Warragamba Coordinating Group on the revised timelines for completion of the Aboriginal Cultural Heritage Assessment Report on 4/9/2020.