From: Rupert Macgregor
To: DPE Warragamba Dam EIS Mailbox
Subject: Submission – Warragamba Dam Raising Project – SSI-8441 – Rupert Macgregor, Deakin, 2600
Date: Sunday, 7 November 2021 11:28:38 AM

To whom it may concern,

Submission re Proposed Raising of the Warragamba Dam Retaining Wall

Introduction

Thank you for providing opportunity to submit comments in respect of this project proposal.

My purpose in making these comments is to express my strong opposition to the intended raising of the retaining wall of the Warragamba Dam.

I am making these comments as a private citizen and former long-time resident of Sydney, based on frequent visits and much time spend in the Blue Mountains areas, and with a keen awareness and appreciation of the unique environmental and cultural importance of the National Park, as underlined by its World Heritage status.

It is our national, and indeed international, responsibility to ensure that those environmental and cultural values are fully maintained and protected, in perpetuity.

The reasons underlying my total opposition are many and various in their nature and implications; and I shall seek to unpack them under several headings, as set out below:

- **A fundamentally Flawed Proposition Page 1**
- **An Inadequate and Contested Environment Impact Assessment Page 2**
- **Catastrophic Environmental and Cultural Consequences Page 2**
- **Illustrative Case Study: The Canary in the Coalmine (In this instance: the Regent Honeyeater) Page 3**
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1. **A fundamentally Flawed Proposition**

At this stage of the process, the relevant agency of the NSW Government, WaterNSW, has released for public comment the Environment Impact Statement (EIS) relating to their proposal to raise the wall of the Warragamaba Dam by some 17 metres – which I understand is estimated to cost some $1.6 Billion.

The rationale for this enormously expensive undertaking is that raising the dam wall is seen as the best way to reduce the future flooding risks to houses and businesses which have been established on a vulnerable flood-plain area of Western Sydney.

The Minister for Western Sydney, Stuart Ayres, said, in response to the most recent flood event, that having the higher wall would have helped to mitigate the impact of that flood. While other alternative options have been put forward to reduce flood risk, the New South Wales Government's fixed position is that raising the dam wall is the most effective option.

That view is certainly open to challenge, and indeed has been widely challenged from a variety of perspectives.

In particular: by the evidence that at least 45% of the floodwaters which have repeatedly inundated the flood plain, originate from rivers OUTSIDE the Warragamba catchment area.

A related aspect of concern is that the extremely costly raising of the wall will be seen as a "flood-proofing" panacea, creating a mood of complacency that may encourage further extremely ill-advised development in the vulnerable flood-plain areas - which will tend to defeat the purpose of this vast investment.

Such yielding to population- push pressures would make a higher dam more of a risk enhancement than a real solution – with the rapid acceleration of climate change acting to intensify the frequency and impacts of extreme weather events, including storms, torrential rain and consequent flooding.

Thus, an only partially effective "quick-fix", the dubious benefits of which are more than outweighed by the multitude of negative impacts, destructive consequences and massive, wider long-term costs.

2. **An Inadequate and Contested Environment Impact Assessment (EIS)**

Despite the extended period of years over which the EIS has been developed, it is abundantly obvious that the environmental and cultural surveys which underpin it are inadequate and fail to reflect the present situation.

The EIS relies for its conclusions, upon biodiversity and cultural surveys carried out before the unprecedented wildfires of the 2019-2020 season, which burned out some 80% of the Greater Blue Mountains areas. These fires greatly altered the topography and ecosystems of the Blue Mountains and drove many species to the brink of local extinction. No post-bushfire field surveys have been undertaken.

It is obviously insufficient to substitute a suppositious "desk-top" assessment of the impacts of the fires on the project area. A new survey on the ground is essentially required.

Similarly, the threatened species surveys are substantially less than the guideline requirements; and where field surveys were not adequately completed, it appears that supplementary expert reports were not obtained.

Also, only some 27% of the impact area was assessed for Aboriginal Cultural Heritage. Thus, unsurprisingly, both the Commonwealth Department of Environment and the International Council on Monuments and Sites have pointed out the very serious failings of the assessment of the impact on the cultural heritage of the Gundungurra traditional owners.

In the regard, it is particularly noteworthy that the Gundungurra traditional owners have

NOT given free, prior and informed consent for the dam proposal to proceed.

In relation to the inevitable and irreparable environmental damage that the proposal would cause to the biodiversity of this unique and internationally significant area the proposal relies, for mitigation, solely upon the payment by the Government of biodiversity offsets.

However, disturbingly, while pinning its faith on that offset mitigation as its sole solution, the EIS totally fails to determine and disclose the actual cost burden to the people of New South Wales.

Calculations based on the NSW Government's own biodiversity laws and offsets trading scheme suggest that the total cost of biodiversity offsets in this matter would be in the vicinity of $2.0 Billion.

Disappointingly – the EIS does not provide modelling on flood or other economic benefits vs costs analysis.

Clearly, in a variety of ways, the integrity of the environmental assessment is fundamentally flawed; it cannot be accepted, as it stands, as any sort of appropriate basis for further decision making by the relevant Minister.

3. **Catastrophic Environmental and Cultural Consequences**

The purpose of raising the dam wall is to hold water at a level up to 17 metres higher than the present dam's capacity to cope with flood peaks. However, even if the surplus water is only held at these elevated levels for a few months, the inescapable reality is that the habitats, flora, fauna, cultural sites and soils within the inundation area will be devastated forever.

The Blue Mountains World Heritage area is not just a significant national park. In the year 2000 it was elevated to UNESCO's World Heritage list in recognition of its "Outstanding universal values for the whole of mankind".

It thus gained the highest possible international status and protection in recognition of the area's extraordinary biodiversity and ecological integrity.

The Commonwealth and New South Wales Governments have made a solemn commitment to future generations to protect the Greater Blue Mountains World Heritage Area forever.

Raising the Warragamba Dam wall and the consequent damage to natural and cultural values, would be a blatant and ignominious breach of our responsibilities for its preservation and associated obligations under the terms of the World Heritage Convention.

It will decimate: 5 ,700 hectares of National Park; 1,300 hectares of World Heritage Area; more than 60 kilometres of wilderness rivers; together with thousands of Aboriginal sites and places of cultural significance.

These include the Kowmung River, declared a "wild river" and protected for its pristine condition under the National Parks and Wildlife Act 1974.

Also, unique eucalyptus species diversity recognized as having Outstanding Universal Value under the area's World Heritage listing – such as the Camden White Gum.

The areas which will be destroyed contain some of the best remaining grassy woodland systems in New South Wales (if not nationally) complete with healthy populations of dingo, quoll, woodland birds and a great many other native species.

The rising waters and their widening destruction will drive threatened species further towards, or entirely into, extinction. These include Sydney's last emu population and, New South Wales's rarest bird, the Regent Honeyeater (*see below.)*

If that were not sufficient to damn this proposal, in addition, more than **1,541 identified cultural heritage sites** would be inundated by its implementation.

In terms of Indigenous cultural heritage, as mentioned above, **the Gundungurra Traditional Owners have NOT given their free, prior and informed consent for the dam proposal to proceed.**

As also noted, the Aboriginal Cultural Heritage Assessment Report has been severely and repeatedly criticized by both the Federal Department of the Environment and the International Council on Monuments and Sites for not appropriately assessing cultural heritage places and issues in meaningful consultation with Gundungurra community members.

4. **Illustrative Case Study: The Canary in the Coalmine (In this instance: the Regent Honeyeater)**

No doubt you will clearly recall that in respect of the vehemently contested Adani mine project in Queensland, "the canary in the coal mine" is the significantly endangered Black Throated Finch, whose remnant population's habitat is facing destruction, and the species facing extinction.

In that case also, the project proponents sought to defuse the level of public backlash by offering environmental "offsets" – areas which relevant experts dismissed as being unsuitable for the stated purpose.

This beautiful bird became emblematic of the environmental devastation consequent upon that mine project's implementation and operation, and a focal image for the opposition of countless people across the entire country to this destruction of environmental and cultural heritage.

In this present imbroglio, the emblematic avian focus is surely the similarly vulnerable **Regent Honeyeater**.

This speciesis listed as Critically Endangered at both State and Federal levels: as few as 350 remain in the wild.

Relevant modelling by Birdlife Australia indicates that up to 50% of the present foraging and breeding habitat was burned out by the ferocious 2019-2020 bushfires.

There are few remaining building sites for Regent Honeyeaters. Of these, a total of twenty-one (21) Regent Honeyeaters – including active nests – were recorded WITHIN the impact area of the Dam proposal.

The destruction or degradation of any such current breeding sites for the Regent Honeyeater, would have dire consequences for the remnant group and its capacity even to

maintain its present tiny numbers.

Any breeding habitat is necessarily viewed as "habitat critical for survival" of the species under the **National Recovery Plan** for the Regent Honeyeater, and states that: "It is essential that the highest level of protection is provided to these areas, and that enhancement and protection measures target these productive sites".

The protection of any such remaining un-burned breeding habitat is of the highest conservation priority.

It is thus utterly unconscionable that the present EIS concludes that the project presents significant negative impacts to the breeding habitat for the remnant population; risks and destructive consequences which **"cannot be avoided or minimised".**

This stands in total negation of the National Recovery Plan and the associated time, money and other resources which both the State Government and the Federal Government have invested in the Recovery Program, including the integral Regent Honeyeater Captive Breeding and Release initiative.

Furthermore - as in the instance of the Black-Throated Finch and its habitat destruction by the Adani mine project, the proposed Offset Strategy for the Regent Honeyeater is little else than a token gesture.

Offsets are rarely successful or appropriate in response to proposed biodiversity loss, particularly as consolation for lost habitat critical to the survival of a species in already dire straits.

There is certainly no evidence to suggest that destruction of their breeding habitat can somehow be made good and replaced by some different bit of land somewhere else which they have not previously inhabited. That simplistic assumption demonstrates a total – and perhaps willful – lack of any real understanding as to how complex ecosystems function in the real natural world.

Substitutions do not work. Protecting all remaining unburned breeding habitat is of the Regent Honeyeater is the highest conservation priority.

5. Chorused Voices of Opposition and Condemnation

A notable element in the development of this dam-wall-raising proposal over the past several years, is the number of organisations which have prominently voiced, from each of their various perspectives, a similar array of criticism, opposition and condemnation of various elements of the proposal.

The Aboriginal Cultural Heritage Assessment Report has been severely and repeatedly criticized by both the **Federal Department of the Environment** and the **International Council on Monuments and Sites** for not appropriately assessing cultural heritage places and issues in meaningful consultation with Gundungurra community members.

It has also been pointed out that the **Gundungurra Traditional Owners** have NOT given their free, prior and informed consent for the dam proposal to proceed.

Unsurprisingly, **Birdlife Australia** is totally opposed to a proposal which, contrary to the clear intentions of both the New South Wales government's environmental efforts and the

Regent Honeyeater National Recovery Plan backed by the Federal Department of the Environment, threatens to contribute further to "Australia's Faunal Extinction Crisis" by an irreversible destruction of the remnant population's vital habitat.

Similarly, broad-based opposition continues to be expressed by the **National Parks Association of New South Wales.**

We may take it as read that **UNESCO** will similarly reprehend such a blatant breach of trust and negation of our undertakings and responsibilities in respect of a unique World Heritage Area, having already said that the raising of the dam would be incompatible with World Heritage status and *'likely to impact on its Outstanding Universal Value'*.

Then we see that the **Insurance Council of Australia** has told the New South Wales Government that: *"The opinion of the general insurance industry is now that without satisfactory environmental and cultural heritage impact assessments being completed and made public to allow for full and open assessment, the industry is unable to support the proposal as it currently stands".*

This reported in the Insurance Business Magazine on 21 February 2021, in an article which continues:

"The ICA's new chief executive Andrew Hall, instead suggested that the government should look to alternative mitigation solutions to reduce downstream flood risk.

"At the end of last year, Insurance Australia Group withdrew its backing for the plan at its AGM, citing the 'probable loss' of important cultural sites. Speaking at the November AGM, IAC chairwoman Elizabeth Bryan said 'A decision to raise the height of the Warragamba Dam wall could well result in the destruction of both large areas of natural environment, and also important cultural heritage sites. In the past we have expressed support for the raising of the wall. However, we now have additional information concerning the probable loss of significant cultural heritage sites and important natural habitats'"

Much nearer to the actual epicentre of the project proposal, the **Wollondilly Shire Council** has proclaimed strong, principled opposition on its website, (qv)from which these indicative extracts are taken:

"Once it's lost, it can never be replaced"

"Wollondilly Shire Council has unanimously voted to reassert its strong opposition to the raising of the Warragamba Dam Wall at an extraordinary meeting of Council on Friday 8 October 2021. Council condemns the inadequacies of the recently released Environmental Impact Statement (EIS).

"The EIS has been watered down and doesn't fully take into account environmental protections. Indigenous heritage studies are insufficient and fail to recognise the need to protect Gundungurra sacred sites, and there has been inadequate consultation with Wollondilly.

"Let's Protect What's Important: *Our indigenous heritage**;** Native species such as the Regent Honey Eater**;** Blue Mountains World Heritage status**;** Warragamba businesses and tourism economy**;** Wollondilly communities (impacted by heavy vehicles, noise and dust)*

"There are Alternatives…."

On 29 September 2021, a similarly strong voice in opposition was raised by **Blue Mountains Mayor Cr. Mark Greenhill**, in a release which said, in part:

"Let's be clear. This could spell the end of the World Heritage listing for the Blue Mountains. It's as simple as that," Mayor Greenhill said.

"As outlined today by the Colong Foundation for Wilderness, after four years in which we have seen ongoing protests from Traditional Owners, opposition by UNESCO, condemnation by expert consultants, opposition from the Australian insurance industry, and even objection from the Deputy Premier, the NSW Government has now allowed this exhibition of the EIS to proceed".

"The raising of the Warragamba Dam will destroy World Heritage listed wilderness on Sydney's doorstep and desecrate Indigenous heritage and threatened biodiversity. Why? To satisfy the NSW Government's unrelenting quest to reach housing targets in Western Sydney."

"Council formally opposed the NSW Government's proposal in January 2019, noting that the proposal posed serious and irreparable damage to Gundungurra Country.

"Sites which are protected under the UNESCO World Heritage List are defined as have cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of importance for… all humanity," Mayor Greenhill said. "If the raising of the Warragamba Dam walls occurs, this part of our precious World Heritage Area will be lost forever.

"The World Heritage Committee of UNESCO has already asserted that the raising of the dam would be incompatible with World Heritage status and 'likely to impact on its Outstanding Universal Value'.

"The EIS is fundamentally flawed," Mayor Greenhill said. "Just one quarter of the impact area has been surveyed for its Aboriginal cultural significance. Impacts to threatened species have only been considered for one quarter of the impact area.

"It's just ludicrous and makes a mockery of the significance of this area.

"Managing an area of such spectacular natural beauty and cultural importance, is both a privilege and a unique responsibility. It cannot be destroyed for housing development."

6. **"Wrong Way – Go Back"**

In the words of the familiar highway sign, this wrong-headed, already years-long project journey clearly needs to stop, turn aside and be entirely rethought.

For a start, the protracted, lumbering process of development of the Environment Impact Statement has produced a set of documentation that is significantly lacking, fatally flawed,

unfit for purpose and utterly inadequate in terms of providing any sort of sound basis for decision making.

An EIS which, despite all the time, resources and considerable amount of public monies expended upon it, necessarily requires to be entirely reworked from the ground up to be of any use of any kind to anyone.

The pre-determined fixed purpose of raising the Warragamba Dam retaining wall by some 17 metres has been justified as the most effective solution to the flooding previously experienced by houses and businesses which have been allowed to be constructed on what is a flood-plain, thus inherently vulnerable to such periodic inundation.

Even if effective, it would not be a cheap solution. The indicative construction cost of the raised retaining wall is estimated at some **$1.6 Billion**.

That, of course, is probably the least of the total financial commitment. Independent costing above indicates a further outlay in the region of another **$2.0 Billion** to establish offsets to the vast environmental destruction.

Nor has any attempt apparently been made to attach some sort of dollar-equivalent measure in recognition of that vast environmental destruction in a comprehensive cost-benefit analysis.

Also, those Councils mentioned above have touched on other, local impacts: reductions of visitor numbers and their financial contributions to local businesses, employment, etc. – and the diminution of quality of life in those communities – all very real concerns.

But - despite all these catastrophic impacts and financial pain it will cause- the Dam Wall raising is simply NOT in itself any total solution to the flooding problem in the floodplain.

On average, **45% of floodwaters** are derived from areas **OUTSIDE** the upstream Warragamba Dam catchment area.

This means that, however high the dam retaining wall is constructed, it will not be able to prevent flooding in the Hawkesbury-Nepean Valley downstream.

Also, any mitigation the higher wall may provide, is increasingly likely to be offset by the increasing severity of catastrophic climate events, particularly with fiercer storms and torrential rains and increasing floodwater volumes from those sources outside the dam's catchment.

[… and as noted, a higher wall is likely to give rise to a false sense of complacency that would succumb to housing needs and pressures and permit further high-risk development in the floodplain, further compounding the problem.]

As has been pointed out by many commentators, there are many options other than the simplistic fixation on raising the dam wall.

Indeed, a combined approach drawing on all of those other non-dam-based options has been recommended as the most (and much more) cost-effective means of flood risk mitigation.

Disappointingly, none of that array of alternative options was explored and assessed in the EIS.

Surely it is essential that each and all of those alternative options be comprehensively examined, both severally and jointly, to provide the relevant Minister with a complete understanding of all of the issues and opportunities, their relative costs and benefits, and of the most effective and beneficial mix of these in terms of the short, medium and longer terms?

I cannot believe that the proposed vastly-expensive raised dam wall – which at best be a partial and imperfect short-term lessening of a far larger problem – yet with such overwhelmingly vast, irremediable destructive consequences in perpetuity, at so many levels – thus doing far more real harm than good - could then possibly be entertained.

This raised dam wall is essentially the wrong answer, at the wrong time, and most certainly in the wrong place - as emphasised by the wider context.

The State of New South Wales, as with much of the rest of the continent, is still shocked and reeling from the impacts and devastation of the 2019-2020 mega-fires.

These occurred concurrently with – and further contributing to – a national species extinction crisis; a situation exacerbated on the one hand by record levels of land clearing, and on the other by the increasingly stressful and accelerating impacts of global heating and climate change.

If there is any time and any place where the protection of the environment and conservation of biodiversity must be prioritised, most surely it must be right now – and above all in National Parks and World Heritage areas.

Similarly, as emphasised by the depth of national outrage at the destruction and desecration of Juunkan Gorge and other such locations, we must act with respect and in fully informed understanding in relation to the cultural heritage of our fellow Australians, the Original Owners through the past 75,000 or so years of our country's history.

Our shared responsibility is in the recognition and protection of Aboriginal cultural heritage.

Protection. Not destruction**.**

In Conclusion

Emphatically, the devastating, compounding costs of this quick-fix dam wall raising proposal, together with its endlessly ongoing legacy of environmental and cultural destruction, so vastly outweigh any hypothetical short-term benefits it might possibly provide, that it must be permanently abandoned, and the issues rethought and comprehensively researched anew from scratch.

There are alternatives.

Thank you for providing this opportunity to submit comments in respect of this project proposal.

Yours sincerely,
Rupert Macgregor

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I accept the Department's submissions disclaimer and declaration

I have not made a reportable political donation in the past two years.