

## Warragamba Dam Environmental Impact Statement- IUCN technical review

**Title of proposal:** Warragamba Dam Raising

**Property:** Greater Blue Mountains Area

**State Party:** Australia

**Document submitted:** Environmental Impact Statement (EIS) – Warragamba Dam Raising, prepared for WaterNSW, 10 September 2021

**Date submitted:** 29 September 2021

### Background:

On 29 September 2021, the State Party of Australia submitted information to the UNESCO World Heritage Centre (WHC), that the Environmental Impact Statement (EIS) for the Warragamba Dam Raising<sup>1</sup> project had been made available for public review and comment, and invited the WHC and IUCN to submit comments.

On 18 November 2021, the World Heritage Centre sent a letter to the State Party conveying that the EIS has been shared with IUCN for review, noting that in line with the World Heritage Committee's decision 44 COM 7B.180<sup>2</sup> and as an established practice, the technical review provided by IUCN will be transmitted to the State Party through an official letter from the Director of the World Heritage Centre.

IUCN has conducted a technical review of the EIS, including consideration of its concordance with the 2013 IUCN World Heritage Advice Note on Environmental Assessment<sup>3</sup>. The aim of this review is to establish whether the submitted document complies with the principles set out in the Advice Note, that all environmental assessments should follow in order to constitute an adequate basis for decision-making concerning World Heritage properties. This review considers in particular *Appendix J- World Heritage Assessment* of the EIS as well as a number of other sources of information, which are referenced in the text below, including relevant guidelines and policies of the World Heritage Convention and decisions of the World Heritage Committee. IUCN has also received comments from ICOMOS International related to the integrity of the property.

IUCN also notes that this review is based on information available at the time of writing, in which the EIS is in a public exhibition period, and that it is possible that new information may become available following this period, including through the subsequent stages in the project determination process. IUCN remains at the disposal of the State Party for assistance, as required, including in the instance that new information comes to light that concerns the state of conservation of the property. Lastly, IUCN notes that the content of this review is without prejudice to the final advice that IUCN may provide to the World Heritage Committee in regard to the project that is the subject of the EIS.

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<sup>1</sup> <http://mpweb.planningportal.nsw.gov.au/major-projects/project/10571>

<sup>2</sup> <https://whc.unesco.org/en/soc/4174>

<sup>3</sup>

[https://www.iucn.org/sites/dev/files/import/downloads/iucn\\_advice\\_note\\_environmental\\_assessment\\_18\\_1\\_1\\_13\\_iucn\\_template.pdf](https://www.iucn.org/sites/dev/files/import/downloads/iucn_advice_note_environmental_assessment_18_1_1_13_iucn_template.pdf)

## **Environmental Impact Statement (EIS) – Warragamba Dam Raising:**

The EIS is an extensive document which contains 29 chapters, with an additional 18 appendices. Appendix J- World Heritage Assessment sets out an analysis the impacts of the proposed dam raising on the Outstanding Universal Value (OUV) of the Greater Blue Mountains Area World Heritage property (GBMWH).

IUCN's review, in particular, considers the conclusion of the World Heritage Assessment of the EIS stating that *'while the Project could potentially impact the GBMWH, these impacts would not be significant and would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWH'*

### **IUCN comments and observations:**

#### ***i. Assessment of impacts on Outstanding Universal Value (including conditions of integrity)***

The OUV of the property, recognised through its inclusion on the World List, is set out in its Statement of Outstanding Universal Value (SOUV), which was adopted by the World Heritage Committee in 2013 (Decision 37 COM 8E<sup>4</sup>), and which is also available on the main site page on the website of the UNESCO World Heritage Centre: <https://whc.unesco.org/en/list/917/>. This statement provides an entry point from which any EIS should proceed in assessing impacts. In this regard IUCN notes that the SOUV makes clear that:

*"An understanding of the cultural context of the GBMA is fundamental to the protection of its integrity. Aboriginal people from six language groups, through ongoing practices that reflect both traditional and contemporary presence, continue to have a custodial relationship with the area. Occupation sites and rock art provide physical evidence of the longevity of the strong Aboriginal cultural connections with the land. The conservation of these associations, together with the elements of the property's natural beauty, contributes to its integrity."*

The upstream impact area for the raised dam clearly includes important cultural sites that contribute to the property's integrity. As outlined in the EIS, the project may result in the total loss of a number of known sites with high cultural and scientific significance as a result of their inundation. The inundation of these sites would, therefore, damage attributes of the OUV of the property, and therefore this reported loss appears clearly at odds with the conclusion of the EIS that the Project *'would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWH'*.

#### ***ii. Free, prior and informed consent and public consultation***

IUCN notes that on 28 August 2020 Traditional Owners formally advised State and National Government consent authorities that they were not properly engaged in the development of the EIS in relation to the cultural values which contribute to the property's integrity, and do not give free, prior and informed consent for the project to proceed<sup>5</sup>.

The IUCN Advice Note on Environmental Assessment, states that all relevant stakeholders should be involved in the assessment process, and the 2015 Policy on World Heritage and

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<sup>4</sup> <https://whc.unesco.org/en/decisions/4964/>

<sup>5</sup>

[https://d3n8a8pro7vhmx.cloudfront.net/wildrivers/pages/74/attachments/original/1634878394/Warragamba\\_DamRaising\\_TOs\\_No\\_FPIC.pdf?1634878394](https://d3n8a8pro7vhmx.cloudfront.net/wildrivers/pages/74/attachments/original/1634878394/Warragamba_DamRaising_TOs_No_FPIC.pdf?1634878394)

Sustainable Development states that States Parties should '*ensure adequate consultations, the free, prior and informed consent and equitable and effective participation of indigenous peoples where World Heritage nomination, management and policy measures affect their territories, lands, resources and ways of life*'. In this context, the EIS therefore does not comply with these principles, noting, as above, that these also relate directly to attributes that are connected to Outstanding Universal Value.

**iii. Rigorous Environmental Assessment, based on adequate data and information**

The EIS indicates the method for assessing flora and fauna distribution, which forms the basis of analysis of impacts to the OUV of the property, is based on predictive models, as detailed field surveys were not possible due to the size of the study area. The lack of survey coverage and focussed surveys for threatened taxa which contribute significantly to the OUV of the property, and whose presence and range are difficult to establish through predictive modelling, represents a shortcoming in the assessment methodology and undermines the validity of the data on which the findings of the EIS are based.

Moreover, the consideration of cultural associations relevant to OUV is clearly not rigorous in the EIS. There have been no physical investigations to enable informed assessment of the sites concerned, and the approach to understanding cultural values requires broadening to encompass concepts of place, landscape, contemporary tradition and living heritage, rather than limiting cultural heritage to known individual sites.

**iv. Post fire recovery assessment**

As reported in the EIS, around 70% of the upstream impact area was affected by the major bushfires of 2019/20, and a number of species have had their entire global populations, including fire sensitive species, impacted by the fires. The EIS presents information regarding extent, severity, and impact of the bushfires in the upstream impact area of the property. However the potential of the project to exacerbate bushfire impacts or affect the recovery prospects of key species and habitats, as requested by the World Heritage Committee in Decision 44COM 7B.180, are not considered adequately.

Moreover, there is no indication that field surveys have been repeated in fire-affected areas. Therefore, the implications of fire damage cannot be adequately considered on this basis, as the data may no longer be valid following the fires.

**v. Mitigation measures and identification of reasonable alternatives**

Finally, regarding the Warragamba offset program proposed in order to minimise the impacts of the project '*where impacts cannot be avoided*', it should be noted that OUV, confirmed through the inscription of the property, cannot be subject to excisions and compensation on an area basis. In principle, IUCN considers that OUV cannot be offset and therefore the concept of compensation plots for the planned loss of OUV is not appropriate.

## Conclusion

In conclusion, IUCN considers that the EIS does not comply with the IUCN World Heritage Advice Note on Environmental Assessment, nor does it fully assess all potential impacts on the OUV as recognised in the Statement of Outstanding Universal Value for the GBMWH, as requested by the World Heritage Committee in Decision 44COM 7B.180, nor address the requirements of Convention policy on sustainable development. Concerns include that:

- a. the methodology for assessing ecological impact and impact on associated cultural values that directly contribute of the OUV of the property is insufficient to assess impacts on OUV, including in light of the fires following the surveys undertaken for the assessment;
- b. local communities, including Traditional Owners, do not appear to have been adequately engaged in the development of the EIS, and it also is apparent they have not provided their free, prior and informed consent;
- c. the proposal to offset planned loss of OUV is not acceptable.

Recalling Decisions **40 COM 7**<sup>6</sup> and **43 COM 7B.2**<sup>7</sup> of the Word Heritage Committee, IUCN also considers that (noting the above limitations) the overall conclusion stated in its World Heritage Assessment that *'while the Project could potentially impact the GBMWH, these impacts would not be significant and would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWH'* is contradicted by the findings presented in the assessment itself. Based on the information provided in the EIS and discussed above, it appears that the project, as proposed, would directly degrade OUV, through its impacts to attributes that are explicitly mentioned in the statutory Statement of OUV adopted by the World Heritage Committee, including cultural associations directly linked to the integrity component of OUV. In this regard, IUCN considers that proceeding further with the implementation of the project appears to be inappropriate in relation to the requirements of the World Heritage Convention.

Date sent to World Heritage Centre: 21/12/2021

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<sup>6</sup> <https://whc.unesco.org/en/decisions/6817/>

<sup>7</sup> <https://whc.unesco.org/en/decisions/7430/>