

## MY SUBMISSION

For the past eleven years I have been a resident of the Blue Mountains in NSW – a UNESCO Listed World Heritage area but in many parts a bushfire ravaged place. First Nations custodians are intensely active in caring for and restoring Country, and in engagement to urge and teach non-indigenous cooperation in understanding the need to care for Country. This has forced me to open my eyes and learn, to help restore Country, and to work to prevent further destruction for the short-term gain of a few. The EIS for the raising of Warragamba Dam leads me to write to oppose the project and to highlight serious failings in the plan.

## FAILURE TO VALUE GUNDUNGURRA HERITAGE AND HEED GUNDUNGURRA PROJECT OPPOSITION

Following the destruction of the Juukan Gorge the Federal Government Joint Standing Committee produced the report *A Way Forward* to prevent the devaluing and destruction of Aboriginal Cultural Heritage[1].

The current Warragamba Dam raising EIS process and report is *worst practice* by the processes and principles outlined in the *A Way Forward* report. The NSW government is on track to repeat the appalling destruction of Gundungurra Country and cultural heritage that earned it and Rio Tinto international ignominy in the case of the Juukan Gorge.

However, alarmingly, on this occasion it is proposed that destruction occur after protracted lead-time and under the glare of the media, social media, with the full knowledge of protesting experts and consultants, and the opposition communities of the Local Government Areas affected.

Most importantly we all know this destruction will occur against the express demands of the Gundungurra people.

Gundungurra Traditional Owners have not given Free, Prior and Informed Consent for the Dam proposal to proceed and have expressed the strongest possible opposition to the proposed inundation of their Country which holds an estimated 1541 identified cultural heritage sites, in addition to the overarching destruction of *ngurra*[2] – including species and resources - for which they have custodianship and ancient responsibilities. Inadequate time and consultation has formed part of the process. Only 27% of the impact area was assessed for Aboriginal Cultural Heritage, and several consultants have revealed to a parliamentary inquiry that their findings were watered down (details to follow). Consultants note the EIS is lacking in input from today's custodians.

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.

I'm no expert on this sort of planning but from where I stand the idea that proportionate "offsets" could exist for Aboriginal cultural heritage is ludicrous and insulting for Gundungurra people who are clearly fighting to preserve their Country and invaluable cultural context following a history of dispossession and injustice. On this basis alone the EIS must be rejected. However, there are additional reasons the project should be abandoned.

## OTHER CONCERNS

In addition to the catastrophic impact on Gundungurra people and their Country, the impact on this important place generally is too high a cost.

Raising the Warragamba dam wall and consequent damage to natural and cultural values would be a clear breach of Australia's undertakings and obligations under the World Heritage Convention as custodians of the UNESCO registered World Heritage listed Blue Mountains. Under the proposal an estimated 65 kilometres of wilderness rivers, and 5,700 hectares of National Parks will be inundated, 1,300 hectares of which is within the Greater Blue Mountains World Heritage Area, including

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 and Sydney's last Emu population.

Severe fires during the summer of 2019/20 devastated 81% of Blue Mountains Heritage Area. As well as the inadequate Aboriginal Cultural Heritage consultation and research, no post-bushfire field surveys have been undertaken. Threatened species surveys are substantially less than guideline requirements. Where field surveys were not adequately completed, expert reports were not obtained. No modelling of the stated flood and economic benefits of the dam wall raising are outlined in the EIS.

## EVIDENCE OF LACK OF SUPPORT AND LACK OF INTEGRITY OF PROCESS

In thirty minutes spent Googling the EIS process and the Warragamba Dam raising proposal I am struck by the extent of opposition from all cultural, professional, local government and community stakeholders.

**The Insurance Council of Australia**[3] CEO Andrew Hall said "*Raising the height of the Warragamba Dam wall would not resolve issues created by land use failings that have increased flood risks in the Hawkesbury-Nepean Valley, Insurance Council of Australia*".

If the government is concerned about the impact of flooding on residents it can take other immediate and inexpensive measures to increase their safety by letting them know, rather than enabling more development on flood plains. From the article quoted above "*Commissioner of Resilience NSW Shane Fitzsimmons said a survey last catastrophe season found many people in the region were unaware they were in a flood plain, while often residents in disaster prone areas in the state don't personalise risks, particularly if an event hasn't recently occurred. 'You still have this massive legacy of decisions on development that if you could turn back time, you would seriously re-evaluate,' he said*". Solving problems by repeating bad solutions is not good government.

Insurance Council of Australia boss Andrew Hall was backed by Sam Kernaghan, director of urban think-tank **Committee for Sydney's** resilience program, when he said that public money spent raising the wall would be better used buying back floodprone land that never should have been developed in the first place.[4]

In July **UNESCO**[5] determined "that any new dam proposals are incompatible with the Greater Blue Mountains World Heritage Area's world heritage status".

The **National Parks Association**[6] is scathing in its critique of the EIS. NPA Executive Officer Gary Dunnett said "NPA will work with biodiversity and protected area experts to demonstrate that *the exhibited EIS massively understates the impacts on*

*the World Heritage Area... Let's make no bones about it - any commitment to world heritage and national parks is totally incompatible with this flawed proposal."* (My italics)

Even the **NSW Treasurer and Environment Minister** Matt Kean told a recent parliamentary hearing that the economics proposal to raise the dam wall were "difficult".

The EIS process has been plagued by resignations, criticism and leaks, all of which point to a lack of confidence in the integrity of the process.

Newspaper reports from Feb 2021 (Michael Jackson[7], consulting archaeologist to WaterNSW) to this week in November 2021 (**Rachel Musgrave[8], ecologist**) **professional consultants assert that reports prepared as part of the EIS process were watered down or misrepresented**; Australian National University researcher Ross Crates said his findings were misrepresented and 'diluted' [9]

#### CONCLUSION

Project support only appears to come from the peak bodies for *developers* and Ministers Stuart Ayres and David Elliott . It is difficult to divorce the rate of political donations made by developers[10], and the fact that they are the only sector to reap any - short-term - benefit from the proposal. Even the insurers note it is only a short-term boon; the mortgagees who buy the properties in the flood plains, and those of us paying higher insurance premiums, will pay for the short-term windfall to developers to flow from this billion dollar investment of OUR taxpayer funds.

The Australian public is sick of the cynical syphoning of our money to developers, particularly in NSW. That is bad enough, but the collateral damage in this instance is intolerable. Enough money has been wasted on this folly. The integrity of the EIS is fundamentally flawed, and cannot be accepted as a basis for further decision-making by the Minister for Planning.

[1] [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Northern\\_Australia/CavesatJuukanGorge/Report/section?id=committees%2freportjnt%2f024757%2f77690](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge/Report/section?id=committees%2freportjnt%2f024757%2f77690)

[2] <https://www.bmcc.nsw.gov.au/community/aboriginal-and-torres-strait-islander-community> "...For Dharug and Gundungurra People, Ngurra (Country) takes in everything within the physical, cultural and spiritual landscape - landforms, waters, air, trees, rocks, plants, animals, foods, medicines, minerals, stories and special places. It includes cultural practice, kinship, knowledge, songs, stories and art, as well as spiritual beings, and people: past, present and future."

[3] <https://www.insurancenews.com.au/local/warragamba-wall-issue-points-to-planning-failures>

[4] [https://www.smh.com.au/environment/conservation/false-comfort-insurers-call-for-land-buybacks-instead-of-raisingwarragamba-dam-wall-20211020-p5911d.html?](https://www.smh.com.au/environment/conservation/false-comfort-insurers-call-for-land-buybacks-instead-of-raisingwarragamba-dam-wall-20211020-p5911d.html?fbclid=IwAR1NInDnIcfkjcFfmXhZGRVzMcgSxZ2kbbYd8RwLZvTK5o0jA6DU9bLN6U0)

[fbclid=IwAR1NInDnIcfkjcFfmXhZGRVzMcgSxZ2kbbYd8RwLZvTK5o0jA6DU9bLN6U0](https://www.smh.com.au/environment/conservation/false-comfort-insurers-call-for-land-buybacks-instead-of-raisingwarragamba-dam-wall-20211020-p5911d.html?fbclid=IwAR1NInDnIcfkjcFfmXhZGRVzMcgSxZ2kbbYd8RwLZvTK5o0jA6DU9bLN6U0)

[5] <https://www.macarthuradvertiser.com.au/story/6257718/united-nations-condemns-plans-to-raise-the-warragamba-dam-wall/>

[6] [https://www.wollondillyadvertiser.com.au/story/7468438/national-parks-association-condemns-dam-eis/?](https://www.wollondillyadvertiser.com.au/story/7468438/national-parks-association-condemns-dam-eis/?cs=1552&fbclid=IwAR2YnXK3v79uXA3dEpx6nos1noMetyDfu5vOZ2OzLDO6UmBYl65S60eU0go)

[cs=1552&fbclid=IwAR2YnXK3v79uXA3dEpx6nos1noMetyDfu5vOZ2OzLDO6UmBYl65S60eU0go](https://www.wollondillyadvertiser.com.au/story/7468438/national-parks-association-condemns-dam-eis/?cs=1552&fbclid=IwAR2YnXK3v79uXA3dEpx6nos1noMetyDfu5vOZ2OzLDO6UmBYl65S60eU0go)

[7] <https://www.smh.com.au/national/nsw/archaeologist-says-he-was-hired-as-pr-move-over-warragamba-dam-project-20210204-p56zi4.html>

[8] [https://www.theguardian.com/environment/2021/nov/08/ecologist-so-troubled-by-warragamba-dam-wall-environmentalimpact-statement-she-resigned?fbclid=IwAR0JpTLHRnb9B2\\_MfQIYwUy0WZjvFRsPqqBqqSPD8de0Z5ycGCIHlflmIC8](https://www.theguardian.com/environment/2021/nov/08/ecologist-so-troubled-by-warragamba-dam-wall-environmentalimpact-statement-she-resigned?fbclid=IwAR0JpTLHRnb9B2_MfQIYwUy0WZjvFRsPqqBqqSPD8de0Z5ycGCIHlflmIC8)

[9] <https://www.smh.com.au/national/nsw/selective-editing-warragamba-expert-self-reported-over-changes-to-research-20211108-p596zf.html?fbclid=IwAR0nY9atkcC2BBPTJw5REgoRPCpenjs9IPd49vnUdhP3UfjuBFFziAuQkhY>

[10] [https://www.smh.com.au/politics/federal/competitive-advantage-call-for-curbs-as-property-sector-ramps-up-politicaldonations-20210126-p56wva.html?fbclid=IwAR3H0J9tL7i7WmnT0eqmF405qF1EAH9Mrolw\\_Y9yteyRnUdf5uzlbJvMBA](https://www.smh.com.au/politics/federal/competitive-advantage-call-for-curbs-as-property-sector-ramps-up-politicaldonations-20210126-p56wva.html?fbclid=IwAR3H0J9tL7i7WmnT0eqmF405qF1EAH9Mrolw_Y9yteyRnUdf5uzlbJvMBA)

Yours sincerely,