Australia ICOMOS Secretariat
Faculty of Arts & Education
Deakin University
221 Burwood Highway
Burwood VIC 3125
ph: +61 3 9251 7131
e: austicomos@deakin.edu.au
w: www.icomos.org/australia

2 December 2019

The Hon Justin Field, MLC
Chair
Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall
Parliament House
Sydney NSW 2000

By email: warragamba.dam@parliament.nsw.gov.au

Dear Mr Field,

Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall: Submission regarding Greater Blue Mountains World Heritage Area and Cultural Heritage Assessment

Australia ICOMOS is writing in relation to the abovementioned Legislative Council Inquiry and requests that this letter be accepted as a late submission. Australia ICOMOS is concerned by the proposal to raise the Warragamba Dam wall by 14 metres, thereby allowing for periodic inundation of parts the Greater Blue Mountains World Heritage Area (GBMWHA) and adjacent areas, and particularly by aspects of the environmental impact assessment process relating to cultural heritage.

Australia ICOMOS (International Council on Monuments and Sites) is a non-government, not-for-profit organisation of cultural heritage professionals formed as a national chapter of ICOMOS International in 1976. Our mission is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas. ICOMOS is also an Advisory Body to the UNESCO World Heritage Committee under the World Heritage Convention.

Australia ICOMOS notes the publication of the *Draft Aboriginal Cultural Heritage Assessment on Warragamba Dam Raising,* prepared for WaterNSW, dated 24 June 2019, as part of the Environmental Impact Assessment process for the project, and in the context of the *NSW Legislative Council Select Committee Inquiry into the Proposal to Raise the Warragamba Dam Wall*.

The following sections of the Inquiry's Terms of Reference are of particular relevance:

> c) *engagement between the NSW Government and the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in relation to the project,*
> d) *the adequacy of the Environmental Impact Assessment process to date, including the assessment of impacts on:*
> *(i) World Heritage,*
> *(ii) Aboriginal Cultural Heritage . . .*

The areas that are affected by the proposed NSW legislation include a World Heritage property, a National Heritage place, two national parks, a declared Wilderness area, a declared Wild River, and the Warragamba Special Catchment Area. The subject area is recognised globally for its biodiversity and rare species and was also originally nominated to the World Heritage List by Australia, with the support of

the NSW Government, for cultural as well as natural values in the 1990s. Parts of the area are currently on the Australian Heritage Council's Priority Assessment List and are being evaluated for a range of potential cultural National Heritage values.

The proposed dam wall raising could result in the periodic inundation of up to 1,000 hectares of the GBMWHA and 3,700 hectares of national park lands including impacts on eucalypt species, which contribute to the Outstanding Universal value of the GBMWHA, and both known and unknown Aboriginal cultural heritage sites. Australia ICOMOS is particularly concerned about the adequacy of the Environmental Impact Assessment process to date, especially as it relates to Aboriginal cultural heritage.

Australia ICOMOS understands that the cultural heritage survey undertaken as part of the impact assessment for the dam wall project comprised 25 days across a 354 square kilometre section around the shores of Lake Burragorang. This timeframe appears to be inadequate, either to identify the cultural heritage places which may be affected or to engage appropriately with the relevant Gundungurra Traditional Owners. In view of the fact that the proposed inundation would effectively destroy all affected sites, a partial survey based on a predictive model is not appropriate, especially in areas that are currently being assessed for national (and potential World) Heritage values. Indeed, the 30 July 2019 *Statement on the NSW Government Cultural Assessment of Warragamba Dam Raising Project* by the Gundungurra people of the southern Blue Mountains highlights that the current report does not comply with the NSW Government's own stated methodology, given that only 26% of the area that might be inundated by the raised dam wall has been surveyed.

The methodology that has been employed appears to be focused on physical archaeological remains, rather than comprehensive evaluation of ALL heritage values, including particularly values that attach to intangible attributes, such as associations, belief and meaning. In this regard, there appears to have been inadequate engagement with the Gundungurra Traditional Owners and consideration of the post-contact history of the Burragorang Valley, especially during the Twentieth Century. These shortcomings are also evident in the omission of the *Gurungatch-Mirrigan* narrative, which is strongly associated with this landscape and is one of the most complete Aboriginal storylines in south-eastern Australia, as outlined in the Australian Museum submission to the Inquiry (no 347). As a result, the assessment places too much emphasis on inadequately sampled individual sites at the apparent expense of the wider cultural landscape values.

Australia ICOMOS understands that the version of the cultural heritage survey report that has been submitted to the Inquiry is a DRAFT, and that a more comprehensive final report, which includes records of intangible cultural heritage and a broader significance assessment, will be completed in early-mid 2020. It must therefore be highlighted that any final conclusions or decisions should be deferred until comprehensive, conclusive and final information is available. Australia ICOMOS further highlights the need to include Gundungurra people in the reporting process itself, before the cultural heritage report is finalised.

Australia ICOMOS re-iterates its previous advice that that the proposed raising of the Warragamba Dam wall has potential to affect the integrity of the GBMWHA and therefore to impact adversely upon the Outstanding Universal Value of this World Heritage property.

Under Article 4 of the *World Heritage Convention*, Australia is obliged (among other things) to do all it can, using the utmost of its own resources, to identify, protect, and conserve the cultural and natural heritage of the GBMWHA. The decision making process to date for the proposed raising of the Warragamba Dam wall does not seem to comply with these obligations. In this regard, Australia ICOMOS highlights Decision 40 COM 7 of the World Heritage Committee in 2016, in which it considered the construction of dams with large reservoirs within the boundaries of World Heritage properties to be incompatible with their World Heritage status, and urged States Parties to "ensure that the impacts from dams that could affect properties located upstream or downstream within the same river basin are rigorously assessed in order to avoid impacts on the OUV" (Outstanding Universal Value).

Best practice heritage practice, including the *Burra Charter*, (the Australia ICOMOS Charter for Places of Cultural Significance), requires that the values of a place of cultural significance should be identified prior to decisions which affect those values, and that, while considering and managing other factors, a primary objective should be conservation of those values. The proposed raising of the Warragamba Dam wall, the Environment Impact Assessment and the current evaluation of cultural heritage values to date do not appear to meet this standard.

Australia ICOMOS continues to hold the view that the NSW Government should undertake serious and substantive re-consideration of alternatives to the proposed raising of the Warragamba Dam wall, and that any decision about the proposed raising of the wall should be completely suspended until the Australian Heritage Council has completed the current Priority Assessment List process.

Australia ICOMOS advises that considerable extra work would be required to ensure that there has been an adequately thorough cultural heritage survey and assessment process, including identification and articulation of ALL cultural (and natural) values – particularly values that arise from intangible attributes and connections with the Gundungurra Traditional Owners. Furthermore, in light of the potential impact of the raised dam wall and the inadequate current data set any properly-informed decision on cultural heritage impacts should include a program of test excavations of both open campsites and rock shelter deposits, so the affected cultural resources can be properly characterised.

Finally, and importantly, the affected area includes both part of an inscribed World Heritage property and an area that is a potential addition to that property. Therefore the cultural heritage impact assessment that informs the Environmental Impact Assessment process for the project should follow the ICOMOS *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*, 2011.

Australia ICOMOS notes that the position above is consistent with Decision 43 COM 7B.2 of the World Heritage Committee, made in relation to the GBMWHA at its meeting in July 2019, and that the Committee has specifically requested that "the current process to prepare an Environmental Impact Statement (EIS) for the proposal fully assesses all potential impacts on the OUV of the property and its other values, including Aboriginal cultural heritage".

In summary, Australia ICOMOS urges that adequate time and resources be deployed to enable further assessment of the potential heritage impact of the proposal, including comprehensive identification of all cultural and natural values that may be affected, and that this be completed in a timely and transparent fashion. This assessment must be characterised by meaningful engagement with Traditional Owners so as to support a best-practice decision-making process. Australia ICOMOS notes further that the World Heritage Committee has specifically requested that the Environmental Impact Statement (EIS) for the proposal be submitted to the World Heritage Centre for review.

Yours faithfully

HELEN LARDNER
President, Australia ICOMOS