



Artist's Impression

Environmental Impact Statement – Appendix K: Aboriginal Cultural Heritage Assessment Report

Warragamba Dam Raising

Reference No. 30012078
Prepared for WaterNSW
10 September 2021

Appendix 3 to Appendix 7 – Supporting Documents

Appendix 3 Consultation Log:

This Appendix has been removed at the request of the Registered Aboriginal Parties

Appendix 4 Warragamba Dam Wall Raising Proposed Methodology:

This Appendix has been removed at the request of the Registered Aboriginal Parties

Appendix 5 Information Session Attendance Records:

This Appendix has been removed at the request of the Registered Aboriginal Parties

Appendix 6 Supporting Figures:

This Appendix has been removed at the request of the Registered Aboriginal Parties

Appendix 7: Written comments by RAPs in regards to the ACHA

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
A1 Indigenous Services	No comments received	-	-
Amanda Hickey Cultural Services	No comments received	-	-
Biamanga	No comments received	-	-
Cullendulla	No comments received	-	-
Corroboree Aboriginal Corporation	Yes everything seemed in order with the report. Nothing further to add at this stage. Thanks.	Noted.	Noted.
Cubbitch Barta Native Title Claimants	The assessment talks a lot about the sites that will be impacted by the proposal, and that it will only be 34 that will experience temporary inundation. The potential harm will be now, to sites that have been newly identified, and also to all the other sites that have to date not been identified in areas that have not been surveyed. The suggestion that harm can be mitigated by increasing the broader communities' knowledge of Aboriginal history in Warragamba, in my opinion is ludicrous and condescending.	<p>The description of “only” has been removed throughout the report.</p> <p>This mitigation measure was suggested because broader community education programs can benefit Ecologically Sustainable Development (ESD) outcomes; as per Section 2.5 of the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW:</p> <p><i>As a minimum , consideration of ESD principals should result in:</i></p> <ul style="list-style-type: none"> ▪ <i>An understanding of the cumulative impacts of the proposal; for example, the nature and extent of the Aboriginal object or place proposed to be harmed in relation to other identified sites in the region.</i> 	As previously outlined.
	In previous correspondence, the word offsets was mentioned. There is not any mention of offsets in this document. Has there already been deals done with offsetting, with National Parks, without the knowledge of some of the Aboriginal community.	<p>The intent of this report is to understand the impact to cultural heritage values from the project and present mitigation measures developed through consultation with the Aboriginal community.</p> <p>There have been no deals regarding “offsetting”. Biodiversity offsetting is described in Chapter 13 of the EIS.</p>	As previously outlined.
	<p>In regards to the Sears requirements;</p> <p>(a) Sears requirement number 1, ‘is to identify and assess any direct or indirect impacts (including cumulative) to the heritage significance.’ In my opinion this has not happened, as there is no information as to what the temporary inundation may actually do to the sites within the temporary water line. We now have an idea of some of the sites (although damaged) within the HWL, to get some idea of the damage, as well as the cumulative impacts by a newer HWL</p>	<p>The FSL of the Warragamba Dam will not be changing, so there will not be a new “High water level” in the sense that there is currently a FSL.</p> <p>While the temporary inundation will result in immediate and cumulative harm to sites, the expectation is that the infrequency of the inundation will not result in changes to sites of a nature and scale as caused by the more frequent and longer term inundation caused by the FSL.</p>	As previously outlined.
	(b) Is there no Sears requirement number 2?	SEAR Number 2 does not relate to Aboriginal heritage. It is assessed in the Historical heritage Assessment of the EIS (Artefact 2019). This SEAR has been added to the table within Section 2 of this ACHA.	As previously outlined.
	(c) Sear requirement number 3, “a description of Aboriginal objects and declared Aboriginal Places within the proposed activity area.” This has not been completed, as the area covered by the survey was only 27%, leaving 73% of the area, containing however many more sites not described by the requirement. How many actual sites will there be, if you took in the 73% not surveyed yet?	A description of the Aboriginal objects and declared Aboriginal Places within the proposed activity area was first presented to the RAPs during the development and finalisation, through consultation with the RAPs of the project methodology. As	As previously outlined.

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		<p>outlined in Section 5.1 of the methodology the field survey concentrated on:</p> <ul style="list-style-type: none"> Areas that have the potential for Aboriginal Objects in the Subject Area. Previously recorded sites that are of high and very high significance Areas of cultural significance to the indigenous community <p>This SEAR is a requirement from Section 3.1 of the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW. Further to this Section 2.4 outlines the requirement of an ACHA is an understanding of the potential cultural heritage values of the Subject Area, not to document every object within the Subject Area.</p>	
	<p>‘A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal Places from the proposed activity.’ In my opinion the table 40, is inadequate, as most of them will have direct impact, but only partial loss. What is partial loss, when an art site is inundated? The loss will be complete eventually. There is no description of “HOW” sites will be effected by the new water level. What will be the physical effects? Grinding grooves will be lost under a new layer of silt that will eventually cause the complete loss of the grinding grooves, as is the possibility of some artefact scatters Scarred trees will eventually prematurely die from temporary inundation, speeding up the natural process.</p>	<p>As per section 5 of the National Parks and Wildlife Act 1974 harm is defined happening to an object or place includes any act or omission that:</p> <p>destroys, defaces or damages the object or place, or</p> <p>in relation to an object—moves the object from the land on which it had been situated, or</p> <p>s specified by the regulations, or</p> <p>causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),</p> <p>(e) but does not include any act or omission that:</p> <p>ecrates the object or place, or</p> <p>s trivial or negligible, or</p> <p>is excluded from this definition by the regulations.</p> <p>though there are impacts to Aboriginal cultural heritage sites partial loss of value in regards to this ACHA means that because sites will be inundated but will remain within the cultural landscape partial values will remain.</p> <p>new silt layer forming over grinding groove sites will not occur as a result of temporary inundation. Reference in regards to sediment movement and water quality are included in Chapter 22 and Chapter 27 of the EIS.</p>	As previously outlined.
	<p>“Practical measures that may be taken to avoid or mitigate harm” The design of the proposal does not mitigate harm to the land and the sites that will be impacted by the new water line, it is only about the mitigation of the floodplains below the dam wall. What is the guarantee that current housing on the floodplain is safe from future flooding? What will be the outcomes if more housing is built on the flood plains? How</p>	<p>This is beyond the scope of the ACHA this matter is addressed in the Socio-Economic Assessment presented as Chapter 6 of the EIS.</p> <p>Fencing has not been included as a potential mitigation measure of predicted flood waters. Fencing of the openings of sandstone shelters could be examined as a mitigation measure</p>	As previously outlined.

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	can fencing be used as a mitigation to prevent harm to sites, it will not hold back any water.	as part of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs. As outlined in Section 4 of this ACHA and Chapter 3 and 5 of the EIS waters as a result of temporary inundation will not be held back for longer than required to lower the risk of said waters to life. Once it is safe to do so waters will be released.	
	(d) Sears requirement 6. "Provide evidence that the proposal is consistent with the Wilderness Act 1987." Is there any relevance in regards to this matter? I am not familiar with the Wilderness Act.	This has been completed Section 8.4 and 14.2 of this report. Refer to Protected Lands Chapter 15 of the EIS and the World Heritage Appendices F5 and FJ of the EIS. The Wilderness Act in relation to Aboriginal cultural heritage refers back to the National Parks and Wildlife Act 1974.	This is in Section 1.3.4 of this revised report. Refer to Protected Lands Chapter 20 of the EIS and the World Heritage Appendices F5 and FJ of the EIS. The Wilderness Act in relation to Aboriginal cultural heritage refers back to the National Parks and Wildlife Act 1974.
	"Access impacts on land to be included in the NHL" I cannot get anything about this in relation to 8.1. Should this be assessed?	This is not required as part of the ACHA. Refer to Chapter 17 of the EIS.	As previously outlined.
	An ACHMP does not give any protection to any of the sites that will be impacted by the new water level. This document just describes a process prior to partial or total destruction of sites. It gives the protocols for harm. All art sites should be detailed recorded, as well as the opportunities for other elders to be able to tell the stories associated with them. This opportunity should be financed by WaterNSW. There are elders who do not necessarily live here that know these stories. They cannot be lost to future generations, as with the original flooding of the valley.	This recording will be completed as part of the Aboriginal Cultural Heritage Management Plan process, in consultation with the RAPs. The facilitation of connection and storytelling has been reflected in revised mitigation measures.	As previously outlined.
	The scarred trees should be recorded and left as they are. No moving.	Noted and mitigation measure amended.	As previously outlined.
	Artefact scatters should be detailed recorded. All sites that have been recorded as part of this process should be revisited, and detailed recording done for all. During a survey most sites are only barely recorded. If these sites are to be lost forever then we should at least have this information.	This recording can be negotiated as part of the Aboriginal Cultural Heritage Management Plan process, in consultation with the RAPs. For the field assessment site recordings were completed as per Requirement 7a of DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW: <ul style="list-style-type: none"> Providing the information required to complete the current AHIMS Site Recording Form Identifying the site boundaries and indicating how these have been determined Each recording form has a detailed accurate site plan that has used professional judgement to determine the appropriate scale and precision, showing the site boundaries and all internal features and external or internal reference points. 	As previously outlined.
	There were three information sessions held. There is nowhere in this document, as to whom attended those meetings, nor was there any minutes from those meetings. It is indicated they be in the Appendices but they are not included in the document.	Minutes were not taken at any meeting except the Draft ACHA meeting. The minutes of the Draft ACHA meeting have been included in Appendix 1 of this document. Please note that some information has been redacted to respect requests for confidentiality from some RAPs.	Minutes were not taken at any meeting except the Draft ACHA meeting. The minutes of the Draft ACHA meeting have been included in Appendix 2 and Appendix 5 of this document. Please note that some information has been redacted to respect requests for confidentiality from some RAPs.

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	9.1 Says that field surveys concentrated on the areas of the surface that will be disturbed by the proposed raising of the dam wall. It was only sampling survey within the PMF zone that were subject to systematic survey. Sampling only not “all” areas were surveyed. Study area still has high numbers of sites that have not yet been surveyed or recorded due to lack of extensive survey. That leaves 73% NOT YET surveyed, with 73% sites left unrecorded that will be impacted by the new water level.	As developed in conjunction with the RAPs the assessment methodology outlined that: Field surveys would concentrate on: <ul style="list-style-type: none"> ▪ Areas that have the potential for Aboriginal Objects in the Subject Area. ▪ Previously recorded sites that are of high and very high significance ▪ Areas of cultural significance to the indigenous community This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.	As previously outlined.
	9.2 Says the survey methodology focused on areas of most impact. What about the rest that was not surveyed? Isn't the other 73% important? The impact will be 100% not 27%	Please see comment above.	As previously outlined.
	10.2 Only 27% surveyed, representative sample only, unknown numbers of sites that have not been recorded, in the other 73% What sort of numbers are we talking about, including the areas not surveyed	As above. The distribution, frequency, density and types of sites in the 73% is likely to be similar to the surveyed area.	As previously outlined.
	10.3 Why does one site, which will not be impacted have a higher significance that all of the other site. They are all significant in the Country, to which they belong, where our ancestors have left them.	Please see Section 13.3 and Appendix 9 of the ACHA. The ACHA has been updated to reflect this high cultural significance.	Please see Appendix 1 and Appendix 10 of the ACHA. The ACHA has been updated to reflect this high cultural significance.
	11.4 The reference to the limestone feature, since when does a non-Aboriginal archaeologist talk and reference cultural matters, (or suggest).	In this case the archaeologist was providing information that has been provided to him in the past by a representative of the Gundungurra people	As previously outlined.
	Recommendations: The first recommendation would be not to proceed with the proposed project, and hoping that common sense will prevail, and it will not go ahead. There has been no response that I am aware of from the Federal government or ICOMOS in regards to this proposal	The recommendations have been formulated using the following guidelines, as outlined by the SEARs: <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); 	As previously outlined.

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		<ul style="list-style-type: none"> Engage Early (Commonwealth Government, 2016); and NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	
	If this project is to proceed, my recommendations are that the remaining 73% of the area to be impacted must be recorded before any new water level is to inundate and impact all of the other sites, that have not been surveyed and recorded. When the balance of lands are surveyed and recorded then there should be ongoing consultation with the Aboriginal Community into the future.	This recommendation should be further explored in conjunction with the RAPs for development within the Aboriginal Cultural Heritage Management Plan.	As previously outlined.
	I would like to make comment in regards to non-Aboriginal heritage in the Valley. There is a statement made that apart from the Greater Blue Mountains World Heritage Area there are no heritage listed items above the dam wall. I can't imagine why there is supposedly no heritage items listed, when people have been shut out of there for nearly 70 years. Of course there are items that should be Heritage Listed, and I can even think of a few. Apparently there was only a desktop assessment. I think this is a failing of the land managers within the Valley, who have not ever bothered to register Heritage items that still exist in the Valley. The same could be said for Aboriginal Heritage, when there was an Aboriginal ranger employed to look after the Aboriginal heritage in the catchments.	<p>Noted, please refer to the Non-Aboriginal Heritage Assessment (Artefact 2019) which is Chapter 17 of the EIS.</p> <p>Please see revised recommendation.</p>	As previously outlined.
	I realise that there is no mention of this matter in the ACHA, but I would like to raise it anyway. I was disgusted with the whole process, when the National Parks & Wildlife Act was amended back in October 2018, by the Government to allow for the inundation of the National Parks, and consequently the Greater Blue Mountains World Heritage Area. There was no consultation and no public notice, and a week for persons to respond once they became aware of it. Never once was it mentioned during the consultation process for this proposal. The goal posts were moved, what chance we have as Aboriginal people of playing this game fairly. Instead all we got was the nice glossy presentations on what a great thing this will be for flood mitigation below the dam wall, which consequently will allow for more housing development on the flood plain.	<p>The purpose and scope of the legislative amendment is described in Chapter 2 of the EIS.</p> <p>The amendment does not constitute approval for the project to proceed.</p>	As previously outlined.
	The inundation of the World Heritage Area has the potential to change the status of the area, I am an Aboriginal representative on the World Heritage committee and for the last 10 years we have been working on adding Aboriginal Heritage values to National Heritage Listing, which is a precursor to World Heritage Listing. All of this work is being put in jeopardy by the possibility of destroying so much Aboriginal Heritage in one blow.	<p>The project has recorded 303 new Aboriginal cultural heritage sites which further document Aboriginal heritage values that may contribute to National and World Heritage recognition.</p> <p>The discovery and documentation of this rich cultural heritage in the 0.6% of the WHA represented by the PMF indicates a much greater richness than what will be harmed.</p> <p>Chapter 19 discusses the World Heritage values associated with the project.</p>	As previously outlined.
	<p>Surface Infrastructure</p> <p>A survey was carried out for the surface infrastructure, where there were no Aboriginal sites located. However if the site known as Foley Creek was originally thought to be located here, and it wasn't, where is it? What will the amendments to AHIMS be, just the location is wrong? The site should not be removed, as it exists somewhere, and should be located.</p>	There will be measures in place in the ACHMP for stop works and dealing with the discovery of Aboriginal heritage sites during construction activities. The eastings and northings would be noted to OEH as being incorrect. It cannot be removed off AHIMS.	As previously outlined.
	The last paragraph of 14.5, that says "there is no significant detrimental effect to quality of benefit that the Aboriginal history and archaeology of the subject area may provide to future generations due to infrequency of rain events that will cause harm to Aboriginal objects." The reality is that we have been in a dry spell now for 40 years, the wet cycle will come again, and these events will be more often than they are today. It will only take one such event to destroy art work in shelters, layers of silt to cover	The report recognises there will be impact from future short term flooding events. For further details in relation to this please refer to Chapter 14 Climate Change Risk in the EIS.	As previously outlined.

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	<p>grinding grooves and wash away artefacts. We have seen examples of art work, now exposed, where the art work has been lost from the high water line.</p> <p>How can so many sites be given a low scientific significance rating to those that have been recorded. I understand the disparity between scientific and cultural significance. I would not like to think that there were other participants guiding these statements.</p> <p>However in this relatively untouched area, all of the sites are basically still there as people left them, in the landscape. There would be relatively few areas of Australia that this situation exists today. At one time the Sydney Basin and the Cumberland Plain may have looked like the valley does today, before progress got in the way.</p>	<p>Assessment of significance was undertaken by a suitably qualified archaeologist in reference to current guidelines without input from external parties.</p> <p>The guidelines used were:</p> <ul style="list-style-type: none"> ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); 	As previously outlined.
	<p>All of the sites are of high cultural significance to the Aboriginal people who have a connection to the Valley, and beyond. They give us our connection to our ancestors and their way of life. We are still here today because of them. All of these sites tell stories of our ancestors, there is more than one story in that landscape, and the right people will be able to tell those stories. These stories are our culture and our lore, they are what Aboriginal people live their lives by.</p> <p>To deliberately set out to destroy the sites within the Burratorang Valley by this project, will be seen as a criminal Act by the government, at a time when the new Aboriginal Heritage Act is progressing in a way to protect Aboriginal Heritage, as it has not been protected before by Aboriginal people.</p>	<p>Noted, recognised and reiterated within Appendix 9.</p> <p>The Project is being assessed under current planning and approval statutes.</p>	<p>Noted, recognised and reiterated within Appendix 10.</p> <p>As previously outlined.</p>
Darug Custodian Aboriginal Corporation	<p>We would like it included in the ACHA that our sites are a complex of sites and they are not individual sites that are separate from each other. Together the sites in the area and represent a very important cultural landscape.</p> <p>The information from this project is highly significant to the Darug people as once these sites are lost, there is no other evidence of the sites or connections The continued occupation and the complex of very significant sites shows the significance of this landscape to the Darug people. The archaeology and oral history demonstrates that Darug people stayed in the area for thousands of years ago to the present time.</p> <p>...the ACHA shows that many of these rock shelters will be impacted by works. There are many areas that would be impacted that were not surveyed for this project that would contain more rock shelters that have not been surveyed or recorded.</p> <p>The ACHA shows that evidence of these resource areas and Darug camp sites will be impacted. There are many areas that would be impacted that were not surveyed for this project that would contain other Darug camp sites that have not been recorded.</p>	<p>Section 11.1 of this ACHA discusses this.</p> <p>The importance and interconnectivity of the objects and the cultural landscape of the Subject Area is outlined in Section 13.3 of the ACHA.</p> <p>This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.</p> <p>This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.</p>	<p>Appendix 1 of this ACHA discusses this.</p> <p>The importance and interconnectivity of the objects and the cultural landscape of the Subject Area is outlined in Appendix 11 of the ACHA.</p> <p>As previously outlined.</p> <p>As previously outlined.</p>
	<p>While people were living the traditional lifestyle song, dance, art and ceremony was and is a big part of daily life. People read the land and signs similar to reading maps today. There were signs left in the landscape showing tribal areas, ceremonial places, sacred places, burials, women's places, and resources. The Warragamba Dam area contains evidence of these ceremonial places, sacred places, women's places and resource area that have been recorded during the project. There are many areas</p>	<p>As outlined in recommendation 2. Further to this these details have been included in Section 11.10 of this report.</p> <p>This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage</p>	<p>As outlined in recommendation 2. Further to this these details have been included in Appendix 1 of this report.</p> <p>This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage</p>

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	that would be impacted that were not surveyed for this project that would contain significant cultural sites that have not been recorded.	sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.	sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.
	Darug people came from the Dreamtime, Dreamtime is when everything was created, Darug people have beliefs that are thousands of years old, the dreaming is stories of creation and life that is passed down from generation to generation many of these stories are part of the land, evidence of the Darug people and lifestyles is in a landscape all over Darug country. Associations with the Dreamtime are found throughout the Warragamba Dam area. There are many areas that are associated with Dreamtime stories that have not been surveyed during this project that would be impacted without being recorded.	This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.	As previously outlined.
	Cultural is sometimes called Aboriginal significance because it is usually identified by the traditional owners because of their traditional connection and association to the area. We have not been asked to assess the cultural significance of any of the recorded sites. The RAPs should assess the cultural significance not the archaeologists.	This ACHA has been prepared in accordance with the DECCW (2010a) Aboriginal cultural heritage consultation requirements for proponents 2010.	As previously outlined.
	We do note that there was inappropriate consultation with the RAPs about the layout of the survey from the beginning. The archaeologists told us what they were doing and we didn't really have any input. Because of that, there are large areas of the area that have not been surveyed but would be impacted.	This ACHA has been prepared in accordance with the DECCW (2010a) Aboriginal cultural heritage consultation requirements for proponents 2010. Suggestions in regards to the project methodology from the RAPs were included in the final methodology, see Section 5.2 of this ACHA.	This ACHA has been prepared in accordance with the DECCW (2010a) Aboriginal cultural heritage consultation requirements for proponents 2010. Suggestions in regard to the project methodology from the RAPs were included in the final methodology, see Section 4 of this ACHA.
	The archaeologists have told us that these areas were not accessible by boat, But RAPs with knowledge of the area have said that these areas are accessible by car and walking. This is a significant cultural landscape to the Darug and we would like to ensure that significant parts of this landscape are not impacted without at least being properly surveyed and recorded. We do not feel that the survey has been sufficient because of the significance of the area.	Addressed in recommendation 2. An Aboriginal Cultural Heritage Management Plan developed in consultation with the RAPs.	As previously outlined.
	The scar trees should be left where they are, the thought of removing them and relocating them is ridiculous, these trees have been there for 100s of years. These are a rare example of our culture and history and should be kept and respected.	This mitigation measure has been removed.	
	As Aboriginal heritage is integrated with flora and fauna and landscape, Darug connection to landscape is an important part of our culture. The draft EIS does not mention flora and fauna impacts or how many species would be destroyed/ lost/ extinct by the water level raising. It is heart breaking and these impacts are important to the Darug and should be referred to within this report.	Refer to Section 12.5. The Biodiversity report (Chapters 8, 9 and 10) will be available for comment during the public exhibition of the EIS document.	Refer to Appendix 1. The Biodiversity report (Chapters 8, 9 and 10) will be available for comment during the public exhibition of the EIS document.
	The ACHA shows that only 24%/26% of the project area was surveyed. This means that huge areas that probably contain very significant cultural sites have not been surveyed or recorded, but would be impacted by the rising water levels. The area is highly significant to the Darug people and it is not acceptable that such a small portion of the area has been surveyed for Aboriginal sites. Many potentially highly important ceremonial sites, women's places, resource zones, art sites and camp sites would be destroyed or damaged without having been recorded or assessed for their significance. We do not think that enough survey has been done.	27% of the Subject Area has been assessed, with a further 26% surveyed within the current dams PMF. This ACHA notes that based on the surveyed areas of the Project area the assumption is that the unsurveyed areas of the Project area will contain similar Aboriginal cultural heritage sites and values. These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.	As previously outlined.
	The Brayshaw report said that it would take 18 months (548 days) to survey the area but Niche have only done 74 days of survey. This is why 75% of the area has not been surveyed and significant sites could be destroyed without being recorded. If consultation with the RAPs from the beginning about the survey had been better, more of the area might have been surveyed.	Consultation with the Aboriginal community has followed the DECCW (2010a) Aboriginal cultural heritage consultation requirements for proponents 2010. In addition to the OEH requirements there have also been additional meetings to discuss the draft methodology and to discuss the Draft ACHA report. Representatives of Niche and WaterNSW were available to discuss the report either over the phone or through face to face meetings with RAPs. As per the methodology the field survey concentrated on:	As previously outlined.

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		<ul style="list-style-type: none"> Areas that have the potential for Aboriginal Objects in the Subject Area. Previously recorded sites that are of high and very high significance Areas of cultural significance to the indigenous community <p>These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.</p>	
	The ACHA is huge and we do not think that the RAPs have been given enough time to review it. 28 days is a minimum time to review a draft ACHA depending on the size of the project. This project is large and the area very significant and 28 days is not enough time. We have asked for more time many times and have been told that the small extension was all we were going to get. We have not had enough time to review the ACH, understand the impacts on our culture and sites and discuss with other members of DCAC.	<p>42 days were given to assess the draft report further to this representatives of Niche and WaterNSW were available to discuss the report either over the phone or through face to face meetings with RAPs.</p> <p>There will be further opportunity for consultation through the Public Exhibition process associated with the EIS. As previously detailed (Appendix 1 and 2 of this document) WaterNSW via Niche will inform the RAPs when the EIS will be on public exhibition and will provide details of how to access a digital copy; and where RAPs can go to read a hard copy of the EIS.</p>	<p>42 days were given to assess the draft report further to this representatives of Niche and WaterNSW were available to discuss the report either over the phone or through face to face meetings with RAPs.</p> <p>There will be further opportunity for consultation through the Public Exhibition process associated with the EIS. As previously detailed (Appendix 2 and 3 of this document) WaterNSW via Niche will inform the RAPs when the EIS will be on public exhibition and will provide details of how to access a digital copy; and where RAPs can go to read a hard copy of the EIS.</p>
	We do not agree with the raising of the Warragamba Dam. Survey of just 25% of the area has shown that there are many Aboriginal sites throughout the area and that it is very significant to us.	This has been included in Section 14.5 of this ACHA.	This has been included in Section 6.1 of this ACHA.
	Our culture and history is being destroyed across Western Sydney by Development and Warragamba Dam is a significant area for the Darug.	This has been included in Section 14.5 of this ACHA.	This has been included in Section 6.1 of this ACHA.
	We would like this record of our history and culture to be protected and not be flooded with water. Many of our sites have already been lost because of the dam and because of development across Western Sydney and there is an opportunity to protect this very significant area for the Darug people and future Australians. Many recorded and unrecorded sites would be lost or damaged by raising the dam.	This has been included in Section 14.5 of this ACHA.	This has been included in Section 6.1 of this ACHA.
Darug Land Observation	Darug Land Observations Pty Ltd has reviewed the draft Aboriginal Cultural Heritage Assessment and supports the methodology for the proposed Warragamba Dam Raising Project to facilitate flood mitigation via raising the dam wall located within the catchment of Lake Burragorang, which is the water storage formed by Warragamba Dam.	Noted.	As previously outlined.
	In relation to long-term storage of recovered artefacts, if any, we strongly believe that recovered artefacts should be re-buried on country (the study area).	This is noted and would form part of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs.	As previously outlined.
	Furthermore, we would like to be involved in any further field survey, archaeological test excavations, topsoil removal and/or all other forms of works to be carried out on the site.	This is noted and would form part of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs.	As previously outlined.
Duncan Falk Consultancy	No comments received	-	-
Darug Aboriginal Land Care	No comments received	-	-
Goobah Developments	No comments received	-	-
Gundungurra Aboriginal Heritage Association Inc.	Gundungurra Aboriginal Heritage Association Inc. has read the draft Warragamba Dam Raising Proposal Draft Aboriginal Cultural Heritage Assessment Report. The methodology that was agreed to has not been completed.	This ACHA has been prepared in consultation with the Aboriginal community and has followed the DECCW (2010c) Aboriginal cultural heritage consultation requirements for proponents 2010. In addition to the OEH requirements there have also been additional meetings to discuss the draft methodology and to discuss the Draft ACHA report. Representatives of Niche and WaterNSW were available to	As previously outlined.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
		<p>discuss the report either over the phone or through face to face meetings with RAPS.</p> <p>As per the methodology the field survey concentrated on:</p> <ul style="list-style-type: none"> Areas that have the potential for Aboriginal Objects in the Subject Area. Previously recorded sites that are of high and very high significance Areas of cultural significance to the indigenous community 	
	In our interpretation of the methodology there has not been a reasonable amount of time spent in surveying the area.	<p>As per the methodology the field survey concentrated on:</p> <ul style="list-style-type: none"> Areas that have the potential for Aboriginal Objects in the Subject Area. Previously recorded sites that are of high and very high significance Areas of cultural significance to the indigenous community <p>These will be further investigated as part of the Aboriginal Cultural Heritage Management Plan.</p>	As previously outlined.
	As ILUA holders we have been completely ignored regarding the time required to do a first step survey of the area that will be flooded if the WDR project goes ahead.	<p>The ILUA does not grant the parties to the agreement exclusive consultation rights.</p> <p>As per Section 11.3 of the Gundungurra Indigenous Land Use Agreement (ILUA):</p> <p><i>Nothing in this Deed constitutes an agreement by the State that the Gundungurra People are the only Aboriginal people to be consulted or appointed as set out in subclause 11.2 in relation to the land and waters within the Agreement Area.</i></p> <p>Subclause 11.2 states that:</p> <p><i>The State Minister will use all reasonable endeavours to notify the Relevant State Instrumentalities that exercise functions and powers with respect to State lands and waters within the Agreement Area that members of the Gundungurra People are appropriate Aboriginal people for consultation or appointments to relevant statutory boards or committees within the Agreement Area.</i></p> <p>As the Gundungurra Peoples do not hold native title, and in accordance with the ILUA subclauses 11.2 and 11.3 Aboriginal community consultation for this assessment has been carried out in accordance with the DECCW (2010a) Aboriginal cultural heritage consultation requirements for proponents 2010.</p> <p>Section 4.1.1 of the requirements highlights:</p> <p>Proponents are not required to comply with the requirements steps 4.1.2 to 4.1.7 where there is an approved determination of native title that native title exists in relation to the proposed project area. In this circumstance, proponents need only consult with the native title holders. If a prescribed body corporate has been established to hold native title on behalf</p>	As previously outlined.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
		the native title holders then proponents should consult with prescribed body corporate.	
	The draft report states that 31 of the 45 locations were visited and that several of the other locations are under the stored water and, therefore, are not in the study area. However the methodology refutes this argument by stating in page 19 paragraph 3: Although several of the sites are located under the stored waters of Lake Burragorang exploring the fringes of these areas will be important for adding information regarding the Cultural Practices within their vicinity.	The Subject Area (as outlined by Section 3 of this ACHA and Chapter 5 of the EIS) of this assessment is the area between the current FSL and the predicted PMF if the dam wall is risen. As a result of this eleven of the water hole sites that relate to the creation story are not within the current Subject Area.	As previously outlined.
	Completion of the survey represents a rare opportunity to examine in detail the archaeology of the largely intact Gundungurra Aboriginal Dreaming Story “Gurangatch and Mirrigan”. This is the only Aboriginal Creation Story in the Sydney Basin. At an ILUA meeting it was stated that all the “Gurangatch and Mirrigan” Dreaming Story within the impact area would be surveyed.	As outlined within this ACHA 31 of the 45 locations were visited as part of the field assessment. As outlined in Table 20 a number of sites could not be inspected in a single day, due to dam water levels. As part of the development of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs further investigation of these sites should be completed.	As previously outlined.
	We do not accept this “Draft” report on the grounds that it is incomplete. It is more of a “Progress” report. Any report which does not include a full field survey of all the proposed area to be inundated will not be accepted. Appendices A and B are attached.	As outlined in Section 2 of this ACHA has been developed in accordance with the SEARs.	As outlined in Section 1.4, this ACHA has been developed in accordance with the SEARs.
Gundungurra Aboriginal Heritage Association Inc. Appendix A	Significance Points: Our Traditional and Continuing connection to the Burragorang has been tested and legally recognised in the courts under the Native Title Act 1993 (N12014-001)	This has been included in Section 15.2 of this ACHA.	This has been included in Section 1.3.5 of this ACHA.
	ILUA Deed was signed 20 th June 2014	As outlined in Section 15.2 of this ACHA.	This has been included in Section 1.3.5 of this ACHA.
	All sites known and unknown are highly significant to the Gundungurra People and our ongoing connection to Ngurra (Country). To put such a Scientific rating to various sites, in your Draft, as “Low” is outrageous and unacceptable.	Scientific significance assessments were conducted in accordance with: <ul style="list-style-type: none"> ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); 	As previously outlined.
	When visiting the Burragorang Valley in 1900-1901, R.H Mathews, the ethnographer and surveyor, met with Gundungurra people, and recorded their creation story of the rivers and language in the area. The legend was first published in 1908, in a German anthropological journal.	As outlined in Section 8.1 of this ACHA.	As outlined in Appendix 11 of this ACHA.
	WaterNSW agreed to protect and promote Aboriginal culture and heritage as a signatory to the ILUA (Gundungurra Area Agreement) under the Commonwealth Native Title Act 1993. It is time that WaterNSW lived up to their responsibility.	The ILUA specifically creates an agreed method of communication between WaterNSW and the Gundungurra people to give them non-exclusive consultation rights with respect to the management of WaterNSW Lands in the Warragamba Area. WaterNSW has continued to honor the ILUA and holds regular meetings with the Gundungurra people to consult with them on various issues. SCHEDULE D The objects of this Schedule are:	As previously outlined.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
		<p>(a) to outline an arrangement between the Participants for the protection and conservation of Aboriginal heritage and cultural values within the SCA Lands, National Park Lands and BMCC Lands;</p> <p>(b) to achieve greater input by the Gundungurra People into management programs of the SCA, OEH and the BMCC relating to the protection and conservation of the SCA Lands, National Park Lands and BMCC Lands;</p> <p>(c) to achieve greater input by the Gundungurra People into the management of the Forestry Commission Lands;</p> <p>(d) to establish the Consultative Committee for improved consultation and exchange of information between the Gundungurra People, the SCA, OEH, the Forestry Corporation of New South Wales and the BMCC;</p> <p>(e) to establish a framework of consultation that is consistent with the objectives, management principles and strategies for the National Park Lands, SCA Lands, the Forestry Corporation of New South Wales Lands and BMCC Lands as provided for under the NPW Act the SWCM Act the Forestry Act and the Crown Lands Act and Local Government Act respectively;</p> <p>(f) to facilitate access by the Gundungurra People to the National Park Lands, SCA Lands, the Forestry Corporation of New South Wales Lands and BMCC Lands pursuant to any protocols agreed to by the Consultative Committee.</p>	
	There was no consultation with the Gundungurra Elders and the ILUA signatories regarding the Draft Recommendations. They are either already in place or improperly researched.	The provision of the draft ACHA for review and the offer of meetings with stakeholders – in accordance with the Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010a) – provided the opportunity to discuss and amend the draft recommendations.	As previously outlined.
Gundungurra Aboriginal Heritage Association Inc. Appendix B comments from past and present Gundungurra Elders and Gundungurra younger Generation on their Connection to Burragorang and the Report	<p>Aunty Mary Cooper-King Elder (1926 to 2015)</p> <p>Born in the Gully (Aboriginal mission at Katoomba- Father Frank Cooper born in the Burragorang)</p> <p>Quote from “Scared Waters” - Dianne D. Johnson (ISBN 1 920831 37 1)</p> <p>As a child I went walking down to the Burragorang from The Gully I remember the water there and the big Mountains, the rock wall there, where the Dreaming Story was, Gunggalook (Gundarllook). I could see the fires, round the fires there they were cooking something; I could just see it. Be the rabbits I s’pose.</p> <p>Paddling in the stream there it was beautiful and I felt as though all the trees were sort of talking Oh it was beautiful feeling. It was special. Special place, special being there. And the kangaroos of course, the kangaroos standing there watching. I could just see all that, like I was a child again, as though I was sitting there playing kind a thing. It was a beautiful feeling.</p> <p>And of course, where they said the burial place was near Kamilaroi Rock, I got so warm inside, so warm inside. And when we were down the bank that was covered in artefacts, normally under water. I felt</p>	This has been included in Section 12.4 of this ACHA.	This has been included in Appendix 11 of this ACHA.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
	that the ancestors wanted us to see it all. I felt as though they were saying “You’re back, the little one’s back.” I felt that the trees and that were saying “The little one’s back down in the Burra”. Felt so warm. Wonderful feeling.		
	Uncle Ron Fletcher Elder Quote from “Scared Waters”-Dianne D Johnson (ISBN 1 920831 37 1) In the Burrogorang, the place that got me in is where my great grandmother (Fanny Lynch) told the Gurangatch story, where the camp was. And the other thing that got me in was where they used to do the carvings, the grinding grooves because I think I Felt it was done by some of my relations.	This has been included in Section 12.4 of this ACHA.	This has been included in Appendix 11 of this ACHA.
	Uncle Ron interview 8 th August 2019 Question: What’s your opinion the significance of all the known and unknown sites in Burragorang? Uncle Ron: They are definitely important to our Aboriginal people; the area has been dated to 22,000 years and has lots of significance.	This has been included in Section 12.4 of this ACHA.	This has been included in Appendix 11 of this ACHA.
	Aunty Merle Williams Elder Having read the ‘Warragamba Dam Raising Proposal Draft Aboriginal Assessment’ so called report I found this document does not in any conceivable way either touch or reflect the significance of the meaning to the Aboriginal people of the Burragorang Valley. Decades ago my family, the Gundungurra people came up from the Monaro area through the rivers and streams and settled in the Burragorang Valley and at the time they lived in the reserve. When the dam was to be built they were evicted by the State Gov at the time and so then resettled in the Megalong Valley. When the shale mine was finished they moved up to the Upper Kedumba River Catchment area (known as The Gully). Our ties to Burragorang will always be an integral and vital part of our cultural Heritage and the state are about to destroy our connection and also destroy our history!	This has been included in Section 12.4 of this ACHA.	This has been included in Appendix 11 of this ACHA.
	Christopher Halls Gundungurra man: I have participated in the survey of the majority of sites mentioned in the so-called “Draft” report. I do not accept this report as a “Draft” Report when the methodology has not been followed. In my opinion can only be considered to be no more then a “Progress” report.	As outlined in Section 2 of this ACHA has been developed in accordance with the SEARs.	As outlined in Section 1.4.1 of this ACHA.
	<i>To say the sites are of “low significance” shows the ignorance of the persons who prepared and reviewed the report before releasing it publically for our comments. To Gundungurra people they are all highly significant, To anyone who cares about the history of the area, Aboriginal culture and heritage, Dreaming stories, the sites and saving all this for the future generations is highly significant. Anyone who cares about the environment and the World Heritage Area understands the high significance of this area.</i>	All Aboriginal sites have been given a high cultural significance rating within the ACHA. This report has not been released publicly.	As previously outlined.
	<i>The only people who seem not to care about it are the NSW Government, SMEC and Niche. It’s time those three organisations sit down with the elders of this country and start understanding that Aboriginal people are the longest surviving culture in the world.</i>	The provision of the draft ACHA for review and the offer of meetings with stakeholders – in accordance with the Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010a) – provided the opportunity for the elders or the representatives of the Gundungurra community to discuss the cultural significance of the Subject Area.	As previously outlined.

Page 61: Creation Story Locations visited in the Survey.

As we have already said, the methodology makes this clear and unambiguous statement regarding 45 site locations of high significance and the Gurangatch and Mirrigan Creation Story. '45 locations have been added to the survey to adequately record and understand the Gundungurra Cultural landscapes of the Burratorang Valley. An understanding of these places of cultural significance will form an important aspect for this assessment. Exploring these locations will be important for adding information regarding the cultural practices and cultural understanding of the region. In particular the survey represents a rare opportunity to examine in detail, the archaeology of a large, relatively intact Aboriginal Dreaming Story.'

It appears the author of Niche's report does not understand what we have completed as per the assertion that 31 of the 45 have been completed and that the reasons for not going to the others are because they are under the stored water so not in the study area, or we could not access by boat. This is excuses and falsehoods. We have taken the survey maps from Niche's report and overlaid the 45 sites plus the course of the Creation story. We have done this so there can be no argument from Niche as to what has and has not been done. Your assertion that we have completed 31 of the 45 areas is shown to be false. The reality is:

- 9 areas have been completed
- 13 areas remain incomplete
- 23 areas have not been visited at all

We have listed it all for you so that you know. What this means is that under half have been visited. We request you update the report to reflect this reality. If you are still unclear about this please consult with us and the field team so we can help you clear it up. We also request that you put in a recommendation to complete this part of the survey as promised directly to Aboriginal people in the methodology.

We have also produced two maps showing you what has and has not been completed of our creation story. The survey coverage of this falls well below the 'detail' promised in the methodology. We request a further recommendation to complete ALL of the creation story. Sampling it does not do it justice and is insulting to us.

As outlined within this ACHA 31 of the 45 locations were visited as part of the field assessment. As outlined in Table 20 a number of sites could not be inspected in a single day, due to dam water levels. As part of the development of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs further investigation of these sites should be completed.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
	<p>Your reasons for not going to some of areas of high significance are either excuses or have been refuted by your own methodology.</p> <p>For example, your report states that five of the 45 sites of cultural significance were not visited as they are below the Full Storage Level so not in the study area. However, on Page 19, paragraph 3 of the methodology the following is said: 'Although several of the sites are located under the stored waters of Lake Burragorang, exploring the fringes of these areas will be important for adding information regarding the cultural practices within their vicinity.'</p> <p>In other words, your own words refute your reasons for not going to those places. We request that you take out these excuses from the report.</p>	As outlined within this ACHA 31 of the 45 locations were visited as part of the field assessment. As outlined in Table 20 a number of sites could not be inspected in a single day, due to dam water levels. As part of the development of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs further investigation of these sites should be completed.	As previously outlined.
	Likewise, the reasons given for not being able to survey Kedumba River, Burnt Flat, Hayes Crossing, Kanagara River and the nearby Big Fight, - that we could not access them by boat - does also not stand up. All of these places can be accessed by car either directly or very close to, in easy day trips. We request you remove these excuses from the report.	As outlined in Table 20 a number of sites could not be inspected in a single day, due to dam water levels.	As outlined in Appendix 2 a number of sites could not be inspected in a single day, due to dam water levels.
	<p>The field recordings.</p> <p>We were in the field for most of the survey work and we discussed the field recordings with the archaeologists and rest of the field team. It appears that Niche have failed to do this or do not understand the field recordings. The extent of sites written on the forms is mostly a reflection of the area of the site which remains undisturbed. This adds up to hundreds or thousands of square metres at most sites.</p>	<p>All site recording was completed in accordance with Requirement 7a of the DECCW (2010b) Code of practice for the archaeological investigation of Aboriginal objects in NSW.</p> <p>The field recordings were transcribed off the field data sheets and included in Appendix 5 of this ACHA. Anything that was unclear was discussed with the Niche archaeologists that were present for the field assessment.</p>	<p>All site recording was completed in accordance with Requirement 7a of the DECCW (2010b) Code of practice for the archaeological investigation of Aboriginal objects in NSW.</p> <p>The field recordings were transcribed off the field data sheets and included in Appendix 8 of this ACHA. Anything that was unclear was discussed with the Niche archaeologists that were present for the field assessment.</p>
	<p>The Significance Assessment</p> <p>More than 240 sites have been written off as not scientifically significant. This is in direct opposition to field teams experience as we were all overwhelmed by the scale and amount of cultural heritage found in the area.</p> <p>The criteria for low scientific significance employed in the Appendix 9, Scientific Significance Assessments section is repeated at site after site as follows:</p> <ul style="list-style-type: none"> Warragamba-(?) is assessed to be of low scientific significance due to the low density nature of the artefact scatter, the moderate level of disturbance at the site has removed the archaeological integrity of the deposit, and the common nature of the raw material. <p>It appears that the scientific significance assessment has been based on three assumptions. These are:</p> <ul style="list-style-type: none"> Low-density nature of artefacts = low significance Moderate level of disturbance = complete removal of archaeological integrity Common nature of raw materials = low significance <p>Taken in turn: How do you know that the undisturbed portions of the sites have low density artefact scatters? Sub-surface testing would be required at ALL sites to determine this. The number of artefacts visible on the surface is not an indicator of what is underneath. Having said this, most sites had enormous quantities of artefacts on the surface, much more than the 25 or so that the draft report seems to think was rare to find. Due to the lack of time we were continually told we were being given, not all artefacts were recorded at each site just a small sample. There were thousands of artefacts and simply not enough time to record them all. It appears the author of the report has not checked any of this with the field team and there are countless mistakes and false assumptions as a result. Even isolated finds are potentially scientifically significant due to the potential for intact deposits. Low-density will not stand up to proper scientific review.</p>	<p>As outlined in Section 13.2 and Appendix 9 of this ACHA 241 Aboriginal cultural heritage sites have been given a low scientific significance assessment. These assessments reflect best practice assessment processes as set out in the Burra Charter (Australia ICOMOS 2013).</p> <p>Subsurface testing is not required at those sites that have previously been disturbed by the current dam FSL level, as they are considered disturbed. Those sites with multiple artefacts, at which a sample of artefacts were recorded have been detailed within Appendix 5 as having further artefacts associated with them. As per Requirement 7a of DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW the sites identified during the assessment have been recorded:</p> <ul style="list-style-type: none"> Providing the information required to complete the current AHIMS Site Recording Form Identifying the site boundaries and indicating how these have been determined Each recording form has a detailed accurate site plan, which has used professional judgement to determine the appropriate scale and precision, showing the site boundaries and all internal features and external or internal reference points. <p>These site plans will each be included on the AHIMS site Recording Forms for each of the sites identified during the field assessment for this ACHA.</p>	<p>As outlined in Section 5 and Appendix 10 of this ACHA 241 Aboriginal cultural heritage sites have been given a low scientific significance assessment. These assessments reflect best practice assessment processes as set out in the Burra Charter (Australia ICOMOS 2013).</p> <p>Subsurface testing is not required at those sites that have previously been disturbed by the current dam FSL level, as they are considered disturbed. Those sites with multiple artefacts, at which a sample of artefacts were recorded have been detailed within Appendix 8 as having further artefacts associated with them. As per Requirement 7a of DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW the identified during the assessment have been recorded:</p> <ul style="list-style-type: none"> Providing the information required to complete the current AHIMS Site Recording Form Identifying the site boundaries and indicating how these have been determined Each recording form has a detailed accurate site plan, which has used professional judgement to determine the appropriate scale and precision, showing the site boundaries and all internal features and external or internal reference points. <p>These site plans will each be included on the AHIMS site Recording Forms for each of the sites identified during the field assessment for this ACHA.</p>

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
		Further investigations could form part of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs.	Further investigations could form part of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs.
	<p>How can a moderate level of disturbance, completely remove the archaeological integrity of the sites deposit, when the sites extend for tens of, sometimes hundreds of metres above the current disturbed areas?</p> <p>How does one area of moderate disturbance completely remove the scientific significance of the whole site? Given that the moderately disturbed areas were previously impacted by Warragamba Dam, doesn't that make the remaining undisturbed portions of massively high conservation value and significance? Especially as no work was ever done on the sites with the building of the first dam?</p> <p>The assumption that a moderate level of disturbance can remove archaeological integrity to a massive site landform, including areas undisturbed is not scientific. It will not stand up to scientific review.</p>	<p>Subsurface testing is not required at those sites that have previously been disturbed by the current dam FSL level, as they are considered disturbed. Those sites with multiple artefacts, at which a sample of artefacts were recorded have been detailed within Appendix 5 as having further artefacts associated with them.</p> <p>Subsurface excavation could form part of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs.</p> <p>The determinations of significance have been prepared in accordance with the Burra Charter (Australia ICOMOS 2013) and the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.</p>	As previously outlined.
	The author states on site after site that they have low significance due to the 'common nature of the raw materials'. This finding is in direct opposition to the experience of those in the field who observed dozens of different raw materials - several different volcanic materials to begin with. Has the author heard of X-Ray Fluorescence examination of stone axes or large volcanic artefacts? The Burratorang valley has arguably the largest amount of stone axes and other large volcanic tools in one geographical area of the whole Sydney Basin making it an ideal study area for establishing past trade networks for these objects extending from the region. Every site with an axe or large volcanic artefact should therefore be of high scientific value, and that includes nearly every site found so far. In short, no detailed scientific investigation has been completed of the types of materials beyond brief observations. How can a proper, rigorous assessment of significance be made as a result and especially by someone who only spent one day in the field? In short, it can't be made without further detailed scientific examination.	The determinations of significance have been prepared in accordance with the Burra Charter (Australia ICOMOS 2013) and the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.	As previously outlined.
	<p>None of the so-called scientific assumptions employed will stand-up to any form of rigorous scientific examination and can only be called misguided assumptions. We request that the scientific significance assessment be reviewed completely in conjunction with the people who were actually at the sites.</p> <p>Other examples of dubious or outright false scientific 'assessment' employed include the following:</p>	<p>The determinations of significance have been prepared in accordance with the Burra Charter (Australia ICOMOS 2013) and the DECCW (2010b) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.</p> <p>Further to this the draft ACHA has gone through an independent peer review process.</p>	As previously outlined.
	<ul style="list-style-type: none"> Warragamba 74: the jumping woman story location is not significant as it is not a 'dreamtime' Aboriginal story. Where is the methodology for assessing the significance of Aboriginal stories? Is there a sliding scale of scientific significance in Aboriginal stories? How does the author know this story is not based on a Dreamtime story? What consultation has she undertaken with the source for the story to understand this location to make the significance assessment? Also at this site, an engraving near the jumping woman site was not relocated due to thick vegetation so the author has decided it has low significance. Where does it say in the Burra Charter that not relocating a cultural feature equals low significance to that feature? Why did the author not seek out the source for this information directly to get a better understanding as to its location? 	<p>As the site has no further archaeological evidence associated with it, it is given a low scientific rating. It has a high cultural significance as this has been highlighted by all RAPs that all of the sites located within this assessment have a high cultural significance.</p> <p>The low significance of the engraving near the jumping women site was developed using the original AHIMS site recording, not due to the survey team's inability to relocate the site.</p>	As previously outlined.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
	<ul style="list-style-type: none"> Warragamba 121, 122 and 124 are all assessed as low significance. Does the author realise that more than 80 large basalt axes and cores were found in the area from sites 121-124 on a quick walkover? Doesn't this make all of this area incredibly scientifically important, as a start, in establishing the source of these materials and the potential trade networks they have. Doesn't it make the surrounding 'islands' of undisturbed areas across the landform of massive conservation value? 	The field recordings of these three sites list 'several artefacts' as being present. On the artefact recording forms for Warragamba 121 and 122 the field team has individually recorded seven artefacts, there are no further notes in regards to additional artefacts being present at this location.	As previously outlined.
	<ul style="list-style-type: none"> Warragamba 115 – assessed as low significance due to it having low number of visible artefacts and scratched rock art. This assessment doesn't make sense. Scratched rock art is highly rare, therefore, highly significant. How does the author know what is under the ground in the protected deposit? This site is of potentially very high significance. 	There was no assessment made in terms of potential for subsurface deposit identified by the field team for Warragamba 115. As highlighted there were 6 scratched parallel lines drawn into the back wall of this shelter, scratched lines and patches were identified at a number of the sites identified within the Warragamba survey.	As previously outlined.
	<ul style="list-style-type: none"> Warragamba 113 – a shelter with art, grinding grooves and deposit. This is also assessed as low due to the grooves being in poor condition – this is actually wrong, they are in excellent condition under the protection of the shelter ceiling. 20m down slope from the shelter the erosion scar of the stored water is encountered. There are dozens of axes, large cores, and stone tools eroding from the disturbed bank. This means that between here and the shelter there are likely thousands upon thousands of stone tools in an intact deposit, and likely thousands more in the shelter, not to mention potential bone deposits, which may reveal changing diets over time, campfires from which occupation dates can be obtained. And this is at the true location of Katoomba. The rock art remaining is incredibly precious given the fragility of the sandstone..i.e., it is incredibly rare. Dating of the art could be done. GAHAI have been visiting this site for a long time. Niches assessment of it is completely scientifically wrong. 	The significance assessment of Warragamba 113 states 'Warragamba 113 comprises of a sandstone shelter formed through cavernous weathering and block fall in antiquity. This shelter is located on the mid slope of a ridgeline. The site contains art, deposit and five axe grinding grooves. All of the art depictions are indeterminate in form and drawn in charcoal. Due to the poor condition of the axe grinding grooves and art the site is given a low scientific significance.	As previously outlined.
	It is disturbing that the author has labelled rock shelter site after rock shelter site as having low scientific significance. Given the deposits of rock shelters can remain undisturbed for thousands of years if left alone, and given that the areas below current full storage have been severely impacted by the original dam, doesn't this make all rock shelter deposits of high scientific value? We repeat, no archaeological excavations have been completed throughout the whole of the Burragorang Valley. All rock shelter deposits are vitally important for the cultural information they contain, information which cannot be gained from other sources.	As outlined in Section 13.2 and Appendix 9 of this assessment Scientific (Archaeological) Assessment of the Aboriginal cultural heritage sites identified has been completed in accordance with the Burra Charter (Australia ICOMOS 2013) and the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.	As outlined in Section 5 and Appendix 10 of this assessment Scientific (Archaeological) Assessment of the Aboriginal cultural heritage sites identified has been completed in accordance with the Burra Charter (Australia ICOMOS 2013) and the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.
	Why is rock art in so many sites assessed as having low scientific significance? To find rock art on Permian sandstone is incredibly rare in the Blue Mountains region given the fragility of the rock type. This make all rock art in such areas highly rare and therefore highly significant in addition to highly representative. We request that all rock art and rock shelter sites significance ratings are changed to reflect their high scientific potential. For example, all of the sites adjacent to Kedumba Waterhole, two mentioned above, should be afforded high scientific significance. Many of these have art, abrasion patches intact deposits and grinding grooves. Another example, all of the recently recorded sites near Moodys Hill should be afforded high significance. Many of these had rock art, including one site with engravings – highly rare in shelters throughout the region, stone tools and intact deposits as well as areas of abrasion. GAHAI have been examining such abrasion features at rock art sites in the wider Blue Mountains for over ten years and know of several sites with them. However, we have never seen such a concentrated amount of shelters with abraded areas as the Moodys Hill area. This is obviously of high scientific significance and worth further investigation.	As outlined in Section 13.2 and Appendix 9 of this assessment Scientific (Archaeological) Assessment of the Aboriginal cultural heritage sites identified has been completed in accordance with the Burra Charter (Australia ICOMOS 2013) and the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.	As outlined in Section 5 and Appendix 10 of this assessment Scientific (Archaeological) Assessment of the Aboriginal cultural heritage sites identified has been completed in accordance with the Burra Charter (Australia ICOMOS 2013) and the DECCW (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.
	<p>The Impact Assessment</p> <p>The report states the following: 'The sites were assessed to be impacted if there was any level of flooding under any of the flooding scenarios (both current and predicted). Degree of impact to sites was measured by immersion time, given in days. Immersion time was also calculated as an increase to current immersion for specific flooding scenarios. Table 39 shows whether each site is currently impacted, if there is any impact expected from the project, and the level of increase expected for each</p>		

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	<p>site (if any) based on the worst extent of flooding (PMF scenario) and the greatest intensity of predicted flooding (1 in 100 AEP scenario).</p> <p>Response: Arguably, the most damage to sites will be from when the waters rise up and then recede – the ‘bath-tub’ effect of moving waters dislodging soils and then stripping them. This effects sites regardless of immersion time – whether 5 minutes or ten days. We request for an analysis on this in addition to the above statements.</p> <p>Some of the sites assessed as being already completely within the disturbed area of Lake Burragroang (64 sites) actually extend beyond the impacted areas to undisturbed areas. For example, the site with the bone, Warragamba 41 extends for a long way above the full storage level but has been written off as already fully impacted. This isn’t true and the author will need to review all of those sites with the field team for a better understanding.</p> <p>The report seems to be trying its best to reduce the amount of sites of significance to as few as possible. In this way, 334 sites have been reduced to just 34 sites to be impacted for the first time and only 3 of these with any high ‘scientific’ significance. The author seems to grudgingly admit, that a further 173 sites which would already experience impacts from a large flood, would experience greater impacts due to the proposal to raise the dam.</p> <p>We have already seen the types of errors in the scientific significance assessment. Let’s also call a spade a spade, the above breakdown means that 207 sites will be detrimentally impacted upon by the development, and this in only 27% of the total area which will be impacted. So potentially, we are looking that more than 800 sites in the area which could be detrimentally impacted upon by the development. And this in an area where:</p> <ul style="list-style-type: none"> - no previous archaeological work has occurred, - where no investigation occurred for the original dam, - in an area which is supposed to be a protected, World Heritage listed National Park, - in an area of massively high ongoing cultural significance, - that is the site for the largest Aboriginal Place nomination in NSW - and which the Gundungurra community have an ILUA over - that has the most intact Aboriginal Creation story in the Sydney region - and well-documented ongoing Aboriginal connection, from initial contacts with Europeans to today <p>In light of this, the following statement by the author is highly confusing and upsetting: ‘There is no significant detrimental effect to quality or benefit that the Aboriginal history and archaeology of the Subject Area may provide to future generations due to the infrequency of the rain events that will cause harm to Aboriginal objects. There is reciprocal cumulative growth of the understanding of the Subject Area’s history and prehistory which provides some amelioration of any adverse impacts, and which provides knowledge and information for future generations.</p> <p>The opposite is clearly true. Does the author have a crystal ball? A flood could occur at any time in the next few years. The raising of the dam wall effectively points a gun to the head of our sites – forever - and your report is basically saying, ‘don’t worry, it may never go off</p>	<p>As outlined in Section 4.3 of this ACHA. Of the 334 new and previously registered Aboriginal cultural heritage sites on AHIMS identified during this assessment a total of 207 sites are located within the PMF extent of the Project. Of these 207 sites, 173 are currently below by the FSL, and are therefore outside of the project area and area assessed by this ACHA. An additional 34 sites would experience temporary inundations during a PMF with the Project. The site types and numbers impacted are outlined below in Table 14, Table 15 and Table 16.</p> <p>As outlined in Section 4 of the ACHA this assessment has been completed in accordance with the SEARs to assist with the temporary storage of water to reduce the risk to life during a flood. The water will not be stored for longer than is required to assist with this.</p>	<p>As outlined in Appendix 1 of this ACHA. Of the 334 new and previously registered Aboriginal cultural heritage sites on AHIMS identified during this assessment a total of 45 sites are located within the Subject Area of the Project. Of these 181 sites are within the current Dam footprint and are therefore outside of the project area and area assessed by this ACHA. The site types and numbers impacted are outlined in Appendix 1.</p> <p>As outlined in Section 1 of the ACHA this assessment has been completed in accordance with the SEARs to assist with the temporary storage of water to reduce the risk to life during a flood. The water will not be stored for longer than is required to assist with this.</p>
	Report recommendations	The ACHA report has been developed in accordance with the SEARs. The purpose of the ACHA is not to determine whether or not a development should proceed. The purpose of an ACHA	The ACHA report has been developed in accordance with the SEARs. The purpose of the ACHA is not to determine whether or not a development should proceed. The purpose of an ACHA

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	<p>The report appears to put the cart before the horse in assuming that the development will happen and nothing further can be done. Our understanding is that the purpose of the investigation is to assess whether the development should proceed or not based on what was found. Given the catastrophic impacts this development will have to our cultural heritage, where are the recommendations for further work? The report mentions a management plan. Why would we need one if the development may not proceed?</p> <p>We request the following be put into the report as recommendations:</p> <ul style="list-style-type: none"> A complete, full archaeological survey of the proposed impact area be completed A program of detailed archaeological investigation at dozens of sites to be instigated including test excavation and salvage if required This draft report be retitled as an interim progress report, not as a draft Aboriginal Cultural Heritage Assessment Report, as it is incomplete The significance assessment be completely redone in conjunction with the field team, both archaeologists and Aboriginal community. This is of vital importance because as it stands, the assessment is negligent at best on several grounds All of the sites found so far are of high cultural significance to us and we wish them to be listed as such 	<p>is to document Aboriginal cultural heritage values and present these to the determining authority for their consideration in making a determination of a project approval.</p> <p>Recommendation 2 outlines the requirement for an Aboriginal Cultural Heritage Management Plan be completed in consultation with the RAPs.</p> <p>As outlined in Section 2 of this ACHA this report has been prepared in accordance with the SEARs and has been subject to independent peer review.</p> <p>The scientific significance assessments of the sites located during the survey has been discussed in detail with the Niche archaeologists present during this assessment.</p> <p>As outlined in Section 13.2 and Appendix 9 of this assessment Scientific (Archaeological) Assessment of the Aboriginal cultural heritage sites identified has been completed in accordance with the Burra Charter (Australia ICOMOS 2013) and the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.</p> <p>All sites have been given a high cultural significance rating as per the recommendation of a number of the RAPs this will be included on the AHIMS recording form for each site.</p>	<p>is to document Aboriginal cultural heritage values and present these to the determining authority for their consideration in making a determination of a project approval.</p> <p>Recommendation 2 outlines the requirement for an Aboriginal Cultural Heritage Management Plan be completed in consultation with the RAPs.</p> <p>As outlined in Section 1 of this ACHA this report has been prepared in accordance with the SEARs and has been subject to independent peer review.</p> <p>The scientific significance assessments of the sites located during the survey has been discussed in detail with the Niche archaeologists present during this assessment.</p> <p>As outlined in Section 5.2 and Appendix 10 of this assessment Scientific (Archaeological) Assessment of the Aboriginal cultural heritage sites identified has been completed in accordance with the Burra Charter (Australia ICOMOS 2013) and the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.</p> <p>All sites have been given a high cultural significance rating as per the recommendation of a number of the RAPs this will be included on the AHIMS recording form for each site.</p>
	<p>Maps</p> <p>Four maps follow, as mentioned above, detailing what we have and have not done in relation to the areas of cultural significance and the Creation Story. We have a final list of questions we request Niche to answer after that.</p> <p>(Editor's note: Please see Appendix 1 for Maps.)</p>	<p>As outlined within this ACHA 31 of the 45 locations were visited as part of the field assessment. As outlined in Table 20 a number of sites could not be inspected in a single day, due to dam water levels. As part of the development of the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs further investigation of these sites should be completed.</p> <p>The maps included within the ACHA are correct in terms of survey effort and dreamtime locations included within the Subject Area.</p>	<p>As previously outlined.</p>
	<p>We request the following be put in the report as recommendations:</p> <p>A complete, full archaeological survey of the proposed impact areas be completed</p>	<p>Noted. As outlined in recommendation 2.</p>	<p>As previously outlined.</p>
	<p>A program of detailed archaeological investigation at dozens of sites to be instigated including test excavation and salvage if required.</p>	<p>Noted. As per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.</p>	<p>As previously outlined.</p>
	<p>This draft report be retitled as an interim progress report, not as a draft Aboriginal Cultural Heritage Assessment Report, as it is incomplete.</p>	<p>As outlined in Section 2 of this ACHA has been developed in accordance with the SEARs.</p>	<p>As outlined in Section 1 of this ACHA has been developed in accordance with the SEARs.</p>
	<p>The significance assessment be completely redone in conjunction with the field team, both archaeologists and Aboriginal community. This is of vital importance because as it stands, the assessment is negligent at best on several grounds</p>	<p>As outlined in Section 2 of this ACHA has been developed in accordance with the SEARs.</p> <p>Further to this the ACHA has been through an independent peer review process.</p>	<p>As outlined in Section 1 of this ACHA has been developed in accordance with the SEARs.</p> <p>Further to this the ACHA has been through an independent peer review process.</p>

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	All of the sites found so far re of high cultural significance to us and we wish them to be listed as such.	Section 13 and Appendix 9 has been updated to highlight this.	Appendix 1 and Appendix 10 have been updated to highlight this.
	<p>Questions for Niche to answer</p> <p>–Who requested the report?</p> <p>–Why did they request the report?</p> <p>–What is the purpose of the report?</p> <p>–What is the commissioning entity’s interest in the proposed Warragamba Dam project?</p> <p>–How will the entity use the report’s information and findings?</p>	<p>SMEC on behalf of WaterNSW</p> <p>To address the SEARs of the project in relation to Aboriginal cultural heritage.</p> <p>To address the SEARs of the project in relation to Aboriginal cultural heritage.</p> <p>SMEC have been engaged by WaterNSW to prepare the EIS.</p> <p>To address the SEARs of the project in relation to Aboriginal cultural heritage. To submit to the determining authorities to determine the project.</p>	As previously outlined.
	<p>Level of researcher’s independence</p> <p>–Who is Niche’s client?</p> <p>–Who is funding Niche?</p> <p>–Who is Niche accountable to?</p> <p>–Whose interests is Niche primarily serving?</p> <p>–How has Niche ensured its report findings are trustworthy, independent and free from any perceived and/or actual bias?</p> <p>–What biases have Niche declared?</p> <p>–What perceived and/or actual conflicts of interest has Niche declared?</p> <p>–How is Niche managing these perceived and/or actual biases and conflicts?</p>	<p>SMEC</p> <p>SMEC</p> <p>SMEC</p> <p>Niche is not serving anyone or any other entity. We are fulfilling a project brief provided by SMEC</p> <p>It has been prepared in accordance with the relevant guidelines and has been through and independent peer review process.</p> <p>As part of Niche’s commission all conflicts of interest have been declared.</p>	As previously outlined.
	<p>Ownership</p> <p>–Where is the ‘locus of control’ in the research, findings and discussion about the proposal of raising of the dam wall? Is it with: Government? Industry? Developers? Community? Aboriginal community? Or is ‘control’ democratically shared?</p> <p>–How is Niche dealing with the issue of ‘locus of control’?</p> <p>–What ownership (and site access) rights do/will the traditional custodians have on existing and ‘New’ cultural finds/information?</p> <p>–Who owns the information in the report e.g. will the cultural and heritage information belong to the relevant Aboriginal people (e.g. Gundungurra)?</p>	<p>This does not make sense</p> <p>This is not a matter for Niche</p>	<p>As previously outlined.</p> <p>As previously outlined.</p>
	<p>Involvement</p> <p>–How have and will the traditional custodians be involved in what constitutes the ultimate determinations of significance assessment and cultural heritage values: research potential, representativeness, rarity, historical, spiritual, social, educational, associations, etc.?</p>	In accordance with Stage 4 of the DECCW (2010a) Aboriginal cultural heritage consultation requirements for proponents 2010 The Draft ACHA was presented to the RAPs for their review and comment.	As previously outlined.
	<p>Research questions</p> <p>–What did the commissioning entity ask Niche to report on?</p>		As previously outlined.

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	<p>–Do the questions adequately address the scale and scope of the dam proposal and impact on Aboriginal cultural heritage?</p> <p>–Do the questions adequately address and consider the concerns and issues of Aboriginal people affected by the raising of the dam wall?</p>	<p>To address the SEARs of the project in relation to Aboriginal cultural heritage.</p> <p>There are no research questions associated with this ACHA.</p> <p>There are no research questions associated with this ACHA.</p>	
	<p>Ethics</p> <p>The Australian archaeology profession has peak/professional bodies:</p> <p>Australian Archaeological Association: https://australianarchaeologicalassociation.com.au</p> <p>Australian Association of Consulting Archaeologists: https://www.aacai.com.au</p> <p>These associations have a code of ethics (see e.g. https://australianarchaeologicalassociation.com.au/about/code-of-ethics/).</p> <p>–Can Niche demonstrate how it has complied with industry ethical principles?</p> <p>–How has Niche dealt with and been explicit about the limitations encountered in all phases of the research project?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	As previously outlined.
	<p>Methodology</p> <p>–Has Niche declared its selected methodology?</p> <p>–What research methodology, if any, has Niche adopted?</p> <p>–Why has Niche used the selected methodology?</p> <p>–How has Niche demonstrated that the selected methodology is sufficiently rigorous in light of the scale and scope Warragamba Dam wall raising proposal?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); 	As previously outlined.

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	<p>–Is the methodology in keeping with: legislation, regulations, industry practice/s?</p> <p>–Has Niche declared any research assumptions it has made?</p>	<ul style="list-style-type: none"> ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	
	<p>Methods</p> <p>–Are Niche’s methods in keeping with the selected methodology?</p> <p>–Are Niche’s methods in keeping industry practice e.g. archaeological profession’s codes of ethical practice, fieldwork, data collection and analysis, results, discussion, presentation and peer review before and public release?</p> <p>–What method has Niche used to evaluate the adequacy and effectiveness of its field survey coverage?</p> <p>–Are any standardised ‘measures’ used by Niche to describe sites and cultural features (for Scientific and cultural significance) acceptable to Aboriginal people?</p> <p>–What objective method has Niche applied when interpreting the research results and findings, which leading to recommendations in the report?</p> <p>–Has Niche completed the research methodology before release of draft report?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	As previously outlined.
	<p>Research reliability</p> <p>–What research reliability test has Niche adopted in reaching its findings?</p> <p>–Would another company have the same findings if they went and did the same survey?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p>	As previously outlined.

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		<ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	
	<p>Research validity/verification</p> <p>Such as reflecting what is the 'true' extent of cultural sites and an accurate assessment of scientific And cultural values.</p> <p>–What research validity test has Niche adopted in reaching its findings?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	As previously outlined.

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	<p>Copyright</p> <p>–How has Niche followed copyright requirements when using the work of others?</p> <p>–Is Niche satisfied it has ethically and appropriately referenced all sources of information?</p>	<p>Yes. Research has been appropriately referenced.</p> <p>To the best of our knowledge yes</p>	<p>As previously outlined.</p> <p>As previously outlined.</p>
	<p>Other Questions</p> <p>–How will Niche identify any perceived and/or actuals biases and conflicts of interest in the final report?</p> <p>–How will Niche identify and act on any questions, concerns and/or recommendations raised by Aboriginal people in the final report?</p> <p>–How will Niche identify and deal with shortcomings (missing/inadequate/tentative information/findings in need of further research) on information and recommendations made in the final report?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	<p>As previously outlined.</p>
Gundungurra Tribal Council Aboriginal Corporation	No comments received	-	-
Illawarra Local Aboriginal Land Council	The Illawarra Local Aboriginal Land Council has reviewed the report in relation to the proposed Warragamba Dam Raising and the DRAFT- Aboriginal Cultural Heritage Assessment Report. We would like to record our objection to this development proceeding due to the significant cultural and environmental damage that would occur. We would also like to draw attention to the fact that the Aboriginal community, and I am sure the wider community generally does not believe that the destruction of Aboriginal cultural heritage on such a significant level is in keeping with the expectations and values we hold as a society.	Noted. This objection has been included in the ACHA.	As previously outlined.
	Furthermore, 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 loss of such a significant heritage area.	Noted. This has been included in Section 14.5 of this ACHA.	Noted. This has been included in Section 6 of this ACHA.
	This loss will also impact the wider community and we believe is not in keeping with what would be expected under the Burra Charter which has been referenced in this report. We can highlighted at least 4 articles in this Charter that can be applied to this project with specific reference to the following types of places of cultural to cultural values and is s a standard of practice for those who provide	Noted. See notes below in regards to the Burra Charter (Australia ICOMOS 2013).	As previously outlined.

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	advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.		
	<p>We therefore encourage further consideration of the following Articles [of the Burra Charter] in relation to this project and ask the proponent to address these matters as a matter of urgency before proceeding further.</p> <p>Article 3. Cautious Approach</p> <p>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.</p> <p>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.</p> <p>It is our view that this report and the objectives of this project do not align to this article and the objective of taking a cautious approach. If this were in fact the case greater consultation and further investigation would be seen as an appropriate step. Additionally, the project would potentially need to be fully reconsidered, due to the destruction of such a large and intact heritage site.</p>	<p>Noted.</p> <p>There will be no permanent changes made to any registered Aboriginal cultural heritage sites as a result of the development associated with the project.</p> <p>As per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.</p>	<p>As previously outlined.</p> <p>As previously outlined.</p>
	<p>Article 7. Use</p> <p>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 associated and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.</p> <p>This project will result in permanent and unrepairable damage and therefore should not proceed without further contributing and recording, detailing and enhancing the ongoing connection of the Local Aboriginal community to this area. The proponent should provide further consideration and engage with the Aboriginal community on the most appropriate mechanisms for the retention of the cultural values of the important landscape and seek to limit the destruction that will occur in this process.</p>	<p>As per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.</p>	<p>As previously outlined.</p>
	<p>Article 8. Setting</p> <p>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.</p> <p>New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.</p> <p>Again, this development is not in keeping with this aspect of of the Burra Charter and can easily be seen to completely disregard this article within the charter.</p>	<p>The new construction as outlined in Chapter 5 of the EIS would not have any adverse effects on the Aboriginal cultural heritage sites associated with the project.</p>	<p>As previously outlined.</p>
	Article 15. Change		

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	<p>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.</p> <p>15.2 Changes which reduce cultural significance should be reversible, and be reversed when circumstances permit.</p> <p>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.</p> <p>The contributions of all aspects of cultural significance of a place should be respected. If a 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 of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.</p> <p>The whole proposal and the recommendations of this report place any consequence or importance to the irreparable damage to Aboriginal heritage and the values relating to place well outside the Burra Charter. Therefore, this project and the recommended actions should be reconsidered or at the very least further investigated with the traditional custodians of this land who will wear the brunt of this desecration.</p>	<p>This objection based on cultural grounds has been presented in the ACHA.</p>	As previously outlined.
	To support our position on this matter we would like to draw attention to the findings in the report which we believe support our position. We also note that the objectives of this report were to assess impacts of the proposed expansion activities and we believe should aim to develop appropriate mitigation measures.		
	<ul style="list-style-type: none"> A total of 22 separate Aboriginal stakeholders (including groups and individuals) have registered an interest in the Project's Aboriginal Cultural Heritage Assessment. 	Noted.	As previously outlined.
	<ul style="list-style-type: none"> The Subject Area for this ACHA includes the area potentially impacted by the construction of the project and areas potentially impacted by the Probable Maximum Flood (PMF) during the operation of the Project, and its immediate surrounds. 	Noted.	As previously outlined.
	<ul style="list-style-type: none"> A total of 334 Aboriginal heritage sites were identified within the Subject Area, including 303 newly recorded sites and 31 previously recorded sites. 	Noted.	As previously outlined.
	<ul style="list-style-type: none"> The construction works will not harm any known Aboriginal sites. A number of the sites within the Subject Area (n=64) have previously been impacted by the development of the current dam and its Full Supply Level (FSL). 	Noted.	As previously outlined.
	<ul style="list-style-type: none"> 173 sites are within the existing PMF and would already experience impacts if a PMF event was to occur. 	Noted.	As previously outlined.
	<ul style="list-style-type: none"> An additional 34 sites would experience temporary inundation if a PMF event was to occur with the Project – compared to the existing situation. 	Noted.	As previously outlined.
	The Illawarra Local Aboriginal Land Council would also like to emphasise that we do not believe that Aboriginal cultural heritage should be considered in terms of scientific value. 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. We therefore recommend that you consider the following dot point for 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.	This statement has been included in Section 12.1.3 of this ACHA.	This statement has been included in Section 5 of this ACHA.

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	<ul style="list-style-type: none"> The PMF event is also an extreme and rare flood event – and may not occur in physical life span of some types of heritage sites (E.g. scarred trees, ochre/charcoal artwork); 64 sites were located outside of the flooding and construction impact zones. The majority of sites (241 of 334) have low scientific significance. There were 20 sites of moderate significance and a further 38 of high significance. Of the additional 34 sites that would experience temporary inundation if a PMF were to occur, three (3) were considered to have high scientific (archaeological) significance and the remaining 31 sites were considered to have low scientific (archaeological) significance 	Noted.	As previously outlined.
	<p>Recommendations</p> <p>A complete stop to the project until further discussions and engagement with the Aboriginal community has occurred.</p>	Noted. This has been included in the ACHA.	As previously outlined.
	Information about the expected destruction of Aboriginal heritage items be provided to the wider community as part of an information sharing process to ensure all members of the public can appreciate the significant cost that the Aboriginal community will bear in relation to this project should proceed.	Noted. This will be available during the Public exhibition of the EIS document.	As previously outlined.
	A commitment from WaterNSW to provide an undertake mitigation of impact to a level that the Aboriginal community agrees to.	Further consultation in regards to this will be completed in conjunction with the RAPs for the development of the Aboriginal Cultural Heritage Management Plan.	As previously outlined.
	<p>The Illawarra Local Aboriginal Land Council reiterates and completely supports the statement of significance provided by the Registered Aboriginal Parties included below and also within the report.</p> <p>Statement of Significance</p> <p>This statement of significance relating to the cultural significance of all sites and the interrelationships between the cultural and spiritual values with the natural landscape.</p> <p>Social Significance</p> <p>The Subject Area is of social significance to the Aboriginal community because it contains landscapes, sites and resources that contribute to the identity of the community. The social significance is derived from the spiritual connection and associations of the physical places within the Subject Area – story and dreaming places, places with cultural resources and archaeological and historical sites. The Subject Area forms part of the Gundungurra Creation story and therefore contains high social values associated with the remembering, maintenance, knowledge and enhancement of the story through the continuance of traditional access by the Gundungurra to the Subject Area. The Subject Area, and Warragamba in general are powerful symbols of dispossession for the Gundungurra. Many families have experienced and maintain knowledge and history of dam building and dispossession in the twentieth century in the Subject Area and surrounds, contributing social value via direct personal and historical association.</p> <p>Aesthetic Significance</p> <p>The aesthetic values of the Subject Area and its surrounds are demonstrated by the area's environmental intactness. This intactness is due to the area forming part of the WaterNSW catchment area of the greater Sydney regions. The Aboriginal sites and objects located within this landscape are set within striking landscapes further add to the strong sense of beauty and place and Aboriginal connectivity to this landscape.</p> <p>Historic Significance</p> <p>The Aboriginal community has a strong connection to the historic values of the area via strong associations to</p> <p>The shared-history of the pastoral period, and subsequent agricultural intensification period. Many Aboriginal community members either lived or have family members that lived within the Burragarang Valley prior to it being flooded, and families relocated.</p>	No changes to the statement of cultural significance have been made since drafting the document.	As previously outlined.

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	<p>The landscape surrounding the Warragamba Dam holds deep cultural historical values for the Aboriginal people who grew up in the area. These values derive from both traditional knowledge and from social and historic associations with places, stories and cultural resources such as plants, animals and water. The most significant Aboriginal places were those associated with Aboriginal spiritual resources such as mythology, art and ceremony—information about these is contained in the stories told by the Gundungurra people set in the dreaming (gunyunggalung) (Smith, 2017). Despite suppression and dispossession, the community have maintained and nurtured a strong connection to landscape and place.</p> <p>Heritage Significance</p> <p>The heritage value of the Subject Area and the Aboriginal objects contained within it is demonstrated by the</p> <p>334 identified Aboriginal archaeological and cultural heritage sites, including:</p> <p>Aboriginal Resource and Gathering, Axe Grinding Grooves, Isolated Finds, Open Camp Sites, Scarred Trees, Stone Arrangements and Water Holes</p>		
Kamilaroi Yankuntjatjara Working Group	No comments received	-	-
Koolkuna Elders	<p>I’m sorry we didn’t get back 2 u sooner. Our elders group have not met 4 a few weeks now, due 2 many reasons, so I have been unable 2 get their thoughts. They haven’t read any of the reports yet so all I can say I, our main concerns were that any work undertaken is done with sensitivity, respect & a cultural awareness. Also how will any artefacts b dealt with? I’m going 2 put my trust in the fact that all concerned are all on the same page! Thank u again 4 keeping us informed. I really appreciate it! Auntie Karen</p>	Further consultation in regards to the project will be conducted during the public exhibition phase of the EIS.	As previously outlined.
Muragadi Heritage Indigenous Corporation	I have read the project information and ACHA for the above project, I agree with the recommendations made by Niche, please feel free to contact me if you require further details.	Further consultation in regards to the project will be conducted during the public exhibition phase of the EIS.	As previously outlined.
Murra Bidgee Mullangari Indigenous Corporation	I have read the ACHA for the above project, I endorse the recommendations made.	Further consultation in regards to the project will be conducted during the public exhibition phase of the EIS.	
Murramarang	No comments received	-	-
Kazan and Taylor Brown	<p>We are representatives of the Riley family from the Burragorang Valley, descendants of Dundowra (George Riley) a Gundungurra man and his wife an Aboriginal woman named Ellen. Their son John Joseph Riley lived on a selection at burnt flat before moving and settling at Gungarlook in upper Burragorang valley, with his many children. Many branches of the family lived, worked and died at Gungarlook farm. Many of us have had an unbroken connection with the valley, continuing to visit areas important to our family to this day. After construction of the dam our grandfather Johnny Riley continued to visit the valley with male members of the family, where they camped, learnt stories and the way of the Gundungurra men. Since then, we have collected reeds for weaving at Reedy creek, visited burnt flat and the “birthing rock” where many of John Josephs children were born on and visited the valley at every chance we have had. My children have been told the dreaming stories of the valley while visiting. Our connection today is strong and continuous.</p>	Noted.	As previously outlined.
	<p>We reject this draft report for the following reasons:</p> <p>The draft report is defective as it has not taken into account the diversity of the totality of the area to be affected.</p>	The survey documented 303 previously unknown sites in the area that was surveyed. The surveyed area included: portions below the FSL of the current dam; portions above the level of the inundated area. Of these 303 sites; 64 fall within the project Subject Area.	As previously outlined.

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	<p>The survey, which was undertaken to inform the draft assessment, only examined approximately 27% of the affected area. Notwithstanding this, over 300 previously undocumented aboriginal cultural sites were documented.</p>	<p>The survey was conducted in accordance with the agreed methodology, prepared as per the Aboriginal consultation requirements for proponents 2010 (DECCW 2010a).</p>	
	<p>The methodology provided by NICHE Environment and Heritage, outlining how the survey process was to be undertaken, stated that there would be a sample area of the affected World Heritage site examined. It did not nominate what percentage of the total 5000 hectares that would entail. In fact, NICHE claim to have surveyed 27% of the affected area. There is no way of knowing the accuracy of this statement. The wording of the Methodology merely said “Sample areas would be defined by three main constraints:</p> <ul style="list-style-type: none"> • Moderately inclined to steep slopes with alluvial plains, floodplains, terraces, foot slopes, simple slopes, ridges and crests with exposures present. Creek lines, large sandstone rock platforms, sandstone overhangs and large trees that have the potential for Aboriginal Sites within the Subject Area. • Previously recorded sites that are of high and very high significance • Areas of cultural significant to the indigenous community <p>It is our opinion that a valid survey cannot be achieved by investigating 27% of a 5000-hectare affected area. At best, this equates to 1350 m² of 5000 m² area surveyed.</p>	<p>The methodology was prepared in accordance the Aboriginal consultation requirements for proponents 2010 (DECCW 2010a).</p> <p>As per the methodology the field survey concentrated on:</p> <ul style="list-style-type: none"> ▪ Areas that have the potential for Aboriginal Objects in the Subject Area. ▪ Previously recorded sites that are of high and very high significance ▪ Areas of cultural significance to the indigenous community <p>Further investigation can be discussed with the RAPs through the Aboriginal Cultural Heritage Management Plan development process.</p>	As previously outlined.
	<p>We believe no two areas within the world Heritage site will necessarily be the same or provide the same level of importance to understanding the significance of cultural sites to indigenous people. The methodology assumes that any area outside of the “moderately inclined to steep slopes” has no cultural heritage value.</p>	<p>The methodology was prepared in accordance the Aboriginal consultation requirements for proponents 2010 (DECCW 2010a).</p> <p>As per the methodology the field survey concentrated on the following areas of potential:</p> <ul style="list-style-type: none"> ▪ Areas that have the potential for Aboriginal Objects in the Subject Area. ▪ Previously recorded sites that are of high and very high significance ▪ Areas of cultural significance to the indigenous community <p>Further investigation can be discussed with the RAPs through the Aboriginal Cultural Heritage Management Plan development process.</p>	As previously outlined.
	<p>The report itself is confusing, complex and difficult to navigate. Due to this, the time provided to the Registered Aboriginal Parties to reply to the report is grossly inadequate.</p>	<p>42 days were provided for review of the draft ACHA report during which time RAPs were given opportunity to meet with representatives of WaterNSW and Niche to discuss and work through the report and formulate recommendations.</p>	As previously outlined.
	<p>The report at best is a poorly drafted document that misrepresents what could be potentially significant findings by cloaking them in ill-conceived policy guidelines and hiding behind political language. The assertions made that the document has to be written in a ‘specific way’ so that parliament can understand it, is nonsense. The document appears to be written in a way to obfuscate the truth from the stakeholders involved as many would have difficulty wading through the gobbledygook and jargon that is found throughout the report. It is a document based on simplistic sampling, opinion, assumption and a very small proportion of legitimate cultural, scientific or anthropological fact.</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); 	As previously outlined.

Representative Group	Comment	Response as given in first draft of ACHA	Location of detail in revised report
		<ul style="list-style-type: none"> ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	
	<p>The guidelines take a microscopic view of both Gundungurra cultural heritage and the significance of the World Heritage Listing of the Blue Mountains area, as opposed to a macro view. It appears to be naively ignorant with respect to the potential irreversible damage the raising of the wall could cause. The drafters of the report do not appear to be cognizant of the fact that to the Gundungurra Aboriginal people, their cultural heritage is inseparable “from individual plants and animals to ecosystems...the land and waterways which are associated with dreaming stories and the spirituality and cultural learning that link Aboriginal people with who they are and where they belong.”</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	As previously outlined.
	<p>There also appeared to be a lack of cultural understanding in relation to heritage sites. For example, at one stage there was a suggestion made that “Scar Trees “could be moved to a new location to prevent potential damage...(in much the same way you might move a “park bench”). This in and of itself appears to indicate a frightening lack of cultural understanding and also to be in breach of the rule covering cultural heritage due diligence, which is required to ensure aboriginal artefacts are not harmed</p>	Noted. As a result this mitigation measure has been removed.	As previously outlined.

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	<p>To further highlight the inadequacies and deficiencies of the report, the Niche archaeologist advised that only 27% of the 5000 World Heritage listed square hectares have been surveyed and within that area a further 300 previously unknown culturally significant heritage sites had already been identified, and of these only a microscopically small percentage have been documented and even then the value attached to these sites was ad hoc at best. For example, sandstone shelters were only attributed a low significance rating and when asked why, the Niche archaeologist stated because there were several of them. This is a bit like saying those diamonds you have aren't valuable because there is more than one of them. This point being of particular significance when you consider that a vast proportion of Gundungurra cultural heritage was wiped out with the original flooding of the Burragorang valley and future flooding could ultimately, potentially lead to the "cultural genocide" of the Gundungurra people.</p>	<p>The significance assessments were completed in accordance with the:</p> <ul style="list-style-type: none"> ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); and ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013). <p>The cultural values assessment (Section 12 and Appendix 9 of this ACHA) and the impact assessment (Section 14 of this ACHA) recognises the previous harm and loss of cultural value caused by the development of the Warragamba Dam in the twentieth century.</p>	As previously outlined.
	<p>However Brayshaw stated in her report that the fact that the area has been relatively free of severe European impacts means open sites tend to be undisturbed and therefore of good quality for archaeological research. Suitable rock formations for shelters tend to be uncommon, therefore those found are significant because of their rarity. She goes on to state that given the flooding of the valley bottom, the archaeological resources of the area has been severely depleted, with the result being that the significance of those sites which remain have been greatly enhanced. Indications are that the quality and quantity of sites occurring within the study area are such that their investigation is likely to have major implications for the prehistory of the area.</p>	<p>The survey documented 303 previously unknown sites in the area that was surveyed. The surveyed area included: portions below the FSL of the current dam (previously flooded); portions above the level of the inundated area.</p> <p>Of these 303 sites; 64 fall within the project Subject Area.</p>	<p>The survey documented 303 previously unknown sites in the area that was surveyed. The surveyed area included: portions below the FSL of the current dam (previously flooded); portions above the level of the inundated area.</p> <p>Of these 303 sites; 38 fall within the project Subject Area.</p>
	<p>At no stage have we, the Gundungurra descendants, as stake holders, been presented with documentation as it relates to (a) the impact that the wall construction might have on indigenous flora and fauna (given that the raising of the wall could lead to potential documented extinction events to numerous indigenous species (2). (b) the impact that the raising of the wall might have on the wild rivers of the area(c) the overall impact to the Burragorang Wilderness which is a region where the land is in a natural state and where impacts from human activities are minimal—this is, a wilderness area. This is of extreme significance because in world terms 77% of land – excluding Antarctica – and 87% of oceans had been modified by human intervention. When this is taken into consideration with the UQ and WCS study, published in the journal Nature, which identifies Australia, the US, Brazil, Russia and Canada as the only five countries that hold the vast majority of the world's remaining wilderness, it is clear these areas must be preserved.</p>	<p>There will be further opportunity for consultation on the entire EIS document through the Public Exhibition process associated with the EIS. As previously detailed (Appendix 1 and 2 of this document) WaterNSW via Niche will inform the RAPs when the EIS will be on public exhibition and will provide details of how to access a digital copy; and where RAPs can go to read a hard copy of the EIS.</p> <p>Biodiversity values and the potential impact of the project are described and assessed in Chapters 8, 9 and 10 of the EIS.</p> <p>Potential impacts to wild rivers and wilderness areas is described and assessed in the Protected and Sensitive Land Chapter (Chapter 20) of the EIS.</p>	<p>There will be further opportunity for consultation on the entire EIS document through the Public Exhibition process associated with the EIS. As previously detailed (Appendix 2 and 3 of this document) WaterNSW via Niche will inform the RAPs when the EIS will be on public exhibition and will provide details of how to access a digital copy; and where RAPs can go to read a hard copy of the EIS.</p> <p>Biodiversity values and the potential impact of the project are described and assessed in Chapters 8, 9 and 10 of the EIS.</p> <p>Potential impacts to wild rivers and wilderness areas is described and assessed in the Protected and Sensitive Land Chapter (Chapter 20) of the EIS.</p>
	<p>In the report there also appears to be very little significance given to the anthropological aspects of Gundungurra cultural heritage. This takes on a deeper significance given that some Gundungurra descendants who have undergone DNA tests have identified the Papuan blood line in their test results which highlights a potential anthropological gold mine, when you consider the Papuan bloodline is at least 72,000 years old. This means there is the potential that we are descendants from one of the world's oldest civilizations. Therefore, the Burragorang Wilderness could potentially be an archaeological treasure trove of even greater significance than it already is.</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); 	As previously outlined.

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		<ul style="list-style-type: none"> ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). <p>Further works on the anthropological aspects of the Gundungurra cultural heritage could be researched and included within the Aboriginal Cultural Heritage Management Plan in consultation with the RAPs.</p>	
	<p>The report uses inadequate terminology based on alleged guidelines to make value judgements on cultural heritage sites whilst defining them as scientific evaluations. For example the Niche archaeologist uses the criteria, low, medium and high to intimate whether sites are of lesser or greater significance, and predominantly uses the term low. By their own admission they bundle sites into the low significance criteria sites that they have never viewed or excavated when according to the Office of Environment & Heritage (OEH) and other archaeological experts, these sites potentially should be labelled “potentially high significance” given the potential cultural and anthropological value they hold.</p>	<p>The significance assessments were completed in accordance with the:</p> <ul style="list-style-type: none"> ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); and ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013). 	As previously outlined.
	<p>Yet again by their own admission, the Niche archaeologist also stated that it was not inconceivable that there could be up to a minimum of 1200 more culturally significant areas identified if the full 5000 square hectares of wilderness was fully surveyed. Therefore, the possibility of destroying such an anthropological treasure trove is mind boggling. It is imperative that this is taken into consideration because Under section 86 of the National Parks and Wildlife Act 1974 (NP&W Act), including the 2010 amendments, it is an offence to harm an Aboriginal object. (7)</p> <p>Under the NP&W Act harming an Aboriginal object includes to:</p> <ul style="list-style-type: none"> • Destroy, deface, damage or desecrate an object • Move an object from the land on which it is situated • Cause or permit an object to be harmed 	<p>As per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.</p> <p>Noted. However the Project is being assessed as a State Significant Development and if approved these sections of the NP&W Act will not apply.</p>	<p>As previously outlined.</p> <p>As previously outlined.</p>
	<p>The inadequacies of this report are staggering given the potential anthropological and cultural significance of the area. stating “she has only been to the area once” in 18 months further shows how woefully insufficient the process has been, especially as she is making opinionated value judgments based on photographs that only narrowly represents the sites and given that (again by her own admission) not everything was photographed and or documented because of self-confessed time restraints or alleged difficulty to do so (which should not even be considered given the potential anthropological and cultural value and the world heritage significance of the area). Excuses employed by the Niche archaeologist such as “we are unable to travel to that location because travelling in a boat was an OH& S issue”, are extremely upsetting, especially in the case of the site Mentioned here which was actually accessible by motor vehicle.</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); 	As previously outlined.

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		<ul style="list-style-type: none"> Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); Engage Early (Commonwealth Government, 2016); and NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). <p>The field assessment was completed by two appropriately qualified archaeologists at all times. One of these field archaeologists was requested specifically to undertake the field work by one of the RAP groups; due to their experience with the archaeology of the area.</p> <p>Those sites that were not able to be assessed due to HSE risk assessment may be further investigated as part of the Aboriginal Cultural Heritage Management Plan process, in consultation with the Aboriginal community.</p>	
	<p>A major omission from the report is that individual heights for each site are not stated, only whether they are within the PMF zone. If the exact heights for each site were given it would provide WaterNSW with more nuanced options during heavy rainfall events. For example, it may be that some particularly important sites, or groups of sites, could be saved from inundation by only allowing the water to rise, for example, 12 m rather than 14 m, if this could be safely done. It is recognised that an accurate height is not given by a GPS height reading alone, however when the GPS location is correlated with D.E.M. data available through L.I.D.A.R., a very accurate height is obtainable. Also, the PMF height is not the only relevant figure to be considered when assessing the impact of flooding on sites. The ‘crest potential’ and the ‘bathtub effect’ need to be taken into account. Art sites which may be above the PMF level can be damaged by spray and wave action. Sites above the PMF level will also be affected by diffusion of water through the soil and into the porous sandstone rock of art sites. Art which has stabilised in the dry soil conditions above the current level of Lake Burragorang could deteriorate rapidly with increased soil moisture, increased humidity and spray from the raised level of the lake. These important factors are not referred to in the report.</p>	<p>As outlined in Section 4 of the ACHA this assessment has been completed in accordance with the SEARs to assist with the temporary storage of water to reduce the risk to life during a flood. The water will not be stored for longer than is required to assist with this. Therefore water will always only be temporarily stored at the lowest level required for safety.</p>	<p>As outlined in Section 1 of the ACHA this assessment has been completed in accordance with the SEARs to assist with the temporary storage of water to reduce the risk to life during a flood. The water will not be stored for longer than is required to assist with this. Therefore water will always only be temporarily stored at the lowest level required for safety.</p>
	<p>Heritage legislation in New South Wales assesses heritage values for both Aboriginal and non-Aboriginal sites using seven criteria. It is very unusual that the consultants for this report have only assessed each site for its scientific or archaeological significance, with the other six criteria dismissed in generic paragraphs, some of which are only a few sentences in length. We have been advised that it is unprecedented for over 300 sites to have their historical significance (criterion a) assessed as a group. A number of sites have a significant post-contact history, with, for example, Aboriginal communities choosing to live near culturally significant sites. Important first and early contact sites with non-Aboriginal people are not referred to, nor are the places where Gundungurra people met with anthropologists and other recorders of their culture and stories. Similarly, the aesthetic (criterion c), social or cultural significance (criterion d) and criteria e, f and g are summarily dealt with. The consultants have used an unusual definition for aesthetic significance, referring only to the aesthetic</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); 	<p>As previously outlined.</p>

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	<p>qualities of the Burratorang Valley landscape, with no mention of the aesthetic qualities of the Aboriginal art found. Some of the art motifs and styles are rare in the Sydney Region. There is no mention of criterion b, used to assess sites with “a strong or special association with the life or works of a person or group of persons of importance in New South Wales’ cultural or natural history.” It could be argued that the Burratorang Aboriginal community satisfies this criterion as “a group of persons of importance in New South Wales cultural history”. Similarly, it could be argued that John Joseph Riley, with his strong association with early land rights claims, is an individual of high importance in the state’s history. It is usual when assessing the cultural heritage significance of places to come to a conclusion, as required by New South Wales legislation, as to whether the site is of local or State Heritage Significance. Places of State Heritage Significance, when entered on the State Heritage Register, are given a high level of protection in state law. A full examination of the sites listed in the Burratorang Valley in this report would almost certainly find that some sites are of State Heritage Significance. State legislation also mandates the preparation of Heritage Impact Statements in a prescribed format for the damage, loss or alteration of heritage sites, whether Aboriginal or non-Aboriginal. It is not known whether these deficiencies in the heritage assessment of the sites are due to an inadequate brief for the consultants.</p>	<ul style="list-style-type: none"> ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	
	<p>Another worrying aspect of the report was that when it was pointed out to the Niche archaeologist that within the document, sites had been misidentified and incorrectly labelled and photographed. The Niche archaeologist also appeared to take “no” responsibility and instead attempted to transfer blame to Gundungurra representatives for providing Niche with the wrong information...in other words “It was not us it was you”. This was almost as disingenuous as the representative from WaterNSW told the representatives present that they would be given jobs once the wall was raised</p>	<p>All information presented in the ACHA is accurate to the best of the project team’s knowledge.</p> <p>The potential to create employment opportunities was discussed with RAPs during the Draft ACHA consultation in the context of inviting suggestions for mitigation or recommendations.</p>	As previously outlined.
	<p>The report contains virtually no reference to comparisons with other sites in the Sydney Region or other parts of Australia. For example, data within the report relating to the overall density of sites and percentages of site types (i.e. table 18) could have been compared with other areas in the Sydney region to indicate whether the Burratorang Valley has an exceptionally high density or percentage of art sites. The number of sites located is very high considering that they were found well above the prime riverside habitat of Gundungurra people. To find so many cultural sites 50 or 60 m above the original river level in the Valley is remarkable and indicates what an important environment for Aboriginal people the Burratorang Valley was.</p>	<p>This has been presented in Section 11 of the ACHA.</p>	This has been presented in Appendix 1 of this ACHA.
	<p>It is disturbing that the consultants have rated the scientific significance of nearly all the art sites as “low”, usually because the art has faded or is in poor condition. Surely the consultants are aware that, with specialised photography and x-ray techniques, faded and damaged images can be enhanced. Some images, which are completely invisible to the naked eye can be revealed through these methods. Pigment samples from these sites can also be analysed to reveal the sources of the colours used. Aboriginal communities particularly value the locally distinctive aspects of their culture. Whereas stone tools and other artefacts, grinding grooves, scarred trees and shelters are similar throughout Australia, art styles, stone arrangements and places connected with Aboriginal stories, ceremony and ‘Dreaming’ have locally distinctive features. Virtually all of these locally distinctive cultural sites are dismissed by the consultants as of “low (archaeological) significance”. It is an insult to Aboriginal people to assert that sites associated with the foundations of their culture, their stories, ceremonies and lore, are of low significance and to summarise their concerns in a single sentence: “The Registered Aboriginal Parties (RAPs) have advised that all sites have cultural significance.” It is an indication of questionable methodology that a site such as Warragamba 254, a shelter with art, deposit, artefacts and axe grinding grooves can be rated as of low scientific significance. Research by Jo McDonald indicates that this type of combination of cultural artefacts is rare in the Sydney region.</p>	<p>The determinations of significance have been prepared in accordance with the Burra Charter (Australia ICOMOS 2013) and the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.</p>	As previously outlined.
	<p>It is unacceptable that each site has only been evaluated individually. The maps show many clusters of sites which should have been recognised as Aboriginal cultural landscapes, where the significance of</p>	<p>The determinations of significance have been prepared in accordance with the Burra Charter (Australia ICOMOS 2013)</p>	As previously outlined.

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	the whole group of sites is greater than that of the individual items. Two major concentrations of sites, at Gungalook, and around the Commodore Hill area, are exceptional for their diversity of cultural sites and should have been evaluated as cultural landscapes, rather than only as individual items. Aboriginal communities take a holistic view of their cultural sites rather than looking at them in isolation as the consultants have done.	and the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.	
	Commenting on the document is sometimes made difficult, for example in sections 12.4.1 and 12.4.2 where the 'Warragamba' numbers used in the other sections of the report are not cited with the descriptions.	The details on the sites were provided in a separate appendix (number 5) to make reading the document easier for sections like this.	The details on the sites were provided in a separate appendix (Number 8) to make reading the document easier for sections like this.
	There are many errors and omissions in the report. Over 30 references cited (with Harvard referencing) within the report are not listed in the bibliography. Dr Jim Smith, in a letter to WaterNSW (June 2018) that there is no such reference as "Williams, R. 1914". There are numerous typographic errors throughout. It is important that the Aboriginal place names recognised by the Gundungurra people are used. The use of variant spellings, unless they are typographic errors, should be explained. Warragamba 116, claimed to be a "Niche New Site", was already on the AHIMS register and referred to in a 1989 report by Brayshaw. It is possible that other already listed sites are claimed to be "new". The wrong meaning of the place name Burragorang is listed from an inaccurate 1958 source. The true meaning has now been established. On page 130, site 17 is dismissed as having "typical" images. Dr Smiths recent analysis of the site (published in the book 'Aboriginal Heritage of the Blue Mountains') has shown that some of the images are unique in the Sydney Region.	All references have been included in the ACHA. General photographs of Aboriginal sites were included within the ACHA document so as to not give any indication on sites locations or details, as requested by a number of RAP groups at face to face meetings.	As previously outlined.
	Survey coverage of the Kedumba Valley appears to have been minimal. There is also no reference to the cultural significance for Gundungurra people of the Camden White Gum. In addition, the importance of the grouping of scarred trees (evidence of past removal of bark and wood to create artefacts) adjacent to the Joorilands property has not been recognised, with only three scarred trees documented in the report. There are at least 10 trees in this group, making it one of the largest and best-preserved concentrations in New South Wales. These trees are also associated with some of the most extensive stone artefact deposits in the Burragorang Valley.	As per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.	As previously outlined.
	The methodology for identifying sites associated with Aboriginal ceremony and Dreaming is questionable. The cultural story of Gurangatch and Mirragan makes it clear that it is the entire course of the Wollondilly and Cox Rivers in the Burragorang Valley, their relevant tributaries, and associated sites that were created during their journey, that are significant, not just the waterholes where Gurangatch rested. The association of the Kamilaroi Point art site (52 —1– 0142) with a Dreaming story is not acknowledged in the document.	The locations provided for the methodology were outlined and discussed with all RAPs during the drafting process.	As previously outlined.
	On page 129 it is stated that "this overview does not include all the places of cultural significance that occur in the area, but rather, a selection of known ones." How was this selection made? Was it a random selection? Why were several important cultural sites not included in the "selection"? The overall impact of the dam raising is downplayed by claiming that "only an additional 34 sites would experience temporary inundation" and that 'only' three sites of "high scientific (archaeological) significance", will be affected by the new PMF. The consultants have stated that damage to Aboriginal sites is "unavoidable" (p.vi and section 15.4) and claimed that there is "no feasible alternative" to damaging the sites if the dam wall is raised. This ignores the possibility, for example, of recommending that the dam wall be raised to a lesser height than the proposed extra 14 m. The use of the word "only" could be considered objectionable to Gundungurra descendants, who suffered the devastating permanent loss of the great majority of their cultural sites in the Burragorang Valley in the late 1950s. In section 14.5 the statement: "the potential impacts of the Project can be considered relatively minor" is a gross understatement of the true level of impacts.	This is stated in Section 12.4 of this ACHA as these were all of the areas outlined by the RAPs during the assessment process that have cultural significance. This wording has been amended throughout the report.	This is stated in Appendix 10 of this ACHA as these were all of the areas outlined by the RAPs during the assessment process that have cultural significance. This wording has been amended throughout the report.
	Dividing the sites into only two categories: those which will experience a "partial loss of value" and those that will experience "no loss of value" ignores the existence of what should be a third category: sites which will experience a permanent, almost complete, or catastrophic loss of cultural value. Submerging pigment art sites is incorrectly described as leading to only "partial loss of value". Just one	There are three categories of loss of value as per the DECWW (2010a) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales. These categories are: <ul style="list-style-type: none"> None 	As previously outlined.

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	episode of inundation will lead to permanent damage to the Aboriginal art. The consultants' assessment of previously flooded art sites, now exposed in the current drought conditions, shows that these have minimal pigments remaining. I find the statement in the concluding paragraph unreasonable: "there is no significant detrimental effect to quality or benefit that the Aboriginal history and archaeology of the Subject Area may provide to future generations due to the infrequency of the rain events that will cause harm to Aboriginal objects". It will only take one such event, which could occur within decades, to provide permanent and irreparable damage to art sites. To describe such an outcome as only "a partial loss of value" is a statement by the consultants which would not be shared by the Burratorang Valley descendants.	<ul style="list-style-type: none"> ▪ Indirect ▪ Direct <p>All three are used in assessing the potential impact from temporary inundation in relation to the Aboriginal cultural heritage sites assessed.</p> <p>The Project SEARs require the assessment to use this framework for consistency.</p>	
	Virtually all the stone hatchet heads found by the consultants are referred to as being made from basalt. According to Dr Jim Smith basalt axes are very rare in Gundungurra country, with nearly all those he is aware of being made from hornfels (metamorphosed sedimentary rock).	<p>This identification of the stone type was made by suitably qualified archaeologists in the field. Further determination of the raw materials can be undertaken</p> <p>as per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.</p>	As previously outlined.
	Little consideration has been given in the report to the effect of raising the water level in Warragamba Dam on future cultural access by Gundungurra descendants. When the dam level is higher, many areas outside the current 3 km zone from the edge of Lake Burratorang, where unescorted access is presently allowed, will be off limits to independent groups of Gundungurra people. Existing roads within the current 3 km zone, which are currently available for escorted access by Aboriginal people on cultural visits, could be severely damaged or no longer accessible when the dam level rises. As an example, at present, Gundungurra people can follow the Dreamtime route of Gurangatch and Mirragan up Reedy Creek from near its junction with the Kedumba River to the Birrigooroo waterhole. Even if the latter waterhole was only rarely flooded, the access for walkers beside Reedy Creek up to it will become choked with weeds and silt. The reeds which give this creek its English and Gundungurra names are unlikely to survive periodic inundation.	The raising of the dam wall is for the temporary storage of water to lower the risk of rising flood waters to life downstream. This will not have any effect on access to the Subject Area by Gundungurra descendants beyond flood events.	As previously outlined.
	Three maps from Dr Jim Smiths publications have been included in this report without his permission. These maps are clearly marked as copyright. It is a common misconception that up to 10% of a published document can be copied without obtaining copyright permission. However, maps come under the definition of 'artworks' for which permission must be obtained before reproduction. Dr Smith does not want these maps to appear in the final Environmental Impact Statement document and will take legal action if they are published without permission. These maps are premised on the recognition of, and respect for, Aboriginal cultural landscapes, and used in some cases information from Aboriginal informants. He does not wish them to appear in a report in which the significance of Gundungurra cultural landscapes is not respected by a detailed analysis.	Copyright has been followed in regards to the citing of this publication.	As previously outlined.
	The whole report potentially epitomises colonial thinking, and just a rubber stamping exercise which is being used by government to "dot the "I"s" and cross the "T"s to push through a legislative decision that has already been made. All language utilised in the report points to a mindset that elucidates a pre-determined outcome. In other words, it would appear that the report is a means to rubberstamp a predetermined end already decided by the NSW Government.	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); 	As previously outlined.

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		<ul style="list-style-type: none"> ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	
	In the executive summary, what is the theory of “Probable Maximum Flood” based on? This is expressed as a “fait accompli” as opposed to mere supposition. It is also relevant when you consider flood risk has been exacerbated by local councils and the NSW Government approving housing developments on low lying lands over several decades. Unfortunately, flood risk is likely to worsen given NSW Government plans to dramatically expand the number of people living on the floodplain in north-west Sydney, combined with increased frequency of severe storm events due to climate change. Stop putting people in harm’s way and any potential risk is lessened.	Please see Chapter 14 and 15 and Appendix H of the EIS document for further explanation of the hydrological modelling.	As previously outlined.
	What is the scope of Niche’s “Aboriginal Cultural Heritage Assessment report” as the report presented only covers a small proportion of what Aboriginal cultural heritage actually is?	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	As previously outlined.
	Given that in the small proportion of area that has been surveyed 300 new sites have been identified, how has Niche dealt with unexpected cultural heritage finds? Has Niche prepared an “Unexpected Heritage Finds Procedure:”	As per recommendation 2 further works would be developed in consultation with the RAPs through the development of an Aboriginal Cultural Heritage Management Plan.	As previously outlined.

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	<p>(a). to manage these unexpected heritage finds in accordance with the guidelines and standards prepared by the Heritage Council of NSW or OEH?</p> <p>(b.) If so, given that Niche's archaeologist has only attended the site once in 18 months was this done by a suitably qualified and experienced heritage specialist?</p> <p>(c) If completed, where is this procedure?</p>		
	<p>According to the executive summary "Niche must define the extent of the impact on wilderness areas, as well as provide evidence that the proposal is consistent with the Wilderness Act 1987 and the management principles for wilderness areas, assess impacts on land included on the National Heritage List especially, where land is declared wilderness under the Wilderness Act 1987 or on the World Heritage List as part of the Greater Blue Mountains World Heritage Area (GBMWHa) and lands declared as Wild Rivers under the NPW Act..." Yet in the report presented to Indigenous stakeholders, none of this material was evident, and when questions were raised on this matter, there did not appear to be a willingness to do so because we were informed this information was in other impact statements.</p>	<p>Noted. This is addressed in Section 8 of this assessment and Chapter 20 of the EIS.</p>	<p>Noted. This is addressed in Section 1 of this assessment and Chapter 20 of the EIS.</p>
	<p>Your executive summary states that a number of guidelines were referred to, however the question remains how closely were they followed? According to the Australia ICOMOS Guidelines to the Burra charter "where it becomes clear that some aspect of the task will require more investigation or more expertise than has been allowed within the budget or the terms of the agreement, the practitioner should advise the client immediately." (8) I would suggest that it is patently clear that more investigation is required, so the question is has this been raised with the NSW government?</p>	<p>This assessment has been completed in accordance with the SEARs and the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (NSW Department of Environment and Conservation [DEC] 2005a); ▪ Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a); ▪ Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b); ▪ Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c); ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013); ▪ Engage Early (Commonwealth Government, 2016); and ▪ NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation). 	<p>As previously outlined.</p>
	<p>In the section titled Scientific (Archaeological) Significance The assumption that the sites are "predominately of low scientific (archaeological) value" in and of itself is neither scientific or archaeological because by your own admission you have included sites that you have neither seen, attended or excavated.....So in reality this is just an opinion to assist in validating a predetermined outcome that politicians can hang their hat on ?</p>	<p>This assessment has been completed in accordance with the following regulation and guidelines:</p> <ul style="list-style-type: none"> ▪ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011); and ▪ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013). 	<p>As previously outlined.</p>

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	<p>(a) the requirement that the ‘specialized knowledge’ be shown to be based on the ‘training, study or experience’ of the witness and</p> <p>(b) the requirement that the opinion expressed by the witness be based wholly or substantially on that ‘specialized knowledge</p> <p>Therefore, making assumptions based on nothing more than the fact that the area has not been excavated and the area has not been viewed, is nonsensical.</p> <p>In short, “if evidence tendered as expert opinion evidence is to be admissible, it must be agreed or demonstrated that there is a field of ‘specialized knowledge’; there must be an identified aspect of that field in which the witness demonstrates that by reason of specified training, study or experience, the witness has become an expert; the opinion proffered must be ‘wholly or substantially based on the witness’s expert knowledge’; so far as the opinion is based on facts ‘observed’ by the expert, they must be identified and admissibly proved by the expert, and so far as the opinion is based on ‘assumed’ or ‘accepted’ facts, they must be identified and proved in some other way; it must be established that the facts on which the opinion is based form a proper foundation for it; and the opinion of an expert requires demonstration or examination of the scientific or other intellectual basis of the conclusions reached: that is, the expert’s evidence must explain how the field of ‘specialized knowledge’ in which the witness is expert by reason of ‘training, study or experience’, and on which the opinion is ‘wholly or substantially based’, applies to the facts assumed or observed so as to produce the opinion propounded. If all these matters are not made explicit, it is not possible to be sure whether the opinion is based wholly or substantially on the expert’s specialized knowledge. If the court cannot be sure of that, the evidence is strictly speaking not admissible, and, so far as it is admissible, of diminished weight. And an attempt to make the basis of the opinion explicit may reveal that it is not based on specialized expert knowledge, but, to use Gleeson CJ’s characterization of the evidence in <i>HG v The Queen</i> [(1999) 197 CLR 414] (at 428[41]), on ‘a combination of speculation, inference, personal and second-hand views as to the credibility of the complainant, and a process of reasoning which went well beyond the field of expertise”.</p>		
	It is clearly an insulting indictment which lacks sensitivity about the importance of the Aboriginal history and culture to the Gundungurra people and other Aboriginal stakeholders. We have great concerns about the potential environmental desecration, vandalism and cultural genocide to the affected area. It is clear proof that white colonial attitudes, which should have been consigned to the wastepaper baskets of history, still prevail in our various levels of Government.	-	-
	Niche and WaterNSW failed to balance the importance of an in-depth survey of the affected World Heritage area and the significant damage to the cultural heritage of the Gundungurra and other stakeholders, against the limited flood mitigation benefit that raising the Warragamba dam wall by 14 m would achieve.	Please see Chapter 3 and Chapter 4 of the EIS.	As previously outlined.
	The Referral of Proposed Action document approved by the Board of WaterNSW on 16 December 2015 at page 9 clearly states that there is a viable alternative to the raising of the Warragamba dam walls. The document states “there is no simple solution or single infrastructure option that can address all the flood risks in the Nepean-Hawkesbury Valley. The risk will continue to increase with projected population growth”. The document continues; “that one of the flood mitigation options considered was the lowering of the capacity of the dam by 5 and 20 meters (or approximately 12.5%). This would create the airspace required for flood mitigation purposes. And further would reduce the risk to life.” This alternative would merely require changing the operation of the dam and as such would preserve the cultural and environmental Heritage of the affected area.	The ACHA assessed only the Aboriginal cultural heritage component of the assessment. Further details in regards to project alternatives are explored in Chapter 4 of the EIS.	As previously outlined.
	The draft report is defective as it has separated all the aspects to be considered under section 528 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC); These include;	Chapter 12 and Appendix F5 of the EIS consider Matters of National Environmental significance and other matters under EPB&C Act.	As previously outlined.

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	<ul style="list-style-type: none"> Section 528 (c) defines Heritage value: [the] heritage value of a place includes the place's natural and cultural environment having aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians, and; Section 528 (e) which includes the social, economic and cultural aspects of the things set out in paragraphs (a) to (d) in the definition of the 'Environment'. The 'Environment' therefore includes the social, economic and cultural aspects of: <ul style="list-style-type: none"> (a) ecosystems and their constituent parts, including people and communities; and (b) natural and physical resources; and (c) the qualities and characteristics of locations, places and areas; and (d) Heritage values of places. <p>The draft report is defective as it has failed to take into account the significant matters raised in section 528 of the EPBC Act 1999. In particular with reference to section 520 (C) there is a failure to have regard to the ascetic and social or other significance matters for current and future generations of Australians.</p>		
	<p>Further with respect to section 528 (e) there is a failure to consider ecosystems and their constituent parts, natural and physical resources, and the qualities and characteristics of locations places and areas. More importantly there has been a distinct failure to recognize and understand the cultural heritage values of these places.</p> <p>This view is supported at a Legislative level where discussions regarding the WaterNSW Amendment (Warragamba Dam) Bill 2018 effectively ignored expert submissions made regarding the potential destruction which would follow even an occasional flooding of the area. Submissions such as the following are illustrative of this,</p> <p>2.65 "The Gundungurra Aboriginal Heritage Association Inc. put to the committee that 'the proposal to raise the Warragamba Dam wall will destroy what remains of the [Gundungurra] culture in the Valley that has existed since time immemorial.'⁸⁷ Archaeologist Mr. Michael Jackson submitted:</p> <p>The proposed (Amendment Bill) will allow for inundation and destruction of hundreds of kilometres of Gundungurra Country and culture. In particular, the proposal will have a significant impact on one of the largest Aboriginal Creation stories close to a major city in Australia, 'The Journey of Gurangatch and Mirrigan'...</p> <p>At least 90% of the area which would be impacted through inundation of flood water as a result of raising Warragamba Dam relates directly to the creation story".⁸⁸</p> <p>Further;</p> <p>2.88 "The National Parks Association of NSW argued that the inundation proposed as a result of the raising of the Warragamba Dam wall would exacerbate flora and fauna extinction through the destruction of habitats supporting at least 26 threatened species that will potentially be driven closer to extinction.¹¹⁴ A submission from several ecologists and conservation biologists with expertise regarding threatened bird species in Australia specified:</p> <p>Temporary inundation of the World Heritage Area as proposed under the WaterNSW Amendment (Warragamba) Bill 2018 (hereafter 'The Bill') will destroy the majority of known Regent Honeyeater breeding habitat within the Burraborang Valley... loss of known breeding habitat is very unlikely to be offset by protecting alternative habitat elsewhere because Regent Honeyeater breeding habitat does not exist at a comparable scale in other areas".¹¹⁵.</p> <p>This is concerning as the 2016 State of Environment report concluded: "Australia's biodiversity is under increased threat and has, overall, continued to decline. All levels of Australian government have enacted legislation to protect biodiversity... However, many species and communities suffer from the cumulative impacts of multiple pressures. Most jurisdictions consider the status of threatened species to be poor and the trend to be declining. Invasive species, particularly feral animals, are unequivocally increasing the pressure they exert on Australia's biodiversity, and habitat fragmentation and degradation continue in many areas. The impacts of climate change are increasing... The outlook for</p>	<p>The purpose and scope of the legislative amendment is described in Chapter 2 of the EIS.</p> <p>The amendment does not constitute approval for the project to proceed.</p> <p>Details in relation to World Heritage can be found in Appendix J of the EIS.</p>	<p>As previously outlined.</p> <p>As previously outlined.</p> <p>As previously outlined.</p>

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	<p>Australian biodiversity is generally poor, given the current overall poor status, deteriorating trends and increasing pressures. Our current investments in biodiversity management are not keeping pace with the scale and magnitude of current pressures. Resources for managing biodiversity and for limiting the impact of key pressures mostly appear inadequate to arrest the declining status of many species”.</p> <p>By proceeding with this project, the NSW State Government and the Federal government will be in breach of their obligations to the World Heritage Convention which was ratified in 1974 and which included the Greater Blue Mountains as a UNESCO World Heritage site in 2000. Specifically, they will be in breach of articles 1 to 6. They will also be in breach of The Convention for the Safeguarding of the Intangible Cultural Heritage 2003.</p> <p>The Australian Government Department of Environment and Energy includes the Convention for the Protection of the World Cultural and Natural Heritage on its website. This clearly illustrates that the NSW State Government is in breach of the federal Legislation.</p> <p>Article 1 states that; for the purpose of this Convention, the following shall be considered as “cultural Heritage” (3) sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view. The World Heritage area which will be affected by raising of the Dam wall clearly fits into this category.</p> <p>Article 2 For the purposes of this Convention, the following shall be considered as "natural heritage": natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty. In order to achieve world heritage status, each of these criteria had to be met. Accordingly flooding the affected area will be a breach of Australia’s international obligations.</p> <p>Article 4 Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.</p> <p>The Australia Federal Government, as a state party to this convention has an obligation under the Convention to invoke Section 109 of the Australian Constitution and deny the NSW Government to proceed with environmental vandalism in the affected area. Where there is a conflict between State and Federal law, Federal law will prevail.</p> <p>Article 6 (2) Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.</p>		

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	<p>By allowing the NSW Government to increase the height of the Warragamba Dam wall, it will be in direct contravention with Article 6(2). This is the definition of a deliberate measure which will directly destroy the cultural and natural heritage of the area.</p> <p>They will also be in breach of The Convention for the Safeguarding of the Intangible Cultural Heritage 2003.</p> <p>The Convention for the Safeguarding of the Intangible Cultural Heritage 2003 outlines the meaning of intangible cultural heritage.</p> <p>Article 2: 1. The ‘intangible cultural heritage’ means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.</p> <p>This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity</p>		
	The concept that cultural artefacts can be relocated to a cultural centre is an insult to the traditional owners of the land. The only way in which cultural heritage can be preserved is to protect it by leaving it as it has been for thousands of years.	This recommendation has been removed.	As previously outlined.
	The document includes no real Aboriginal Cultural assessment, there has been no interviews of Gundungurra people to try and obtain cultural significant information on sites, we were told at a meeting we could write our own cultural information that would then be transcribed into the final report. However due to the inadequate time frame, and inability to visit each site, it’s nearly impossible for us to provide a real picture of the significance of these sites to Gundungurra people.	There were requests throughout the Aboriginal community consultation period which requested this information from the RAPs. Opportunity was also given for RAPs to meet face to face or via telephone to talk through the cultural matters associated with the report with representatives of WaterNSW and Niche.	As previously outlined.
	This should not be a draft report. It contains no Aboriginal input or cultural heritage. We should be able to view and comment on any additional information added before it goes to the final report.	Cultural heritage values are assessed in Section 12 of this ACHA.	Cultural heritage values are assessed in Appendix 1 of this ACHA.
	The recommendations have no substance.	The recommendations have been prepared in accordance with the OEH (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.	As previously outlined.
	There are no recommendations for further survey work (Helen Brayshaw recommended 18 months of survey work and 2-3 years of excavations).	This is in recommendation 2.	As previously outlined.
	The dreamtime story has been printed many times both in book form and on the Internet, it is an easily accessed document. There is no real need for this to be a recommendation.	This recommendation has been removed as a result.	As previously outlined.
	Educating kids in schools is a ‘tick-a-box’ recommendation.	This recommendation has been removed as a result.	As previously outlined.
	Scar trees and artefacts should remain insitu, where they belong. Moving them removes the value of the object to Gundungurra people.	This mitigation measure has been removed as a result.	As previously outlined.
	Our heritage and culture belong to us. It should be managed by us and not put on display in Sydney waters information centre or a museum where we have no control over it or will be charged an entry fee to view our own heritage.	This would be dealt with as part of the Aboriginal Heritage Management Plan process in consultation with the RAPs.	As previously outlined.
	There is no recommendations for the full and comprehensive recording of all sites in the area if this project is to go ahead including those outside of the current surveyed area. Site recordings should be easily accessible to Gundungurra people and not held in some academic institution where it will be filed away and lost. These should be recommendations and not hidden away in a management report that is not yet written.	This would be dealt with as part of the Aboriginal Cultural Heritage Management Plan process in consultation with the RAPs.	As previously outlined.
	And finally the project should not go ahead due to the enormous amount of unavoidable destruction to our Heritage and environment.	This has been noted within the ACHA.	As previously outlined.
Annie Ross	COMMENTS BY ANNIE ROSS ON CULTURAL HERITAGE ASSESSMENT OF PROPOSAL TO RAISE THE WARRAGAMBA DAM WALL	The feedback received has been acknowledged and included within the consultation records (Appendix 11) of	Whole ACHA and ATR prepared in April 2021.

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	<p>SUMMARY</p> <p>Overall, the archaeological assessment is disappointing. There is a lot of repetition and padding in the archaeological reports. In many ways the appendices add little to the material presented in the Main Report.</p> <p>My main concerns in regard to the archaeological assessment relate to:</p> <p>1: The Terms of Reference</p> <ul style="list-style-type: none"> A narrow definition of cultural heritage is implied by the SEARs. NSW heritage policies related to consultation with RAPs (esp. DECCW 2010) have not been adequately employed The guiding principle that: "For Aboriginal people, the significance of individual landscape features is derived from their interrelatedness within the cultural landscape" (DECCW 2010:2) does not appear to have been adopted in the archaeological assessment. <p>2: The Aboriginal consultation process</p> <ul style="list-style-type: none"> The focus of consultation was on Aboriginal concerns regarding impacts on tangible heritage (objects and sites) (page 20). <p>3: The strong focus on landform and soils as the basis for archaeological site distribution information</p> <ul style="list-style-type: none"> There has been a limited attempt to include Aboriginal understandings of cultural landscapes in site documentation. Recent Aboriginal connections to Country are not recognised in the archaeological assessment. <p>4: The survey strategy</p> <p>This is arguably the most serious deficit in the report.</p> <ul style="list-style-type: none"> 27% sample may be adequate but only if this translates into <ul style="list-style-type: none"> A 27% effective coverage of the area A self-developed stratified sample survey that addresses more than just archaeological predictions and slope angles An undeniable opportunity to use sample results to predict site distribution across the landscape None of these aspects has been adequately addressed, hence the survey design and its ability to infer wider archaeological site distributions in the landscape are flawed. There is inadequate documentation of intangible heritage (reified in the tangible heritage) There is little to no recognition of cultural landscapes There is little to no recognition of living heritage <p>5: The archaeological significance assessment</p> <ul style="list-style-type: none"> There is no recognition that Aboriginal people will have views on the significance of archaeological sites There is no recognition that archaeological sites can have cultural values beyond their scientific values (e.g Bradley 2008; Mitchell and Guilfoyle 2020) Burra Charter requirements relating to the assessment of significance (see Burra Charter Practice Notes) are not followed Research potential considers only archaeological research potential. Anthropological research potential also needs to be considered There is no attempt to address the very different significance assessment undertaken by Waters Consultancy and presented in Appendix 11 <p>Overall, archaeological value has been privileged over Aboriginal value generally, and cultural value specifically, especially in relation to the assessment of significance of archaeological sites. Clearly, the assessment process presented in this report does not "reflect best practice assessment processes as set out in the Burra Charter", as is required by the DECCW guidelines (page 140).</p>	<p>the ACHA. We note the review provided has been based on the Draft assessment documents. Since then, there has been consultation and dialogue with the Aboriginal community and Regulators and there has been significant changes to the document since that time.</p>	

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	<p>6. Recommendations</p> <p>The principal recommendations are:</p> <ol style="list-style-type: none"> 1. The development of a regional Aboriginal CHMP. 2. The development of an education/interpretation strategy to mitigate project impacts (I don't understand how this would mitigate impacts on heritage). 3. Provision of cultural awareness training for WaterNSW staff. 4. Include cultural awareness training into site inductions. <p>Recommendations from the CVAR survey (Appendix 11) are summarised in Table 18 and include:</p> <ol style="list-style-type: none"> 1. and Rec 5. Cultural awareness training to improve the incorporation of CH into future project development. 2. Develop agency-specific policies for CHM to improve the incorporation of CH into future project development. 3. Engage an in-house archaeologist (what about engaging in house Aboriginal site officers too?). 4. Develop a project-wide CHMP. 5. See Rec 1 above. 6. Detailed archaeological recording of all sites likely to be impacted (what about anthropological/oral history/Aboriginal knowledge aspects of each place? Where is the recognition of the cultural landscape aspects?). 7. Develop an Aboriginal Advisory Group to guide the implementation of recommendations. 8. WaterNSW to facilitate bi-annual visits by RAPs (is this often enough?). 9. Development of interpretation materials for permanent interpretation/visitor centre, and for cultural events. 10. Document Rainbow serpent Dreaming Track and story and perhaps develop these into educational and interpretive materials. 11. Document Aboriginal traditional and historical connection to the area and perhaps develop these into educational and interpretive materials. <p>Appendix 1</p> <p>Archaeological Report, Warragamba Dam Raising, Prepared by Renee Regal, Niche Environment and Heritage, 26 April 2021</p> <p>A lot of this report is identical to the Main Report, especially in relation to background information. I suspect the Main Report has cut and pasted from the more focused reports that appear as appendices.</p> <p>My main concerns with this report relate to methodology:</p> <p>The predictive model is based on previous archaeological surveys and the landscape context for the subject area. Ethnographic information and Aboriginal oral history does not appear to have been included. This is a very old-fashioned approach to archaeological and cultural heritage site survey and heritage place identification. It certainly does not make any provisions for cultural landscapes.</p> <p>Sampling Strategy</p> <p>Survey was designed to concentrate on:</p> <ul style="list-style-type: none"> • Areas affected by construction activity • Creek lines and sandstone rock platforms • Ridgelines • Areas highlighted by Creation Stories 		

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	<p>A full coverage survey was not undertaken due to the outcomes of the slope and soil analysis as well as the desire of the RAPs to focus on areas highlighted by the creation story.</p> <p>The problem with this probabilistic sampling strategy is that it focuses on where sites are expected to be. This will yield a self-fulfilling prophecy: sites won't be located away from the predicted areas because locales away from predicted areas were not surveyed. Such a limited survey has long been criticised (e.g. Feder 2016; Hole 1980; Shafer 2016).</p> <p>Shafer (2016) specifically provides a detailed assessment of probabilistic sample surveys such as that undertaken here. He makes a number of important points, but most specifically:</p> <ul style="list-style-type: none"> • Probabilistic sampling is best undertaken using a <ul style="list-style-type: none"> ○ Stratified random sampling methodology – here, the survey area is divided into stratified units, often based on topography or landform, but stratification can be based on a range of relevant factors that characterise the area. Samples of each strata are selected and in this way a random sample of the entire area is undertaken such that all aspects of the area are covered by the survey (see figure from Shafer 2016). For Warragamba, a survey using this design would ensure that: <ul style="list-style-type: none"> ▪ All landforms would be surveyed ▪ All areas where archaeological sites are predicted would be surveyed ▪ All areas where cultural activities are predicted would be surveyed ▪ All areas where no cultural activity is predicted would be surveyed.  <p>Using this strategy allows for accurate predictions to be made based on the survey design. This is the sample survey strategy that should have been adopted for the Warragamba survey. Furthermore, such a sampling strategy can take Aboriginal knowledge into account, and can also accommodate Social Aboriginal activities in the landscape, such as ceremonial places, story places, and Dreaming tracks. Had such a sampling strategy been applied to the Warragamba survey, AND had such a sampling strategy been explained to the RAPs, it may be that the RAPs may not have been so concerned about the use of a sample to undertake this survey.</p> <p>Furthermore, there is no information presented in this report regarding:</p> <ul style="list-style-type: none"> • Ground Surface Visibility • Effective Survey Coverage • Assessment of representativeness of the sample <p>Without these parameters being addressed, assumptions about the representativeness of the sample are meaningless.</p> <p>Conclusions that inform recommendations</p> <p>The distribution of Aboriginal cultural heritage sites is dictated to some extent by the rugged nature of the landscape, with open artefact sites and sandstone shelter sites being in distinctly different areas. The majority of the sites suitable for Aboriginal occupation and transient use on relatively steeper slope classes comprise of sandstone overhangs ... [This] supports the predictive model for the project as to where Aboriginal sites are likely to be located based on slope analysis (pages 91-92).</p> <p>However, the sample survey strategy is so poorly outlined that this conclusion is difficult to verify, using the data provided.</p> <p>The conclusion from the results of the survey, as presented in this report, are:</p> <p>Gundungurra people were using all parts of the diverse landscape. While some site types such as rockshelters and open artefact sites occur in quite specific and predictable landscape areas based on slope, terrain and resource modelling, Warragamba is an area where individual sites contribute to a rich cultural and archaeological landscape (age 93).</p> <p>Despite the recognition that the area is a rich cultural and archaeological landscape, no cultural landscape analysis has been provided, and the nature of the claimed cultural landscape is – as far as the results presented are concerned – little more than a palimpsest of individual sites and heritage places.</p> <p>The predominant pattern of occupation observed was that the large majority of the artefact sites (Open Camp Sites and Isolated Finds) were located at lower elevations within close proximity to the former watercourses, alluvial flats</p>		

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	<p>and banks now occupied by Lake Burrigorang; a pattern that is consistent with resource modelling throughout the region and predicted to be the case within Section 7 of this assessment (page 93).</p> <p>This conclusion cannot be verified because the sampling strategy did not adequately test other slopes/landforms for these site types. In fact, this conclusion contradicts the previous conclusion (reproduced above) that Gundungurra used all parts of the landscape.</p> <p>Finally, the prediction that some 1231 sites could be expected across the subject area (page 93) cannot be validated without some assessment of GSV, effective coverage, and level of sample stratification.</p> <p>The report concludes with an overview of site location. The author concludes that:</p> <p style="padding-left: 40px;">The location of the sites in the Subject Area are [sic] dependent in many cases on the natural environment. ... Resource rich areas such as creeks, and rivers may have been a focus of occupation when resources were abundant or readily available, and hence we expect to find more archaeological sites in association with these landforms. On the other hand, the nature and timing of occupation will also have been dictated by non-utilitarian objectives such as ceremonies, rituals and gatherings (page 103).</p> <p>It is difficult to be satisfied by this conclusion because of the poor structure of the sample strategy and the lack of any detail in the report to support the 'non-utilitarian' nature of land use.</p> <p>Appendix 11</p> <p>Aboriginal Cultural Values Assessment Report, Warragamba Dam Raising, Prepared by Waters Consultancy, April 2021</p> <p>Despite the author not having access to contemporary RAP knowledge of the landscape, he/she has prepared a report that satisfies much of the requirements for heritage assessment of cultural significance. The consultant has recognised the limitation of the cultural assessment, in the absence of RAP involvement, but this does not diminish the fact that the cultural assessment report is seriously flawed without the RAP involvement. The use of a desktop analysis of ethnographic literature and historical records can, in no way, replace the involvement of Aboriginal land owners presenting their living heritage attachment to place and Country.</p> <p>Although I applaud the consultant's choice not to present information that has not been formally gathered for the project, and therefore not been approved for use, the fact that significance assessment cannot be backed by statement from RAPs seriously reduces the effectiveness of this values assessment.</p> <p>Definitions of cultural heritage are well analysed and I applaud the recognition of intangible heritage, living heritage, and cultural landscape heritage.</p> <p>Mapping cultural locations This part of the report provides detailed summaries of the six major landscape elements used to develop the cultural significance of the area.</p> <p>The mapping informs the cultural significance assessment. Determining Cultural Values and Recommendations "The documentary record clearly shows that cultural values are located throughout the Project area" (page 112). The key cultural value evolves around the Gurrangatch-Mirrigan Dreaming, which underpins the cultural formation of the entire valley. The author recognises that it is impossible to confine and define the limits of the Dreaming.</p> <p>Table 1 summarises the cultural values of each of the six interrelated strands of heritage (rather than individual places). All six are deemed to have High Significance or Very High Significance, based on an assessment of the place of each element in the landscape. The high significance lies in the role of each element in providing an understanding of the cultural landscape.</p> <p>Despite not having direct involvement from the RAPs, each of these significance assessments and significance statement is satisfying, having been so strongly supported by relevant literature, having been placed in a cultural landscape context and framework, and having been related to living heritage.</p>		

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	<p>Recommendations</p> <p>Table 2 summarises the recommendations. These have been summarised in the Main Report.</p> <p>Interestingly there is not a recommendation that the development should not proceed in light of the very high and high significance of the Aboriginal place identified in this report.</p>		
Tharawal Local Aboriginal Land Council	No comments received	-	-
Widescope Indigenous Group	No comments received	-	-