

From: FOI Act s22
To: FOI Act s47E(d)
Cc: FOI Act s22
Subject: FW: For info: MC19-000689 [SEC=UNCLASSIFIED]
Date: Wednesday, 3 July 2019 5:09:10 PM
Attachments: [image002.png](#)
[image004.png](#)
[image006.png](#)
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[image024.png](#)
[image025.png](#)

UNCLASSIFIED

Thanks FOI Act s22, approval from my EL2 is provided below.

Please advise if you need anything further.

Many thanks

FOI Act s22

From: FOI Act s22
Sent: Wednesday, 3 July 2019 5:02 PM
To: FOI Act s22
Subject: RE: For info: MC19-000689 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Approved

Regards

FOI Act s22

FOI Act s22 | A/g Senior Adviser
Indigenous Environment Policy | Environment Branch | Legal, Employment, Environment and Evaluation Division
FOI Act s22
Lv3 Charles Perkins House Woden
e. FOI Act s22

The National Indigenous Australians Agency acknowledges the traditional owners of country throughout



Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



From: FOI Act s22
Sent: Wednesday, 3 July 2019 5:00 PM
To: FOI Act s22
Subject: RE: For info: MC19-000689 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi FOI Act s22

Could you please respond to this email with your EL2 approval to extend MC19-000689 – 'Warragamba dam wall project' until **COB Tuesday 9 July** (currently due on Friday)?

Many thanks

FOI Act s22

FOI Act s22

Indigenous Environment Policy Section | Environment Branch | Legal, Employment, Environment and Evaluation Division

National Indigenous Australians Agency

FOI Act s22

Charles Perkins House 16 Bowes Place Phillip ACT 2606 | PO Box 6500 CANBERRA ACT 2600

w. niaa.gov.au w. indigenous.gov.au



The National Indigenous Australians Agency acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



From: FOI Act s47E(d)
Sent: Wednesday, 3 July 2019 4:57 PM
To: FOI Act s22; FOI Act s47E(d)

Cc: **FOI Act s22**

Subject: RE: For info: MC19-000689 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi **FOI Act s22**

For the extension of items that are not VIP items require an EL2 approval. Can you please forward this to me and I will action.

Kind regards

FOI Act s22 | Adviser

Ministerial Correspondence and Briefs (MCaB) | Ministerial and Parliamentary Support Branch
Ministerial Support Division | Department of the Prime Minister and Cabinet

FOI Act s22

e **FOI Act s22** | www.dpmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

From: **FOI Act s22**

Sent: Wednesday, 3 July 2019 4:32 PM

To: **FOI Act s47E(d)**

Cc: **FOI Act s22**

Subject: For info: MC19-000689 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi MCU

Could you please provide an extension for item MC19-000689 – 'Warragamba dam wall project' until **COB Tuesday 9 July** to allow time for the NSW government to provide us with information on this?

The item is currently due on Friday 5 July. I have copied in my director, **FOI Act s22**, who

approves this extension.

Many thanks

FOI Act s22

FOI Act s22

Indigenous Environment Policy Section | Environment Branch | Legal, Employment, Environment and Evaluation
Division

National Indigenous Australians Agency

FOI Act s22

Charles Perkins House 16 Bowes Place Phillip ACT 2606 | PO Box 6500 CANBERRA ACT 2600

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The National Indigenous Australians Agency acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.





The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MS19-000689

s11C

Dear s11C

Thank you for your email of 6 June 2019 regarding the proposed raising of the Warragamba dam wall and potential impacts on Indigenous cultural heritage. I apologise for the delay in responding.

I understand your concerns around the survey conducted to consider the impacts on Indigenous cultural heritage as a result of the proposal to raise the Warragamba dam wall. This proposal has been determined by the delegate for the Minister for the Environment to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*. This means the proposal is being assessed by the New South Wales Government, on behalf of the Australian Government.

The New South Wales Department of Planning, Industry and Environment (DPIE) has set comprehensive assessment requirements for the Environmental Impact Statement, including the assessment of cultural heritage and consultation with Aboriginal and Torres Strait Islander Australians. These requirements are set out on DPIE's website at <https://www.planningportal.nsw.gov.au/major-projects/project/10571>.

If you wish to discuss the assessment process, I have been assured that you can contact FOI Act s47F Team Leader of Water and Intermodal Assessments at DPIE on FOI Act s47F or via email at FOI Act s47F

Thank you for raising this matter with me.

Yours sincerely

The Hon KEN WYATT AM, MP
Minister for Indigenous Australians

17 / 7 / 2019

From: [redacted] FOI Act s47E(d)
To: [redacted] FOI Act s47E(d)
Subject: FW: Traditional owners statement [SEC=UNCLASSIFIED]
Date: Thursday, 6 June 2019 3:01:51 PM

UNCLASSIFIED

LEEE for appropriation action - sent For info

FOI Act s22 | Senior Departmental Liaison
Office of the Minister for Indigenous Australians
Department of the Prime Minister and Cabinet
FOI Act s22
www.dpmc.gov.au | www.indigenous.gov.au
✉ PO Box 6500 CANBERRA 2600

The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their Cultures and Country and to their Elders, both past and present.

From: [redacted] FOI Act s47E(d)
Sent: Thursday, 6 June 2019 1:43 PM
To: [redacted] FOI Act s47E(d)
Subject: FW: Traditional owners statement

From: [redacted] s11C
Sent: Thursday, 6 June 2019 11:33 AM
To: Wyatt, Ken (MP)
Subject: Traditional owners statement

Thursday 6th June 2019

Traditional owners condemn Warragamba dam wall project.

[redacted] s11C
[redacted] FOI Act s47E

in the methodology for the Environmental Impact Statement (EIS).

Of the total land which will be impacted by the dam, only 26% of it has been surveyed for Indigenous cultural artefacts and sites, despite promises and assurances in the methodology for a comprehensive survey. The archaeology methodology for the EIS makes the following promises directly to us:

- To visit dozens of rivers and creeks with high potential for sites.
- to examine our Creation Story, The Journey of Gurangatch and Mirrigan in detail.
- To visit 45 identified locations which relate to significant Waterholes

and other places in the Creation Story, as well as other places of high cultural significance.

Regarding the first point: the whole area is part of a river system in the heart of our Country which was 100% occupied.

Secondly: We don't accept that 26% is a detailed study of the Creation Story when the story covers nearly 100% of the area under threat.

Thirdly, our knowledge is that only 19 of the 45 locations listed have been visited and some of these are incomplete.

These are all promises made to us for the EIS but we are now being told they will not be kept. The government cannot release an EIS which considers the impacts of the project on cultural heritage if they do not survey the entire area that will be destroyed.

We reject and will not consider the finding of the EIS until such time the survey is completed as per the methodology. We feel the 26% surveyed is grossly inadequate and does not represent or do justice to our vast cultural wealth contained within the impact area.

The impact that this proposal will have on our cultural heritage and ability to access significant Ancestral land will be devastating. It will destroy sites which are core to our Gundungurra dreaming story, 'The Journey of Gurangatch and Mirrigan', further shattering the song lines of our people."

Until the dam proposal is scrapped, we will continue to fight for our lands and our culture.

Media contacts

FOI Act s47F

s11C

FOI Act s47F

Sent from my iPhone



The Hon Michael McCormack MP

**Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina**

Ref: MC19-002819

09 AUG 2019

s11C

FOI Act s47F

COPY

Dear s11C

Thank you for your email of 6 June 2019 to the Prime Minister, the Hon Scott Morrison MP, outlining your concerns about the Environmental Impact Statement (EIS) being undertaken for the proposed Warragamba Dam Raising project. Your email was forwarded to me as I am the minister responsible for the matters you raised. I apologise for the delay in replying.

The Australian Government recognises that Indigenous heritage is of continuing significance, creating and maintaining continuous links with the people and the land. Aboriginal and Torres Strait Island cultures are a critical part of our national identity and the Government actively works to support the maintenance and strengthening of Indigenous cultural expression and conservation.

The Warragamba Dam Raising project has been declared a Controlled Action by the Department of the Environment and Energy under the Australian Government *Environment Protection and Biodiversity Conservation Act 1999* due to the likely impact on matters of national environmental and cultural significance.

The NSW Government is primarily responsible for the planning, regulation and management of water infrastructure in their state. The Warragamba Dam Raising project is being managed by WaterNSW for the NSW Government and they have indicated that the EIS is being prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs).

You may wish therefore to consider raising your concerns about the EIS's methodology with the Hon Melinda Pavey MP, NSW Minister for Water, Property and Housing as she will be best placed to assist you with these matters.

As you have raised concerns about the methodology of the EIS, I have copied this correspondence to the Hon Sussan Ley MP, Minister for the Environment and the Hon Ken Wyatt AM MP, Minister for Indigenous Australians for their information and consideration.

Thank you for raising this matter and I trust this is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael McCormack". The signature is written in a cursive, slightly slanted style.

Michael McCormack

cc The Hon Sussan Ley MP, Minister for the Environment
 The Hon Ken Wyatt AM MP, Minister for Indigenous Australians



The Hon Michael McCormack MP

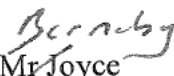
Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for Riverina

Ref: MC19-003255

09 AUG 2019

The Hon Barnaby Joyce MP
Member for New England
Shop 5, 259 Peel Street
TAMWORTH NSW 2340

COPY


Dear Mr Joyce

Thank you for your letter of 1 July 2019 on behalf of **FOI Act s47F** of Quirindi, outlining her concerns about the proposed Warragamba Dam Raising project.

The Australian Government recognises that Indigenous heritage is of continuing significance, creating and maintaining continuous links with the people and the land. Aboriginal and Torres Strait Island cultures are a critical part of our national identity and the Government actively works to support the maintenance and strengthening of Indigenous cultural expression and conservation.

The Warragamba Dam Raising project has been declared a Controlled Action by the Department of the Environment and Energy under the Australian Government *Environment Protection and Biodiversity Conservation Act 1999* due to the likely impact on matters of national environmental and cultural significance.

The New South Wales Government is primarily responsible for the planning, regulation and management of water infrastructure in their state. The Warragamba Dam Raising project is being managed by WaterNSW for the NSW Government. They have indicated that the EIS is being prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs).

You may therefore wish to consider raising the concerns of your constituent about the EIS's methodology with the Hon Melinda Pavey MP, NSW Minister for Water, Property and Housing as she will be best placed to assist you with these matters.

The Hon Michael McCormack MP

Parliament House Canberra | (02) 6277 7520 | minister.mccormack@infrastructure.gov.au
Suite 2, 11-15 Fitzmaurice Street, Wagga Wagga NSW 2650 | michael.mccormack.mp@aph.gov.au

As **FOI Act s47F** has raised concerns about the impacts of the project on the Greater Blue Mountains World Heritage Area, I have copied this correspondence to the Hon Sussan Ley MP, Minister for the Environment and the Hon Ken Wyatt AM MP, Minister for Indigenous Australians for their information and consideration.

Thank you for raising this matter and I trust this information is of assistance. I am happy for you to convey this response to **FOI Act s47F**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael McCormack', with a stylized flourish at the end.

Michael McCormack

cc The Hon Sussan Ley MP, Minister for the Environment
 The Hon Ken Wyatt AM MP, Minister for Indigenous Australians

From: FOI Act s47E(d)
To: FOI Act s47E(d)
Cc: FOI Act s47E(d); FOI Act s22
Subject: FW: Warragamba dam raising [SEC=OFFICIAL]
Date: Monday, 19 August 2019 8:56:23 PM

OFFICIAL

EEE routine Min reply regarding Commonwealth responsibility issue referred to by correspondent

FOI Act s22 | Senior Departmental Liaison
Office of the Minister for Indigenous Australians
National Indigenous Australians Agency
FOI Act s22
www.niaa.gov.au | www.indigenous.gov.au
✉ PO Box 6500 CANBERRA 2600

The National Indigenous Australians Agency acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their Cultures and Country and to their Elders, both past and present.

From: s11C
Sent: Monday, 19 August 2019 9:43 AM
To: Wyatt, Ken (MP)
Subject: Warragamba dam raising

Thank you, Minister, for your reply of [17 September](#) to my letter .

Unfortunately it is the State government's assessment which remains of concern, so that further consultation with its Department may not resolve the matters we are raising..

Despite the delegation to the State for a `controlled auction', I understand that the Commonwealth retains ultimate responsibility in relation to potential impacts on a World Heritage inscribed property - In this case the Greater Blue Mountains Area.

I would really appreciate consulting you on the specific questions we wish to raise,

With thanks,

s11C
Sent from my iPhone



The Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC19-009768

s11C

Dear s11C

Thank you for your email of 19 August 2019 regarding the proposed raising of the Warragamba dam wall and potential impacts to the Greater Blue Mountains Area.

Following on from my response of 17 July 2019 about the environmental assessment process, Australia's main instrument for protecting world heritage is also through the *Environment Protection and Biodiversity Conservation Act 1999*.

Regarding your concerns about potential impacts to the World Heritage listed values of the area, the Australian Government has been assured that any impacts to the Outstanding Universal Value of the Greater Blue Mountains Area will be detailed in the Environmental Impact Statement (EIS), which would include a cultural heritage assessment component. The EIS would also include avoidance, mitigation and offset measures to reduce, avoid or rectify potential impacts on environmental and heritage values.

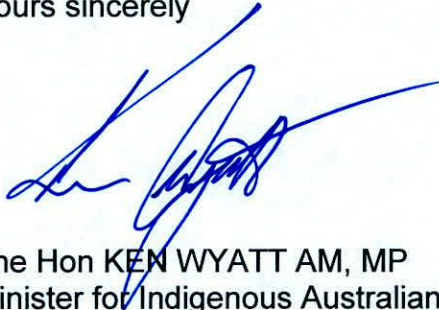
I understand the proponent is currently preparing the EIS for this project and this will be released for public consultation later this year.

As required by the World Heritage Committee in its 2019 Decision on the Greater Blue Mountains Area, the Australian Government will prepare an updated report on the state of conservation of the property and will submit this to the World Heritage Centre by 1 December 2020. This report will be examined by the World Heritage Committee at its 45th session meeting in 2021.

You will be able to find more information on the World Heritage listing for the Greater Blue Mountains Area at its Statement of Outstanding Universal Value by following the link: <https://whc.unesco.org/en/list/917>.

Thank you for taking the time to write to me again.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken Wyatt', is written over the printed name.

The Hon KEN WYATT AM, MP
Minister for Indigenous Australians

29 / 10 / 2019

From: FOI Act s47E(d)
To: FOI Act s47E(d)
Cc: FOI Act s47E(d); FOI Act s22
Subject: FW: Scarp - Comments on Warragamba Dam CH survey.pdf [SEC=OFFICIAL]
Date: Monday, 26 August 2019 10:43:42 PM
Attachments: [Scarp - Comments on Warragamba Dam CH survey.pdf](#)

OFFICIAL

HLC NFA – similar to previous corro from this correspondent – reply already offer.

FOI Act s22 | Senior Departmental Liaison
Office of the Minister for Indigenous Australians
National Indigenous Australians Agency
FOI Act s22
www.niaa.gov.au | www.indigenous.gov.au
✉ PO Box 6500 CANBERRA 2600

The National Indigenous Australians Agency acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their Cultures and Country and to their Elders, both past and present.

From: FOI Act s22
Sent: Monday, 26 August 2019 12:51 PM
To: FOI Act s47E(d)
Subject: FW: Scarp - Comments on Warragamba Dam CH survey.pdf

From: s11C
Sent: Monday, 26 August 2019 10:20 AM
To: gs.ach@environment.nsw.gov.au
Cc: Wyatt, Ken (MP); Burney, Linda (MP); FOI Act s47F
Subject: Scarp - Comments on Warragamba Dam CH survey.pdf

Scrap archeology recent reviewed the Aboriginal Heritage Draft report at the invitation of Traditional owners, unfortunately this report missed the submission date and I have been advised to send it to OEH and relevant ministers, s11C and FOI Act s47F found that Overall, this report does not meet the requirements of Best Practice Cultural Heritage Management. The survey strategy is flawed. The overall assessment of heritage is too much focused on archaeological sites and pays too little attention to Aboriginal cultural values and the importance of cultural landscapes. The assessment of significance is not adequately explained or justified. The assessment of impact focuses almost entirely on archaeological sites and ignores Aboriginal connections to place and Country. The recommendations do not provide directions to mitigate impact or to manage any places that will be destroyed by impact. There are no recommendations for the protection of sites, heritage places or cultural landscapes that are outside the impact zone and therefore provide opportunities for off-set management planning.

As such we are asking the recommendations of this report be implemented and a second report prepared.

Regards
s11C

From: FOI Act s22 [redacted] on behalf of [Cook Electorate \(S. Morrison MP\)](#)
To: FOI Act s47E(d) [redacted]
Subject: FW: Investigating supposed damage to nominated Australian history and heritage + latest on a "Bone from Byrnes Creek, Burragorang"
Date: Monday, 29 June 2020 1:19:56 PM

From: FOI Act s47F [redacted]
Sent: Monday, 29 June 2020 10:33 AM
To: Cook Electorate (S. Morrison, MP) <cookelectorate@aph.gov.au>
Subject: Re: Investigating supposed damage to nominated Australian history and heritage + latest on a "Bone from Byrnes Creek, Burragorang"

Re: Investigating supposed damage to nominated Australian history and heritage + latest on a "Bone from Byrnes Creek, Burragorang"

FOI Act s22

FOI Act s22



s11C



s11C




s11C



FOI Act s22

FOI Act s47



(Dr  FOI Act s47F, Sydney geologist)

FOI Act s22

From: FOI Act s47F
Sent: Wednesday, 24 June 2020 5:11 PM
To: FOI Act s22
Cc: FOI Act s47F
Subject: RE: Closing the Gap & Corro [SEC=OFFICIAL:Sensitive]

Hi FOI Act s22

Sincere apologies I've missed this in my emails. I've cc'd FOI Act s47F. FOI Act is the ED for Aboriginal Affairs and has a much greater knowledge than I do. I'm sure she will be able to help or point you in the right direction.

FOI Act s47F

From: FOI Act s22
Sent: Monday, 15 June 2020 7:39 PM
To: FOI Act s47F
Subject: Closing the Gap & Corro [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi FOI Act s47F

Hope you're well.

I understand that you look after Aboriginal Affairs in the NSW Premier's Office. Hoping we could connect at some point over the next week to discuss Closing the Gap – is there a time that works well for you on Friday?

Separately, I'm also hoping you might be able to assist with the below enquiry we've had. Where would it be best to direct FOI Act s47F in the NSW Government?

Happy to discuss.

Kind regards

FOI Act s22 | Senior Adviser
Office of the Hon Ken Wyatt AM, MP
Minister for Indigenous Australians
FOI Act s22

From: FOI Act s47F
Sent: Sunday, 14 June 2020 10:05 PM
To: Wyatt, Ken (MP)

Subject: Re: The bone from Byrnes Creek ~ one of the latest small parts of the seeming 'GREAT SILENCE' from Government

To: Ken Wyatt MP, Commonwealth Government, Canberra

Dear Ken,

FOI Act s22

s11C

FOI Act s22

FOI Act s47F, FOI Act s22

With Best Regards,

FOI Act s47F

(Dr FOI Act s47F, Sydney geologist)

..... VIZ re the bone

https://www.giveadamorg.au/call_for_identification_of_mystery_bone_found_in_burial_ground_near_warragamba_dam

By s11C on March 20, 2019

From: FOI Act s47E(d)
To: FOI Act s47E(d)
Cc: FOI Act s47E(d); FOI Act s22
Subject: FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]
Date: Wednesday, 2 September 2020 5:01:24 PM
Attachments: [WarragambaDamRaising_TOs_No FPIC.pdf](#)
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[image005.png](#)

OFFICIAL

Register and assign to Eastern Division. Agency to reach out to Department of Environment and provide assistance where required as Minister Ley will be leading with the response.
NFA.

Kind Regards

FOI Act s22

Departmental Liaison Officer | National Indigenous Australians Agency

FOI Act s22

Office of the Hon Ken Wyatt AM, MP | Minister for Indigenous Australians

Parliament House CANBERRA ACT 2600

w. niaa.gov.au w. indigenous.gov.au



The National Indigenous Australians Agency acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



From: s11C

Sent: Friday, 28 August 2020 3:53 PM

To: Minister Wyatt <Minister.Wyatt@ia.pm.gov.au>; minister.ley@environment.gov.au; willoughby@parliament.nsw.gov.au; pittwater@parliament.nsw.gov.au; hornsbys@parliament.nsw.gov.au; FOI Act s47F; FOI Act s47F

Subject: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, FOI Act s47F and FOI Act s47F, Find attached a letter from 30 Indigenous groups, families and individuals of western and southern Sydney concerning the proposal to raise Warragamba Dam wall and the vast cultural destruction this project would cause. We wish to inform all consent authorities that our people give no free, prior and informed consent for the Warragamba Dam wall raising to proceed.

We write this letter after witnessing the gross procedural unfairness afforded to the Puutu Kuntj Kurrama and Pinikura peoples in the destruction of the Juukan Gorge Cave in Western Australia.

You are welcome to contact me on s11C or on s11C if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

s11C

Gundungurra Traditional Owner of the southern Blue Mountains.

The Hon. Ken Wyatt AM MP
Minister for Indigenous Australians
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

28 August 2020

The Hon. Sussan Ley MP
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

The Hon. Gladys Berejiklian MP
NSW Premier
52 Martin Place
Sydney NSW 2000

The Hon. Robert Stokes
NSW Minister for Planning and Public Spaces
52 Martin Place
Sydney NSW 2000

The Hon. (Matt) Matthew John Kean
NSW Minister for Energy and Environment
52 Martin Place
Sydney NSW 2000

FOI Act s47F
WaterNSW Project Director
PO Box 398
Parramatta NSW 2124

FOI Act s47F
Infrastructure NSW Director
PO Box R220
Royal Exchange NSW 1225

No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners

Dear Sirs/Madams,

We write to in your capacity as the NSW and Commonwealth Government consent authorities for the proposal to raise the Warragamba Dam wall. We do so after witnessing the gross procedural unfairness afforded to the Puutu Kunti Kurrama and Pinikura peoples in the destruction of the Juukan Gorge Cave in Western Australia.

Gundungarra people and their neighboring peoples across western Sydney have experienced cultural destruction on a landscape scale due to the original construction of Warragamba Dam wall in 1960, which permanently destroyed the vast proportion of Aboriginal cultural heritage in the southern Blue Mountains. We now face the possibility of near obliteration of our cultural heritage from the proposed raising of the Warragamba Dam wall by 17 metres which would flood several hundred remaining burial, cultural and rock art sites.

The Aboriginal Cultural Heritage Assessment completed to date for the dam project has not considered the significant impacts of recent bushfires upon our cultural heritage sites to be flooded, nor have our people been properly engaged in assessing the significance of the cultural heritage areas to be impacted by the dam raising proposal. We have indeed raised serious concerns about the reputation of the NSW Government's chosen consultants to oversee the assessment of the

Warragamba Dam proposal, SMEC Engineering, who have long disregarded Indigenous rights on dam assessments across Asia¹.

Gundungurra people and their neighboring peoples across western Sydney have not, do not, and will not, provide free, prior and informed consent (FPIC) for the Warragamba Dam wall raising proposal to proceed.

As such, we ask that you do not approve the raising of Warragamba Dam wall. The Commonwealth Government must abide by the World Heritage Convention to protect the Greater Blue Mountains and its rich cultural heritage.

The undersigned,

FOI Act s47F

FOI Act s47F and family

FOI Act s47F

FOI Act s47F and family

FOI Act s47F

FOI Act s47F and family

s11C

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FOI Act s47F

FOI Act s47F and family

¹ <https://www.abc.net.au/news/2019-10-11/warragamba-dam-company-smec-accused-of-abusing-indigenous-rights/11589222>

From: FOI Act s4
To: FOI Act s47E(d)
Cc: FOI Act s4
Subject: RE: MC20-005542_WarragambaDamWall [SEC=OFFICIAL]
Date: Monday, 26 October 2020 3:12:29 PM
Attachments: [image008.png](#)
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[image030.png](#)

OFFICIAL

Hi team,

Can you please assist FOI Act s22 with the below.

Kind regards,

FOI Act s22 | Adviser

Systems and Modernisation | Ministerial Correspondence and Briefs Unit
Ministerial and Parliamentary Support Branch | Ministerial Support Division
Department of the Prime Minister and Cabinet

FOI Act s22 | www.dpmc.gov.au |

One National Circuit Barton ACT 2600 | PO BOX 6500 CANBERRA ACT 2600



The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

From: FOI Act s22

Sent: Monday, 26 October 2020 2:43 PM

To: FOI Act s47E(d)

Cc: FOI Act s22; FOI Act s22
FOI Act s22

Subject: MC20-005542_WarragambaDamWall [SEC=OFFICIAL]

Hi PDMS Team

Possible duplication? MC20-005542 and MC20-005457

MC20-005542 has been assigned to me in PDMS and NSW Sydney Office has been working on this

response. In doing so, NSW consulted with National office, Culture and Heritage Branch.

FOI Act s22 from Culture and Heritage Branch advised that they were also responding to exactly the same letter but with different PDRs ie. MC20-005457. MO also asked them to provide referral letters to NSW Environment Minister and Minister Ley.

FOI Act s22 has suggested that NO can incorporate NSW response letter into their response letter and NSW can NFA PDR MC20-005542.

Could you please confirm whether this is a duplication? If so could you please NFA PDR MC20-005542?

thanks

FOI Act s22 | Adviser
Sydney | Eastern NSW Region
National Indigenous Australians Agency

FOI Act s22
Level 3, 20 Smith Street, Parramatta NSW 2150 | GPO Box 9932, Sydney NSW 2001
I work Monday – Thursday

FOI Act s22
w. niaa.gov.au w. indigenous.gov.au



From: FOI Act s22
Sent: Monday, 26 October 2020 12:41 PM
To: FOI Act s22
Cc: FOI Act s22
Subject: FW: OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542
[SEC=OFFICIAL]

Hi FOI Act s22,

I can see it assigned to you in PDMS but can't see the NO record. It might be because I only have access to NSW records. I suggest you send an email to FOI Act s47E(d) asking them to check that it is a duplicate and if it is to NFA it because we will work with NO on the response.

Let me know if you have any problems

FOI Act s22

From: FOI Act s22
Sent: Monday, 26 October 2020 12:16 PM
To: FOI Act s22
Cc: FOI Act s22
Subject: RE: OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542
[SEC=OFFICIAL]

Thanks FOI Act s22

From: FOI Act s22
Sent: Monday, 26 October 2020 12:07 PM
To: FOI Act s22
Cc: FOI Act s22
Subject: RE: OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542
[SEC=OFFICIAL]

Hi FOI Act s22

MC20-005542 – Warragamba Dam

I've just looked in PDMS to see how to NFA this brief, given the advice received from Culture and Capability Branch who were already working on a response to the same letter (although different brief MC20-005457).

However, it is no longer assigned to me in PDMS and I can't see any record of MC20-005542

It would be good to provide some feedback to the FOI Act s22 (or appropriate area) around this duplication of response/effort.

FOI Act s22, would you be able to suggest how we might do this please?

regards

FOI Act s22 | Adviser
Sydney | Eastern NSW Region
National Indigenous Australians Agency
FOI Act s22
Level 3, 20 Smith Street, Parramatta NSW 2150 | GPO Box 9932, Sydney NSW 2001
I work Monday – Thursday
FOI Act s22
w. niaa.gov.au w. indigenous.gov.au



From: **FOI Act s22**

Sent: Friday, 23 October 2020 12:45 PM

To: **FOI Act s22**

Cc: **FOI Act s22**

; **FOI Act s22**

; **s11C**

(Protected) **FOI Act s22**

Subject: RE: OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542
[SEC=OFFICIAL]

Thanks **FOI Act s22**,

Lucky I checked in with you!

That sounds like a sensible approach.

Cheers

FOI Act s22

Eastern Region - Parramatta
National Indigenous Australians Agency

FOI Act s22

level 3, 20 Smith Street Parramatta NSW
GPO Box 9932 SYDNEY NSW 2001

w. niaa.gov.au w. indigenous.gov.au



The National Indigenous Australians Agency acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our



respects to the people, the cultures and the elders past, present and emerging.



From: FOI Act s22
Sent: Friday, 23 October 2020 12:40 PM
To: FOI Act s22
Cc: FOI Act s22; FOI Act s22
; s11C (Protected) FOI Act s22
Subject: RE: OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542
[SEC=OFFICIAL]

OFFICIAL

Hi FOI Act s22

It appears we have both been tasked with responding to exactly the same letter but with different PDRs. We have drafted a response in MC20-005457. We were asked by the MO to also provide referral letters to NSW Environment Minister and Minister Ley.

If you like, we can incorporate your letter into ours and you can NFA your PDR. What do you think?

FOI Act s22

FOI Act s22 | Senior Adviser
Culture and Heritage Branch
National Indigenous Australians Agency
FOI Act s22
Charles Perkins House 16 Bowes Place Phillip ACT 2606 | PO Box 2191 ACT 2601
www.niaa.gov.au www.indigenous.gov.au



The National Indigenous Australians Agency acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the elders past, present and emerging.both past and present.



From: FOI Act s22
Sent: Friday, 23 October 2020 11:06 AM
To: FOI Act s22
Cc: FOI Act s22
Subject: FW: OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542
[SEC=OFFICIAL]

OFFICIAL

Hi FOI Act s22

ENSW has received this Ministerial for OPPOSITION TO THE RAISING OF WARRAGAMBA DAM WALL - MC20-005542.

Before I send it to FOI Act s22 my RM this afternoon, can you or someone in your team run your eye over it.

Cheers

FOI Act s22

Eastern Region - Parramatta
National Indigenous Australians Agency
FOI Act s22
level 3, 20 Smith Street Parramatta NSW
GPO Box 9932 SYDNEY NSW 2001
[w. niaa.gov.au](http://w.niaa.gov.au) [w. indigenous.gov.au](http://w.indigenous.gov.au)



The National Indigenous Australians Agency acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



RECEIVED

29 OCT 2020

OFFICIAL

PDR: MC20-005457

NATIONAL INDIGENOUS AUSTRALIANS AGENCY

To: Minister for Indigenous Australians

WARRAGAMBA DAM WALL

NIAA
CEO
S11C

MO
S11C
FOI Act s22

Recommendations - that you:

1. Sign the response to **FOI Act s47F** at Attachment A.


Signed / ~~Not Signed~~

2. Sign the referral letter to the Minister for the Environment at Attachment B.


Signed / ~~Not Signed~~

3. Sign the referral letter to the New South Wales Minister for Energy and Environment, the Hon Matthew Kean MP is at Attachment C.


Signed / ~~Not Signed~~

4. Note the information below


Noted / ~~Please Discuss~~

KEN WYATT

Date:


16 November 2020

Comments:

Background

1. On 18 September 2020, **FOI Act s47F** and **FOI Act s47F** wrote to you about their opposition to the proposed raising of the Warragamba Dam wall (Attachment D).
2. They state the raising of the dam wall will not guarantee flood mitigation or solve water storage problems. Their opposition is based on the potential of the proposal to threaten the destruction of sacred and historically significant Indigenous cultural heritage and the World Heritage values of the Blue Mountains National Park.
3. They also state that both the Wollondilly Shire Council and the Blue Mountains City Council have stated in public meetings that the raising of the dam wall risks breaching Native Title Agreements.

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4. The Warragamba Dam wall raising project, a New South Wales (NSW) Government initiative, was assessed under the bilateral agreement between the New South Wales and Commonwealth Governments and was determined as a Controlled Action under the *Environment Protection and Biodiversity Conservation Act 1999*.
 - a. As a Controlled Action, an Environment Impact Assessment for the project needs to be completed. The NSW Department of Planning, Industry and Environment is undertaking this assessment.
 - b. The environmental impact assessment is required to identify the impacts of the project, and outline how the project will be assessed and refined to avoid, minimise or offset impacts so that the project, on balance, has the least adverse environmental, social and economic impact, including its cumulative impacts.
 - c. This environmental assessment will include a cultural heritage component, which will consider the impacts on the Outstanding Universal Value of the Greater Blue Mountains Area.
5. The National Indigenous Australians Agency (NIAA) also understands the NSW and Australian Governments are preparing an updated report on the state of conservation of the Greater Blue Mountains Area World Heritage property for submission to the World Heritage Committee by 1 December 2020. This report will be examined by the Committee at its 45th session meeting in 2021.
6. An application for protection of the area impacted by the raising of the dam wall, under Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, was made in November 2019 by the Gundungurra Aboriginal Heritage Association Inc.
7. The NIAA understands that the Department of Agriculture, Water and the Environment had sought further information from the applicants and is in the process of briefing Minister Ley.
8. The Minister for the Environment, the Hon Sussan Ley MP, is yet to make a decision on this application. A referral letter to Minister Ley referring this correspondence is at Attachment B.
9. Since the project and the environmental impact assessment are being carried out by the NSW Government, a referral letter to the NSW Minister for Energy and Environment, the Hon Matthew Kean MP is at Attachment C.

Sensitivity

10. On 28 August 2020, several Gundungurra Traditional Owners wrote to Minister Ley informing her that they had not given Free, Prior and Informed Consent and requesting not to approve the proposal to raise the dam wall. A copy of the letter was sent to you (MC20-004982 refers). Minister Ley is responding to this correspondence.
11. Local governments of the Blue Mountains area have publicly opposed this NSW Government project.

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Consultation

- 12. NIAA Eastern NSW region
- 13. Department of Agriculture, Water and the Environment
- 14. New South Wales Department of Planning, Industry and Environment

s11C

Group Manager
Social Policy and Programs
29 October 2020

Policy Officer: s11C
Phone no: FOI Act s22

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ATTACHMENTS

ATTACHMENT A DRAFT RESPONSE

ATTACHMENT B REFERRAL LETTER TO THE MINISTER FOR THE ENVIRONMENT

ATTACHMENT C REFERRAL LETTER TO THE NSW MINISTER FOR ENERGY AND ENVIRONMENT

ATTACHMENT D INCOMING CORRESPONDENCE

OFFICIAL



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC20-005457

The Hon Matthew Kean MP
Minister for Energy and Environment
GPO Box 5341
SYDNEY NSW 2001


Dear Minister

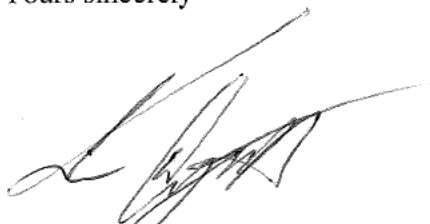
I am referring correspondence of 18 September 2020 from **FOI Act s47F** and **FOI Act s47F** about the raising of the Warragamba Dam wall.

FOI Act s47F have stated their opposition to the proposal to raising the dam wall citing the potential threat to sacred and historically significant Indigenous cultural heritage and to the World Heritage values of the Blue Mountains National Park. They also state that both the Wollondilly Shire Council and the Blue Mountains City Council have stated in public meetings that the raising of the dam wall risks breaching Native Title Agreements.

Since the project to raise the Warragamba Dam Wall comes under your portfolio responsibilities, I am forwarding the correspondence from **FOI Act s47F** for your consideration and appropriate action.

I have also referred this correspondence to the Minister for the Environment, the Hon Sussan Ley MP, for her consideration.

Yours sincerely


The Hon KEN WYATT AM MP
Minister for Indigenous Australians

16 / 11 / 2020

Encl (1)



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC20-005457

FOI Act s47F

Dear **FOI Act s47F**

Thank you for your correspondence of 18 September 2020 regarding the Warragamba Dam wall.

I acknowledge your concerns regarding potential impacts on Aboriginal cultural heritage in the Blue Mountains area from the proposal to raise the Warragamba Dam wall. The Australian Government recognises the significance and importance of maintaining Indigenous heritage sites and understands that this is a critical part of our nation's identity.

I understand from the New South Wales (NSW) Government that any impacts to the Outstanding Universal Value of the Greater Blue Mountains Area will be detailed in the Environmental Impact Statement (EIS), which would include a cultural heritage assessment component. The EIS would also include avoidance, mitigation and offset measures to reduce, avoid or rectify potential impacts on environmental and heritage values. The NSW Department of Planning, Industry and Environment is currently undertaking the environmental impact assessment. More information on the environmental assessment requirements for the project is at: www.planningportal.nsw.gov.au/major-projects/project/10571.

As required by the World Heritage Committee in its 2019 Decision on the Greater Blue Mountains Area, the Australian Government are preparing an updated report on the state of conservation of the property and will submit this to the World Heritage Centre by 1 December 2020. This report will be examined by the World Heritage Committee at its 45th session meeting in 2021. You will be able to find more information on the World Heritage listing for the Greater Blue Mountains Area and its Statement of Outstanding Universal Value at whc.unesco.org/en/list/917.

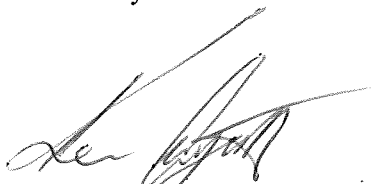
An application for protection of Aboriginal cultural heritage sites in this area, under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), was made in 2019 to the Minister for the Environment, the Hon Sussan Ley MP. I understand that Minister Ley is currently considering making a decision on this application.

Since the protection of Indigenous cultural heritage and the administration of the ATSIHP Act fall under the portfolio responsibilities of Minister Ley, I have referred your correspondence to her for consideration and action.

Since the Warragamba Dam wall raising is a New South Wales Government project, I have also referred your correspondence to the NSW Minister for Energy and Environment, the Hon Matthew Kean MP, for his consideration and appropriate action.

Thank you for raising this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Wyatt', with a long, sweeping horizontal stroke extending to the right.

The Hon KEN WYATT AM MP
Minister for Indigenous Australians

16 / 11 / 2020

RECEIVED
25 SEP 2020

Hon Ken Wyatt AM, MP
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Friday 18 September 2020

Hon Ken Wyatt AM, MP Minister for Indigenous Australians

Opposition to the Raising Warragamba Dam Wall NSW

Elevating the Warragamba Dam wall to a height of at least 14 extra metres, and the subsequent capture of more water behind it in Lake Burragorang, is proposed by the NSW Government for flood mitigation and enlarged water storage reasons.

However, raising the Warragamba Dam wall does not guarantee:

- Flood mitigation. As other waters and streams contribute to the flow below the dam in what has always been a natural flood plain.
- To solve the water storage issue. This could and should be addressed by more intentional use of waste water in the Sydney Basin and strategic use of the Sydney Desalination Plant in times of drought.

The raising of the Warragamba Dam wall endangers and destroy even more sacred and historically significant Indigenous sites.

- The likelihood that by the enlargement of the dam would be a serious and deliberate act of disrespect for Aboriginal heritage and its extraordinary value to the culture and life of peoples of NSW.

Gundungurra elder **FOI Act s47F** and her daughter, **FOI Act s47F**, wrote

Our story – the land, people and culture - is at risk again with the proposal to raise the Warragamba Dam wall. We are deeply concerned that this will be the beginning of the end for our culture and history. We have already lost access to so much of our history, much of which we can only read about in books. Reference: Aboriginal Heritage of the Blue Mountains (2019, Edited by Kelvin Knox and Eugene Stockton), page 9.

- Both the Wollondilly Shire and the Blue Mountains City Councils have indicated in public meetings that the raising of the Warragamba Dam Wall risks breaching Native Title Agreements and compromising Native Title.

The raising of the Warragamba Dam wall threatens the extinction of plants and animals in a National Park.

- The proposal risks the loss of UNESCO World Heritage listing for the Blue Mountains National Park; the extinction of threatened plants and animals, such as the Regent Honeyeater; and the destruction of the last wild rivers in NSW.

I appeal to you as Minister for Indigenous Australians to continue to oppose this proposal to elevate the Warragamba Dam wall and support other investigations and recommendations for alternative action which ensure the preservation of Aboriginal heritage and plant and animal wildlife.

Yours sincerely,

FOI Act s47F

FOI Act s47F

FOI Act s47F



The Hon Ken Wyatt AM MP
Minister for Indigenous Australians
Member for Hasluck

Reference: MC20-005457

The Hon Sussan Ley MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600


Dear Minister

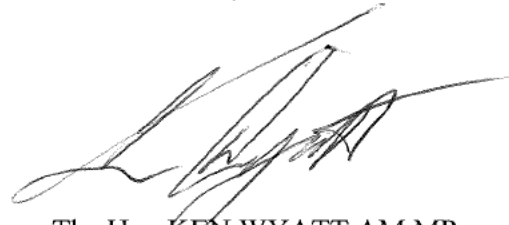
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FOI Act s47F have stated their opposition to the proposal to raising the dam wall citing the potential threat to sacred and historically significant Indigenous cultural heritage and to the World Heritage values of the Blue Mountains National Park. They also state that both the Wollondilly Shire Council and the Blue Mountains City Council have stated in public meetings that the raising of the dam wall risks breaching Native Title Agreements.

I understand that you are currently considering a decision on an application for protection of this area made under Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. Since the administration of this Act is part of your portfolio responsibilities, I am forwarding **FOI Act s47F** correspondence for your consideration and action.

I have also referred this correspondence to the New South Wales Minister for Energy and Environment, the Hon Matthew Kean MP, for his consideration.

Yours sincerely


The Hon KEN WYATT AM MP
Minister for Indigenous Australians

16 / 11 / 2020

Encl (1)