



TRISH DOYLE MP

STATE MEMBER FOR THE BLUE MOUNTAINS

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Submission – Warragamba Dam Raising Project – SSI – 8441

Trish Doyle – Member for Blue Mountains – Springwood NSW

I write to express my vehement opposition to the proposal to raise the Warragamba Dam wall. I believe this proposal to be ill-conceived and its motivations dubious.

There are many speaking out against the NSW Government's plans, those who are experts in the field of science and the environment. I will leave it to them to speak to the issues relevant to their respective fields, drawing upon their specific experience and expertise. At this point I would like to thank and acknowledge the incredible advocacy of the Blue Mountains Conservation Society in particular.

What I will note is the potentially devastating impacts on Indigenous cultural heritage and our environment, should the raising of the dam wall go ahead. I struggle to believe it's necessary to point out the unique preciousness of the Blue Mountains, a place rich in geological history and home to vulnerable plant and animal species, however it would seem that it is very necessary to remind those in Government who support this proposal, those who seem to have no real understanding, or worse, no real regard for this World Heritage region.

I refer to Gundungurra elder, Aunty Sharyn Halls, Gundungurra woman and campaigner Kazan Brown and the application made by the Gundungurra Aboriginal Heritage Association's for Federal Government protection of the land slated to be inundated. Attached is a Sydney Morning Herald news article explaining the concerns raised by my constituent, Sharyn Halls. (Appendix A)

Let us not forget the views of the Traditional Owners – they oppose this proposal. Their views have been documented at length. This country has a shameful history of ignoring the wishes and the wisdom of our First Nations people. We have a chance here to do better.

In the year 2000, the Blue Mountains was inscribed on the World Heritage List. Allow me to outline some of the criteria essential for this to take place, relevant to the Blue Mountains.

From the UNESCO site:

“To be included on the World Heritage List, sites must be of outstanding universal value...”

“- to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.”

“- to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change.”

“- to contains superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance.”

“-to be outstanding examples representing major stages of earth’s history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features.”

“- to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.”

“- to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.”

The Blue Mountains qualifies on each of the aforementioned criteria.

How baffling it is that a globally renowned organisation such as UNESCO has assessed the true environmental, historical and cultural values of the Blue Mountains area and yet, should the raising of the dam wall go ahead, the current NSW Government is failing miserably in its duty to protect and preserve this place.

We know the gist of the NSW Government's justification for pursuing this proposal – the claim that it's going to be a silver bullet solution for Western Sydney flood mitigation. There is mounting evidence that raising the dam wall will not offer adequate protection to those living on the flood plains. There is not enough justification to support the supposed benefits and what is increasingly looking like a dubious EIS to top it all off. The resignation of former assessor, Rachel Musgrave speaks volumes to this point. (Appendix B)

Those who hold the Blue Mountains dear have had the same concerns about this proposal for years – just one or two flood events will see the biodiversity, ecological, cultural and World Heritage values of the Blue Mountains totally lost. What has changed however, or rather intensified, is Minister Ayres' spin around the necessity of this project, the false narrative that raising the dam wall is the *only* way to keep Western Sydneysiders safe from flooding events. This Government has not adequately explored other options. They aren't listening to the expert voices and they are disrespecting the Traditional Owners of the land whilst hiding behind reasoning that is dangerously flawed.

Chas Keys, the former deputy director general of the SES in NSW, opposes the raising of the dam wall and is a strong advocate for a different approach. He says "In NSW we continue to develop large amounts of flood-labile land for urban purposes, a result perhaps of governments and councils and development interests prioritising economic growth over community safety," he told the NSW Parliamentary Committee investigating the raising of the dam wall.

Keys tells the Guardian: the money would be much better spent on building more flood-proof evacuation routes from existing flood-prone suburbs.

The only exit route from Windsor capable of handling a 14-metre flood is now reaching capacity. There is no exit route at all if a 19-metre flood occurs again.

"We will just be left forever chasing our tail," Keys says.

"We encourage further inappropriate development in flood-labile areas, magnifying the problem we have inherited from the past, and follow our error up with incomplete, partial efforts to mitigate the threat we have created."

(Article: *"Developing a flood plain: how raising the dam wall could create a false sense of security in Sydney's west"*, Anne Davies, The Guardian. 28 March 2021. <https://www.theguardian.com/australia-news/2021/mar/28/developing-a-flood-plain-how-raising-a-dam-wall-could-create-a-false-sense-of-security-in-sydneys-west>)

As Keys blatantly points out, with a perplexed tone, this approach is just ludicrous.

The promise of a carbon credits scheme in an attempt to allay the concerns of those who care about our Blue Mountains environment is entirely ineffective and akin to robbing Peter to pay Paul. The vulnerable flora and fauna and the indigenous cultural heritage that face devastation from flooding events must not be perceived as some kind of insignificant collateral damage.

Alongside three Private Members' Statements and responses to legislation, I raised a further Notion of Motion in NSW Parliament on 13 October 2021 in which I asked that it be noted that the consultation process for the raising of the dam wall is inadequate, falling far short in terms of all of community accessibility. I demanded that the NSW Government explore other flood mitigation options that offer alternatives to the current proposals and I called on the NSW Government to acknowledge the very real potential of profound loss to environment and Indigenous cultural heritage, along with the threat to the World Heritage status of the Blue Mountains National Park, should this ill-considered proposal go ahead.

I want each of these points acknowledged again here in this submission.

Make no mistake, raising the dam wall will have destructive upstream environmental and cultural heritage impacts. The ultimate decision makers on this project do not have the right to give the green light for this, a proposal that risks ecological and cultural treasures of immense importance.

Scientists such as the Australian National University's Professor Jamie Pittock have warned that raising the dam wall will not be effective in stopping flooding in the Sydney basin because approximately only half of the flow into the Sydney basin is moderated by the dam.

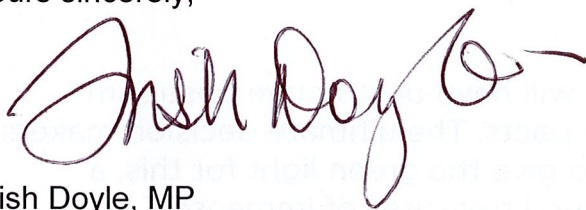
That point surely deserves further exploration, given as much as 45% of flooding in the Hawkesbury Nepean Valley comes from rivers not controlled by Warragamba Dam. So when Minister Ayres, stood up in Parliament on November 17 and spoke about the Warragamba Dam proposal, he failed to paint a truthful picture regarding his true motivations for this project. I note also that in his speech on that day, he made not one mention of the Blue Mountains World Heritage National Park that some members of the NSW Government seem so hell-bent on destroying.

Shamefully, those in the Government who support this proposal appear happy to bargain with the safety of not only the existing population of Western Sydney, but the additional 130,000 or so people that will settle on the floodplains if Minister Ayres' dreams of over-development are ever realised.

I can only deduce that the NSW Government, in supporting this proposal, really aren't grasping the gravity of what is at stake here. I cannot believe that if they did, they could even consider continuing with these current plans.

I encourage all the decision makers on this project to come and visit the Blue Mountains. Take a walk amongst the trees in the pristine wilderness, sit for a while in the stillness, breathe in the invigorating, clean air and then tell me that this place doesn't matter. Tell me that the stories of this ancient land are not precious enough for each and every one of us to be a part of ensuring their preservation.

Yours sincerely,

A handwritten signature in dark ink, reading "Trish Doyle" with a stylized flourish at the end.

Trish Doyle, MP

Member for Blue Mountains

pList of Appendices

Appendix A – *“Traditional owners launch federal bid to stop raising of Warragamba Dam wall”*, Angus Thompson, Sydney Morning Herald. 29 January, 2021.

Appendix B – *“Ecologist so troubled by Warragamba dam wall environmental impact statement she resigned”*, Peter Hannam, The Guardian. 8 November, 2021.

***NB** – I give my permission for this submission to be shared online

- I have no relevant reportable political donations made in the previous two years to declare

The Sydney Morning Herald

National Indigenous culture

This was published 10 months ago

Traditional owners launch federal bid to stop raising of Warragamba Dam wall

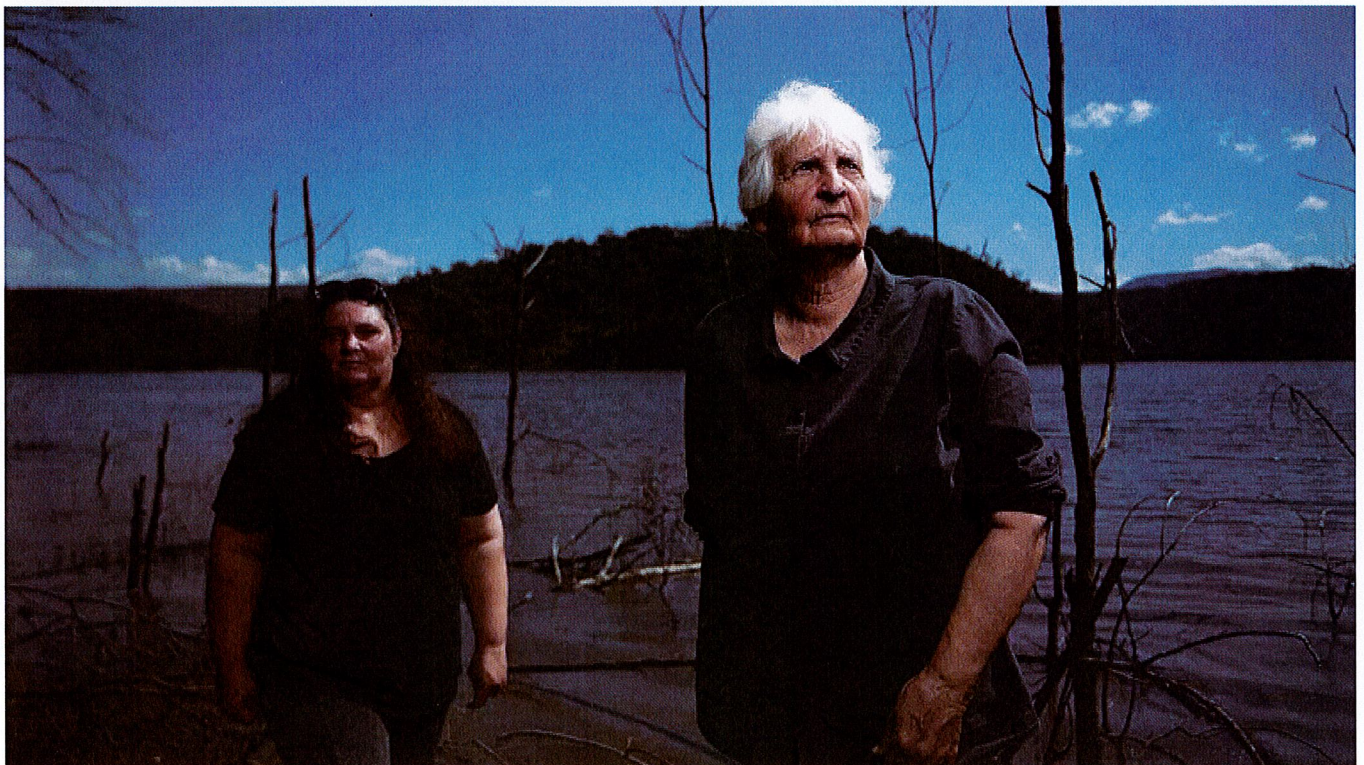


By **Angus Thompson**

January 29, 2021 – 12.01am

The traditional owners of the land set to be inundated by raising the walls of the Warragamba Dam have launched a federal bid for the protection of the area with Environment Minister Sussan Ley.

The application, made by Gundungurra elder Sharyn Halls, claims the controversial NSW government plan to raise the dam walls by up to 17 metres to cut flood risks to downstream communities will erase landscape features recorded in the Burragorang Valley's creation story, as well as intersecting songlines.



Traditional owners Sharyn Halls (right) and Kazan Brown stand beside Lake Burragorang. WOLTER PEETERS

The area contains the landscape features from the story of the chase of Gurangatch by Mirrigan, which explains how the landforms were made.

The \$1 billion project, which has lost the support of Australia's biggest insurer, IAG, because of the loss of cultural sites, would "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," the application says.

Gundungurra woman Kazan Brown, who has worked with Ms Halls to raise awareness of the cultural and historical significance of the area, said there were rock engravings, scar trees, camp sites, burial sites and ceremony grounds within the valley that would be wiped out if the walls were raised.

"It's going to destroy them. The rock art – the charcoal and the ochre isn't going to last past the first flood," Ms Brown said.

"The whole river is the creation story ... it's part of our story. When we pass things on we like to be there, it's a lot different from looking at it in a book."

The Gundungurra Aboriginal Heritage Association, which Ms Halls represents, is applying to save the area under Aboriginal and Torres Strait Islander heritage protection legislation.

For Ms Ley to issue a declaration preserving the area, which is within the Blue Mountains National Park, she must be satisfied it is a significant Aboriginal area and is under threat from "injury or desecration".

A spokesperson for Ms Ley said a report was being prepared to support her decision on the application and urged any interested parties to make submissions by February 26.

The *Herald* last year reported a survey commissioned by the NSW government uncovered 337 sites of significance. The study, which made up part of the draft environmental impact assessment, was conducted over just a quarter of the area affected.

A full survey would reveal perhaps thousands of Indigenous sites and signs of traditional owners' connection to country, Ms Brown said.



Traditional Owners Kazan Brown, Taylor Clarke and Aunty Sharyn Halls at a water hole on the site. WOLTER PEETERS

A NSW government spokesperson said the government respected the issues raised by the association in its application under heritage legislation, and that cultural heritage consultation was ongoing for the Environmental Impact Statement (EIS) for the proposed dam raising.

“A specialist is currently working with identified cultural knowledge holders regarding the cultural values of the study area to build on the existing Aboriginal cultural heritage work,” the spokesperson said.

The billion dollar project will raise the dam by 17 metres. BROOK MITCHELL

“Importantly, the final decision on the dam raising proposal will only be made after all environmental, cultural, financial and planning assessments are complete.”

In a leaked briefing note to Aboriginal Affairs Minister Don Harwin, Heritage NSW recently criticised the consultation with traditional owners as inadequate, saying modelling was needed to determine the likely impacts on cultural heritage from inundation.

A government spokeswoman said an updated Aboriginal Cultural Heritage Assessment would be shared with Registered Aboriginal Parties for review and comment.

With Peter Hannam

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Angus Thompson is an Urban Affairs reporter for The Sydney Morning Herald. Connect via [Twitter](#) or [email](#).



Environment

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Ecologist so troubled by Warragamba dam wall environmental impact statement she

NSW parliamentary inquiry told concerns of Rachel Musgrave and another ecologist were 'watered down' by consultants

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Peter Hannam

Mon 8 Nov 2021 20:28 AEDT

Ecologists involved in the multibillion dollar plan to raise the wall of Sydney's main water reservoir say their input detailing the threats to the world heritage-listed region was either watered down or ignored altogether.

The claims - made in separate evidence presented on Monday to a NSW upper house inquiry into the state government's plan to raise the wall at least 14 metres - raise fresh questions over the independence of the environmental impact statement (EIS) prepared for the project.

Rachel Musgrave, a former primary assessor for biodiversity surveys and analysis for the EIS, said she had resigned out of concern her work as an ecologist might be at risk if she had signed off on the draft report as proposed.

At stake for the proponent, the state government's WaterNSW, was the prospect of at least \$2bn in costs of offsetting the likely damage as much as 6,000 hectares in the Blue Mountains world heritage region to Sydney's west. The raised wall itself may cost as much as \$1.5bn.

Musgrave said she was worried the consultants hired by WaterNSW wanted her to interpret the impacts of the wall raising as "indirect" to reduce or eliminate the cost. She said she was also overruled on issues, including the terminology used in the EIS.

"As I felt that the changes were not immaterial - these were substantive changes to the impact assessment - and I requested that my report be removed from the report", she said.

The request was refused, so Musgrave resigned rather than put her qualification in peril: "We have certain obligations and our code of ethics as an accredited assessor."

A second ecologist, Ross Crates, an expert on the critically endangered regent honeyeater, told the committee his findings had been ignored by the consultants he and Musgrave were working for.

Crates, a postdoctoral fellow at the Australian National University, said there were as few as 350 of the birds left in the wild, with the Blue Mountains region.

A survey of about one-fifth of the proposed impact site had identified a minimum of 21 of the birds and seven nests, he said.

"There has been significant editing to the wording that I initially proposed for the upstream biodiversity assessment reports" in the EIS. "The assessment has been significantly diluted presumably to water down the envisaged impacts of the proposed development." Words such as "will" have been changed to "may", he said.

Crates said he was also concerned the EIS had been designed to exclude a major area - between zero-2.78 metres above the current maximum flood level - from calculations for offsets. "This will be a huge area of mapped important regent honeyeater habitat that will not be offset in the current offset calculation strategy," he said.

Steve Douglas, an ecologist who made an independent review of the draft and final versions of the EIS, said "there's multiple instances where the EIS favours the proponent's interests".

"[They] essentially dilute the impact and make it look not as significant as it is," he said, adding he agreed with Crates about the "inability to achieve what they're intended to" including for endangered plants.

Guardian Australia approached the western Sydney minister, Stuart Ayres, for comment. His office forwarded the request to WaterNSW.

"The Warragamba wall-raising proposal's EIS process is strictly governed by multiple legislative and procedural parameters and subject to commonwealth government review to ensure the assessment and consultation work was fully compliant and meets the highest standards," the office said.

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Adam Searle, one of the Labor MPs on the panel, said the work done by the ecologists "had been reported in a way that they didn't allow for the possibility of error".

It raised questions "whether [the consultants] edited the evidence to the advantage of the proponent [WaterNSW]", instead of operating in the public interest, he said.

Justin Field, an independent NSW MP and chair of the committee, said the evidence heard was "extraordinary", including that there were more resources allocated to obtaining expert studies into the project's damage.

"The NSW government has continued to dodge questions about this project saying all will be revealed in the final EIS," he said. "Now we know there are few clear answers and the integrity and adequacy of the entire EIS has been called into question by subject matter experts."

Harry Burkitt, the general manager of the Colong Foundation for Wilderness, said "the reason the Warragamba EIS leaves so many questions unanswered is because there is a group of cockroaches under every rock".

He said the evidence strengthened the case for the state's planning minister, Rob Stokes, to review the whole EIS process. **The government's focus on alternative measures to reduce flood risks** in the Hawkesbury-Nepean floodplain rather than raising the dam wall, he said.

The EIS is **open for comment until 29 November**.

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