

**From:** s. 22(1)(a)(ii)  
**To:** [ATSIHPA](#)  
**Subject:** filenote - conversation with Sharyn Halls re Warragamba Dam [SEC=OFFICIAL]  
**Date:** Wednesday, 28 August 2019 5:22:55 PM

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I returned a call to Sharyn Halls (0428 270 594). Ms Halls is intending to make an application under the ATSIHP Act for the protection of significant Indigenous areas from impacts of the proposed Warragamba Dam wall raising. The Department has previously provided her information on this matter by e-mail.

Ms Halls initially proposed making an oral application while or after meeting with the Illawarra Local Aboriginal Land Council on Friday (30/8/2019). I agreed that we could facilitate that but suggested that she attempt a written application instead, noting that this could serve as a basis for further clarification as necessary. She agreed to that approach, and I said I would call back late next week to check if she needs any help.

I advised Ms Halls that she should particularly consider the following:

- make sure she can clearly describe a specified area, using an accurate map if possible
- make sure to provide detailed information on threats, including timing
- make sure she specifies which section(s) of the ATSIHP Act she will seek declarations under
- make sure she specifies if we need to receive restricted information (eg men's or women's business)

**From:** [ATSIHPA](#)  
**To:** ["ghal6522@bigpond.net.au"](mailto:ghal6522@bigpond.net.au)  
**Cc:** [ATSIHPA](#)  
**Subject:** ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association [SEC=OFFICIAL]  
**Date:** Wednesday, 28 August 2019 3:17:36 PM  
**Attachments:** [ATSIHP Act.pdf](#)  
[ATSIHPA Overview .docx](#)  
[ATSIHPA Application Checklist.pdf](#)  
[image001.jpg](#)

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Good afternoon Sharyn

Please find attached, information about the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) for you.

At this stage, the checklist is probably the most relevant. It gives you an idea of what is required for lodging an Application under the ATSIHP Act.

If you need assistance with mapping the area, or have any other questions, the Department is happy to assist you. As discussed, the Department is happy to take oral representations over the phone in relation to your Application, if you can send through a time that you are available to provide your oral submission on Friday so the Department can prepare a time to receive your oral application.

The overview describes what kind of protection the different sections of the ATSIHP Act can provide and the required criteria for each section.

Having a more specific area with detailed information, linking the area you want to protect back to the significance of the place, will result in a stronger application which will help to aid the Minister's understanding when it comes to making a decision.

If you have any further questions or need assistance with the application, please don't hesitate to contact us at [ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au).

Kind regards

**s. 22(1)(a)(ii)**

Policy Officer  
Indigenous Heritage Section  
Heritage, Reef and Marine (HRaM)  
Department of the Environment and Energy [www.environment.gov.au](http://www.environment.gov.au)  
John Gorton Building, Level 4, King Edward Terrace, Parkes ACT 2600  
[cid:image014.jpg@01D2893B.C52619D0](#)



**From:** [Sharyn](#)  
**To:** [ATSIHPA](#)  
**Subject:** ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc  
**Date:** Wednesday, 13 November 2019 3:01:23 PM  
**Attachments:**

## s. 22(1)(a)(ii)

[Letter to World Heritage Centre 01-02-2019.pdf](#)

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It's been some months since our last contact. I have read the material you kindly emailed. Thank you. I would like to formally lodge an application under the ATSIHP Act.

Please see all attachments.

Under section 10 of the ATSIHP Act, the Gundungurra Aboriginal Heritage Association Inc (GAHAI) seeks preservation and ongoing protection of the Aboriginal culturally significant area shown in the attached maps. This area is under threat of injury and desecration from impacts of the NSW Government's Warragamba Dam Wall Raising Project if its allowed to go ahead.

GAHAI also seeks, under section 12 of the ATSIHP Act, preservation and ongoing protection of the significant Aboriginal objects within the above mentioned area (there are too many objects to be mapped at the scale of the attached documents).

The physical and cultural well-being of the Gundungurra Nation, and the well-being of our future generations, is at stake if we allow further injury and desecration to our Burratorang Ngunna (Country).

Even though we, like Water NSW, are signatories on the Gundungurra Area Agreement (an Indigenous Land Use Agreement granted under the Commonwealth's Native Title Act (1993) in 2014), it appears the area is not safe from the threat of further injury or desecration under the Commonwealth's Native Title Act (1993) or the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). We are seeking preservation and ongoing protection from the threat of further injury or desecration under the ATSIHP Act.

As additional information, I have attached our Aboriginal place nomination that was lodged July 2018 if the Warragamba Wall goes ahead most of the nominated area will be impacted.

Therefore, the Darug people would also recognise the urgent need to respectfully protect and preserve Burratorang Valley as a highly significant part of Gundungurra Country.

### **Context/Background Statement:**

The Gundungurra Aboriginal Heritage Association Inc's (GAHAI) traditional and ongoing links to the land in question has been formally and legally recognised through GAHAI being a signatory party on the Gundungurra Agreement Area (N2014/001) Indigenous Land Use Agreement (ILUA) granted under the Commonwealth's Native Title Act (1993) in 2014. We are legally obliged to protect the cultural values of the Gundungurra Area Agreement, as a signatory party on the ILUA. This area is also part of the Greater Blue Mountains world heritage area and should be protected under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

We seek that the Federal Government right the wrongs of the State Government that intends to raise the Warragamba Dam Wall and impact again on our Cultural Landscapes and Spiritual Connections to Country. We risk losing additional significant cultural landscape areas and permanently drowning recently re-discovered significant site complexes so that more homes can be built on floodplains and those already homes built on floodplains are retrospectively protected. There has been no regard for the well-being of the Gundungurra people; past, present and emerging. The mental, physical and cultural health of our Gundungurra Elders, people and children deserve consideration. Consideration of these factors and protecting the significant area with significant sites under section 10 and section 12 of the ATSIHP Act will improve the well-being of the Gundungurra people now and into the future.

**Burraborang Ngurra(Country) - Statement of Aboriginal Cultural Significance:**

The Burraborang Valley's creation story from far past times was first published in a German anthropological journal in 1908, *Some Mythology of the Gundungurra tribe, New South Wales* by RH Mathews, which describes the creation of landscape features from the chase of Gurangatch (giant eel) by Mirrigan (a tiger quoll-like animal). The Aboriginal cultural significance of the Burraborang was ignored or forgotten by the NSW Government in the building of Warragamba Dam. Our Country was flooded to ensure a guaranteed drinking water supply for a growing Sydney. Much of our cultural and spiritual landscapes including culturally significant waterholes and sections of creeks described in the creation story, that had been nurtured and cared for since the beginning of time by our ancestors, were lost. Significant areas were lost to flooding and water storage for so called progress. In addition to the loss of our traditional lands, we were put in Missions and institutions away from the cultural landscape and spiritual Country we nurtured, knew well and cared for and sent far away with no access to Gundungurra Country (limited and controlled as scheduled drinking water lands).

Further flooding of the Valley through raising of the Warragamba Dam will erase the tangible landscape features recorded in the Burraborang Valley creation story, impacting connection with landscape features described and handed down over countless generations of Gundungurra People. The Darug People also recognise the importance of this creation story of the Burraborang and the rivers in Gundungurra Country, as it is intertwined with the creation of the Country and rivers therein in Darug Country through the same ancestral beings especially Gurangatch. To destroy remaining landscape features key to the creation story by more flooding of the Valley, continues to destroy Gundungurra culture and the spirit of the People, but also all other Aboriginal people in the region that are interconnected to this story, and how it relates to the creation of their own Countries through these ancestral beings.

The Gundungurra's Gurangatch and Mirrigan creation story, significant waterholes related to the story, associated Aboriginal cultural values, song lines and intimate knowledge of Country (Ngurra) from the past and kept alive and formally recorded through over 10 years of archaeological field surveys is the bloodline of the Gundungurra. This body of knowledge keeps building with re-discoveries of sites exposed by the drought. Recent archaeological field surveys of the Sydney's drinking water catchment land that included GAHAI representatives, have led to recording hundreds of more sites; many of which are interconnected complex sites not found elsewhere in the Sydney metropolitan area. Similar example may have once existed through Sydney but they have all been destroyed through development. Much of this significant area and significant complexes of sites within areas largely flooded to secure Sydney's drinking water supply, have already been injured and desecrated once. This was in the 1950s; long before Aboriginal cultural heritage protection legislation existed under Commonwealth or State jurisdictions. The Gundungurra have paid an enormous price, already, from injury and desecration of their Country and significant sites within. Recently recorded objects include rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees and axe grinding grooves well, as ancestral burials according to historic records. As a result of recent fieldwork (some locations surveyed for the first time) the significance of these interconnected, complex sites has been recorded. Interconnected, complex sites like these no longer survive in the Sydney metropolitan area. They are unique, highly significant site complexes.

The Burraborang Valley is also recognised by people from the Darug Nation as a highly significant homeland within the Country of their neighbours, the Gundungurra people. Darug people acknowledge, long, continuous respectful cultural and historical relationships with the Burraborang Valley through their kinship and social links to the Gundungurra people. Darug families had visited their relatives and extended kin who were part of the Gundungurra

community for countless generations, before displacement and the loss of the old camps in Burratorang Valley under flood waters and water storage. As a result, Darug people acknowledge the significant loss felt by the Gundungurra community of their homelands, their Country and their culture which is deeply entwined in this significant place. Darug people also experienced in many instances the loss of those long-standing relationships with the Gundungurra through their dispossession from Burratorang and subsequent disbursement to distant places.

It would be a significant loss to the Gundungurra, the Darug, the broader Aboriginal community, the people of NSW and wider public (both present and future), as well as people worldwide to lose more of the culturally significant Gundungurra area and the significant and uniquely intact sites (objects) within to floodwaters. Some of which has been unexpectedly preserved due to lower water storage levels. The Gundungurra people's cultural and spiritual connection to this important part of their Country in the Burratorang Valley, their heritage and the creation story is significant to all people in NSW, Australia and across the world.

If you need to talk to me my number is 0428270594

Regards

Sharyn Halls Gundungurra Elder



## Gundungurra Aboriginal Heritage Association Inc.

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Dr Mechtild Rössler  
Director  
World Heritage Centre

Dear Dr Rössler

### **Re: Threat to Greater Blue Mountains World Heritage Area's Aboriginal Cultural / Natural Values from the Proposed Raising of Warragamba Dam**

I write as a Gundungurra Aboriginal Elder responsible for the day-to-day custodianship (ENDNOTE 1) of Gundungurra Country. I have also been actively involved in mapping the Aboriginal cultural heritage of my Country for 12 years. A significant part of my Country and the land of my ancestors is the Greater Blue Mountains World Heritage Area.

I urge the World Heritage Centre to formally investigate the threat to the Greater Blue Mountains World Heritage Area's Aboriginal cultural/natural values. The threat is from inundation of sites and areas of significance with flood waters; the result of the proposed raising of Warragamba Dam.

1000s of sites, including story lines, traditional pathways and sacred Creation waterholes described in international anthropological journals since early 1900, have already been flooded since the 1950s/1960.

Inundation occurred following the construction of Warragamba Dam; required to safeguard a water supply for Sydney's growing population. The first construction program took place more than 20 years before the National Parks and Wildlife Act, Heritage Act or Environmental Planning and Assessment Act were created to provide statutory mechanisms to protect sites of high cultural significance. The first inundation also occurred 35 years before the Federal Government enacted the Aboriginal and Torres Strait Islander Protection Act to serve as a legislative circuit breaker for the preservation and protection of areas and object of particular significance to Aboriginal people. It also occurred 40 years before the Environment Protection and Biodiversity Act existed and more than 50 years before adoption of the United Nations Declaration on the Rights of Indigenous People (UNDRIP).

At the time, no one considered how many Creation story and other significant sites would be drowned, subject to weathering or no longer accessible for ongoing traditional Aboriginal practices. It just wasn't considered.

**ABN 90 613 660 079**

PO Box 31, Lawson NSW 2783 Tel: (02) 4757 3223 Fax: (02) 4757 3293

**Chairperson:**

**s. 47F(1)**

Tel: **s. 47F(1)**

Email: **s. 47F(1)**

**Secretary:**

Sharyn Halls

Tel: 042 827 0594

Email: [ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)

## Gundungurra Aboriginal Heritage Association Inc.

But after 12 years of active surveys, Government and the community can now understand the richness and significance of the area. Recently even more sites have only been revealed through the drop in water supply levels, due to Sydney's drought. The 1000s of sites documented/known include:

- burials, with carved trees
- ceremonial sites
- rock art sites
- occupation shelters with deposit
- artefact scatters and knapping areas

My concern is that Aboriginal cultural/natural values in Greater Blue Mountains World Heritage Area (GBMWH) is still not being factored into the decision-making process now in 2019. The threat to Aboriginal cultural/natural values in Greater Blue Mountains World Heritage Area (GBMWH) from raising the dam wall at Warragamba, continues even with a multitude of protective, conservation statutes that exist at State and Federal levels. The rich cultural heritage of the area being documented, and which has been presented in 2018 to the NSW Government in the form of an Aboriginal Place declaration under the NPW Act seems unable to stop the threat. To date, there has been little/no progress evident in the section 84 declaration.

Amendments to water supply legislation that facilitate the project are the NSW Government's current focus. No efforts have been directed at preserving and celebrating the existence of such significant sites in the GBMWH that underpin the wellbeing of Aboriginal people and the wider community.

I urge the WHC to investigate to ensure more Gundungurra Creation waterholes, places of significances and sites are not drowned a second time and become inaccessible for ongoing traditional Aboriginal practices. A State of Conservation report on the impacts of the proposed dam raising on the Aboriginal cultural/natural values within the GBMWH must be considered at the upcoming meeting in Baku, Azerbaijan. The irreversible consequences, even after short periods of inundation, will be disastrous to recognised Aboriginal cultural/natural values that exist within the GBMWH and hence to the wellbeing of Aboriginal people in the western Sydney area.

Yours sincerely  
Aunty Sharyn Halls  
(Gundungurra Ngalaa-Manyá Ngurra  
We remain on Gundungurra Country)

ENDNOTE 1: My role of custodianship is legally recognised and under required through the Gundungurra Area Agreement - an Indigenous Land Use Agreement (ILUA) that covers 6942km squared of land and waters between Katoomba in the Blue Mountains and south towards Goulburn. It was formalised under the Commonwealth's Native Title Act (1993). The ILUA lists co-management requirements of the signatories.

**From:** [ATSIHPA](#)  
**To:** "Sharyn"  
**Cc:** [ATSIHPA](#)  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Wednesday, 13 November 2019 3:51:53 PM  
**Attachments:** [image003.png](#)

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Good afternoon Ms Halls

The Department of the Environment and Energy confirms that we have received your correspondence regarding applications under section 10 and section 12 of the ATSIHP Act. We will go over the information in the email and attachments, and will be in touch in the coming days.

Kind regards

**s. 22(1)(a)(ii)**

Indigenous Heritage | Heritage, Reef and Marine Division  
Department of the Environment and Energy

**a:** GPO Box 787, Canberra ACT 2601

**p:** **s. 22(1)(a)(ii)**





**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]  
**Date:** Wednesday, 2 September 2020 11:52:33 AM

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Great, thanks.

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**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 2 September 2020 11:33 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Great. I will introduce myself, confirm the groups knowledge of the application and follow up on where she is up to with the additional information you requested in your earlier email. Will send to you for clearance before sending.

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 2 September 2020 11:22 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

FYI and please make contact with Ms Halls as discussed yesterday. Happy to chat first if you need more direction...

Cheers

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii) (currently diverted to my personal mobile number)

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building 4CN.465

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

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**From:** James Barker <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>  
**Sent:** Wednesday, 2 September 2020 9:15 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional

Owners [SEC=OFFICIAL]

Fyi too.

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**From:** James Barker  
**Sent:** Wednesday, 2 September 2020 9:04 AM  
**To:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:environment.gov.au)>  
**Cc:** Louise Vickery <[Louise.Vickery@environment.gov.au](mailto:Louise.Vickery@environment.gov.au)>  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

The first-named signatory in the letter is Aunty Sharyn Halls, who has made ATSIHPA applications on behalf of the Gundungurra Aboriginal Heritage Association Inc. We have contacted Ms Halls to confirm that the other signatories are aware of the ATSIHPA application. The Department has previously had various contact with Ms Halls to discuss and seek clarification of aspects of the ATSIHP Act application.

If ok with you, I think it would be appropriate for us to otherwise deal with this as a Ministerial response. The response could address both the ATSIHP Act application as well as the ongoing EPBC assessment process.

Regards  
James

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**From:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:environment.gov.au)>  
**Sent:** Monday, 31 August 2020 8:50 AM  
**To:** James Barker <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>  
**Subject:** FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Hi James,

Can you please contact this person and let me know how they wish to proceed.

Thanks

<sup>s. 22(1)(a)(ii)</sup>

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**From:** DLO Ley <[DLOLey@environment.gov.au](mailto:DLOLey@environment.gov.au)>  
**Sent:** Friday, 28 August 2020 3:59 PM  
**To:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:environment.gov.au)>  
**Cc:** DLO Ley <[DLOLey@environment.gov.au](mailto:DLOLey@environment.gov.au)>  
**Subject:** FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

FYI

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>  
**Sent:** Friday, 28 August 2020 3:53 PM  
**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>;  
[willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au); [pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au);  
[hornsbys@parliament.nsw.gov.au](mailto:hornsbys@parliament.nsw.gov.au); **s. 47F(1)** [@insw.com](https://www.insw.com); **s. 47F(1)** [@waternsw.com.au](https://www.waternsw.com.au)  
**Subject:** No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

Kazan Brown  
Gundungurra Traditional Owner of the southern Blue Mountains.

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Friday, 11 September 2020 10:09:36 AM

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That's great – thanks.

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**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Friday, 11 September 2020 9:27 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>,

I've had a good talk with Aunty Sharyn this morning. I have an appt now until 10.30, will touch base after that to let you know how the discussion went.

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Friday, 21 August 2020 12:34 PM  
**To:** ghal6522@bigpond.net.au  
**Cc:** ATSIHPA <ATSIHPA@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Dear Ms Halls

Thank you for your applications (below and attached) and our conversation earlier this week. The next step in our process under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) is to appoint someone to prepare a report on your application for the Minister. We think we have identified an appropriate reporter but we need some more information on your application before that process can begin.

Most importantly, we request clarification of the specified area (or areas) over which you are applying for protection under section 10. You have provided maps, but while these identify a number of features they do not clearly identify a specified area. We would prefer a single, unambiguous map with an accompanying GIS shapefile if possible, but whatever the format, it must be clear what area is specified for protection. Within this area, we request further detail on specific features (tangible or intangible) that contribute to the cultural significance of the area. This is necessary to ensure that the Minister and other interested parties understand your application correctly.

In relation to your application under section 12 of the ATSIHP Act, please clarify what 'objects' or 'class of objects' you seek protection of. The Department would generally consider an object to be a tangible item that could be picked up or separated from the landscape without physical

damage. It may be more convenient to identify a class or classes (types) of objects rather than identifying numerous individual objects.

Please discuss with us if any of the information we have requested is culturally sensitive, so we can agree how to treat it appropriately.

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii) (currently diverted to my personal mobile number)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, King Edward Terrace, Parkes ACT  
GPO Box 858, CANBERRA ACT 2601

[www.awe.gov.au](http://www.awe.gov.au)

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

---

**From:** Sharyn [<mailto:ghal6522@bigpond.net.au>]

**Sent:** Wednesday, 13 November 2019 3:00 PM

**To:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>

**Subject:** ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc

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As additional information, I have attached our Aboriginal place nomination that was lodged July 2018 if the Warragamba Wall goes ahead most of the nominated area will be impacted.

Therefore, the Darug people would also recognise the urgent need to respectfully protect and

preserve Burragorang Valley as a highly significant part of Gundungurra Country.

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**Burragorang Ngurra(Country) - Statement of Aboriginal Cultural Significance:**

The Burragorang Valley's creation story from far past times was first published in a German anthropological journal in 1908, *Some Mythology of the Gundungurra tribe, New South Wales* by RH Mathews, which describes the creation of landscape features from the chase of Gurangatch (giant eel) by Mirrigan (a tiger quoll-like animal). The Aboriginal cultural significance of the Burragorang was ignored or forgotten by the NSW Government in the building of Warragamba Dam. Our Country was flooded to ensure a guaranteed drinking water supply for a growing Sydney. Much of our cultural and spiritual landscapes including culturally significant waterholes and sections of creeks described in the creation story, that had been nurtured and cared for since the beginning of time by our ancestors, were lost. Significant areas were lost to flooding and water storage for so called progress. In addition to the loss of our traditional lands, we were put in Missions and institutions away from the cultural landscape and spiritual Country we nurtured, knew well and cared for and sent far away with no access to Gundungurra Country (limited and controlled as scheduled drinking water lands).

Further flooding of the Valley through raising of the Warragamba Dam will erase the tangible landscape features recorded in the Burragorang Valley creation story, impacting connection with landscape features described and handed down over countless generations of Gundungurra People. The Darug People also recognise the importance of this creation story of the Burragorang and the rivers in Gundungurra Country, as it is intertwined with the creation of the Country and rivers therein in Darug Country through the same ancestral beings especially Gurangatch. To destroy remaining landscape features key to the creation story by more flooding of the Valley, continues to destroy Gundungurra culture and the spirit of the People, but also all other Aboriginal people in the region that are interconnected to this story, and how it relates to the creation of their own Countries through these ancestral beings.

The Gundungurra's Gurangatch and Mirrigan creation story, significant waterholes related to the story, associated Aboriginal cultural values, song lines and intimate knowledge of Country (Ngurra) from the past and kept alive and formally recorded through over 10 years of archaeological field surveys is the bloodline of the Gundungurra. This body of knowledge keeps

building with re-discoveries of sites exposed by the drought. Recent archaeological field surveys of the Sydney's drinking water catchment land that included GAHAI representatives, have led to recording hundreds of more sites; many of which are interconnected complex sites not found elsewhere in the Sydney metropolitan area. Similar example may have once existed through Sydney but they have all been destroyed through development. Much of this significant area and significant complexes of sites within areas largely flooded to secure Sydney's drinking water supply, have already been injured and desecrated once. This was in the 1950s; long before Aboriginal cultural heritage protection legislation existed under Commonwealth or State jurisdictions. The Gundungurra have paid an enormous price, already, from injury and desecration of their Country and significant sites within. Recently recorded objects include rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees and axe grinding grooves well, as ancestral burials according to historic records. As a result of recent fieldwork (some locations surveyed for the first time) the significance of these interconnected, complex sites has been recorded. Interconnected, complex sites like these no longer survive in the Sydney metropolitan area. They are unique, highly significant site complexes.

The Burratorang Valley is also recognised by people from the Darug Nation as a highly significant homeland within the Country of their neighbours, the Gundungurra people. Darug people acknowledge, long, continuous respectful cultural and historical relationships with the Burratorang Valley through their kinship and social links to the Gundungurra people. Darug families had visited their relatives and extended kin who were part of the Gundungurra community for countless generations, before displacement and the loss of the old camps in Burratorang Valley under flood waters and water storage. As a result, Darug people acknowledge the significant loss felt by the Gundungurra community of their homelands, their Country and their culture which is deeply entwined in this significant place. Darug people also experienced in many instances the loss of those long-standing relationships with the Gundungurra through their dispossession from Burratorang and subsequent disbursement to distant places.

It would be a significant loss to the Gundungurra, the Darug, the broader Aboriginal community, the people of NSW and wider public (both present and future), as well as people worldwide to lose more of the culturally significant Gundungurra area and the significant and uniquely intact sites (objects) within to floodwaters. Some of which has been unexpectedly preserved due to lower water storage levels. The Gundungurra people's cultural and spiritual connection to this important part of their Country in the Burratorang Valley, their heritage and the creation story is significant to all people in NSW, Australia and across the world.

If you need to talk to me my number is 0428270594

Regards

Sharyn Halls Gundungurra Elder

**From:** [ATSIHPA](#)  
**To:** [Sharyn Halls](#)  
**Subject:** ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Monday, 19 October 2020 12:53:00 PM

---

Good afternoon Aunty Sharyn,

I am just checking in on how you are going with the single specified map with boundary and specific listing of items as discussed over the phone and below.

We are currently liaising with a reporter that we would like to assign to your case to continue the progression of application.

If you require any further clarification or assistance from us please don't hesitate to contact our team.

Kind regards

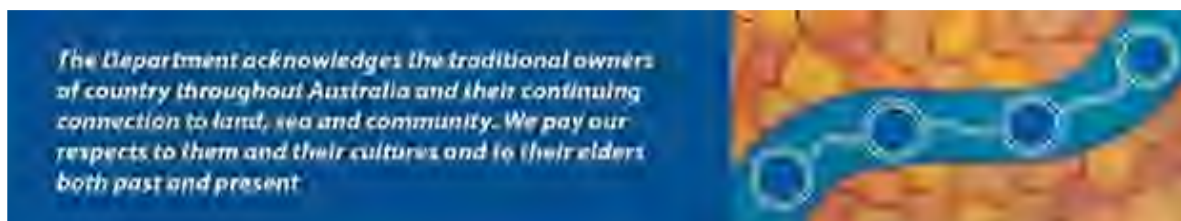
## s. 22(1)(a)(ii)

Senior Heritage Officer

s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

---

**From:** Sharyn Halls <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>  
**Sent:** Monday, 14 September 2020 7:36 PM  
**To:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:@environment.gov.au)>  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>  
**Subject:** Re: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thank you for a copy of the letter

I'm not against the letter I spoke to Kazan and she is sorry I didn't see the final letter before it was sent so the letter we support

I'm thinking it will take about 4 weeks to do what you won't with school holidays coming and getting it together

Site visits are hard as I'm not sure if Water NSW will let's us in when they know who we won't to take



into Burragorang  
Kind regards  
Aunty Sharyn Halls

Sent from my iPhone

On 14 Sep 2020, at 4:13 pm, [s. 22\(1\)\(a\)\(ii\)](#) <[@awe.gov.au](mailto:@awe.gov.au)> wrote:

Good afternoon Aunty Sharyn,

Thank you for your time last week and for bringing me up to speed on your situation.

I have attached the letter we received from Kazan Brown in regards to Warragamba Dam, and the email is below. I understand from our conversation that you did not consent to being named as a signatory to this letter.

In regards to our conversation about our request for specific information, I understand the Gundungurra Aboriginal Heritage Association's main concerns are:

- Assurance that information provided such as photos and exact location of artefacts, objects and places will be used sensitively and for the purpose of informing/evidencing the claims in the declaration application.
- Is the safety and confidentiality of this information assured, specifically – will this information be available publicly via processes such as Freedom of Information requests.

We have discussed the requirement for receiving culturally sensitive information and its use within our decision-making processes to satisfy the Minister's statutory requirements and fulfill procedural fairness requirements etc. We would not voluntarily share with third parties any culturally sensitive information provided by you. Under some circumstances (eg FOI or procedural fairness obligations), we may be compelled to share culturally sensitive information with third parties but we would not do so without consulting you in advance to avoid offence as far as possible.

It should be possible to progress the application without exact locations in the first instance, with greater detail being provided later only if absolutely necessary. If you could provide:

- A single map with specified areas (include boundary/borders) for protection
- General location details on specific features (tangible or intangible) that contribute to the cultural significance of the area, such as your recently recorded objects (rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees, axe grinding grooves well, ancestral burials), for example:
  - Scar trees to the north east of specified area A
  - Rock shelters within the boundary of specified area C
  - Axe grinding grooves within the boundary of specified area C
- Clarify what tangible 'objects' or 'class of objects' you seek protection of (this might be easier to identify a class or classes (types) of objects rather than identifying numerous individual objects):
  - Tools

## Occupation deposits (general description of deposits)


Please note that the section 10 reporter (yet to be appointed) will operate independently of the Department, so you should also confirm arrangements with them directly for handling of culturally sensitive information.

We would be happy to consider a site visit, and who might be appropriate to attend at some point in the future. I look forward to working with you throughout the application process.

Kind regards,

### s. 22(1)(a)(ii)

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>

**Sent:** Friday, 28 August 2020 3:53 PM

**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>; [willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au); [pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au); [hornsbys@parliament.nsw.gov.au](mailto:hornsbys@parliament.nsw.gov.au); s. 47F(1) @insw.com; s. 47F(1) @waternsw.com.au

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

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

Kazan Brown  
Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]  
**Date:** Wednesday, 2 September 2020 11:52:33 AM

---

Great, thanks.

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 2 September 2020 11:33 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Great. I will introduce myself, confirm the groups knowledge of the application and follow up on where she is up to with the additional information you requested in your earlier email. Will send to you for clearance before sending.

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 2 September 2020 11:22 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

FYI and please make contact with Ms Halls as discussed yesterday. Happy to chat first if you need more direction...

Cheers

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii) (currently diverted to my personal mobile number)

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building 4CN.465

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

---

**From:** James Barker <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>  
**Sent:** Wednesday, 2 September 2020 9:15 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional

Owners [SEC=OFFICIAL]

Fyi too.

---

**From:** James Barker  
**Sent:** Wednesday, 2 September 2020 9:04 AM  
**To:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:environment.gov.au)>  
**Cc:** Louise Vickery <[Louise.Vickery@environment.gov.au](mailto:Louise.Vickery@environment.gov.au)>  
**Subject:** RE: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

The first-named signatory in the letter is Aunty Sharyn Halls, who has made ATSIHPA applications on behalf of the Gundungurra Aboriginal Heritage Association Inc. We have contacted Ms Halls to confirm that the other signatories are aware of the ATSIHPA application. The Department has previously had various contact with Ms Halls to discuss and seek clarification of aspects of the ATSIHP Act application.

If ok with you, I think it would be appropriate for us to otherwise deal with this as a Ministerial response. The response could address both the ATSIHP Act application as well as the ongoing EPBC assessment process.

Regards  
James

---

**From:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:environment.gov.au)>  
**Sent:** Monday, 31 August 2020 8:50 AM  
**To:** James Barker <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>  
**Subject:** FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

Hi James,

Can you please contact this person and let me know how they wish to proceed.

Thanks

<sup>s. 22(1)(a)(ii)</sup>

---

**From:** DLO Ley <[DLOLey@environment.gov.au](mailto:DLOLey@environment.gov.au)>  
**Sent:** Friday, 28 August 2020 3:59 PM  
**To:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:environment.gov.au)>  
**Cc:** DLO Ley <[DLOLey@environment.gov.au](mailto:DLOLey@environment.gov.au)>  
**Subject:** FW: No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners [SEC=OFFICIAL]

FYI

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>  
**Sent:** Friday, 28 August 2020 3:53 PM  
**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>;  
[willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au); [pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au);  
[hornsby@parliament.nsw.gov.au](mailto:hornsby@parliament.nsw.gov.au); **s. 47F(1)** [@insw.com](https://www.insw.com); **s. 47F(1)** [@waternsw.com.au](https://www.waternsw.com.au)  
**Subject:** No free, prior and informed consent to raise Warragamba Dam wall from Traditional Owners

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

Kazan Brown  
Gundungurra Traditional Owner of the southern Blue Mountains.

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

28 August 2020

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

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

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

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

David Harper  
WaterNSW Project Director  
PO Box 398  
Parramatta NSW 2124

Maree Abood  
Infrastructure NSW Director  
PO Box R220  
Royal Exchange NSW 1225

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

Dear Sirs/Madams,

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

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

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

Warragamba Dam proposal, SMEC Engineering, who have long disregarded Indigenous rights on dam assessments across Asia<sup>1</sup>.

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

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

The undersigned,

Aunty Sharyn Halls	s. 47F(1)	and family
Aunty s. 47F(1)	s. 47F(1)	and family
Uncle s. 47F(1)	s. 47F(1)	and family
Burra Burra Aboriginal Corporation	s. 47F(1)	and family
Darug Custodian Aboriginal Corporation	s. 47F(1)	and family
Kazan Brown	s. 47F(1)	and family
s. 47F(1)	s. 47F(1)	and family
s. 47F(1)	s. 47F(1)	and family
s. 47F(1)	s. 47F(1)	and family
s. 47F(1) and family	s. 47F(1)	and family
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<sup>1</sup> <https://www.abc.net.au/news/2019-10-11/warragamba-dam-company-smec-accused-of-abusing-indigenous-rights/11589222>



**From:** [Sharyn Halls](#)  
**To:** [s. 22\(1\)\(a\)\(ii\)](#)  
**Cc:** [ATSHPA](#)  
**Subject:** Re: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Monday, 14 September 2020 7:36:30 PM

---

Hi [s. 22\(1\)\(a\)\(ii\)](#)

Thank you for a copy of the letter

I'm not against the letter I spoke to Kazan and she is sorry I didn't see the final letter before it was sent so the letter we support

I'm thinking it will take about 4 weeks to do what you won't with school holidays coming and getting it together

Site visits are hard as I'm not sure if Water NSW will let's us in when they know who we won't to take into Burragorang

Kind regards

Aunty Sharyn Halls

Sent from my iPhone

On 14 Sep 2020, at 4:13 pm, [s. 22\(1\)\(a\)\(ii\)](#)  
<[s. 22\(1\)\(a\)\(ii\)](#) @awe.gov.au> wrote:

Good afternoon Aunty Sharyn,

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I have attached the letter we received from Kazan Brown in regards to Warragamba Dam, and the email is below. I understand from our conversation that you did not consent to being named as a signatory to this letter.

In regards to our conversation about our request for specific information, I understand the Gundungurra Aboriginal Heritage Association's main concerns are:

- Assurance that information provided such as photos and exact location of artefacts, objects and places will be used sensitively and for the purpose of informing/evidencing the claims in the declaration application.
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- A single map with specified areas (include boundary/borders) for protection
- General location details on specific features (tangible or intangible) that contribute to the cultural significance of the area, such as your recently recorded objects (rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees, axe grinding grooves well, ancestral burials), for example:
  - Scar trees to the north east of specified area A
  - Rock shelters within the boundary of specified area C
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- Clarify what tangible 'objects' or 'class of objects' you seek protection of (this might be easier to identify a class or classes (types) of objects rather than identifying numerous individual objects):
  - Tools
  - Occupation deposits (general description of deposits)


Please note that the section 10 reporter (yet to be appointed) will operate independently of the Department, so you should also confirm arrangements with them directly for handling of culturally sensitive information.

We would be happy to consider a site visit, and who might be appropriate to attend at some point in the future. I look forward to working with you throughout the application process.

Kind regards,

## s. 22(1)(a)(ii)

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>

**Sent:** Friday, 28 August 2020 3:53 PM

**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley

<[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>; [willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au);

[pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au); [hornsbys@parliament.nsw.gov.au](mailto:hornsbys@parliament.nsw.gov.au);

s. 47F(1) [@insw.com](mailto:insw.com); s. 47F(1) [@waternsw.com.au](mailto:waternsw.com.au)

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

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

Kazan Brown  
Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** FW: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Thursday, 12 November 2020 12:16:34 PM  
**Attachments:** [Single Map.pdf](#)  
[List of Places to be Saved.pdf](#)  
[List of Tangible Objects.pdf](#)

---

Hi s. 22(1)(a)(ii)

I think that the best approach, based on the passage in the attached that I have highlighted, would be to define the Specified Area as the construction and maximum inundation footprint of the dam wall raising project – that will be clear and I think reflects the intentions of the Applicant. Information on specific sites can (and should) still be provided as part of the application's claims re significance, and the Reporter / Minister will always have the freedom to consider declarations over part(s) of the site.

If you agree, would you please confirm with Aunty Sharyn that she agrees to that approach. Also, make sure that key definitional questions like that are answered by Aunty Sharyn, not just by Mr Jackson or other advisors.

Re section 12, I am not convinced that most of the listed objects are actually objects, and I would like to consider that further but it does not need to hold up our section 10 reporter appointment.

Cheers

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building s. 22(1)(a)(ii)

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

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 11 November 2020 4:10 PM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** FW: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Are you ok for me to respond in regards to a simple boundary to be applied to the map provided?

---

**From:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au) <[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)>  
**Sent:** Wednesday, 11 November 2020 3:03 PM  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; 'Sharyn Halls' <[gshal6522@bigpond.net.au](mailto:gshal6522@bigpond.net.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Please find attached the following documents:

- Map 1 – a single map with the area under threat outlined in red and 52 site locations related to this area.
- Overview of the places to be saved including descriptions of places, locations and features
- List of tangible objects/ classes of objects and places to be saved

I can provide a single map which has a shapefile of the area under threat outlined if you need that. However, I do not have the capacity to create another shapefile with the 52 locations outlined. Is this something you can assist us with? If not, I may be able to sort something out in consultation with Aunty Sharyn. I can see that having a shapefile associated with each location which includes photos and information would be a good way to go.

I can provide a bibliography for the overview but not today. There may be things which need adding or further clarifying. We can provide you of photographs of each place if required, in addition to other location data if required.

Let me know how you go with this and what else might be required additionally.

Kind Regards,

Mike

---

**From:** [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](mailto:@awe.gov.au)  
**Sent:** Monday, 9 November 2020 2:16 PM  
**To:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; Sharyn Halls <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>; [s. 22\(1\)\(a\)\(ii\)](#) <[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Good afternoon Mike,

I just wanted to follow up with you and if possible establish an approximate/estimated date you may have the Warragamba Dam package ready.


I am going on leave next week for approximately 3 weeks, however my colleagues will continue to work with you to progress the application on Aunty Sharyn's behalf in my absence.

Please let me know when you anticipate to send in the package and whether you require any assistance from our team.

I look forward to hearing from you.

Kind regards

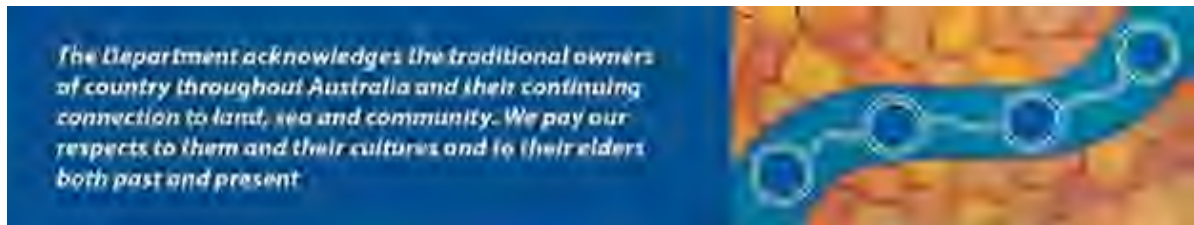
**s. 22(1)(a)(ii)**

Senior Heritage Officer  
 [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Water and the Environment

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

---

**From:** s. 22(1)(a)(ii)

**Sent:** Thursday, 22 October 2020 3:52 PM

**To:** 'email@jacksonwardarc.com.au' <[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)>

**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; 'Sharyn Halls' <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>

**Subject:** FW: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc  
[SEC=OFFICIAL]

**Importance:** High

Hi Mike,

It was great to speak with you this afternoon.

Please see below the details we sent in email to Aunty Sharyn in regards to requirements for the application.

As mentioned, we would ideally like to have this in the next 2 weeks so we can prepare the case for our reporter who we hope to have assigned in 3 weeks' time.


I look forward to working with you to progress the application.

I am on leave next week for my wedding, if you require any assistance from our office, please contact our ATSIHPA mail box (cc'd) and one of our team will contact you.

Kind regards

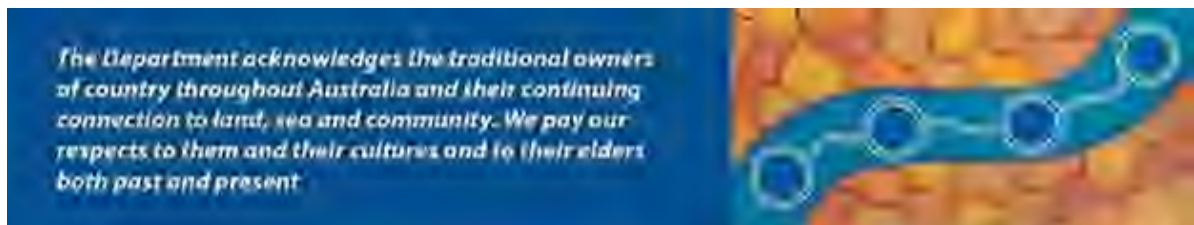
**s. 22(1)(a)(ii)**

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
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On 14 Sep 2020, at 4:13 pm, **s. 22(1)(a)(ii)**

[@awe.gov.au](mailto:@awe.gov.au)> wrote:

Good afternoon Aunty Sharyn,

Thank you for your time last week and for bringing me up to speed on your situation.

In regards to our conversation about our request for specific information, I understand the Gundungurra Aboriginal Heritage Association's main concerns are:

- Assurance that information provided such as photos and exact location of artefacts, objects and places will be used sensitively and for the purpose of informing/evidencing the claims in the declaration application.
- Is the safety and confidentiality of this information assured, specifically – will this information be available publicly via processes such as Freedom of Information requests.

We have discussed the requirement for receiving culturally sensitive information and its use within our decision-making processes to satisfy the Minister's statutory requirements and fulfill procedural fairness requirements etc. We would not voluntarily share with third parties any culturally sensitive information provided by you. Under some circumstances (eg FOI or procedural fairness obligations), we may be compelled to share culturally sensitive information with third parties but we would not do so without consulting you in advance to avoid offence as far as possible.

It should be possible to progress the application without exact locations in the first instance, with greater detail being provided later only if absolutely necessary. If you could provide:

- **A single map with specified areas** (include boundary/borders) for protection
- **General location details** on specific features (tangible or intangible) that contribute to the cultural significance of the area, such as your recently recorded objects (rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees, axe grinding grooves well, ancestral burials), for example:
  - Scar trees to the north east of specified area A
  - Rock shelters within the boundary of specified area C
  - Axe grinding grooves within the boundary of specified area C
- **Clarify what tangible 'objects' or 'class of objects'** you seek protection of (this might be easier to identify a class or classes (types) of objects rather than identifying numerous individual objects):
  - Tools

- Occupation deposits (general description of deposits)


Please note that the section 10 reporter (yet to be appointed) will operate independently of the Department, so you should also confirm arrangements with them directly for handling of culturally sensitive information.

We would be happy to consider a site visit, and who might be appropriate to attend at some point in the future. I look forward to working with you throughout the application process.

Kind regards,

## s. 22(1)(a)(ii)

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>

**Sent:** Friday, 28 August 2020 3:53 PM

**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>; [wiloughby@parliament.nsw.gov.au](mailto:wiloughby@parliament.nsw.gov.au); [pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au); [hornsbys@parliament.nsw.gov.au](mailto:hornsbys@parliament.nsw.gov.au); [maree.abood@insw.com](mailto:maree.abood@insw.com); [David.Harper@waterNSW.com.au](mailto:David.Harper@waterNSW.com.au)

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

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.



Regards,

Kazan Brown  
Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

**From:** [Sharyn Halls](#)  
**To:** [ATSIHPA](#)  
**Cc:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au); [ATSIHPA](#)  
**Subject:** Re: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Thursday, 12 November 2020 3:16:39 PM

---

Hi <sup>s. 22(1)(a)(ii)</sup> and Mike

I'm very happy with this approach it's the way we need to go

Thank you

Sharyn

Sent from my iPhone

On 12 Nov 2020, at 2:43 pm, ATSIHPA <[ATSIHPA@awe.gov.au](mailto:ATSIHPA@awe.gov.au)> wrote:

Hi Aunty Sharyn & Mike,

Thank you for the below email and attachments.

In regards to the map, the provided map gives us a good overview, however we need to apply a specified boundary.

I think that the best approach, based on the passage in the attached list of places that we have highlighted, would be to define the Specified Area as the construction and maximum inundation footprint of the dam wall raising project – that will be clear and I think reflects the intentions of the Application. This means all land within the footprint will be included in the declaration application. Of course, we will follow up access to the inundation map to compare and ensure all the areas you have flagged are captured within the footprint, if anything outlies the footprint, we will come back to you to discuss how we can extend a boundary to encapsulate all the items/sites.

Aunty Sharyn could you please confirm if you agree to this approach and we will move on obtaining the inundation map for comparison.

Having Mike available to assist will make the application process easier for you, however just wanted to confirm our requirement that any definitional questions like this throughout the process are answered/approved by you directly, not just by Mr Jackson or other advisors.

We have identified a reporter to appoint for the next step of the process, and once this appointment is approved by the Minister we will be able to update you.

I am going on leave for 3 weeks, however any questions can be answered by our team via this return email address.

Kind regards

**s. 22(1)(a)(ii)**

Senior Heritage Officer

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

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---

**From:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au) <[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)>

**Sent:** Wednesday, 11 November 2020 3:03 PM

**To:** 's. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au)>

**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; 'Sharyn Halls'

<[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>; s. 22(1)(a)(ii) [@environment.gov.au](mailto:@environment.gov.au)>

**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(ii)</sup>

Please find attached the following documents:

- Map 1 – a single map with the area under threat outlined in red and 52 site locations related to this area.
- Overview of the places to be saved including descriptions of places, locations and features
- List of tangible objects/ classes of objects and places to be saved

I can provide a single map which has a shapefile of the area under threat outlined if you need that. However, I do not have the capacity to create another shapefile with the 52 locations outlined. Is this something you can assist us with? If not, I may be able to sort something out in consultation with Aunty Sharyn. I can see that having a shapefile associated with each location which includes photos and information would be a good way to go.

I can provide a bibliography for the overview but not today. There may be things which need adding or further clarifying. We can provide you of photographs of each place if required, in addition to other location data if required.

Let me know how you go with this and what else might be required additionally.

Kind Regards,

Mike

---

**From:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Monday, 9 November 2020 2:16 PM  
**To:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; Sharyn Halls <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Good afternoon Mike,

I just wanted to follow up with you and if possible establish an approximate/estimated date you may have the Warragamba Dam package ready. I am going on leave next week for approximately 3 weeks, however my colleagues will continue to work with you to progress the application on Auntie Sharyn's behalf in my absence.


Please let me know when you anticipate to send in the package and whether you require any assistance from our team.

I look forward to hearing from you.

Kind regards

**s. 22(1)(a)(ii)**

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

---

**From:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Thursday, 22 October 2020 3:52 PM  
**To:** 'email@jacksonwardarc.com.au' <[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)>  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; 'Sharyn Halls' <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>  
**Subject:** FW: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Importance:** High

Hi Mike,

It was great to speak with you this afternoon.

Please see below the details we sent in email to Aunty Sharyn in regards to requirements for the application.

As mentioned, we would ideally like to have this in the next 2 weeks so we can prepare the case for our reporter who we hope to have assigned in 3 weeks' time.


I look forward to working with you to progress the application.

I am on leave next week for my wedding, if you require any assistance from our office, please contact our ATSIHPA mail box (cc'd) and one of our team will contact you.

Kind regards

**s. 22(1)(a)(ii)**

Senior Heritage Officer

 **s. 22(1)(a)(ii)**

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
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[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

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On 14 Sep 2020, at 4:13 pm, **s. 22(1)(a)(ii)**

<**s. 22(1)(a)(ii)** [@awe.gov.au](mailto:@awe.gov.au)> wrote:

Good afternoon Aunty Sharyn,

Thank you for your time last week and for bringing me up to speed on your situation.

In regards to our conversation about our request for specific information, I understand the Gundungurra Aboriginal Heritage Association's main concerns are:

- Assurance that information provided such as photos and exact location of artefacts, objects and places will be used sensitively and for the purpose of informing/evidencing the claims in the declaration application.
- Is the safety and confidentiality of this information assured,

specifically – will this information be available publicly via processes such as Freedom of Information requests.

We have discussed the requirement for receiving culturally sensitive information and its use within our decision-making processes to satisfy the Minister's statutory requirements and fulfill procedural fairness requirements etc. We would not voluntarily share with third parties any culturally sensitive information provided by you. Under some circumstances (eg FOI or procedural fairness obligations), we may be compelled to share culturally sensitive information with third parties but we would not do so without consulting you in advance to avoid offence as far as possible.

It should be possible to progress the application without exact locations in the first instance, with greater detail being provided later only if absolutely necessary. If you could provide:

- **A single map with specified areas** (include boundary/borders) for protection
- **General location details** on specific features (tangible or intangible) that contribute to the cultural significance of the area, such as your recently recorded objects (rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees, axe grinding grooves well, ancestral burials), for example:
  - Scar trees to the north east of specified area A
  - Rock shelters within the boundary of specified area C
  - Axe grinding grooves within the boundary of specified area C
- **Clarify what tangible 'objects' or 'class of objects'** you seek protection of (this might be easier to identify a class or classes (types) of objects rather than identifying numerous individual objects):
  - Tools
  - Occupation deposits (general description of deposits)

Please note that the section 10 reporter (yet to be appointed) will operate independently of the Department, so you should also confirm arrangements with them directly for handling of culturally sensitive information.

We would be happy to consider a site visit, and who might be appropriate to attend at some point in the future. I look forward to working with you throughout the application process.

Kind regards,

**s. 22(1)(a)(ii)**

Senior Heritage Officer

 [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
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<image001.jpg>

*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>

**Sent:** Friday, 28 August 2020 3:53 PM

**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley

<[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>;

[willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au);

[pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au); [hornsbey@parliament.nsw.gov.au](mailto:hornsbey@parliament.nsw.gov.au);

**s. 47F(1)** [@insw.com](mailto:@insw.com); **s. 47F(1)** [@waternsw.com.au](mailto:@waternsw.com.au)

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

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

Kazan Brown

Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

<Single Map.pdf>

<List of Places to be Saved.pdf>

<List of Tangible Objects.pdf>



**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** Phone message [SEC=OFFICIAL]  
**Date:** Monday, 19 October 2020 3:26:16 PM

---

Hi <sup>s. 22(1)(a)(ii)</sup>


Aunty Sharon (I think) called. She said to expect a phone call from the archaeologist helping them out with mapping stuff in the next few days. His name is Mike Jackson and his number is 0402 692 131

She won't be available for the next few days as she is going out on country.

PS: <sup>s. 22(1)(a)(ii)</sup> said they don't need to get too complicated with their mapping – they can just draw a circle on a map – if that makes sense?

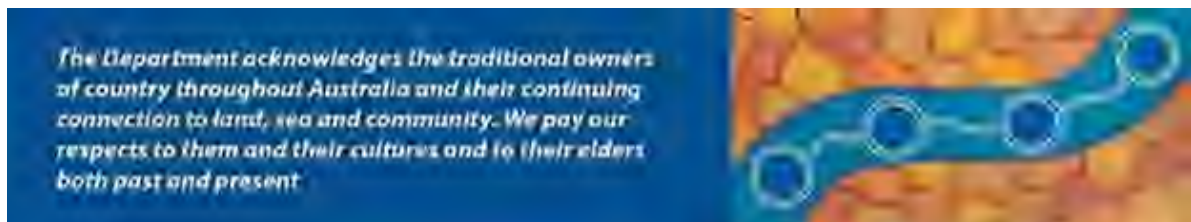
s. 22(1)(a)(ii)

## s. 22(1)(a)(ii)

Assistant Director  
Indigenous Heritage Section  
 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



**From:** [ATSIHPA](#)  
**To:** [Sharyn Halls](#)  
**Cc:** [ATSIHPA](#)  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Wednesday, 21 October 2020 9:08:00 AM


---

Hi Aunty Sharyn

Thank you for your call, apologies I was not in the office to answer.  
I understand you have appointed Mike Jackson to assist you with the map and listing of objects, this is a great idea and will help you build a strong application.  
I look forward to speaking with Mike when he calls.

Kind regards

## s. 22(1)(a)(ii)

Senior Heritage Officer  
 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

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---

**From:** Sharyn Halls <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>  
**Sent:** Monday, 14 September 2020 7:36 PM  
**To:** s. 22(1)(a)(ii) <[@environment.gov.au](mailto:@environment.gov.au)>  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>  
**Subject:** Re: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](#)

Thank you for a copy of the letter  
I'm not against the letter I spoke to Kazan and she is sorry I didn't see the final letter before it was sent so the letter we support  
I'm thinking it will take about 4 weeks to do what you won't with school holidays coming and getting

it together

Site visits are hard as I'm not sure if Water NSW will let's us in when they know who we won't to take into Burragorang

Kind regards

Aunty Sharyn Halls

Sent from my iPhone

On 14 Sep 2020, at 4:13 pm, **s. 22(1)(a)(ii)**

[@awe.gov.au](mailto:@awe.gov.au)> wrote:

Good afternoon Aunty Sharyn,

Thank you for your time last week and for bringing me up to speed on your situation.

I have attached the letter we received from Kazan Brown in regards to Warragamba Dam, and the email is below. I understand from our conversation that you did not consent to being named as a signatory to this letter.

In regards to our conversation about our request for specific information, I understand the Gundungurra Aboriginal Heritage Association's main concerns are:

- Assurance that information provided such as photos and exact location of artefacts, objects and places will be used sensitively and for the purpose of informing/evidencing the claims in the declaration application.
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- A single map with specified areas (include boundary/borders) for protection
- General location details on specific features (tangible or intangible) that contribute to the cultural significance of the area, such as your recently recorded objects (rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees, axe grinding grooves well, ancestral burials), for example:
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- Occupation deposits (general description of deposits)


Please note that the section 10 reporter (yet to be appointed) will operate independently of the Department, so you should also confirm arrangements with them directly for handling of culturally sensitive information.

We would be happy to consider a site visit, and who might be appropriate to attend at some point in the future. I look forward to working with you throughout the application process.

Kind regards,

## s. 22(1)(a)(ii)

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)

<image001.jpg>

*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>

**Sent:** Friday, 28 August 2020 3:53 PM

**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>; [willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au); [pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au); [hornsbey@parliament.nsw.gov.au](mailto:hornsbey@parliament.nsw.gov.au); **s. 47F(1)** [@insw.com](mailto:@insw.com); **s. 47G(1)(a)** [@waterNSW.com.au](mailto:@waterNSW.com.au)

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

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

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

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these

matters.

Regards,

Kazan Brown

Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

**From:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)  
**To:** s. 22(1)(a)(ii)  
**Cc:** [ATSIHPA](#); "Sharyn Halls"; s. 22(1)(a)(ii)  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Wednesday, 11 November 2020 3:08:36 PM  
**Attachments:** s. 22(1)(a)(ii)

---

Hi s. 22(1)(a)(ii)

Please find attached the following documents:

- Map 1 – a single map with the area under threat outlined in red and 52 site locations related to this area.
- Overview of the places to be saved including descriptions of places, locations and features
- List of tangible objects/ classes of objects and places to be saved

I can provide a single map which has a shapefile of the area under threat outlined if you need that. However, I do not have the capacity to create another shapefile with the 52 locations outlined. Is this something you can assist us with? If not, I may be able to sort something out in consultation with Aunty Sharyn. I can see that having a shapefile associated with each location which includes photos and information would be a good way to go.

I can provide a bibliography for the overview but not today. There may be things which need adding or further clarifying. We can provide you of photographs of each place if required, in addition to other location data if required.

Let me know how you go with this and what else might be required additionally.

Kind Regards,

Mike

---

**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Monday, 9 November 2020 2:16 PM  
**To:** email@jacksonwardarc.com.au  
**Cc:** ATSIHPA <ATSIHPA@environment.gov.au>; Sharyn Halls <ghal6522@bigpond.net.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Good afternoon Mike,

I just wanted to follow up with you and if possible establish an approximate/estimated date you may have the Warragamba Dam package ready.

I am going on leave next week for approximately 3 weeks, however my colleagues will continue to work with you to progress the application on Aunty Sharyn's behalf in my absence.


Please let me know when you anticipate to send in the package and whether you require any assistance from our team.

I look forward to hearing from you.

Kind regards

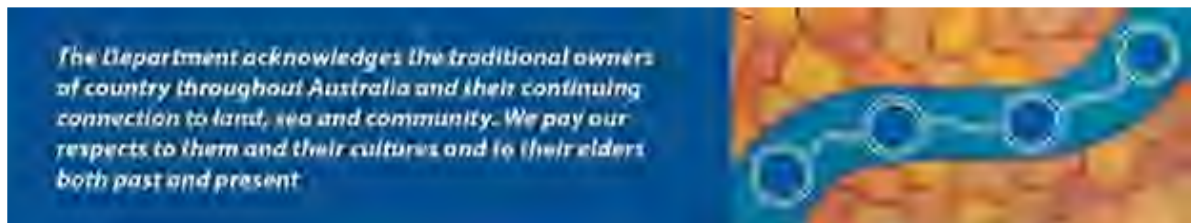
## s. 22(1)(a)(ii)

Senior Heritage Officer

 s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

---

**From:** s. 22(1)(a)(ii)

**Sent:** Thursday, 22 October 2020 3:52 PM

**To:** 'email@jacksonwardarc.com.au' <[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)>

**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; 'Sharyn Halls' <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>

**Subject:** FW: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc  
[SEC=OFFICIAL]

**Importance:** High

Hi Mike,

It was great to speak with you this afternoon.

Please see below the details we sent in email to Aunty Sharyn in regards to requirements for the application.

As mentioned, we would ideally like to have this in the next 2 weeks so we can prepare the case for our reporter who we hope to have assigned in 3 weeks' time.


I look forward to working with you to progress the application.

I am on leave next week for my wedding, if you require any assistance from our office, please contact our ATSIHPA mail box (cc'd) and one of our team will contact you.

Kind regards

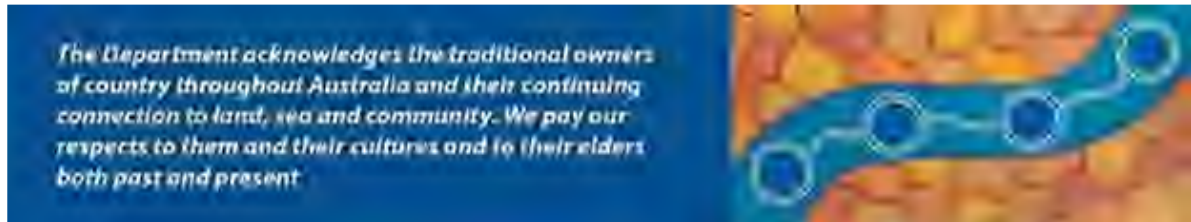
## s. 22(1)(a)(ii)

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On 14 Sep 2020, at 4:13 pm, s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @awe.gov.au> wrote:

Good afternoon Aunty Sharyn,

Thank you for your time last week and for bringing me up to speed on your situation.

In regards to our conversation about our request for specific information, I understand the Gundungurra Aboriginal Heritage Association's main concerns are:

- Assurance that information provided such as photos and exact location of artefacts, objects and places will be used sensitively and for the purpose of informing/evidencing the claims in the declaration application.
- Is the safety and confidentiality of this information assured, specifically – will this information be available publicly via processes such as Freedom of Information requests.

We have discussed the requirement for receiving culturally sensitive information and its use within our decision-making processes to satisfy the Minister's statutory requirements and fulfill procedural fairness requirements etc. We would not voluntarily share with third parties any culturally sensitive information provided by you. Under some circumstances (eg FOI or procedural fairness obligations), we may be compelled to share culturally sensitive information with third parties but we would not do so without consulting you in advance to avoid offence as far as possible.

It should be possible to progress the application without exact locations in the first instance, with greater detail being provided later only if absolutely necessary. If you could provide:

- **A single map with specified areas** (include boundary/borders) for protection
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<image001.jpg>

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**From:** Kazan Brown <[kazanbrown2@gmail.com](mailto:kazanbrown2@gmail.com)>

**Sent:** Friday, 28 August 2020 3:53 PM

**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>;  
[willoughby@parliament.nsw.gov.au](mailto:willoughby@parliament.nsw.gov.au); [pittwater@parliament.nsw.gov.au](mailto:pittwater@parliament.nsw.gov.au);  
[hornsby@parliament.nsw.gov.au](mailto:hornsby@parliament.nsw.gov.au); **s. 47F(1)** [@insw.com](mailto:@insw.com);  
**s. 47F(1)** [@waternsw.com.au](mailto:@waternsw.com.au)

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

Dear Mr Wyatt, Ms Ley, Ms Berejiklian, Mr Stokes, Mr Kean, Mr Harper and Ms Abood,

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

We write this letter after witnessing the gross procedural unfairness afforded to the

Puutu Kunti Kurrama and Pinikura peoples in the destruction of the Juukan Gorge Cave in Western Australia.

You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

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Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

**From:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)  
**To:** **s. 22(1)(a)(ii)**  
**Cc:** [ATSIHPA](#); "Sharyn Halls"; **s. 22(1)(a)(ii)**  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Monday, 9 November 2020 2:46:47 PM

---

Hi **s. 22(1)(a)(ii)**

I'm working on it now. I was hoping to have it completed today but more it's more realistic that I'll get you something by tomorrow or Wednesday. The map is complete, I'm just part-way going through the list.

Regards,

Michael Jackson  
Senior Archaeologist/ Cultural Heritage Advisor



Jackson Ward Archaeology  
NSW, ACT and Victoria

[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)  
[bluelabyrinth1@yahoo.com.au](mailto:bluelabyrinth1@yahoo.com.au)

Ph. 0402 692 131

---

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**Sent:** Monday, 9 November 2020 2:16 PM  
**To:** [email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)  
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I look forward to hearing from you.

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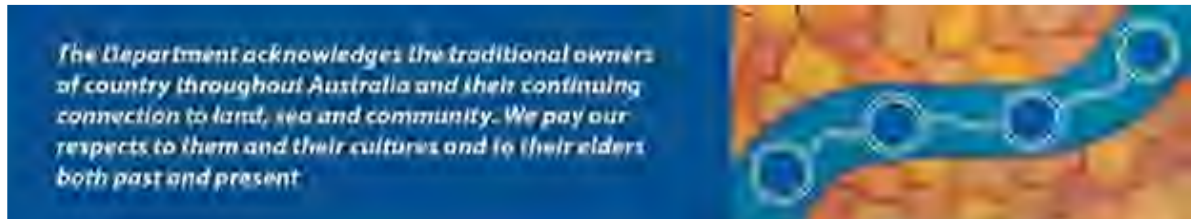
## s. 22(1)(a)(ii)

Senior Heritage Officer

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Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
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[www.awe.gov.au](http://www.awe.gov.au)



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**Sent:** Thursday, 22 October 2020 3:52 PM

**To:** 'email@jacksonwardarc.com.au' <[email@jacksonwardarc.com.au](mailto:email@jacksonwardarc.com.au)>

**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; 'Sharyn Halls' <[ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)>

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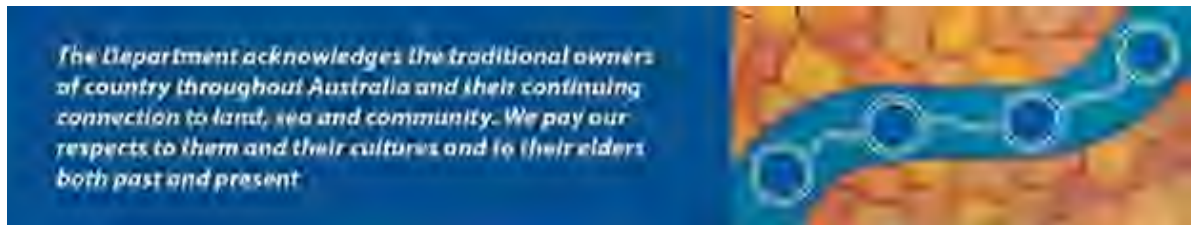
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**To:** [Minister.Wyatt@ia.pm.gov.au](mailto:Minister.Wyatt@ia.pm.gov.au); Minister Ley <[Minister.Ley@environment.gov.au](mailto:Minister.Ley@environment.gov.au)>;  
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[hornsby@parliament.nsw.gov.au](mailto:hornsby@parliament.nsw.gov.au); **s. 47F(1)** [@insw.com](mailto:@insw.com);

**s. 47F(1)** [@waternsw.com.au](mailto:@waternsw.com.au)

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

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You are welcome to contact me on 0424 789 140 or on [kazanbrown@gmail.com](mailto:kazanbrown@gmail.com) if you would like further information or to arrange a meeting with our people to discuss these matters.

Regards,

Kazan Brown  
Gundungurra Traditional Owner of the southern Blue Mountains.

<WarragambaDamRaising\_TOs\_No FPIC.pdf>

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) s. 22(1)(a)(ii)  
**Date:** Friday, 13 November 2020 9:20:46 AM

When the appointment brief is ready, you could get an example contract from s. 22(1)(a)(ii) and start populating it. Don't worry if you get to it before you go on leave though.

**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 13 November 2020 9:19 AM  
**To:** 'Greg Terrill' <gterrill99@gmail.com>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>; ATSIHPA <ATSIHPA@environment.gov.au>  
**Subject:** RE: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) (s. 22(1)(a)(ii)) [SEC=OFFICIAL]

Thanks Greg. Next step is we put a reporter appointment brief to the Minister (s. 22(1)(a)(ii)) has already started on that) and hopefully we will be able to engage you soon.

**From:** Greg Terrill <gterrill99@gmail.com>  
**Sent:** Friday, 13 November 2020 9:15 AM  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>; ATSIHPA <ATSIHPA@environment.gov.au>  
**Subject:** Re: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) (s. 22(1)(a)(ii)) [SEC=OFFICIAL]

Hello s. 22(1)(a)(ii), hello s. 22(1)(a)(ii)

Many thanks for this information - it was a very helpful guide.

Please find attached a quote for my involvement. I would of course welcome any discussion of the timelines or assumptions that I have outlined if you consider that they should be modified.

Please let me know if I can be of further assistance.

Best regards

Greg  
0417 048 259

On Thu, 12 Nov 2020 at 14:00, s. 22(1)(a)(ii) @awe.gov.au> wrote:

Hi Greg

During to our last discussion I undertook to get you some more detailed estimates on the amount of work to be expected in the course of preparing a section 10 report. As discussed, efforts vary depending on the complexity of the task but these three recent examples should provide a good indication:

	#1 Huskisson	#2 Wahluu	#3 Apparrlu



<b>Estimated days/hours spent (7 hour working day)</b>	15 days – 105 hours	16 days – 112 hours	20 days – 140 hours
<b>Section 10 Report</b>	104 page Report 837 page appendix	92 page Report Appendix size not available	185 page Report 3275 page appendix (includes a number of duplicate attachments, heritage studies)
<b>Representations received</b>	57 representations	30 representations	Number of representations not available

As noted previously, contractual arrangements can be varied by mutual agreement if appropriate.

Given the time that has elapsed since our first contact, you should probably allow for an extra fortnight for receiving representations given that the Christmas / New Year break will inevitably intervene.

Please continue to use the [atishpa@awe.gov.au](mailto:atishpa@awe.gov.au) mailbox to make sure that we stay in contact throughout the coming holiday period.

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building 4CN.465

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

-----Original Appointment-----

**From:** Google Calendar <[calendar-notification@google.com](mailto:calendar-notification@google.com)> **On Behalf Of** [gterril99@gmail.com](mailto:gterril99@gmail.com)

**Sent:** Thursday, 29 October 2020 12:09 PM

**To:** s. 22(1)(a)(ii)

**Subject:** Accepted: Re: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) s. 22(1)(a)(ii)

**When:** Friday, 30 October 2020 10:30 AM-11:00 AM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:** Microsoft Teams Meeting

[gterril99@gmail.com](mailto:gterril99@gmail.com) has accepted this invitation.

**Re: request for quote - reporter for the purposes of section 10 of the ATSIHP Act (Warragamba Dam) [SEC=OFFICIAL]**

**When** Fri 30 Oct 2020 10:30 – 11:00 Eastern Australia Time - Sydney

**Where** Microsoft Teams Meeting ([map](#))

**Calendar** s. 22(1)(a)(ii)

**Who**

- s. 22(1)(a)(ii) - organiser
- [gterril99@gmail.com](mailto:gterril99@gmail.com) - creator

-----

From: Greg Terrill >

Sent: Wednesday, 28 October 2020 3:14 PM

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii) ATSIHPA

Subject: Re: request for quote - reporter for the purposes of section 10 of the ATSIHP Act (Warragamba Dam) [SEC=OFFICIAL]

Hello s. 22(1)(a)(ii)

Many thanks for your email. I do have some experience with the Act, though from a policy / legal reform perspective rather than having been involved in the reporting process. Can I suggest we have a short phone call in the next couple of days? I would be keen to talk through the issues a little (I will look through the documents that you have provided), as well as the work that might be involved.

Times that would suit me include:

- 12-1.30pm or 4pm+ tomorrow (Thursday)

- 9-12.45pm or 4.15pm+ Friday

Would one of these work for you? If so, grateful if you could send through a Teams appointment.

Cheers

Greg

0417 048 259

On Wed, 28 Oct 2020 at 14:47, s. 22(1)(a)(ii) > wrote:

Dear Mr Terrill

Your name and CV have been forwarded to me by James Barker, as a potential reporter for the purposes of section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act). I am e-mailing to ask whether you would be willing to prepare a section 10 report in relation to an application to protect areas surrounding Warragamba Dam in the Blue Mountains, New South Wales. I have attached details for your information. The applicant has recently procured the services of an independent archaeologist to assist in clarifying their description of objects and sites. We anticipate these additional documents will be provided in the coming weeks.

I understand from your CV that you have some experience with the ATSIHP Act. To bring you up to date with our current practices and procedures, I am providing you with the following documents:

- a model section 10 table of contents
- an example section 10 report
- an example contract for services

Timing is somewhat flexible but we are looking to commence the reporting process and receive a report as soon as possible. Please consider whether you see any need to travel as part of the task (COVID restrictions permitting) and whether you would be willing to travel to the site if the applicant has that preference.

Please note that the attached documents are not published documents and should not be shared with any third parties at this stage.

Should you agree, I invite you to provide as soon as possible by return e-mail:

- a quote for services including total cost and suggested milestone dates and payments for completion
- a statement confirming that you are not aware of any conflicts of interest, real or perceived, that might prevent you from undertaking this task
- an updated current curriculum vitae if you wish to add anything to the CV sent to James Barker on 23 October 2020

Please note that your appointment would be at the Minister's discretion so we are not making a firm offer of work at this stage.

I would be happy to discuss any questions and I otherwise look forward to your response to [atsihpa@awe.gov.au](mailto:atsihpa@awe.gov.au).

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment

Heritage Branch | Heritage, Reef and Wildlife Trade Division

John Gorton Building, King Edward Terrace, Parkes ACT

GPO Box 858, CANBERRA ACT 2601

[www.awe.gov.au](http://www.awe.gov.au)

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---

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---

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account [s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au) because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively, you can sign up for a Google Account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organiser and be added to the guest list, invite others regardless of their own invitation status or to modify your RSVP. [Learn more](#).

**From:** s. 22(1)(a)(ii)  
**To:** [wdr@waternsw.com.au](mailto:wdr@waternsw.com.au)  
**Cc:** [ATSIHPA](#)  
**Subject:** Maximum inundation map required  
**Date:** Friday, 13 November 2020 1:01:07 PM  
**Importance:** High

---

Good afternoon,

I would like to request a precise, digital GIS/shapefile map of the Warragamba Dam Wall Raising proposed maximum inundation area.

The purpose of this request is to assist our team in comparing the inundation footprint against locations of Indigenous values in the area.


We currently only seem to have a PDF version of the EIS with maps, this is not sufficient for our purpose.

Your assistance with a digital GIS/shapefile map at your earliest convenience is appreciated.

Kind regards

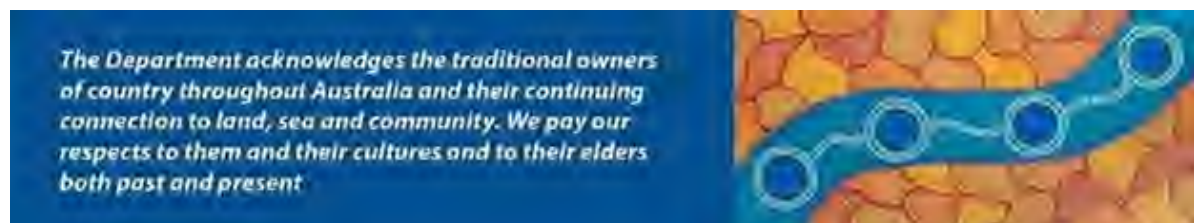
**s. 22(1)(a)(ii)**

Senior Heritage Officer – Indigenous Heritage

 **s. 22(1)(a)(ii)**

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

ss. 22(1)(a)(ii), 47G(1)(a)

ss. 22(1)(a)(ii), 47G(1)(a)

ss. 22(1)(a)(ii), 47G(1)(a)

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** FW: request for quote - reporter for the purposes of section 10 of the ATSIHP Act [SEC=OFFICIAL]  
**Date:** Wednesday, 21 October 2020 10:40:02 AM  
**Attachments:**

## s. 22(1)(a)(ii)

---

Hi s. 22(1)(a)(ii)

Would you please send an e-mail to Tom Keely re Warragamba based on the one below? I've cced you into recent e-mails with Tom so you have his contact details.

If you don't get to this before you leave, please let me know...

Just saw your e-mail too re timing.

Cheers

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building 4CN.465

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---

**From:** s. 22(1)(a)(ii)  
**Sent:** Tuesday, 17 September 2019 1:22 PM  
**To:** s. 47F(1)  
**Cc:** ATSIHPA <ATSIHPA@environment.gov.au>  
**Subject:** request for quote - reporter for the purposes of section 10 of the ATSIHP Act [SEC=OFFICIAL]

Dear s. 47F(1)

I am e-mailing to ask if you would be willing to be appointed as a reporter for the purposes of section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), in relation to an application to protect areas on Prince of Wales Island (Murulag) in the Torres Strait. The application is attached for your information (due to file size restrictions I have not included attachments to the application but I can provide them on request). Please note that the attached documents have not been published and should not be shared with any third parties at this stage. Timing is somewhat flexible but we are looking to commence the reporting process and receive a report as soon as possible.

Should you agree, I invite you to provide as soon as possible by return e-mail:

- a quote for services including total cost and suggested milestone dates and payments for completion
- a current curriculum vitae



I am aware that you have done this sort of work recently and I expect that you are familiar with our current processes and preferences. I would be happy to discuss any questions or special arrangements with you.

Please note that your appointment would be at the Minister's discretion so we are not making a firm offer of work at this stage.

I look forward to your response.

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Team  
Indigenous Heritage Section



John Gorton Building, King Edward Terrace, Parkes ACT  
GPO Box 787, CANBERRA ACT 2601

**T:** s. 22(1)(a)(ii) | **E:** s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

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

**From:** [Tom Keely](#)  
**To:** [s. 22\(1\)\(a\)\(ii\)](#)  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#)  
**Subject:** RE: ATSIHP Act section 10 reports [SEC=OFFICIAL]  
**Date:** Wednesday, 21 October 2020 10:32:33 AM

---

Thanks [s. 22\(1\)\(a\)\(ii\)](#) – it was the Ngajanha Marnta (Spear Hill) report in June 2018.  
Regards,  
Tom

---

**From:** [s. 22\(1\)\(a\)\(ii\)](#) <[@awe.gov.au](mailto:@awe.gov.au)>  
**Sent:** Wednesday, October 21, 2020 10:26 AM  
**To:** Tom Keely <[tpkeely@vicbar.com.au](mailto:tpkeely@vicbar.com.au)>  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) <[@environment.gov.au](mailto:@environment.gov.au)>  
**Subject:** RE: ATSIHP Act section 10 reports [SEC=OFFICIAL]

Thanks Tom. We will probably be in touch shortly regarding a specific project. In the meantime, can you please let me know which report you produced for us previously?

---

**From:** Tom Keely <[tpkeely@vicbar.com.au](mailto:tpkeely@vicbar.com.au)>  
**Sent:** Thursday, 3 September 2020 8:13 AM  
**To:** [s. 22\(1\)\(a\)\(ii\)](#) <[@awe.gov.au](mailto:@awe.gov.au)>  
**Subject:** RE: ATSIHP Act section 10 reports [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](#)  
Apologies for the length of time taken to respond.  
I'm afraid that responding got overlooked in the hurly burly of practice.  
I've only done one of these reports, but enjoyed doing it. I continue to be generally interested.  
I've got a fair bit on over the next three weeks, but should be freer after that.  
In case it's relevant, my daily rate is \$3,800 + GST.  
If any of this is not clear enough, please call to discuss – details below.  
Best,  
Tom

**Tom Keely SC**



Chambers address: Level 4, Owen Dixon Chambers East, 205 William Street, Melbourne 3000  
Postal address: c/- Howells' List, Ground floor, 525 Lonsdale Street, Melbourne 3000

**T:** (03) 9225 8295 **M:** 0418 124 599 **F:** (03) 9225 8450

Clerk: Terry Hawker - (03) 9225 7871, or Kate Dugan – (03) 9225 6807

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**From:** s. 22(1)(a)(ii) <[@awe.gov.au](mailto:@awe.gov.au)>  
**Sent:** Wednesday, August 12, 2020 5:04 PM  
**To:** Tom Keely <[tpkeely@vicbar.com.au](mailto:tpkeely@vicbar.com.au)>  
**Subject:** ATSIHP Act section 10 reports [SEC=OFFICIAL]

Hi Tom

I contacted you a few months ago about being nominated as a section 10 reporter under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act). You were not available at that stage but said that you were generally interested. We have a few applications requiring section 10 reports to be prepared soon, so I am e-mailing to check whether you are still interested and what your general availability is over the next few months.

Please let me know as soon as you can.

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii) (currently diverted to my personal mobile number)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, King Edward Terrace, Parkes ACT  
GPO Box 858, CANBERRA ACT 2601

[www.awe.gov.au](http://www.awe.gov.au)

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

**From:** [Tom Keely](#)  
**To:** [s. 22\(1\)\(a\)\(ii\)](#)  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) [ATSIHPA](#)  
**Subject:** RE: Request for quote - reporter for the purposes of section 10 of the ATSIHP Act [SEC=OFFICIAL]  
**Date:** Monday, 26 October 2020 6:18:18 PM

---

Thank you [s. 22\(1\)\(a\)\(ii\)](#) and apologies for the slow response.

I'm afraid that I will have to decline your proposal due to the level of existing work commitments.

Subject to capacity, I am interested in the work – I certainly enjoyed doing the report that I did.

However, on this occasion, I am unable to accept for the reason given.

For your information, I don't expect that I would be able to accept anything in the next three months.

Kind regards,

Tom

---

**From:** [s. 22\(1\)\(a\)\(ii\)](#) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Friday, October 23, 2020 3:14 PM  
**To:** Tom Keely <[tpkeely@vicbar.com.au](mailto:tpkeely@vicbar.com.au)>  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>; [ATSIHPA](#) <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>  
**Subject:** Request for quote - reporter for the purposes of section 10 of the ATSIHP Act [SEC=OFFICIAL]  
**Importance:** High

Dear Mr Keely

Thank you for confirming your interest.

We invite you to confirm whether you would be willing to be appointed as a reporter for the purposes of section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), in relation to an application to protect areas surrounding Warragamba Dam in the NSW Blue Mountains. I have attached details for your information. Please note that the attached documents have not been published and should not be shared with any third parties at this stage. The applicant has recently procured the services of an independent archaeologist to assist them in a creating a single specified boundary map and listing of objects and sites. We anticipate these will be provided in the coming weeks.

Timing is somewhat flexible but we are looking to commence the reporting process and receive a report as soon as possible. Please consider whether you see any need to travel as part of the task (COVID restrictions permitting) and whether you would be willing to if the applicant has that preference.

Should you agree, I invite you to provide as soon as possible by return e-mail:

- a quote for services including total cost and suggested milestone dates and payments for completion
- a current curriculum vitae
- a statement confirming that you are not aware of any conflicts of interest, real or perceived, that might prevent you from undertaking this task

I am aware that you have done this sort of work for our Department and I expect that you are familiar with our current processes and preferences. I would be happy to discuss any questions or special arrangements with you.

Please note that your appointment would be at the Minister's discretion so we are not making a firm offer of work at this stage.

I look forward to your response. Please be sure to cc [atsihpa@awe.gov.au](mailto:atsihpa@awe.gov.au) as I will be on leave next week.

Kind regards

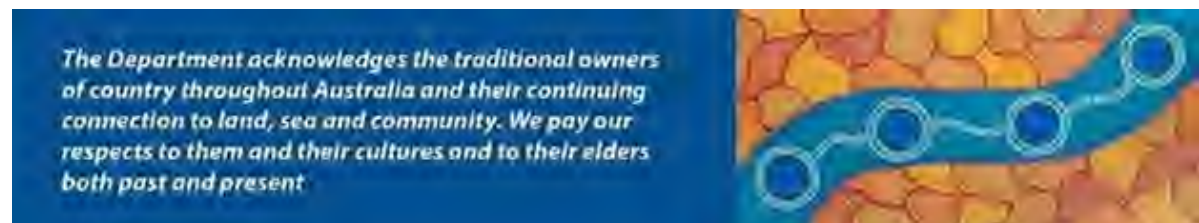
**s. 22(1)(a)(ii)**

Senior Heritage Officer

**s. 22(1)(a)(ii)**

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



*I acknowledge my ancestors, the Leterrermairreener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

Regards

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: Brief to the Minister - ATSIHP Act [SEC=OFFICIAL]  
**Date:** Tuesday, 10 November 2020 12:41:39 PM  
**Attachments:** [ATSIHPA CV.docx](#)

---

Here is Greg's CV. This will be his first S10 report.

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Tuesday, 10 November 2020 12:05 PM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: Brief to the Minister - ATSIHP Act [SEC=OFFICIAL]

Hi

Can you please send me the details of the new reporter for Warragamba. Do we have his CV?  
What other reports has he done?

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Monday, 26 October 2020 10:35 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** FW: Brief to the Minister - ATSIHP Act [SEC=OFFICIAL]

Hi guys

Re that ATSIHPA caseload brief I mentioned, here is the version that has been cleared by s. 22(1)(a)(ii) James and SOx. It's still with James Larsen but I will also send you a copy of the final version that goes to the Minister. FYI I am also including Attachment C, which was cleared by Jo and James but removed at SOx' request (so just provided for interest).

This was all done at very short notice so I am sorry I did not get a chance to consult you all properly. I would like for this brief plus our recruitment activities to form the basis for a team planning exercise in the next couple of weeks. My focus will be on making sure that in the transition to a larger team and seizing any reform opportunities, we make good use of our existing team's skills and experience – for the best outcome and also for your CVs. For that reason I don't mind if your PDS agreements run a little bit late and I will check that with Jo too.

Cheers

Cheers

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division

John Gorton Building 4CN.465

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---

**From:** James Barker <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>  
**Sent:** Friday, 23 October 2020 4:19 PM  
**To:** [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#)  
**Cc:** [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#); [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#); [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#); [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#); [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#); Larsen, James (Agriculture) <[James.Larsen@agriculture.gov.au](mailto:James.Larsen@agriculture.gov.au)>  
**Subject:** RE: Brief to the Minister - ATSIHP Act [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](#) A draft brief for this is enclosed. Happy to discuss. Cheers

---

**From:** [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#)  
**Sent:** Wednesday, 21 October 2020 11:37 AM  
**To:** [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#)  
**Cc:** James Barker <[James.Barker@environment.gov.au](mailto:James.Barker@environment.gov.au)>; [s. 22\(1\)\(a\)\(ii\) @environment.gov.au](#)  
**Subject:** Brief to the Minister - ATSIHP Act [SEC=OFFICIAL]  
**Importance:** High

Hi [s. 22\(1\)\(a\)\(ii\)](#)

In my catch up with James L. this morning he asked for a brief to the Minister on the Department's plan to manage the backlog of ATSIHP Act applications.

He'd like it to capture what the plan is and what will be the reporting to the Minister on progress.

James would like a draft by COB Friday.

Happy to discuss.

Cheers

[s. 22\(1\)\(a\)\(ii\)](#)

[s. 22\(1\)\(a\)\(ii\)](#)

**Director**

Policy and Governance Section

Biodiversity Conservation Division | Department of Agriculture, Water and the Environment

Ph: [s. 22\(1\)\(a\)\(ii\)](#)

GPO Box 787 | CANBERRA ACT 2601 | AUSTRALIA

*The Department acknowledges the traditional owners of the country throughout Australia and their continuing connection to land, sea and community.*

*We pay our respects to them and their cultures and their elders, past, present and emerging.*



# DR GREG TERRILL

## CURRICULUM VITAE

0417 048 259, [gterril99@gmail.com](mailto:gterril99@gmail.com), Canberra  
ABN 48583856594

### CURRENT ROLES

#### **Chair, EcoCommons Advisory Board**

March 2020 – ongoing

- EcoCommons is a newly-formed national data/analytics platform for advanced environmental and ecological modelling, combined with an undergraduate training program involving Australia's universities. It has some 7000+ users, and is funded by the Commonwealth government, CSIRO and a number of universities
- I chair the Advisory Board, which provides strategic direction to EcoCommons. The Board includes Commonwealth and state/territory jurisdictions across environment, hydrology and biosecurity, as well as scientists, private industry and NGOs

#### **Consultant, Western Australia Biodiversity Sciences Institute**

March 2020 - ongoing

- Member of small team to develop a roadmap for transparent, efficient and repeatable environmental analysis. This work feeds into federal and state reviews of environmental regulation, underpinning analytic tools for faster and more effective environmental regulation
- I am engaged to write the underlying methodological framework
- The framework is being developed by the Western Australia Biodiversity Sciences Institute (a non-profit consortium, led by the WA Government), and will be delivered to the Commonwealth Department of Agriculture, Water and Environment and the WA Government

#### **'Ambassador' and former Board member, Solomon Scouts and Coastwatchers Historical Trust, Solomon Islands**

2014 – ongoing

- The Trust is a Solomon Island-based not-for-profit organization dedicated to increasing national unity through historical awareness, tourism and heritage protection in Solomon Islands, <https://www.facebook.com/ssctprideofoundation/>
- I retain an honorary role, to maintain links with the Australian War Memorial

## PREVIOUS ROLES

### **Consultant, National Environment Predictive System scoping study**

February – October 2020

- Member of small team developing a business case to create a national forecasting capability across diverse environment domains
- I was engaged to contribute data and analytics content knowledge across the environment domain, and help engage with governments
- The project was run by the Terrestrial Ecosystem Research Network, and will be delivered to the Commonwealth Department of Education, Skills and Employment

### **Chief Data Officer, Department of Environment and Energy**

May 2017 – December 2019

- Established new role to lead modernisation of data and analytics approach
- Chaired government-wide Chief Data Officer network of some 50 APS agencies, charged to develop the government's data agenda
- Led development of a digital reform agenda for environmental assessments, primarily with Western Australia (announced by Prime Minister, 21 November 2019)
- 50 staff, \$10m budget

### **Chief Executive Officer, Solomon Islands Chamber of Commerce and Industry**

Aug 2015 – June 2016

- Led the peak business organisation in Solomon Islands
- Turned organisation around from being in debt, with incomplete and out of date records of membership, and losing staff – to one that had stable income, 5 months revenue in bank, strong back-of-house systems, and being a workplace of choice
- Strong relationship with Board and Government
- 8 staff, SI\$3m budget

### **Assistant Secretary, Biodiversity Conservation Division, Department of Environment**

January 2012- Jan 2013

- Responsible for large investments to regional providers of natural resource management programs in south and east Australia, as well as a nation-wide small grants program (9000+ grants under contract)
- Led delivery of the inaugural World Indigenous Network conference, a high-profile personal initiative of the Minister
  - o The conference was delivered in close consultation with the Indigenous Advisory Committee and several large Indigenous organisations
  - o I led the conference secretariat, personally responsible for relations with the Indigenous co-chairs and the Indigenous advisory group that met daily before and during the conference, as well as media and government relations
  - o Conference attracted some 1000 Indigenous people from around the world, plus businesses, researchers and government agencies
- 85 staff, ~\$200m budget

### **Assistant Secretary, International Heritage and Economics Branch, Department of Environment,**

August 2005 – April 2010; October 2010 – December 2011

- Responsible for the secretariat for the Australian Heritage Council
  - o Included managing programs of work on heritage interpretation, heritage economics, and a national heritage strategy
- Oversaw internal review of *Aboriginal and Torres Strait Islander Heritage Protection Act*
  - o Gained in principle agreement to reform directions from national Indigenous groups, as well as peak mining and farmers' associations
  - o Change of government led to reform proposals being set aside
- Led Australia's international heritage presence:
  - o Led Australian delegations to 6 annual meetings of the World Heritage Committee,
  - o Attended (usually in organizing or chairing role) meetings in Bahrain, Brazil, Cambodia, Canada, China, France, Germany, New Zealand, PNG, Russia, Japan, Senegal, Spain, Switzerland, Tahiti, Thailand
  - o Personal Ministerial endorsement for individual nomination to the World Heritage Committee; elected with the then 2<sup>nd</sup> highest number of votes
- Staff varied from 40-110, and budget from approx. \$9-\$40m

**Assistant Secretary, International Branch, Australian Greenhouse Office, Canberra,**

August 2002 - July 2004

- Assistant Manager/Manager, Australian Greenhouse Office, Canberra, 1998–2003

**Member, Kyoto Protocol drafting team, United Nations Framework Convention on Climate Change, Geneva/Bonn**

February 1996 – August 1998

## TERTIARY EDUCATION

**Post-doctoral studies in history, Nuffield College, Oxford**

September 1997 – June 1998

**PhD in history, Queensland University of Technology**

March 1992 – July 1995

**BA Hons, history, University of Melbourne**

1981 –1986

**From:** [Greg Terrill](#)  
**To:** [s. 22\(1\)\(a\)\(ii\)](#)  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) [ATSIHPA](#)  
**Subject:** RE: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) ([s. 22\(1\)\(a\)\(ii\)](#)) [SEC=OFFICIAL]  
**Date:** Friday, 13 November 2020 9:36:24 AM

---

Sounds good [s. 22\(1\)\(a\)\(ii\)](#)

Cheers

Greg  
0417 048 259

Get [BlueMail for Android](#)

On 13 Nov 2020, at 09:19, [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](#) wrote:

Thanks Greg. Next step is we put a reporter appointment brief to the Minister ([s. 22\(1\)\(a\)\(ii\)](#) has already started on that) and hopefully we will be able to engage you soon.

**From:** Greg Terrill <gtterrill99@gmail.com>

**Sent:** Friday, 13 November 2020 9:15 AM

**To:** [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](#)

**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) [@environment.gov.au](#); ATSIHPA  
<ATSIHPA@environment.gov.au>

**Subject:** Re: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) [s. 22\(1\)\(a\)\(ii\)](#) [SEC=OFFICIAL]

Hello [s. 22\(1\)\(a\)\(ii\)](#), hello [s. 22\(1\)\(a\)\(ii\)](#)

Many thanks for this information - it was a very helpful guide.

Please find attached a quote for my involvement. I would of course welcome any discussion of the timelines or assumptions that I have outlined if you consider that they should be modified.

Please let me know if I can be of further assistance.

Best regards

Greg

0417 048 259

On Thu, 12 Nov 2020 at 14:00, [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](#) wrote:

Hi Greg

During to our last discussion I undertook to get you some more detailed estimates on the amount of work to be expected in the course of preparing a section 10 report. As discussed, efforts vary depending on the complexity of the task but these three recent examples should provide a good indication:

	#1 Huskisson	#2 Wahluu	#3 Apparrlu
Estimated days/hours spent (7 hour working day)	15 days – 105 hours	16 days – 112 hours	20 days – 140 hours
Section 10 Report	104 page Report 837 page appendix	92 page Report  Appendix size not available	185 page Report  3275 page appendix (includes a number of duplicate attachments, heritage studies)
Representations received	57 representations	30 representations	Number of representations not available

As noted previously, contractual arrangements can be varied by mutual agreement if appropriate.

Given the time that has elapsed since our first contact, you should probably allow for an extra fortnight for receiving representations given that the Christmas / New Year break will inevitably intervene.

Please continue to use the [atishpa@awe.gov.au](mailto:atishpa@awe.gov.au) mailbox to make sure that we stay in contact throughout the coming holiday period.

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division

John Gorton Building 4CN.465

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

-----Original Appointment-----

**From:** Google Calendar <[calendar-notification@google.com](mailto:calendar-notification@google.com)> **On Behalf Of** [gterrill99@gmail.com](mailto:gterrill99@gmail.com)

**Sent:** Thursday, 29 October 2020 12:09 PM

**To:** [s. 22\(1\)\(a\)\(ii\)](#)

**Subject:** Accepted: Re: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) [s. 22\(1\)\(a\)\(ii\)](#)

**When:** Friday, 30 October 2020 10:30 AM-11:00 AM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:** Microsoft Teams Meeting

[gterrill99@gmail.com](mailto:gterrill99@gmail.com) has accepted this invitation.

**Re: request for quote - reporter for the purposes of section 10 of the ATSIHP Act (Warragamba Dam) [SEC=OFFICIAL]**

When Fri 30 Oct 2020 10:30 – 11:00 Eastern Australia Time - Sydney

Where Microsoft Teams Meeting ([map](#))

Calendar [s. 22\(1\)\(a\)\(ii\)](#)

Who

- [s. 22\(1\)\(a\)\(ii\)](#) organiser
- [gterrill99@gmail.com](mailto:gterrill99@gmail.com) creator

-----  
From: Greg Terrill >

Sent: Wednesday, 28 October 2020 3:14 PM

To: [s. 22\(1\)\(a\)\(ii\)](#)

Cc: [s. 22\(1\)\(a\)\(ii\)](#) ; ATSIHPA

Subject: Re: request for quote - reporter for the purposes of section 10 of the ATSIHP Act (Warragamba Dam) [SEC=OFFICIAL]

Hello [s. 22\(1\)\(a\)\(ii\)](#)

Many thanks for your email. I do have some experience with the Act, though from a policy / legal reform perspective rather than having been involved in the reporting process. Can I suggest we have a short phone call in the next couple of days? I would be keen to talk through the issues a little (I will look through the documents that you have provided), as well as the work that might be involved.

Times that would suit me include:

- 12-1.30pm or 4pm+ tomorrow (Thursday)

- 9-12.45pm or 4.15pm+ Friday

Would one of these work for you? If so, grateful if you could send through a Teams appointment.

Cheers

Greg

0417 048 259

On Wed, 28 Oct 2020 at 14:47, [s. 22\(1\)\(a\)\(ii\)](#) > wrote:

Dear Mr Terrill

Your name and CV have been forwarded to me by James Barker, as a potential reporter for the purposes of section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act). I am e-mailing to ask whether you would be willing to prepare a section 10 report in relation to an application to protect areas surrounding Warragamba Dam in the Blue Mountains, New South Wales. I have attached details for your information. The applicant has recently procured the services of an independent archaeologist to assist in clarifying their description of objects and sites. We anticipate these additional documents will be provided in the coming weeks.

I understand from your CV that you have some experience with the ATSIHP Act. To bring you up to date with our current practices and procedures, I am providing you with the following documents:

- a model section 10 table of contents
- an example section 10 report
- an example contract for services

Timing is somewhat flexible but we are looking to commence the reporting process and receive a report as soon as possible. Please consider whether you see any need to travel as part of the task (COVID restrictions permitting) and whether you would be willing to travel to the site if the applicant has that preference.

Please note that the attached documents are not published documents and should not be shared with any third parties at this stage.

Should you agree, I invite you to provide as soon as possible by return e-mail:

- a quote for services including total cost and suggested milestone dates and payments for completion
- a statement confirming that you are not aware of any conflicts of interest, real or perceived, that might prevent you from undertaking this task
- an updated current curriculum vitae if you wish to add anything to the CV sent to James Barker on 23 October 2020

Please note that your appointment would be at the Minister's discretion so we are not making a firm offer of work at this stage.

I would be happy to discuss any questions and I otherwise look forward to your response to [atsihpa@awe.gov.au](mailto:atsihpa@awe.gov.au).

Regards

[s. 22\(1\)\(a\)\(ii\)](#)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Water and the Environment

Heritage Branch | Heritage, Reef and Wildlife Trade Division

John Gorton Building, King Edward Terrace, Parkes ACT

GPO Box 858, CANBERRA ACT 2601

[www.awe.gov.au](http://www.awe.gov.au)

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---

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---

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account [s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au) because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively, you can sign up for a Google Account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organiser and be added to the guest list, invite others regardless of their own invitation status or to modify your RSVP. [Learn more](#).



s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team  
Indigenous Heritage Section  
Heritage Branch  
Department of Agriculture, Water and the Environment

Dr Greg Terrill  
0417 048 259, [gterrill09@gmail.com](mailto:gterrill09@gmail.com)  
ABN 48583856594  
12 November 2020

Dear s. 22(1)(a)(ii)

I am writing to quote for services as a Reporter under s10 of the ATSIHP Act in relation to the application by the Gundungurra Aboriginal Heritage Association Inc in relation to the NSW Government's Warragamba Dam Wall Raising Project.

Proposed dates for the activity include:

- Advertising from early-mid December to end January
- Initial progress report to DAWE due 5 February
- 2 rounds of contact with interested parties and applicant, providing each the opportunity to comment upon claims made, from 5 February to 14 April
- Second progress report due 12 March
- Draft report due 9 April
- Comments upon draft report to me by 14 April
- Final report due 23 April

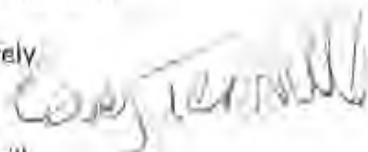
The main assumptions I have used to generate the quote include:

- That while each of the 60 areas referenced in the application will need to be considered individually in initial analysis, the 60 areas will subsequently be able to be treated either as a single group or a small set of groups in further considerations, and particularly in communications with the applicant and interested parties whose interests may be adversely affected
- Approximately 30 written and no oral representations generated by the advertisement
- Two rounds of contact with applicant and interested parties (with each given 2 weeks to respond, ie 8 weeks of time for responses)
- No travel to the location

I have estimated that there will be 24 days of work involved. At a daily rate of s. 47G(1)(a) my quote for the total cost of services is s. 47G(1)(a) GST exclusive.

I am not aware of any conflicts of interest, real or perceived, that might prevent me from undertaking this task.

Yours sincerely



Dr Greg Terrill

**From:** [Greg Terrill](#)  
**To:** [s. 22\(1\)\(a\)\(ii\)](#)  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#); [ATSIHPA](#)  
**Subject:** RE: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) ([s. 22\(1\)\(a\)\(ii\)](#)) [SEC=OFFICIAL]  
**Date:** Friday, 13 November 2020 9:36:24 AM

---

Sounds good [s. 22\(1\)\(a\)\(ii\)](#)

Cheers

Greg  
0417 048 259

Get [BlueMail for Android](#)

On 13 Nov 2020, at 09:19, [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](#) wrote:

Thanks Greg. Next step is we put a reporter appointment brief to the Minister ([s. 22\(1\)\(a\)\(ii\)](#) has already started on that) and hopefully we will be able to engage you soon.

**From:** Greg Terrill <gtterrill99@gmail.com>

**Sent:** Friday, 13 November 2020 9:15 AM

**To:** [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](#)

**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) [@environment.gov.au](#); [ATSIHPA](#) <[ATSIHPA@environment.gov.au](#)>

**Subject:** Re: Accepted: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) ([s. 22\(1\)\(a\)\(ii\)](#)) [SEC=OFFICIAL]

Hello [s. 22\(1\)\(a\)\(ii\)](#) hello [s. 22\(1\)\(a\)\(ii\)](#)

Many thanks for this information - it was a very helpful guide.

Please find attached a quote for my involvement. I would of course welcome any discussion of the timelines or assumptions that I have outlined if you consider that they should be modified.

Please let me know if I can be of further assistance.

Best regards

Greg

0417 048 259

On Thu, 12 Nov 2020 at 14:00, [s. 22\(1\)\(a\)\(ii\)](#) [@awe.gov.au](#) wrote:

Hi Greg

During to our last discussion I undertook to get you some more detailed estimates on the amount of work to be expected in the course of preparing a section 10 report. As discussed, efforts vary depending on the complexity of the task but these three recent examples should provide a good indication:

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Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division

John Gorton Building 4CN.465

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**Subject:** Accepted: Re: request for quote - reporter for the purposes of sect... @ Fri 30 Oct 2020 10:30 - 11:00 (AEDT) ([s. 22\(1\)\(a\)\(ii\)](#))

**When:** Friday, 30 October 2020 10:30 AM-11:00 AM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:** Microsoft Teams Meeting

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When Fri 30 Oct 2020 10:30 – 11:00 Eastern Australia Time - Sydney

Where Microsoft Teams Meeting ([map](#))

Calendar [s. 22\(1\)\(a\)\(ii\)](#)

Who

- [s. 22\(1\)\(a\)\(ii\)](#) - organiser
- [gterrill99@gmail.com](mailto:gterrill99@gmail.com) - creator

-----  
From: Greg Terrill >

Sent: Wednesday, 28 October 2020 3:14 PM

To: [s. 22\(1\)\(a\)\(ii\)](#)

Cc: [s. 22\(1\)\(a\)\(ii\)](#) ATSIHPA

Subject: Re: request for quote - reporter for the purposes of section 10 of the ATSIHP Act (Warragamba Dam) [SEC=OFFICIAL]

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Regards

[s. 22\(1\)\(a\)\(ii\)](#)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: [s. 22\(1\)\(a\)\(ii\)](#)

Department of Agriculture, Water and the Environment

Heritage Branch | Heritage, Reef and Wildlife Trade Division

John Gorton Building, King Edward Terrace, Parkes ACT

GPO Box 858, CANBERRA ACT 2601

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**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]  
**Date:** Wednesday, 11 November 2020 9:48:40 AM

---

I usually get info on listed places from the Australian Heritage Database which is on the public website (Topics > [Heritage](#) – the search function is on the right hand sidebar).

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 11 November 2020 8:00 AM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** FW: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Is there a SPIRE link for the Greater blue mountains world heritage listing? I want to do a dot point about the WHL in the reporter brief.

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Friday, 21 August 2020 12:34 PM  
**To:** [ghal6522@bigpond.net.au](mailto:ghal6522@bigpond.net.au)  
**Cc:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc [SEC=OFFICIAL]

Dear Ms Halls

Thank you for your applications (below and attached) and our conversation earlier this week. The next step in our process under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) is to appoint someone to prepare a report on your application for the Minister. We think we have identified an appropriate reporter but we need some more information on your application before that process can begin.

Most importantly, we request clarification of the specified area (or areas) over which you are applying for protection under section 10. You have provided maps, but while these identify a number of features they do not clearly identify a specified area. We would prefer a single, unambiguous map with an accompanying GIS shapefile if possible, but whatever the format, it must be clear what area is specified for protection. Within this area, we request further detail on specific features (tangible or intangible) that contribute to the cultural significance of the area. This is necessary to ensure that the Minister and other interested parties understand your application correctly.

In relation to your application under section 12 of the ATSIHP Act, please clarify what 'objects' or 'class of objects' you seek protection of. The Department would generally consider an object to be a tangible item that could be picked up or separated from the landscape without physical damage. It may be more convenient to identify a class or classes (types) of objects rather than identifying numerous individual objects.

Please discuss with us if any of the information we have requested is culturally sensitive, so we can agree how to treat it appropriately.

Regards

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii) (currently diverted to my personal mobile number)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, King Edward Terrace, Parkes ACT  
GPO Box 858, CANBERRA ACT 2601

[www.awe.gov.au](http://www.awe.gov.au)

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---

**From:** Sharyn [<mailto:ghal6522@bigpond.net.au>]

**Sent:** Wednesday, 13 November 2019 3:00 PM

**To:** ATSIHPA <[ATSIHPA@environment.gov.au](mailto:ATSIHPA@environment.gov.au)>

**Subject:** ATSIHP Act Application information - Gundungurra Aboriginal Heritage Association Inc

It's been some months since our last contact. I have read the material you kindly emailed. Thank you. I would like to formally lodge an application under the ATSIHP Act.

Please see all attachments.

Under section 10 of the ATSIHP Act, the Gundungurra Aboriginal Heritage Association Inc (GAHAI) seeks preservation and ongoing protection of the Aboriginal culturally significant area shown in the attached maps. This area is under threat of injury and desecration from impacts of the NSW Government's Warragamba Dam Wall Raising Project if its allowed to go ahead. GAHAI also seeks, under section 12 of the ATSIHP Act, preservation and ongoing protection of the significant Aboriginal objects within the above mentioned area (there are too many objects to be mapped at the scale of the attached documents).

The physical and cultural well-being of the Gundungurra Nation, and the well-being of our future generations, is at stake if we allow further injury and desecration to our Burragorang Ngunna (Country).

Even though we, like Water NSW, are signatories on the Gundungurra Area Agreement (an Indigenous Land Use Agreement granted under the Commonwealth's Native Title Act (1993) in 2014), it appears the area is not safe from the threat of further injury or desecration under the Commonwealth's Native Title Act (1993) or the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). We are seeking preservation and ongoing protection from the threat of further injury or desecration under the ATSIHP Act.

As additional information, I have attached our Aboriginal place nomination that was lodged July 2018 if the Warragamba Wall goes ahead most of the nominated area will be impacted.

Therefore, the Darug people would also recognise the urgent need to respectfully protect and preserve Burragorang Valley as a highly significant part of Gundungurra Country.

**Context/Background Statement:**



The Gundungurra Aboriginal Heritage Association Inc's (GAHAI) traditional and ongoing links to the land in question has been formally and legally recognised through GAHAI being a signatory party on the Gundungurra Agreement Area (N2014/001) Indigenous Land Use Agreement (ILUA) granted under the Commonwealth's Native Title Act (1993) in 2014. We are legally obliged to protect the cultural values of the Gundungurra Area Agreement, as a signatory party on the ILUA. This area is also part of the Greater Blue Mountains world heritage area and should be protected under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

We seek that the Federal Government right the wrongs of the State Government that intends to raise the Warragamba Dam Wall and impact again on our Cultural Landscapes and Spiritual Connections to Country. We risk losing additional significant cultural landscape areas and permanently drowning recently re-discovered significant site complexes so that more homes can be built on floodplains and those already homes built on floodplains are retrospectively protected. There has been no regard for the well-being of the Gundungurra people; past, present and emerging. The mental, physical and cultural health of our Gundungurra Elders, people and children deserve consideration. Consideration of these factors and protecting the significant area with significant sites under section 10 and section 12 of the ATSIHP Act will improve the well-being of the Gundungurra people now and into the future.

***Burraborang Ngurra(Country) - Statement of Aboriginal Cultural Significance:***

The Burraborang Valley's creation story from far past times was first published in a German anthropological journal in 1908, *Some Mythology of the Gundungurra tribe, New South Wales* by RH Mathews, which describes the creation of landscape features from the chase of Gurangatch (giant eel) by Mirrigan (a tiger quoll-like animal). The Aboriginal cultural significance of the Burraborang was ignored or forgotten by the NSW Government in the building of Warragamba Dam. Our Country was flooded to ensure a guaranteed drinking water supply for a growing Sydney. Much of our cultural and spiritual landscapes including culturally significant waterholes and sections of creeks described in the creation story, that had been nurtured and cared for since the beginning of time by our ancestors, were lost. Significant areas were lost to flooding and water storage for so called progress. In addition to the loss of our traditional lands, we were put in Missions and institutions away from the cultural landscape and spiritual Country we nurtured, knew well and cared for and sent far away with no access to Gundungurra Country (limited and controlled as scheduled drinking water lands).

Further flooding of the Valley through raising of the Warragamba Dam will erase the tangible landscape features recorded in the Burraborang Valley creation story, impacting connection with landscape features described and handed down over countless generations of Gundungurra People. The Darug People also recognise the importance of this creation story of the Burraborang and the rivers in Gundungurra Country, as it is intertwined with the creation of the Country and rivers therein in Darug Country through the same ancestral beings especially Gurangatch. To destroy remaining landscape features key to the creation story by more flooding of the Valley, continues to destroy Gundungurra culture and the spirit of the People, but also all other Aboriginal people in the region that are interconnected to this story, and how it relates to the creation of their own Countries through these ancestral beings.

The Gundungurra's Gurangatch and Mirrigan creation story, significant waterholes related to the story, associated Aboriginal cultural values, song lines and intimate knowledge of Country (Ngurra) from the past and kept alive and formally recorded through over 10 years of archaeological field surveys is the bloodline of the Gundungurra. This body of knowledge keeps building with re-discoveries of sites exposed by the drought. Recent archaeological field surveys of the Sydney's drinking water catchment land that included GAHAI representatives, have led to

recording hundreds of more sites; many of which are interconnected complex sites not found elsewhere in the Sydney metropolitan area. Similar example may have once existed through Sydney but they have all been destroyed through development. Much of this significant area and significant complexes of sites within areas largely flooded to secure Sydney's drinking water supply, have already been injured and desecrated once. This was in the 1950s; long before Aboriginal cultural heritage protection legislation existed under Commonwealth or State jurisdictions. The Gundungurra have paid an enormous price, already, from injury and desecration of their Country and significant sites within. Recently recorded objects include rock shelters with art and/or tools and/or occupation deposits, scatters of tools in open site contexts, scarred trees and axe grinding grooves well, as ancestral burials according to historic records. As a result of recent fieldwork (some locations surveyed for the first time) the significance of these interconnected, complex sites has been recorded. Interconnected, complex sites like these no longer survive in the Sydney metropolitan area. They are unique, highly significant site complexes.

The Burratorang Valley is also recognised by people from the Darug Nation as a highly significant homeland within the Country of their neighbours, the Gundungurra people. Darug people acknowledge, long, continuous respectful cultural and historical relationships with the Burratorang Valley through their kinship and social links to the Gundungurra people. Darug families had visited their relatives and extended kin who were part of the Gundungurra community for countless generations, before displacement and the loss of the old camps in Burratorang Valley under flood waters and water storage. As a result, Darug people acknowledge the significant loss felt by the Gundungurra community of their homelands, their Country and their culture which is deeply entwined in this significant place. Darug people also experienced in many instances the loss of those long-standing relationships with the Gundungurra through their dispossession from Burratorang and subsequent disbursement to distant places.

It would be a significant loss to the Gundungurra, the Darug, the broader Aboriginal community, the people of NSW and wider public (both present and future), as well as people worldwide to lose more of the culturally significant Gundungurra area and the significant and uniquely intact sites (objects) within to floodwaters. Some of which has been unexpectedly preserved due to lower water storage levels. The Gundungurra people's cultural and spiritual connection to this important part of their Country in the Burratorang Valley, their heritage and the creation story is significant to all people in NSW, Australia and across the world.

If you need to talk to me my number is 0428270594

Regards

Sharyn Halls Gundungurra Elder

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** FW: Warragamba Dam proposal [SEC=OFFICIAL]  
**Date:** Wednesday, 11 November 2020 10:41:37 AM  
**Importance:** High

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Hi s. 22(1)(a)(ii)

The proposal was received on the 17 May 2017. See link to our referral brief on Spire <http://170715.spire.environment.gov.au/122/2017-7940%20Warragamba%20Dam%20Raising%20Project.%20NSW/2017-7940%20Referral-Decision%20Brief-SIGNED%202017JULY17.pdf>

Cheers

s. 22(1)(a)(ii)

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**From:** s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Sent:** Wednesday, 11 November 2020 9:41 AM  
**To:** s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Subject:** Warragamba Dam proposal [SEC=OFFICIAL]  
**Importance:** High

Hi s. 22(1)(a)(ii)

Im drafting a reporter appointment brief for the Minister for the Warragamba Dam ATSIPHA application. I need to input a paragraph of when the referral/proposal was received by the office but as much as I search SPIRE, I can't find the date we use as received?

Is there some previously used standard words that's been used in briefs you could send me?:

i.e. On xxx May 2017 a proposal was received from WaterNSW to ..... Under the EPBC .....

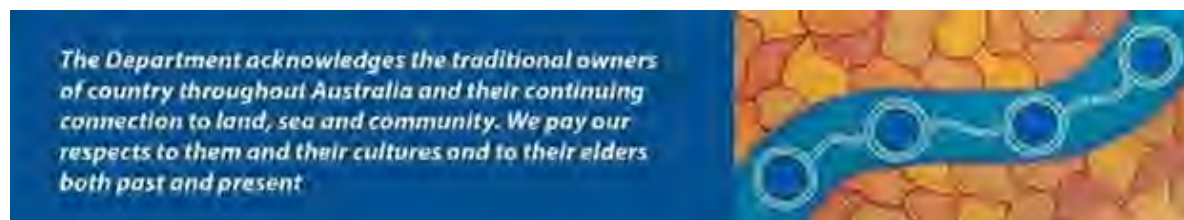
Kind regards

**s. 22(1)(a)(ii)**

Senior Heritage Officer  
s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment  
Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building, Level 4, King Edward Terrace,  
Parkes ACT 2600

[www.awe.gov.au](http://www.awe.gov.au)



*I acknowledge my ancestors, the Leterrermairrener and Plangermaireener (Ben Lomond Tribe) people. I recognise their struggle, their fight, their resilience and survival. I pay respect to my elders past, present and future.*

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Subject:** FW: First draft - reporter appt brief [SEC=OFFICIAL]  
**Date:** Thursday, 12 November 2020 11:51:49 AM  
**Attachments:** [Reporter Appt brief - warragamba dam.docx](#)

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This looks pretty good thanks – I’ve made a few comments but none of them are very significant.

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**From:** s. 22(1)(a)(ii) @environment.gov.au>  
**Sent:** Wednesday, 11 November 2020 12:21 PM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** First draft - reporter appt brief [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

For your review/comment – is this on the right track?

I have flagged a comment re section 12. Please let me know what you would like me to do – add it as part of this brief, separate brief etc.

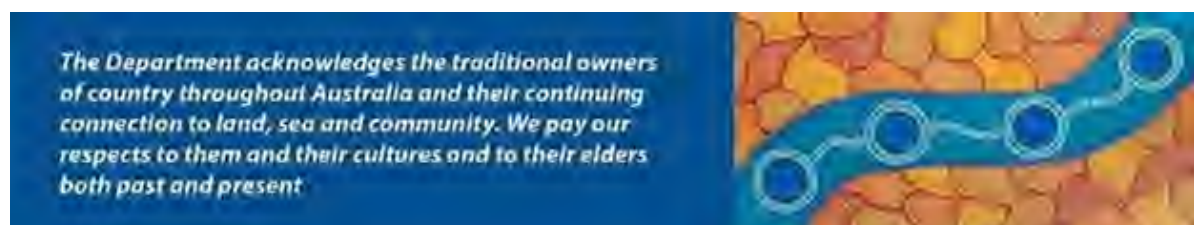
Kind regards

**s. 22(1)(a)(ii)**

Senior Heritage Officer  
s. 22(1)(a)(ii)

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MS20-000xxx

To: Minister for the Environment (For Decision)

**ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984 –  
WARRAGAMBA DAM –NOMINATION OF SECTION 10 REPORTER**

Timing: 30 November 2020, while quote remains current

<b>Recommendation:</b>			
1. That you agree to nominate Dr Greg Terrill to prepare a report for you in accordance with subsections 10(3) and 10(4) of the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Cth) (ATSIHP Act).			
			<b>Agreed / Not agreed</b>
<b>Minister:</b>		Date:	
<b>Comments:</b>			
<b>Clearing Officer:</b>	James Barker	Assistant Secretary, Heritage Branch	Ph: 02 6274 2015 Mob: s. 47F(1)
Contact Officer:	s. 22(1)(a)(ii)	Director, Indigenous Heritage Section	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)

**Key Points:**

- On 13 November 2019, you received an application under section 10 of the ATSIHP Act (**the Applications**) from Sharyn Halls (**the Applicant**), on behalf of the Gundungurra Aboriginal Heritage Association Inc (GAHAI). The application was for declarations to protect the Greater Blue Mountains World Heritage area (**the Specified Area**), surrounding the Warragamba Dam in the Blue Mountains of New South Wales from 'further destruction from the raising of the Warragamba Dam wall (applications including Specified Area map at **Attachment A**). Relevant extracts from the ATSIHP Act are provided at **Attachment B**.
- A concurrent application under section 12 of the ATSIHP Act remains under discussion with the Applicant but is not directly relevant to this brief.
- The Department is satisfied that the Applicant is Aboriginal, as required under subsection 10(1)(a) of the ATSIHP Act, and further notes that the Specified Area is within her traditional lands.

**Nomination of section 10 reporter**

- Under subsection 10(1) of the ATSIHP Act, it is a precondition of making a decision under section 10 that you have received a report from a person nominated by you. Requirements of such a report are set out in subsections 10(3) and 10(4).

6. The Department recommends that you appoint Dr Greg Terrill (curriculum vitae at **Attachment C**) to undertake this task. This is the first time Dr Terrill has been engaged as a reporter under section 10 of the ATSIHP Act.
7. Dr Terrill has confirmed that he is willing to accept a nomination from you in this case and has quoted a fee of \$~~xxxx~~<sup>s. 47G(1)(a)</sup> (GST exclusive) to prepare the report (**Attachment D**). The quote is based on an estimated ~~xxxxx~~ 24 days of work at a daily rate of \$~~xxxxx~~<sup>s. 47G(1)(a)</sup> (GST exclusive), which the Department considers to be reasonable based on work for comparable cases. Dr Terrill has confirmed that he is not aware of any conflicts of interest he has in relation to this matter.
8. You are the sole decision maker in relation to the nomination of a section 10 reporter. No statutory timeframes apply. If you agree to nominate Dr Terrill as recommended, the Department will enter into the necessary contractual arrangements on your behalf. Dr Terrill's quote for this report is a best estimate on the information available and may be subject to adjustment if the scope of the works is substantially different to what has been estimated.

### Sensitivities and handling

9. The Gundungurra Aboriginal Heritage Association Inc's (GAHAI) traditional and ongoing links to the land in the application has been formally and legally recognised. GAHAI are a signatory party on the Gundungurra Agreement Area (N2014/001) Indigenous Land Use Agreement (ILUA) granted under the Commonwealth's *Native Title Act 1993* in 2014.
10. WaterNSW submitted a referral on 17 May 2017 with a proposal to increase the Warragamba Dam wall by 14 m. On 4 May 2020, the proponent submitted a formal request to vary the proposed action, increasing the height of Warragamba Dam wall by 17 m from 14 m. The project is subject to an assessment under the EPBC Act focusing on the World Heritage values of The Greater Blue Mountains World Heritage Area (GBMWhA).
11. Recent media attention has had a strong focus on the widespread negative impact the proposal will have on sacred Indigenous sites, artefacts, objects, stories and songlines.

### Consultation

12. The Department has discussed with Dr Terrill the possibility of being nominated by you as a section 10 reporter, in order to ascertain his availability and obtain a quote for his services. The Department made no undertakings as to his appointment and the discussion does not prejudice your decision in any way.

### ATTACHMENTS

- A: Applications (excluding attachments) – specified area map on page one
- B: ATSIHP Act – relevant extracts
- C: Dr Greg Terrill – CV
- D: Dr Greg Terrill – quote for services

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** [ATSIHPA: s. 22\(1\)\(a\)\(ii\)](#)  
**Subject:** FOR CLEARANCE - Warragamba reporter nomination brief [SEC=OFFICIAL]  
**Date:** Friday, 27 November 2020 2:33:54 PM  
**Attachments:** [Reporter Appt brief - warragamba dam.docx](#)  
[Attachment C - CV - Greg Terrill.pdf](#)  
[Attachment D - quote for services - Greg Terrill.pdf](#)  
[Attachment A - section 10 application - Warragamba Dam.pdf](#)

**s. 22(1)(a)(ii)**

[Attachment B - ATSIHP Act - relevant extracts.pdf](#)

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Hi <sup>s. 22(1)</sup>

Please find attached for review and clearance a brief to have Greg Terrill appointed as a reporter for the Warragamba Dam section 10 application.

Cheers

s. 22(1)(a)(ii)

Assistant Director, ATSIHP Act Team | Indigenous Heritage Section | T: s. 22(1)(a)(ii)

Heritage Branch | Heritage, Reef and Wildlife Trade Division  
John Gorton Building 4DN.412

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




DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

MS20-001670

To: Minister for the Environment (For Decision)

**ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984 –  
WARRAGAMBA DAM – APPOINTMENT OF SECTION 10 REPORTER**

Timing: 16 December 2020 – to expedite section 10 reporting process

<b>Recommendation:</b>			
1. That you agree to nominate Dr Greg Terrill to prepare a report for you in accordance with subsections 10(3) and 10(4) of the ATSIHP Act.			
<b>Minister:</b>		<b>Agreed / Not agreed</b>	
<b>Comments:</b>		Date:	10/12/20
<b>Clearing Officer:</b>	James Barker	Assistant Secretary, Heritage Branch	Ph: 02 6274 2015 Mob: s. 47F(1)
Sent: 1/12/20			
<b>Contact Officer:</b>	s. 22(1)(a)(ii)	Director, Indigenous Heritage Section	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)

**Key Points:**

1. On 13 November 2019, you received an application (**the Application**) under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the **ATSIHP Act**) from Ms Sharyn Halls, on behalf of the Gundungurra Aboriginal Heritage Association Inc (GAHAI) (**the Applicant**). The Application seeks a declaration to protect the area surrounding the Warragamba Dam in the Blue Mountains, New South Wales (**the Specified Area**), from 'further destruction from the raising of the Warragamba Dam wall (application including Specified Area map at **Attachment A**).
2. The Department is satisfied that the Applicant is Aboriginal, as required under subsection 10(1)(a) of the ATSIHP Act. GAHAI's traditional and ongoing relationship with the Specified Area has been formally and legally recognised. GAHAI are a signatory party to the Gundungurra Agreement Area (N2014/001) Indigenous Land Use Agreement (ILUA) made in 2014 under the *Native Title Act 1993*.

**Nomination of section 10 reporter**

3. It is a precondition of making a decision under section 10 of the ATSIHP Act (relevant extracts at **Attachment B**) that you have received a report from a person nominated by you. Requirements of such a report are set out in subsections 10(3) and 10(4). You are the sole decision maker in relation to the nomination of a section 10 reporter. No statutory timeframes apply.



4. The Department recommends that you nominate Dr Greg Terrill (curriculum vitae at **Attachment C**) to undertake this task. This would be the first time Dr Terrill has been engaged as a reporter under section 10 of the ATSIHP Act.
5. Dr Terrill has confirmed that he is willing to accept a nomination from you in this case and that he is not aware of any conflicts of interest he has in relation to this matter. He has quoted a fee of s. 47G(1)(a) (GST exclusive) to prepare the report (**Attachment D**), based on an estimated 24 days of work although the contract may require variation if the scope of the works is substantially different to what has been estimated. The Department considers that there is some risk that this application will attract a larger than predicted number of representations, necessitating a contract variation, at Dr Terrill's daily rate of s. 47G(1)(a) (GST exclusive). If you agree to nominate Dr Terrill as recommended, the Department will enter into and administer the necessary contractual arrangements on your behalf.

### Sensitivities and handling

6. On 17 May 2017, WaterNSW referred a proposal to increase the height of the Warragamba Dam wall by 14 metres (subsequently varied to 17 metres), as a flood mitigation measure, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposal is subject to a bilateral assessment by the New South Wales Government.
7. The proposal is opposed by many in the community on biodiversity and Aboriginal heritage values and has attracted considerable media attention. Until now, nomination of section 10 reporters for other applications under the ATSIHP Act had been prioritised ahead of this one, given the lengthy planning, assessment and approval processes for this project which remain ongoing at state and Commonwealth level.

### Consultation

8. The Department has discussed with Dr Terrill the possibility of being nominated by you as a section 10 reporter, in order to ascertain his availability and obtain a quote for his services. The Department has made no undertakings as to his appointment and the discussion does not prejudice your decision in any way.

### ATTACHMENTS

- A: Applications (select attachments only)
- B: ATSIHP Act – relevant extracts
- C: CV – Dr Greg Terrill
- D: Quote for services – Dr Greg Terrill



***Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)***

**Notice of an application for the protection of a specified area, being the area known as  
Burraborang Valley , near Warragamba, New South Wales**

**Invitation to make representations**

I, Greg Terrill, hereby give notice as follows:

The Hon Sussan Ley MP, responsible for the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (the **Act**), has received an application made under section 10 of the Act. The application is seeking long term preservation and protection of a significant Aboriginal area being the area known as Burraborang Ngurra, near Warragamba, New South Wales. The Minister has appointed me to provide a report to her under section 10(1)(c) of the Act.

**The Applicant**

The application is made on behalf of the Gundungurra Aboriginal Heritage Association Inc. by Aunty Sharyn Halls.

**The purpose of the application**

The application seeks the preservation or protection of the area specified in the application and depicted below in Figure 1, from injury or desecration. Section 10 of the Act enables the Minister to decide whether to make a declaration to preserve and protect the specified area, if the Minister is satisfied that the area is a significant Aboriginal area and is under threat of injury or desecration. In the Act, the term 'significant Aboriginal area' refers to an area that is of particular significance to Aboriginals in accordance with Aboriginal tradition. Section 3 of the Act provides definitions of relevant terms including 'Aboriginal tradition' and 'injured or desecrated'. The area specified for protection, the claimed significance of the area and the claimed nature of the threat of injury or desecration is set out below.

**Matters the report is required to deal with**

The Minister will consider my report under section 10 of the Act in relation to the area sought to be protected before deciding whether to make a declaration under section 10 of the Act. Under section 10(4) of the Act, the report is required to deal with the following matters:

- (a) the particular significance of the area to Aboriginals;
- (b) the nature and extent of the threat of injury to, or desecration of, the area;
- (c) the extent of the area that should be protected;
- (d) the prohibitions and restrictions to be made with respect to the area;
- (e) the effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than the Aboriginal or Aboriginals on whose behalf the application is made;
- (f) the duration of any declaration;
- (g) the extent to which the area is or may be protected by or under a law of the State or Territory, and the effectiveness of any remedies available under any such law; and

(h) such other matters (if any) as prescribed.

### **The area sought to be protected (the 'specified area')**

The Applicant has specified the area for which protection is sought as a traditional area. This is the area known as the Burragorang Valley, near Warragamba, New South Wales.

**Figure - 1 Map showing the specified area of Burragorang Valley, near Warragamba, NSW**

### **Claimed nature of particular significance**

The Applicant states that the specified area is of particular significance in accordance with Aboriginal tradition because it is the location of a creation story and several intersecting song lines. Further, the specified area contains landscape features from the chase of Gurangatch (Giant Eel) by Mirrigan (a Tiger Quoll like animal).

### **Claimed threat of injury or desecration**

The Applicant states that the potential injury or desecration is attributed to the proposed raising of the Warragamba Dam. The Applicant claims that the proposed works “will erase the tangible landscape features recorded in the Burragorang Valley creation story, impacting connection with landscape features described and handed down over countless generations of Gundungurra People”. Further, it will “destroy Gundungurra culture and the spirit of the People, but also all other Aboriginal people in the region that are interconnected to this story, and how it relates to the creation of their own Countries through these ancestral beings”.

### **Invitation to make representations**

Interested persons are invited to furnish representations in connection with my report to:

Greg Terrill  
[company name]  
[address]

Ph: 0417 048 259  
Email: gterrill99@gmail.com

Representations must be made in writing by 5pm on [day] the [date] 2021 or within such further period as may be allowed. **Do not send your representations directly to the Minister.**

If you wish to claim confidentiality over any part of your representation, please identify why you are claiming confidentiality and how you wish confidentiality to apply. Representations will be provided to the Minister for the Environment and the Department of Agriculture, Water and the Environment, along with the section 10 report. Representations, even those subject to confidentiality, may be disclosed where it is authorised or required by law, to meet procedural fairness requirements, and in response to a request by a House or Committee of the Parliament of the Commonwealth.