

Submission
No 374

INQUIRY INTO PROPOSAL TO RAISE THE WARRAGAMBA DAM WALL

Organisation: Illawarra Local Aboriginal Land Council

Date Received: 10 September 2019



Gundungurra Aboriginal Heritage Association Inc.



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1 September 2019

Mr Justice Field, MLC
Committee Chair
Select Committee on the Proposal to Raise the Warragamba Dam Wall
Parliament House
Macquarie St, Sydney 2000

RE: Upper House Inquiry into the Proposal to Raise the Warragamba Dam Wall

Submission on Behalf of
Illawarra Local Aboriginal Land Council
Gundungurra Aboriginal Heritage Association Inc - Sharyn Halls Gundungurra Elder
Kazan Brown – Gundungurra Community Member

Dear Mr FIELD, MLC,

The Illawarra Local Aboriginal Land Council, Gundungurra Aboriginal Heritage Association Inc and Kazan Brown, Gundungurra Community Member hereon referred to as “the Collective” would like to state our opposition to the proposal to Raise the Warragamba Dam Wall.

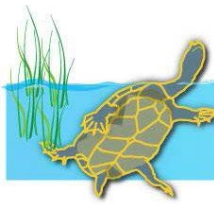
While we recognise and appreciate the position that Water NSW has taken in relation to the reasons why this approach needs to be considered, it is our view that they have fallen short in identifying the cultural, environmental and economic inheritance that the community will be responsible for following the completion of the changes to the dam wall and the impact this will have on the social and cultural fabric of the Aboriginal community as well as the comprehensive impact on the environment.

Furthermore, we believe they have fallen short in assessing potential other options such as recycling of water, reducing the impact of coal mining in the Southern Coalfields and the loss of water from this process and most notable the fact that our climate is continuing to go through a process of drying as can be seen by the current drought and this is expected to be an increasing occurrence. Regardless of how large a dam capacity may be, if there is no rainfall and run off to fill it, there is no point in building it and other options for water supply that take the changing climate and reduce environmental impact should be considered.

We therefore believe that before any support or approval for this project can be provided that Water NSW needs to provide further information as to how the following issues will be addressed and the consideration for the long term legacy that will be borne by the community.

The issues are:

- Damage to Aboriginal Cultural Heritage objects and significant tangible and intangible sites around the area to be impacted by the increased capacity of the dam
- Damage to vegetation communities and potentially fauna, if the dam ever reaches its new capacity

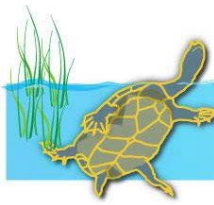


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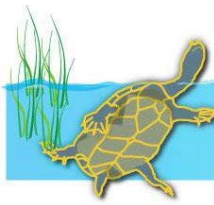
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- The impact of other substances such as trace elements from soil leaching into the water supply.
- Why alternative water supply strategies such as recycling of water are not economically viable.



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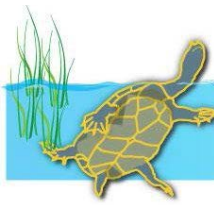


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Background

- In May 2017, the NSW Government released the Hawkesbury-Nepean Valley Flood Risk Management Strategy – ‘*Resilient Valley, Resilient Communities.*’
- The strategy is designed specifically for the valley as the most flood-prone region in NSW, if not Australia. It is a long-term plan to minimise significant risks to life and livelihoods; damage to urban and rural property; and, the major dislocation of economic activity from rapid, deep flooding.
- It is the framework for the government, councils, businesses and communities to work together to reduce and manage flood risk in the Sydney Region’s most productive food bowl.
- And, after four years’ investigation, it recommends that raising Warragamba Dam to create a flood mitigation zone of around 14 metres is the best option to reduce the risks to life, property and community assets posed by floodwaters from the extensive Warragamba River catchment.
- While a range of other infrastructure and non-infrastructure outcomes are included in the strategy and must be part of the solution for managing ongoing risk, no other mitigation measures can achieve the same risk reduction as the Warragamba Dam Raising Proposal.

Why raise Warragamba Dam for flood mitigation? Warragamba Dam is on the Warragamba River - one of the major tributaries to the Hawkesbury-Nepean River. Flows from the large Warragamba Catchment are involved in all major regional floods that pose the greatest risk to life and property. Warragamba is Sydney’s largest water storage dam and provides around 80% of current storage. The dam is not built or operated to manage or mitigate floods. In developing the Flood Strategy, a range of options were investigated to use or modify Warragamba Dam to provide flood mitigation. It was found that raising the dam wall by around 14 metres is the infrastructure option with the highest benefit – significantly reducing the risk to life downstream, and reducing flood damages by around 75% on average while balancing the impacts on the upstream environment. It would significantly reduce the risk to life and property, including the worst floods on record, and increase the certainty of time for people to evacuate.

Can the existing Warragamba Dam be operated to mitigate floods? Warragamba Dam was not designed or approved to operate as a flood mitigation dam. In developing the Flood Strategy, options were investigated for operating the current Warragamba Dam differently to potentially provide flood mitigation. The options investigated were: • pre-releasing water ahead of a predicted flood inflow • changing the operation of the gates to temporarily hold back flood water (known as surcharging) • permanently lowering the full supply level to provide airspace for flood mitigation. Pre-releasing water would have limited effectiveness - with minor benefits for small floods, and

none for larger floods. Two options to lower the dam's full storage were examined - five metres, and 12 metres (the maximum possible to the depth of the spillway gates). The five-metre lowering was found to have limited benefits for the larger floods that pose the most risk to lives and property. The 12-metre lowering would reduce the dam's capacity by around 40 percent. This would have a devastating impact on water security for greater Sydney. Under this option, major new sources of water would need to be built and the desalination plant would need to be continuously operated. Hawkesbury-Nepean Valley Flood Risk Management Strategy – Frequently asked questions September 2018 Further, a 12-metre lowering would provide around less flood mitigation capacity and be substantially more expensive than the proposed 14 metre raising. For a more detailed discussion, please see Chapter 3 of the Flood Strategy.

Aboriginal Heritage

Before we explore the issues relating specifically to our concerns with this project we believe that it is essential that we remind the Government of their obligations and commitments in relation to the protection of Aboriginal cultural heritage objects

Legislative Instruments – State

Aboriginal cultural heritage is protected under the following New South Wales legislation:

*The National Parks and Wildlife Act 1974 (NPW Act)*¹

The National Parks and Wildlife Act 1974 (NPW Act) is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW. Part 6 provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm, which includes destroying, defacing or damaging an Aboriginal object or place, or moving an Aboriginal object from the land.

*The Heritage Act 1977(Heritage Act).*²

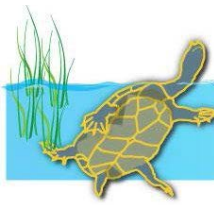
Items of Aboriginal cultural heritage value, including Post Contact sites, can also be protected by inclusion in the State Heritage Register under the Heritage Act 1977 (NSW).

The State Heritage Register is a listing of items (places, buildings, works, relics, moveable objects, precincts or land) of state heritage value. The Register was established to protect those items listed by requiring approval to carry out works on those items, and makes it illegal to:

- demolish a building or work
- “damage or despoil” a place, precinct or land, or any part thereof
- move, damage or destroy a relic or moveable object
- excavate any land for the purpose of exposing or moving a relic
- carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct
- alter a building, work, relic or moveable object

¹ <http://www.environment.nsw.gov.au/legislation/NationalParksAndWildlifeAct1974.htm>

² <http://www.legislation.nsw.gov.au/#/view/act/1977/136>



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- display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct
- damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

The Heritage Council is the approval body for heritage items listed on the State Heritage Register or subject to an interim heritage order made by that body. Minor works to State Heritage Register items may be exempt from the need for approval under standard exemptions published in the Gazette, and available here.

The Environmental Planning and Assessment Act 1979³

The Environmental Planning and Assessment Act 1979 requires that land use planning and development approval bodies such as local councils consider any environmental impacts, including potential Aboriginal heritage, economic and social impacts, before granting an approval

EXTRACTED FROM THE NSW PLANNING, INDUSTRY AND ENVIRONMENT WEBSITE

We protect, respect and conserve Aboriginal cultural heritage in NSW.

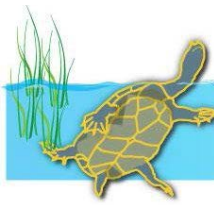
Aboriginal people have lived in Australia for over 60,000 years (Clarkson et al 2017). The Australian Aboriginal culture is the oldest living culture in the world. Aboriginal cultural heritage consists of places, traditions, beliefs, customs, values and objects that represent the living history of past Aboriginal generations and are of important cultural and heritage significance to Aboriginal people.

Aboriginal cultural knowledge provides crucial links between the past and present and represents an essential part of the identities of Aboriginal people and all Australians.

Aboriginal cultural heritage includes tangible and intangible values, such as Song Lines, Dreaming stories and ceremonies passed from generation to generation, as well as physical objects and places. These important objects and places provide evidence of the diverse values, activities and knowledge of Aboriginal people who co-existed with the natural environment by living in harmony with the land they cherish and, which the Aboriginal communities now manage and protect for future generations.⁴

³ <http://www.legislation.nsw.gov.au/#/view/act/1979/203>

⁴ <https://www.environment.nsw.gov.au/topics/aboriginal-cultural-heritage/protect-and-manage/about-aboriginal-cultural-heritage>



Legislative Instruments – Commonwealth

Aboriginal cultural heritage is protected under the following Commonwealth legislation:

The Aboriginal and Torres Strait Islander Heritage Protection Act

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act) can protect areas and objects that are of particular significance to Aboriginal people. The ATSIHP Act allows the Environment Minister, on the application of an Aboriginal person or group of persons, to make a declaration to protect an area, object or class of objects from a threat of injury or desecration.⁵

Governments at both State and Commonwealth jurisdictions have developed significant legislation pertaining to the protection of Aboriginal cultural heritage. The legislative instruments also reflect Aboriginal views in that our heritage includes both tangible and intangible objects, such as stories, connection between sites and also the relationship between different resources for example axe grinding grooves do not exist in areas that do not also have a water supply. To damage, remove or concentrate on the tangible object in Aboriginal culture without reference and understanding of the intangible will always result in desecration and destruction of the cultural heritage of a region.

*ICOMOS Charter for the Conservation of Places of Cultural Significance - Burra Charter, 2013*⁶

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members. We would specifically like to highlight and reference the following Articles without limiting or negating the relevance of the entire 34 articles included in the Burra Charter:

- Article 3. Cautious approach
- Article 7. Use
- Article 8. Setting
- Article 15. Change

Legislative Instruments – International⁷

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The UNDRIP, we contend, also should be considered within this assessment with specific consideration for at least 12 of the Articles contained within, as identified below.

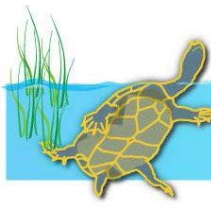
- Article 2: Equality
- Article 8: Cultural integrity
- Article 11: Culture
- Article 12: Spiritual and religious traditions
- Article 18: Decision-making
- Article 19: Free, prior and informed consent
- Article 25: Lands, waters and resources: distinctive relationship

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<http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/55E0993527F830A3CA256FD5001F69E0?OpenDocument>

⁶ <https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

⁷ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf



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- Article 27: Independent process
- Article 28: Restitution
- Article 29: Environment
- Article 32: Resource development
- Article 40: Disputes

Concerns of Impact to Aboriginal Cultural Heritage

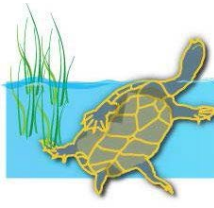
It is our concern that the impact of the Warragamba Dam Wall Raising will impact directly tangible items in the region including rock shelters, art and axe grinding sites. The additional impact of this damage, is that it comprehensively damages the intangible aspects of our culture which includes the connection between sites of sites of occupation. Therefore, the potential impact extends beyond the project area and impacts will occur to significant stories or songlines that form part of the identity of Aboriginal people from this land.

Desecration of these areas is akin to forced removal. It is the Government interests, reinforcing the dislocation of Aboriginal people from their heritage, it is making a forced statement that our identity, values and humanity do not matter when it comes to the projects such as this.

Given the obvious intent of legislation is to protect Aboriginal cultural heritage, it is our view that the State needs to absolutely consider the alternate options for flood mitigation first and foremost. These measures should seek to evaluate the project against the social and emotional dislocation of Aboriginal people and their connection to the land as an absolute balancing item.

As an Aboriginal community we find that the process of assessment of our sites and their value being reflected in relation to their scientific classification as being completely inappropriate and offensive. This position fails the human test. Aboriginal people are not scientific experiments. Our heritage belongs to us. Our dislocation from our land, our country, our stories belongs to everyone and we need to take responsibility as a community for this. To place the tangible connection to Our Lands and Our Country in the realm of scientific understanding is another slap in the face and a devaluing of our human rights and our identity. It is time for Governments and Industry to understand and accept this, and not give it lip service and skirt the legislation that has been enacted to return the dignity and identity to Aboriginal communities. We find it offensive that these reports on Aboriginal cultural heritage are undertaken in this white paradigm of science and interpreted through the lens of white privilege that provides a token understanding of what real connection and belonging to Country is about.

The Collective would also like to emphasise that, our culture is a living culture and our heritage surrounds us every day. Science is not what we live for or aim to contribute too. We strongly believe that the wider community as well as archaeologists and anthropologists need to appreciate and resolve to support the recognition of Aboriginal cultural heritage as part of a living and continually evolving society and place an emphasis on highlighting and celebrating this heritage rather than recording whether it has scientific value.



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We therefore recommend that you consider this Project and the associated Aboriginal Heritage Report for what it is; the simple destruction and desecration of our heritage and not as to whether it has high, medium or low scientific value. All heritage has high importance to our community and we point out that this importance relates to the tangible and the intangible aspects, values, identity and connection between places, "The Cultural Landscape", which is not scientific but a value belonging to Aboriginal people as humans. To deny this, is to again place Aboriginal people back in the category of flora and fauna that can be exploited by white colonial privilege.

Report Failings

These assumptions fail on some key measures which include:

In the view of the Collective the report fails one of the main premises within Cultural Heritage Management Legislation that of embracing complete avoidance of desecration or destruction to Aboriginal objects. The report has been written to principally support the desecration and destruction and not determine the methods for absolute avoidance of this situation.

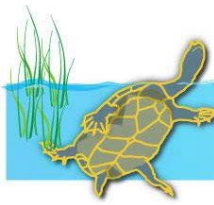
Without a comprehensive and highly resourced survey of the entire area, that not all sites will or are known. Therefore, any desecration cannot be fully reflected and recorded. More significantly without comprehensively understanding the number and locations of sites, as per the intent of the cultural heritage requirements, than how can you know what needs to be avoided.

The Aboriginal community is not resourced appropriately to be engaged in the ongoing consultation for the management of sites.

The reports compiled are written through a scientific values based lens and therefore not reflective of Aboriginal cultural values.

The process does not focus on absolute protection, as per the intent, of much of legislation covering Aboriginal heritage items, instead focussing on simple recording of the impacts and if damage has occurred what might be done to mitigate the situation. This ignores the fact that any damage to sites, which are thousands of years old cannot be undone.

The entire process does not reflect the intangible and/or landscape attributes to Aboriginal heritage and by design highlights individual objects in isolation of the entire context from a social and cultural landscape perspective.



Conflicts with Burra charter

Additionally, the Aboriginal cultural heritage report fails to reflect many aspects of guiding documents such as the Burra Charter to which the NSW government is a signatory. We would contest that the impact which will be attributed to this project does not align with the cost that will be borne by the Aboriginal community in the potential loss of such a significant and highly protected area. It also doesn't identify the loss which will also impact the wider community and therefore assert that, it is not in keeping with what would be expected under the Burra Charter.

In support of our assertion we can highlight at least 4 articles in this Charter that can be applied to this project. Specifically, we reference the following types of places of cultural significance including natural, Indigenous and historic places. We also highlight the charter makes reference to cultural values and is a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians and therefore encourage further consideration of the following Articles in relation to this project and ask the proponent to address these matters as a matter of urgency before proceeding further.

Article 3. Cautious approach

3.1 Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible. Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.

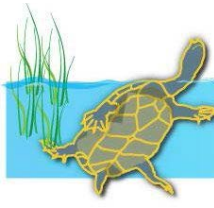
5.1 Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

It is our view that this report and the objectives of this project do not align to this Article and the stated objective of taking a cautious approach.

If this were in fact the case greater consultation and further investigation, would be an appropriate step. Additionally, full consideration of the project needs to occur in light of the potential destruction of such a large area and the relationships that exist with surrounding Aboriginal cultural heritage sites beyond the project area.

Article 7. Use

7.1 Where the use of a place is of cultural significance it should be retained. A place should have a compatible use. The policy **should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use** of a place **should involve minimal change** to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.



This project will result in damage to Aboriginal sites and while we recognise that the potential water inundation may be temporary, the damage is likely to be permanent and unrepairable. Therefore, the project should not proceed without further investigation to record, detail and enhance the ongoing connection of the local Aboriginal community back to Country. Additionally, NSW Water should be seeking to further engage with the Aboriginal community to determine the most appropriate mechanisms for ensuring the cultural values and connections to the landscape are recognised and that any destruction of cultural sites and objects is absolutely limited.

Article 8. Setting

Conservation requires the retention of an appropriate setting. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Again, this development is not in keeping with this aspect of the Burra charter and can easily be seen to completely disregard this Article within the Charter.

The known impacts alone do not align with the principles of this Article.

Additionally, the Project has not thoroughly investigated the impacts relating to cultural relationships relating to landscapes and their cultural significance.

Further work needs to be undertaken, to fully document, the cultural significance of this setting and all the tangible and intangible cultural connections relating to the area.

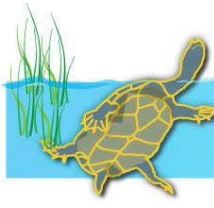
Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. **The amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation.**

15.2 **Changes which reduce cultural significance should be reversible, and be reversed when circumstances permit.**

15.3 **Demolition of significant fabric of a place is generally not acceptable.** However, in some cases minor demolition may be appropriate as part of *conservation*. **Removed significant fabric should be reinstated when circumstances permit.**

15.4 **The contributions of all aspects of cultural significance of a place should be respected.** If a



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place includes *fabric, uses, associations or meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

The whole proposal and the recommendation of this report place any consequence or importance in relation to irreparable damage to Aboriginal heritage and the values relating to place well outside the intentions of the Burra Charter.

We therefore assert that this project and the recommended actions be reconsidered or at the very least further investigated with the traditional custodians of the land as they will wear the brunt of the desecration that will occur in the area.

Conflicts with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The Collective asserts the project is in direct contravention of at least 12 articles in the UNDRIP. We contend that the project has an obligation to address and be assessed against the following Articles within The Declaration:

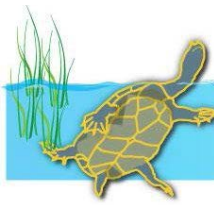
Article 2: Equality Indigenous peoples are equal to all other peoples, and must be free from discrimination.

To undertake an Aboriginal Heritage study through lens of adding to the scientific understanding of Aboriginal people does not treat Aboriginal people as equal and therefore by the simple act of using this as the lens of evaluation is discriminatory.

Additionally, the very premise of asserting that the project and the flood mitigation it has been created to address has greater importance than Aboriginal community interests is also discriminating against the rights and interests of Aboriginal people as we will be the only cultural group impacted by this development. Furthermore the environmental impacts are a direct attack on our values of custodians of "Country" and therefore further enhances the discriminatory impact of this project.

Article 8: Cultural integrity Indigenous peoples shall be free from forced assimilation. Governments shall prevent:

- a) actions that take away their distinct cultures and identities**
- b) the taking of their land and resources**



- c) ***their removal from their land***
- d) any form of forced assimilation
- e) propaganda against them.

Article 11: Culture Indigenous peoples have the right to their cultural traditions and customs. This includes aspects of their culture such as sacred sites, designs, ceremonies, technologies and performances. Their cultural property shall be returned to them, if it was taken without their free, prior and informed consent.

Article 12: Spiritual and religious traditions Indigenous peoples have the right to their spiritual and religious traditions, customs and ceremonies. They have the right to their sacred sites, ceremonial objects and the remains of their ancestors. Governments shall assist Indigenous peoples to recover their ceremonial objects and the remains of their ancestors.

Article 25: Lands, waters and resources: distinctive relationship Indigenous peoples have the right to keep and strengthen their distinctive relationship with their lands, waters and other resources.

The Collective asserts that the project is also in conflict with the Articles 11, 12 and 25. The project has the potential to permanently damage our cultural heritage, sacred sites and spiritual traditions and therefore identity. There is no avoidance of this. We have already seen numerous cultural objects desecrated through the construction of the original dam and this will only extend that impact to our cultural rights on Country and the spiritual links that align with this.

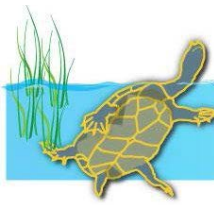
The Aboriginal community has effectively been dislocated from our cultural lands and our cultural connection severed by Government policy in relation to water and catchment management. Although, we would like to highlight that locking people out of the catchment to protect the community is in keeping with Aboriginal values and that we view this as continuing our cultural connection to Country. Government needs to focus on developing a system through which the Aboriginal community can undertake monitoring of this cultural resource (water) and the sites and objects that it relates too. This is our responsibility as custodians and we need to be appointed and given the rights to undertake this work on behalf of the Government

Article 18: Decision-making Indigenous peoples have the right to participate in decisions that affect them. They can choose their own representatives and use their own decision-making procedures.

Article 19: Free, prior and informed consent Governments shall consult with Indigenous peoples in order to obtain their free, prior and informed consent before adopting laws and policies that may affect them.

Article 27: Independent process Governments shall establish a fair and independent process to recognise and decide the rights of Indigenous peoples relating to their lands, waters and resources. Indigenous peoples shall have the right to participate in this process.

Article 40: Disputes Indigenous peoples have the right to fair procedures for the resolution of disputes with States and other parties, and to effective remedies for infringements of their rights. These procedures must take account of Indigenous customs and traditions.



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The Warragamba Dam Wall Raising Project effectively ignores Articles 18, 19, 27 and 40 of UNDRIP in relation to enabling the community to have appropriate levels of decision making capability and influence over these State Significant Development Projects.

We believe that it easily demonstrated that through this process, that as Aboriginal people, we are not afforded the same representation that is available to the proponent. We have not been provided, with unfettered and equal access to the necessary expertise to be able to represent our interests as to those available to others.

We argue that we are provided with a right to reply and this submission is a reflection of our empowerment in this respect, however this fails to recognise and compensate those involved to equivalent levels of that which is available to other interests in this case. We would therefore contend that under Article 27 that Government has the responsibility to provide the Aboriginal community the resources to ensure fair and equitable representation and the fact that there is an independent review process for this project does not adequately address this measure of having an independent process.

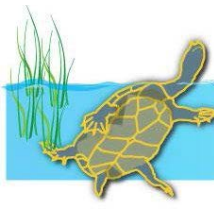
It is the view of the Collective that as the NSW Statutory Body (Local Aboriginal Land Council) and Recognised Traditional Owners Group (Native Title Holders) with jurisdiction to represent all Aboriginal people within our regions that we should be adequately resourced to be able to fully participate in this review process, by having appropriate levels of expert members of staff.

[Article 28: Restitution](#) Indigenous peoples have the right to the return of their land and resources when taken without their free, prior and informed consent. Where this is not possible, they shall receive fair compensation in the form of lands and resources, or money.

[Article 29: Environment](#) Indigenous peoples shall receive assistance in order to restore and protect the environment of their land and resources. Hazardous material shall not be stored or disposed of on the land of Indigenous peoples without their free, prior and informed consent. Governments shall take measures to assist Indigenous peoples whose health has been affected by such material.

[Article 32: Resource development](#) Indigenous peoples have the right to determine strategies for the development of their lands and resources. Governments shall consult in order to obtain the free, prior and informed consent of Indigenous peoples before giving approval to activities affecting their lands or resources, particularly the development of mineral, water and other resources. Just compensation must be paid for such activities, and measures taken to lessen their adverse impact.

There is no doubt that every instrument of Government that seeks to represent Aboriginal interest in relation to Culture, Community and Country aims to ensure that Aboriginal people are treated fairly and with dignity.



Gundungurra Aboriginal Heritage Association Inc.



ILLAWARRA
LOCAL ABORIGINAL
LAND COUNCIL

Our cultural and human rights are represented within decision making processes and Articles 28, 29 and 32 place an obligation on Governments to support our position and ability to assert our identity as the traditional custodians of this land. Furthermore, it is evident that Governments recognise that if these rights and interests are impacted in some way that we should be justly compensated in the process.

The application for this extension to the current dam provides no recognition of this redress, from the proponent or indicates how they will work with us on ensuring that the Aboriginal communities that will be impacted by this project are treated justly. This is a major oversight and needs to be addressed, with specific contribution from the Aboriginal community via the statutory bodies that form “the Collective” to ensure our strategies and interests are properly reflected.

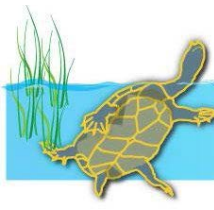
It is our view that the discussions need to include references to redress for the disconnection with our cultural heritage sites and include assistance with economic growth to recognise that with the ongoing social and cultural dislocation come economic dislocation. Aboriginal people therefore deserve to be assisted in developing economic trading models that will again allow us to fulfil our identity as custodians of this land.

Government interests have a responsibility to ensure we have mechanisms to develop into this new economy. Traditionally, our communities, had full employment and this came from looking after our lands and our communities. Our removal from our lands and our traditional economies, which still continues, and perpetrated by activities such as this dam project, place an obligation under these Articles to assist with the redevelopment of our community into this new economy.

Recommendations

Avoid all change to the Warragamba Dam due to the impact on cultural heritage, environment and biodiversity

Projects impacting Aboriginal Cultural Heritage should not fit into State Significant development status, as this creates a mentality that there is an absolute right to proceed with the project. This position needs to be redefined, to ensure that State Significant Development proponents understand that they do not have a right to proceed and Governments do not have a mandate to ignore Aboriginal Cultural Heritage.



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Access needs to be provided to the Aboriginal Community via the Local Aboriginal Land Council and Native Title Group to the Water NSW special areas to allow for cultural connection, and if deemed appropriate by the community organisations, operate cultural tours and social engagement activities.

Support needs to be provided to the Aboriginal community to develop and grow environment and heritage credentials and abilities through engagement and support for training and development

Aboriginal community to undertake ongoing cultural heritage monitoring surveys and restoration of vegetation

Regards

Paul Knight
Chief Executive Officer
Illawarra Local Aboriginal Land Council

For and on behalf of

Sharyn Halls Gundungurra Elder
Secretary
Gundungurra Aboriginal Heritage Association Inc

Kazan Brown
Community Member