

The NSW Government has released a revised Environmental Impact Statement (EIS) for raising the Warragamba Dam wall by at least 14 metres and we make a formal submission to this proposal. The additional height would not be used for drinking water storage, but to catch flood waters, mitigating the impact of **some** floods on Western Sydney.

Premier Perrottet has declared the raising of the dam wall with this revised EIS this time as 'Critical State Significant Infrastructure' as a means to limit legal intervention and further planning processes, **stopping any community scrutiny of the proposal through the courts.**

Despite the premier's statement that he is protecting people on the floodplains, there are still inadequacies in the revised EIS which must be considered to provide a fair and honest assessment of this project. NSW Planning Minister Anthony Roberts released the Preferred Infrastructure Report (PIR) into the raising of the Warragamba Dam. Rather than addressing the deep flaws the EIS contained, this report instead **clears the way for the NSW Planning Minister to approve the project next year.**

WE firmly oppose the raising of the dam wall because-

The report dismisses previous community and government agency concerns

- There has been an outright dismissal based on the previous EIS of over 2,500 earlier submissions opposing the dam project including community and government agency submissions of legitimate concerns to the initial EIS in 2021. In some cases expert submissions were not even addressed. However, the government accepts the 2,000 submissions to WaterNSW supporting the proposal to raise the dam wall. The government has not acted fairly to give equal weight to both sides of the argument. These 2,500 submissions raised important issues based on environmental values regarding a protected world heritage site, critically endangered and endangered wildlife. We want this area protected because of its irreplaceable value. We must have permanent areas set aside for environmental protection as Sydney expands. We need places like this to escape to for our own well-being. Bush walking our favourite pastime in and around the Blue Mountains recharges us and our connection with nature. Overseas tourists also appreciate and marvel at this treasure, yet the government views it as an obstacle to be conquered for further development. The government is not listening to community concerns. We are being ignored. The mental health of people is just as important as their physical health and the government is ignoring this fact.
- We have serious concerns that the government's plans are centred on developing these floodplains further. The government's agenda of supporting developer's interests on the western Sydney's floodplain is conditional upon the dam wall being raised and proceeding with the project. This taxpayer funded scheme will benefit property developers, who stand to profit off further development of the western Sydney floodplain. As the project is designed to allow more development in flood prone areas of Western Sydney, we are very sceptical about the government's motive to raise the dam wall because of the economic gain derived from developers. Also the announcement just prior to an election in March 2023, would appeal to voters on these flood plains and achieve more votes. This issue is a political issue and is being used as a political ploy by the current Perrottet government to win the election. Making an unbiased decision on this project by the planning minister will be impossible, especially when there is a decided conflict of interest to already approve this project. Proper assessment will be questionable when the government has openly said that the project must proceed at all costs. The government must step back from this proposal, and have it examined independently so that the *right decision is made for the community* and not for political gain by the government and financial gain by greedy developers. NSW Planning Minister Anthony Roberts has released the Preferred Infrastructure Report (PIR) but has NOT addressed the deep flaws in the EIS report. Premier Perrottet said "the proposal would still be subject to a 'rigorous' assessment process, which includes assessment by the NSW Environment Protection Authority and the federal government." We are NOT seeing a rigorous assessment process at state level when environmental and cultural impacts are ignored and flaws in the EIS are intentionally overlooked. The premier has stated this "declaration of critical state significant infrastructure would 'streamline' the assessment process." Of course this labelling of 'Critical State Significant Infrastructure' could be perceived as a way to advance the government's interests and speed up the approval, making it more difficult to oppose the decision in the courts so that the proposal can progress unchallenged. This is wrong and a sneaky tactic by the government. The community are no longer permitted to scrutinise the minister's decision in the court system. This takes away the community's voice which is

outrageous and limits legal intervention and further planning processes. This full steam ahead approach by the NSW government totally disregards community concerns. Of course garnishing more votes in a crucial seat of western Sydney prior to an election in March 2023 could be another motive. The danger here is a) those in the community who oppose this proposal to raise the dam wall, their opinions and opposition will not be considered and b) proper assessments especially environmentally and culturally will not be done correctly. Minister Roberts as the final decision-maker wants no red tape, legal challenges, or government bureaucracy to interfere in the decision. However, government bureaucracy is useful when the government does not want an issue to advance like an end to state forest logging to protect koala habitat, however, in this instance the government slams government bureaucracy as it will interfere with the process. The rights of the community to challenge a future decision in the courts is hugely concerning and politically motivated.

- The report has announced NSW Government intentions to **ignore the advice of the UNESCO World Heritage Committee by changing the boundaries of the Blue Mountains National Park World Heritage Area**. If the government can't convince the electorate that this is a good decision, they propose to change the boundaries of the heritage site to make it fit the government's intention and purpose. This is exactly what has happened in the review of the Toondah Harbour project that is currently being re-considered again as this internationally protected Ramsar listed wetland had its boundaries changed by a government minister to accommodate a huge marina development. We are appalled with the NSW government's underhanded tactics to ensure that they get what they want using our taxpayer money without any accountability. Changing the boundaries is wrong to an international heritage listed site, the irreplaceable Blue Mountains. It is an attempt by the NSW government to avoid Australia's international obligations.
- The serious concerns held by Sydney Water and Health NSW about the effects the dam project would have on Sydney's **drinking water quality** have been dismissed in the report. This affects all of Sydney and it will affect those people who already live on the floodplains and those yet to come because of the Perrottet government's push to over-develop this area. This is shameful. The previously unreported submission by the NSW Health Department raised concerns that Sydney's drinking water could be harmed if this project goes ahead saying any impacts on quality would be 'critical' for the delivery of 'safe' water. Health officials mirrored the concerns of Sydney Water, saying they had "concerns for drinking water quality during construction and operation of the flood mitigation works proposed". They would be limited in their ability to avoid poor quality water in the dam. The construction phase could have the dam operating at a lower level causing poor quality water.

It is the second agency to raise the alarm about the impact on drinking water, after an internal Sydney Water document stated, "poorer quality water" stored in the dam for extended periods would risk it not being able to "operate at capacity and increasing chances of failure to supply water and the need to boil water". This is a serious concern for all Sydney residents that the government refuses to accept. A warning as serious as this could cause deteriorating health and disease in people in Sydney. Is the government willing to accept this risk? While a series of government departments, international authorities, environmental groups, and Indigenous traditional owners have raised a litany of concerns with the project, the state health department's fears were only revealed in a report released by WaterNSW recently, indicating that it was meant to be kept under wraps. WaterNSW's environmental impact statement conceded there was a "high" risk to water quality if demolition and construction works were not managed correctly.

Their submission also raised concerns that "extra water held behind the raised dam wall was 'likely to affect water quality' in the dam during periods of flooding because of 'increasing turbidity, colour and organic material' from new parts of the catchment. Inflows will enter the dam at different levels depending on hydrological conditions and may impact the ability to select water of a quality that is treatable. Assessment of the ability for Sydney's water filtration plants to treat water of a lower quality should be made, as this could impact the ability to produce **sufficient safe** drinking water."

In October opposition environment spokeswoman Penny Sharpe said she was also concerned that by fast-tracking the project, the government was rendering many important agencies powerless in protecting Sydney's water supply. *The government has effectively removed protection for Sydney's water supply.* Warragamba Dam was built for drinking water and holds approximately 80% of the drinking water supply available to Sydney. This dam was never

built for flood mitigation. Prof Stuart Khan, a civil and environmental engineer from the University of NSW, said the risk of damaging water quality as a result of raising the dam wall was particularly concerning in the context of current flood events already polluting the water supply. WaterNSW is therefore saying it's already happening, but given it's something we're already dealing with, we should not dismiss the possibility of making it worse.

The Report justifies the destruction of World Heritage Site

The report has attempted to downplay the destruction of World Heritage and National Parks. Environmental damage to a world listed heritage site is given minimal concern. The reality is an estimated **65 kilometres of wilderness rivers, and 5,700 hectares of National Parks**, 1,300 hectares of which is within the Greater Blue Mountains World Heritage Area, would be inundated by the Dam project. This includes:

- The **Kowmung River** - declared a 'Wild River', protected for its pristine condition under the National Parks and Wildlife Act 1974;
- Unique **eucalyptus species** diversity recognised as having Outstanding Universal Value under the area's World Heritage listing such as the Camden White Gum;
- A number of **Threatened Ecological Communities**, notably Grassy Box Woodland.
- Habitat for endangered and critically endangered species including the **Critically Endangered Regent Honeyeater** of which fewer than 300 are thought to exist **and Sydney's last Emu population would be adversely impacted**. It's also home to a range of other endangered animals and some plants unique to the area.
- The National Parks Association of NSW told a parliamentary inquiry last year that the project would "result in the periodic inundation of extensive areas" of World Heritage-listed reserves around the Greater Blue Mountains national parks.
- Once the project is approved, it prevents any action from regulators to protect, preserve or stop damage to Aboriginal cultural heritage and threatened species in a World Heritage area. **The Federal Environment Minister**, Tanya Plibersek, must approve the Dam raising before construction can proceed. Under the Environment Protection and Biodiversity Conservation (EPBC) Act, the World Heritage values and species to be impacted need her signoff. What needs to be stressed is that this is the **largest destruction of conservation lands ever proposed**, let alone approved in NSW. The NSW government openly announced it would **ignore** the advice of the UNESCO World Heritage Committee.

The Preferred Infrastructure Report (PIR) even opens the **possibility for changing the World Heritage (The Blue Mountains National Park) area boundaries, in an attempt to avoid Australia's international obligations** as the NSW government seeks to raise the height of the Warragamba Dam wall.

- In 2019, UNESCO's World Heritage Committee requested Australia produce its Environmental Impact Statement (EIS) for the project so it could be reviewed by the International Union for the Conservation of Nature (IUCN). The IUCN's review found the EIS self-contradictory, non-compliant with the requirements of an environmental assessment, and concluded that raising the dam appeared to be inappropriate and inconsistent to the requirements of the World Heritage Convention. If the plan goes ahead, it could breach international law and risk losing the Blue Mountains' world heritage status. **This technical review is saying very clearly that raising Warragamba Dam wall is totally inconsistent with Australia's obligations under international law and the World Heritage Convention.**
- The government's EIS argued the project would not materially impact the Outstanding Universal Values of the site — the features that made it worthy of World Heritage — the IUCN review concluded the information in the EIS contradicted that claim and would in fact harm those values.

Australia is a signatory to the World Heritage Convention, and under federal environment law, the federal environment minister is not allowed to approve a project that is **inconsistent** with the Convention.

- Experts say if the project is approved, "The ultimate outcome of that could be a listing of the Blue Mountains on the list of World Heritage in Danger or, eventually, a potential delisting of the site," says Tracey Ireland, a professor of cultural heritage at the University of Canberra.

The IUCN's advice could pave the way for embarrassing consequences for Australia if it is stripped of its World Heritage status. This would harm its tourism industry. The Blue Mountains is one of the biggest drawcards for tourists who come to Australia and could adversely affect the tourist industry in Sydney and greater NSW.

Funding Issues

- There is a clear process that states and territories must follow when it comes to requesting joint funding for water infrastructure projects. Projects over \$250 million must also be independently assessed by Infrastructure Australia. The NSW Government has had nearly 12 years to submit a serious proposal regarding Warragamba Dam. They have never done so. There are significant procedural failures and inadequacies, and we make the case that the Dam raising should not be funded. There are far more appropriate and cost-effective methods for protecting people from floodwaters. Costs associated with this plan are astronomical and that doesn't include any of the environmental offsets that the government are conveniently trying to say is not needed as the impacts are not permanent but temporary. Raising Warragamba Dam wall will cost over \$1.6 billion and could be as much as \$2 billion. The premier does not have the right to use our money to destroy this biodiverse ecosystem with small gains of improvement as the nearby rivers will still flood the floodplains.
- The NSW government must not automatically assume that they are not accountable to the NSW public in their use of huge amounts of funding required to pay for the dam wall raising if there is no financial commitment by the federal government. This money belongs to the taxpayer, and they have a right to say how this money is best spent. Securing votes in western Sydney to win an election through promises of huge amounts of taxpayer money will not win votes but will only create distrust by the community of the government's real motives. Resources Minister Catherine King has said that the Federal Government needs more information from NSW about this project. At this stage they have not received enough information from the NSW Government on which to base a decision. It appears that the state government do not have this information either. From a community perspective the government is rushing through a decision with promises of our money without the due diligence of the true and realistic negative environmental impacts this world heritage area will sustain. Listen to the scientific experts as to the damage this project will cause.
- The government's heavy reliance in 'offsets' to compensate for damage was not appropriate. So extensive are the projected impacts to endangered plants, animals, and ecosystems that the compensation bill for the state government- the amount to be paid to offset this damage could be alone \$2.88 billion in a draft assessment from 2019. To solve this huge debt of offsets according to a government minister they say in their opinion the 'government does not need to pay the bill because the inundation is temporary and only occurs during big floods', despite ecologists saying the impacts would be permanent. Here the government is already deciding, what they feel is important enough to be compensated- which is nothing and seem to know more than the experts. The government are effectively trashing this world heritage site assuming no responsibility for the damage and no accountability for appropriate offsets because they know that they cannot offset damage of a 'like for like value of a world heritage international site.'

The report ignores traditional owners

- The report has completely disregarded the concerns of Traditional Owners, by not including important information about sacred sites that would be flooded.
- Over **1541 identified cultural heritage sites** would be inundated by the Dam proposal.
- The Aboriginal Cultural Heritage Assessment Report has been severely and repeatedly criticised by both the Australian Department of Environment and the International Council on Monuments and Sites (ICOMOS) for not appropriately assessing cultural heritage in meaningful consultation with Gundungurra community members.

- Heritage NSW has provided clear and consistent advice regarding the inadequacies of this Aboriginal cultural assessment. Raising the Warragamba Dam wall will threaten many sensitive Aboriginal sites. Heritage NSW memo described environmental planning conducted by WaterNSW as “inadequate consultation” with the Aboriginal community, along with a failure to account for clear opposition to the project, and further inadequacies with assessments of “tangible and intangible” cultural values of the site.
- The EIS has identified at least 330 Aboriginal sites with an acknowledgment that only approximately 27 per cent of the potential impacted area has been surveyed.

Critical Reviews

There have been critical reviews of the NSW Government's assessment such as-

- a. Heritage NSW, an NSW government agency, wrote that it did **not** consider the "natural and cultural values of the national parks estate and Greater Blue Mountains World Heritage Area have been adequately assessed or justified".
- b. A submission by NSW Department of Planning Industry and Environment echoed those concerns and said: "Notably, the EIS makes incorrect assumptions about how to determine World Heritage values, and therefore how to evaluate impacts on those values."
- c. The NSW Environmental Protection Agency said the EIS did not properly assess the potential impacts of construction activities associated with building the additional dam wall.
- d. The Australian branch of UNESCO's official cultural advisers, the International Council on Monuments and Sites (ICOMOS), wrote that the EIS was "fundamentally deficient" and the "very nature of the project is at odds with obligations that arise from the World Heritage Convention."
- e. The independent review also concluded the EIS, conducted by consultants engaged by Water NSW, failed to properly consult with traditional owners, failed to assess how the impacts of the 2020 fires overlap the impacts of the project, and failed to adequately survey the site for plants and animals that will be destroyed.
- f. Wollondilly Council has been opposing the State Government's plan to raise the Warragamba Dam wall since 2018. The area that would be inundated as a consequence of the proposed raising of the existing Warragamba Dam wall is almost entirely located within the Wollondilly Local Government Area.

Wollondilly Mayor Matt Gould fears that raising the dam wall would not achieve the flood mitigation outcomes that are being touted. The cost is too high causing significant damage to the area's unique indigenous heritage and native species, as well as the impact on the Blue Mountains World Heritage Status. The government's own modelling shows that more than 50% of flood waters can come from the Upper Nepean and catchments that are effectively downstream from the proposed wall. **Almost half of the flooding in the valley comes from waters that are not controlled by the Warragamba Dam.** Significant flooding occurs along the Hawkesbury-Nepean Rivers without the impacts of water from the Warragamba River anyway. So raising the dam wall will have no impact on these areas as the river systems there flood regardless.

Raising the dam wall will only enable developers to cover rural floodplains with more housing, as well as the possibility of creating a sense of complacency from those still at risk of catastrophic flooding. More homes will be affected. Raising the dam wall will not solve the flooding problem it will exacerbate it. Development in the floodplain has exploded with 134,000 people living and working in the area, and that is expected to double in the next 30 years according to Infrastructure NSW. Raising the dam wall would give people a false sense of security that the valley and flood plains are safeguarded against floods

- g. Former Planning Minister Rob Stokes refused to grant the project critical state significant infrastructure status, given the impact it would have on a World Heritage area. Stokes' concerns over declaring the proposal as critical state significant infrastructure in September 2021 related to a ***section of the Environmental Planning and Assessment Act, which prevents government agencies from issuing orders against environmental damage. Stokes ruled against declaring the Warragamba proposal 'critical state infrastructure' due to concerns the move would strip government environmental departments of important tools to safeguard the dam, which provides 80 per cent***

of Sydney's drinking water. Yet we now have NSW Planning Minister Anthony Roberts happy to proceed and clearly advocating his support of this dam wall raising with no questions asked. He has advocated streamlining processes to get this project approved as quickly as possible. Sounds like the government under the premier and the planning minister have already made their decision, even before the public consultation submission process was even open to the public. Those who oppose this supposed critical infrastructure, their views will NOT be even considered but brushed to one side. The political processes the government intends to set up is to silence those who are opposed to the dam wall raising, which is not a democracy. There is a political advantage for the Perrottet government in that the results of the March 2023 election will likely be decided in western Sydney. A strategic political move by the premier as he wins votes as a premier 'putting people before plants,' whilst in the process destroying an irreplaceable world heritage site.

h. The changing views of Minister Kean is a cause of concern in that when he was environment minister his view was that the project didn't stack up and that there were other ways risks off flooding could be mitigated along the Hawkesbury-Nepean River. He also said the project was '**economically difficult**' or **unviable**. "By the time you pay for the offsets for the damage done by the raising of the wall... it will not make the business case stack up." Conveniently to make the project more attractive, the government has made the decision that offsets are not necessary! Now as the treasurer, Minister Kean has essentially done a back flip on this issue and supports it wholeheartedly.

i. Recently the NSW government's legal auditors released a 77-page review of the project's EIS. The auditors found that **the EIS for raising the dam had been improperly prepared by both NSW Government agencies and SMEC Engineering, and that both organisations had not behaved transparently during the auditor's investigation. They said:**

"The Department of Planning and Environment declined to provide information sought from it", and that "SMEC's cooperation was reluctant and conditional, and it refused to make available a key witness to be interviewed".

"It is evident from the documents provided by WaterNSW and our interviews... that SMEC provided a very limited number of the documents requested, such that it is likely that there are further relevant documents that we have not been able to consider."

Alternatives to raising the Dam wall

Possible strategies for flood mitigation must be considered **fully and impartially** before any proposal to raise the wall and destroy a heritage listed site, considering that such an action will still **not** solve completely the flooding problem. There are faster and better options than raising Warragamba Dam which have not been properly considered to manage and mitigate flooding along the Hawkesbury-Nepean rivers. The money allocated to build the wall could be re-directed to immediately help affected residents and provide them with options.

-45 per cent of floodwaters do not come over the top of Warragamba, they come down the Grose, Colo, and Nepean Rivers. The Windsor area also floods because of the Hawkesbury River, likewise areas around Liverpool flood because of the Georges River. Rivers in regional towns of NSW flooded because of their close proximity to river systems like Lismore. If we are serious about managing the risk along the Hawkesbury-Nepean Rivers, the first thing we need to do is stop building more houses on the flood plain.

- Jamie Pittock, a water management expert at ANU, says the most important thing to do is to stop development in the floodplain. Money should be invested in a permanent safety solution of moving people out of these areas, through a relocation process. The money allocated to building the dam wall could be used instead to relocate people rather than destroy a world heritage site. Raising the dam wall will only have a 50% success rate, as the downstream rivers still flood.

-Curbing development in the future on the floodplain would help address flood mitigation. Residential development should have been government controlled on these floodplains to start with instead of letting it get out of control.

- Establish a Western Sydney Flood Resilience Plan to improve and better manage flood evacuation roads including mitigation routes, levees, and critical communications infrastructure to bolster flood prevention and evacuation infrastructure.

- Water can be released from Warragamba Dam prior to heavy rains through BOM's advance warning notices to create more of an 'air gap'. By lowering the drinking water storage you create an additional **permanent** air gap and offset this through greater and more active use of the desalination plant that we are already paying for and that is currently not being utilised.

- Raise river-bank levees to protect affected properties.

-Redirect the billions of dollars that raising the dam wall would cost into flood evacuation routes and road infrastructure that is desperately needed for at-risk communities across Greater Western Sydney and which would also improve transport links on a day-to-day basis.

-Even if Warragamba Dam was raised the Hawkesbury-Nepean would still be at risk of catastrophic flooding. We need to be able to get people out quick. Emergency responses need to be better organised with already prepared facilities to take people to, so preparation and planning is essential. The money used to build a dam wall could be redirected to prepare for flood events better, which was a clear failing by the NSW government identified in the recent floods this year.

-Develop a program of *compulsory acquisition* of existing downstream flood affected properties over time to *create floodplain open space corridors to capture water. These areas should never have had houses on them.* Insurance Council of Australia boss Andrew Hall said the public money spent raising the wall would be better used buying back flood-prone land that never should have been developed in the first place- historically poor planning decisions were made. Buy-backs could be offered to people willing to relocate who want to leave areas on identified flood plains in western Sydney. Those residents that would rather stay could be offered government funded support to modify their homes and raise homes to higher levels making them more resilient in flood times.

In conclusion, other Coalition member express doubt on the project. A unanimous report by a cross-parliamentary committee including Liberal MLCs Shayne Mallard and Taylor Martin, as well as Nationals member Wes Fang, recommended more scrutiny of the environmental impacts and seeking the consent of local First Nations people. The reality is raising the wall will not stop flooding of the low-lying areas. The project would not be finished for at least eight years, and it would fail to prevent flooding in the Hawkesbury-Nepean region as nearly half of floodwaters in the area come from catchment areas that are downstream from the dam.

The declaration of the dam wall raising as Critical State Significant Infrastructure exempts the development from some aspects of environmental and planning laws. Multiple assessments have raised serious questions over the benefits of raising the wall, at both the state and federal levels. Labelling the project as 'Critical State Significant Infrastructure' strips the rights of the community to challenge a future decision in the courts and that is a serious concern and creates already a flawed process with absolutely no accountability to protect a unique world heritage site of immense environmental and cultural values. **By declaring the dam project Critical State Significant Infrastructure, however, the project's planning approval decision cannot be scrutinised by the community under NSW Planning and Environment law in Court and this we are completely opposed to especially because this is such a controversial issue involving a world heritage site.**

The revised EIS severely downplays the effects of upstream inundation, which would endanger countless plant and animal species, destroy Sydney's last wild river - the mighty Kowmung - and risk the Blue Mountains World Heritage Listing itself. **The NSW government is unwilling to find sensible solutions to flooding in Western Sydney, to respect good governance procedures, or to seriously engage with the community about this flawed and dangerous scheme. They are not willing to listen to community criticism on their plan at all.**

The project will have significant, if not devastating impacts on upstream biodiversity, including on critically endangered species like the Regent Honeyeater and pristine wild rivers like the Kowmung. The negative impacts to this pristine area will be permanent and irreversible and will be the worse decision this government makes- their legacy that they leave to the people of NSW will never be forgiven or forgotten.

Yours sincerely

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