

**Submission  
No 91**

**INQUIRY INTO WATER NSW AMENDMENT  
(WARRAGAMBA DAM) BILL 2018**

**Organisation:** Aboriginal Cultural Heritage Advisory Committee (ACHAC)

**Date Received:** 3 October 2018

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# ACHAC

Aboriginal Cultural Heritage Advisory Committee

Our Ref. DOC18/744375

Standing Committee on State Development  
The Department of the Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Committee

## **Re: Water NSW Amendment (Warragamba Dam) Bill 2018**

I write as Chair of the Aboriginal Cultural Heritage Advisory Committee (ACHAC) with a submission to the inquiry on the recently introduced Water NSW Amendment (Warragamba Dam) Bill 2018 (the Amendment).

It is deeply concerning this Amendment, which directly affects the NPW Act 1974, was introduced into Parliament without consultation with ACHAC or concurrent release of an Environmental Impact Statement (EIS). Engagement and timely release of information to the public is vital to maintaining confidence in Government.

Our cultural heritage is deeply important to Aboriginal people in NSW. It is fundamental to our community, our spirit and our wellbeing. Gundungurra Cultural Landscape, which includes Warragamba Dam and tributary arms of the Coxs' and Wollondilly Rivers has been nominated as an Aboriginal Place. Preliminary investigation indicates values of Aboriginal cultural significance and there is strong community interest and support. ACHAC has reviewed the nomination and requested the Office of Environment and Heritage (OEH) progress the nomination.

Under Section 84 of the NPW Act 1974, the Minister can declare land an Aboriginal place if it is or was of special significance to Aboriginal people. OEH is currently progressing a preliminary investigation, ahead of a full assessment, which will lead to recommendations to the Minister. Flooding of this area will result in the destruction of this important landscape and the irreplaceable story lines linked to its cultural significance. I also note this could impact the current nomination for National Heritage Listing for Aboriginal Heritage Values of this World Heritage area.

It is difficult to understand why the NSW Government is pursuing this Amendment with such haste that an assessment of impacts has not been completed and adequate consideration of alternative approaches to achieve the government's flood mitigation objectives explored.

The Amendment will result in the destruction of Aboriginal cultural heritage at a time when we are working together to progress the Draft Aboriginal Cultural Heritage Reform Bill 2018. Legislation which seeks to protect and conserve Aboriginal cultural heritage by recognising that our cultural heritage is in the land, plants, animals, water and sky. At the time of writing, ACHAC is looking forward to seeing the next draft of the Bill and hope this legislation will be pursued with vigour.

I would request that the Amendment be put on hold to allow adequate consideration of these critical issues for Aboriginal cultural heritage.

Yours sincerely,

**MS GLENDA CHALKER**  
**Chair**  
**Aboriginal Cultural Heritage Advisory Committee**

3 October 2018