

To whom it may concern,

### **Submission – Warragamba Dam Raising Project – SSI8441**

As a resident of the Upper Blue Mountains I have many times enjoyed the landscape views overlooking the Burragorang Valley from the many cliff top lookouts and walks such as Echo Point, Narrowneck trail, Wentworth Falls and along Kings Tableland. I've also visited the Burragorang Valley and admired its natural beauty and solitude within its impressive cliff walls. It is home to one of Australia's rarest birds. It is a very special place.

One very clear memory I have is walking along Narrowneck maybe twenty years ago and finding an emu footprint on the sandy path. What a surprise! It is a reminder that the Burragorang Valley is home to the last population of emus in the Sydney region, which is amazing. I cannot speak on Aboriginal cultural heritage but I understand that the emu is important in this landscape. From Katoomba I can see, on the side of Kings Tableland, the large image of an emu looking over its shoulder. This is on the western side of the Tableland which stretches from Wentworth Falls to overlook Burragorang Valley.

Many of the original natural landscapes of our cities have been lost. However, the Burragorang Valley close to Sydney still retains much of its landscape besides what was lost when Warragamba Dam was built in 1960s. Flooding from the Warragamba Dam Raising Project (WDR Project) will destroy significantly more and should not be approved.

### **Summary**

I oppose the proposal because

- the EIS is fundamentally flawed;
- threatened species will be significantly impacted and, in at least one case, driven to extinction;
- the integrity World Heritage status of the Greater Blue Mountains World Heritage Area (GBMWhA) will be impacted and its World Heritage status will be put at risk;
- the proposal will destroy an unknown number of aboriginal cultural sites and the cultural landscape within the Burragorang Valley;
- the proposal relies on using the totally discredited offsets mechanism to allow for the destruction of natural and cultural heritage.

The minister must refuse the proposal and the government must seriously engage in assisting the flood affected communities already living in the flood plain now.

## **EIS is fundamentally flawed**

- Severe fires during the summer of 2019/20 devastated 81% of Blue Mountains Heritage Area. It is huge omission in this EIS that, as revealed in the Legislative Council Inquiry hearings, no post-bushfire field surveys have been undertaken<sup>1</sup>. This means that there is no understanding of how endangered the flora and fauna of the Burratorang Valley is before inundation and what those impacts would be.
- Only 27% of the inundation impact area was assessed for Aboriginal Cultural Heritage in preparing this EIS.
- Threatened species surveys undertaken for the EIS are substantially less than guideline requirements. Where field surveys were not adequately completed, expert reports were not obtained.
- EIS relies on the totally discredited offsets systems to allow the destruction of flora and fauna habitat and irreplaceable Aboriginal cultural heritage.
- There are serious omissions in the assessment of the proposal's impact on the Outstanding Universal Value (OUV) of the GBMWA and the proposal contravenes Australia's obligations in relation to World Heritage;
- Several ecologists and experts who had contributed to the EIS documents have revealed, shockingly, that their work and conclusions on the severity of the project's impacts had been watered down.<sup>2</sup>
- No modelling of the stated flood and economic benefits of the dam wall raising are outlined in the EIS.

The environmental assessment cannot be accepted as a basis for further decision-making by the Minister for Planning.

## **Unacceptable Damage to our national parks and their plants and animals**

The WDR project would affect national parks estate lands in the Burratorang Valley. Blue Mountains National Park is the most visited national park in Australia and probably the southern hemisphere. According to National Parks and Wildlife Service, visitor numbers have rebounded after COVID lockdowns. It is shameful that proposed destruction could happen to the very park that is visited and enjoyed by so many people. It shows Australia as a country that does not appreciate or protect forests and natural beauty which has been recognised internationally to be of outstanding value.

An estimated 65 kilometres of wilderness rivers, and 5,700 hectares of National Parks, 1,300 hectares of which is within the GBMWA, 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;
- 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.

---

<sup>1</sup> NSW Legislative Council Inquiry into the Raising of Warragamba Dam Wall, 2021.

<sup>2</sup> See LC Inquiry for instance at p. 11 and p. 18

## Significant impacts on our precious World Heritage status

This proposal risks the world heritage listing for GBMWhA. It covers over one million hectares and stretches from the southern edge of the Hunter Valley to the southern highlands near Mittagong. World Heritage listing is the highest level of international recognition that an area can gain. The Greater Blue Mountains was granted World Heritage listing in 2000 for its outstanding biodiversity and for the diversity and evolution of its Eucalypt species.<sup>3</sup> Rare and threatened species are still being identified in the GBMWhA.

The GBMWhA contains at least 423 fauna species with 69 of them classified as threatened species and 2,296 flora species, 95 are threatened plus endangered ecological communities.<sup>4</sup> Unique eucalyptus species diversity recognised as having OUV under the area's World Heritage listing such as the Camden White Gum would be impacted. Twelve of the WHA's bird species are also protected under international migratory species agreements. Australia, as a signatory to these agreements, is obliged to protect these birds and their habitats within Australia.<sup>5</sup>

In 2019 the World Heritage Committee expressed its grave concern that the inundation from the dam wall raising was likely to impact on the OUV of the property. The World Heritage Committee requested a copy of the EIS as soon as it was available.

Raising the Warragamba dam wall and the consequent damage to natural and cultural values would be a clear breach of these undertakings and Australia's obligations under the World Heritage Convention. As the Australian President of International Council on Monuments and Sites (ICOMOS), Ms Helen Lardner, explained to the Legislative Council Inquiry into the WDR Project "the dam wall raising is inconsistent with Australia's obligations under the World Heritage Convention to which Australia is a party"<sup>6</sup> The World Heritage listing of the GBMWhA would be at risk if the dam raising was approved.<sup>7</sup> Ms Lardner also explained that the use of offsets to compensate for losses of threatened species and their habitat would not reverse the impacts that the raising would create. The GBMWhA area is physically defined in its listing and is irreplaceable. Recording values and destroying them does not mitigate the damage.

Reserves outside the boundary of the GBMWhA also contribute to the OUV.<sup>8</sup> The Australian Government has recognised this, for instance, when it funded Local Land Services to protect biodiversity outside the WHA and national park estate which contributed to the diversity of eucalypt species and therefore the OUV. However, areas outside the inundation area have not been assessed which is a significant flaw in the proposal.

---

<sup>3</sup> It contains "outstanding and representative examples in a relatively small area of the evolution and adaptation of the genus *Eucalyptus* and eucalypt-dominated vegetation on the Australian continent.... ( And) an outstanding diversity of habitats and plant communities that support its globally significant species and ecosystem diversity ..."  
See <https://whc.unesco.org/en/list/917/>

<sup>4</sup> <https://bmnature.info/fauna-head-count.shtml> and <https://bmnature.info/flora-head-count.shtml>

<sup>5</sup> J, P and Kate Smith, Native Fauna of the Greater Blue Mountains World Heritage Area, 2019, p.14

<sup>6</sup> LC Inquiry, p. 6.

<sup>7</sup> LC Inquiry, p.7

<sup>8</sup> LC Inquiry, p. 8

## **Inadequate assessment of Aboriginal Cultural heritage**

Over 1541 identified cultural heritage sites would be inundated by the Dam proposal. However, there will be many more sites than this given that less than 30 percent of the area has been surveyed for cultural heritage. The task of reviewing and commenting on the reports produced on the area has been overwhelming for the traditional owners and elders yet it is nowhere near the full picture of cultural heritage of the area.<sup>9</sup> As well, 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. Gundungurra Traditional owners have also not given free, prior and informed consent to the raising of the Dam wall.

The cultural heritage importance of this site cannot be overstated. Gundungurra Elder, Ms Sharyn Hall, said that “we do not support the Warragamba Dam wall to be raised. We are not going to give consent to destroy one Aboriginal site or any of our cultural landscape because the landscape and the site, and everything that falls within it, is part of who we are. That is our Aboriginal history, as Aboriginal people. But the thing everyone is forgetting, this is Australia's history. This is Australia's first history of this country.”<sup>10</sup>

The proposed dam wall raising will not just flood specific cultural sites but also destroy Gundungurra dreaming trails and stories. The southern Blue Mountains is an extensive and rich cultural landscape belonging to the Gundungurra People. The Burragorang Valley holds great significance for local indigenous organisations and people as a cultural landscape which embodies traditional stories and beliefs long held up until today. The Gundungurra people have applied to the NSW government to have the cultural landscape of the Burragorang Valley protected as an Aboriginal Place under the National Park and Wildlife Act (NSW). More recently they have also sought protection under the Aboriginal and Torres Strait Islander Heritage Protection Act (Cth). However, the assessment of cultural significance in the EIS does not capture its importance as a cultural landscape which is a serious omission. This living legacy of indigenous culture should be preserved and protected. Indigenous culture in Australia is the longest continuous culture in the world and so significant at an international level. The specified area must be physically protected so that it can be understood and passed on to future generations in a traditional and culturally appropriate way.<sup>11</sup>

## **Understated Impacts on plants and animals of the Burragorang Valley**

The plight of the Regent Honeyeater, one of the state's rarest birds, is just one example. If this well-known bird cannot be protected, what hope is there for the impact area's many rare and threatened species?

The draft EIS concludes that the project poses potential significant impacts to contemporary breeding habitat for the critically endangered Regent Honeyeater

---

<sup>9</sup> LC Inquiry p.8

<sup>10</sup> LC Inquiry p.5

<sup>11</sup> LC Inquiry, Ms Clarke at p.5.

that “cannot be avoided or minimised.” The Regent Honeyeater is listed as Critically Endangered at both a state and federal level, with as few as 350 individuals remaining in the wild. Modelling by BirdLife Australia suggested that up to 50% of contemporary Regent Honeyeater foraging and breeding habitat was burnt in the 2019/20 bushfires. Protecting remaining unburnt breeding habitat is of the highest conservation priority and was a recommendation from the NSW Bushfire Inquiry adopted by the NSW government in 2020.

There are only a handful of contemporary breeding sites for Regent Honeyeater and during the assessment of the project a total of twenty one Regent Honeyeaters, including active nests, were recorded within the impact area. Any breeding habitat is considered habitat critical for survival of the species under the National Recovery Plan for Regent Honeyeater. It states “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 destruction and degradation of breeding habitat for Regent Honeyeaters by a government agency makes a mockery of the time and money that the Federal and NSW Governments have invested into the recovery program, including the Regent Honeyeater Captive Breeding and Release program and many volunteers’ time.

It appears that the NSW government has already given up on protecting the Regent Honeyeater as it was not included in the Assets of Intergenerational Significance nominated in Minister for Environment’s announcement in October 2021. It is as if the WDR Project has already been approved. The destruction or degradation of a contemporary breeding site for Regent Honeyeaters would have dire consequences for the species as a whole and is likely to hasten extinction

### **Offsets are useless to protect threatened species**

The offsets system, which allows for other land to be protected or, where there is no available land, money to be paid for research, is a thoroughly discredited process which does not stop permanent loss of threatened species and their habitat. Independent reports and media stories abound.<sup>12</sup> There is a current Legislative Council inquiry into offsets schemes. These many findings and reports have finally led the NSW Environment Minister to announce a comprehensive review in October 2021. However, that is not a solution to the problem and if a solution does emerge from this inquiry it will be too late for the WDR proposal.

Experts confirmed to the LC inquiry that no offsets areas are available to replace what would be destroyed or damaged by inundation after dam wall raised.<sup>13</sup> For instance, according to Australia’s leading expert organisation for birdlife, Birdlife Australia, there is no evidence that breeding habitat for Regent Honeyeaters can be successfully offset and any offsets would be unlikely to provide direct benefits for both the local affected population and the species. As well, the offsets system, if applied, is totally inadequate to assessing the amount of offsetting that would be required due to the

---

<sup>12</sup> For instance, *Paradis Lost. The weakening of NSW Biodiversity Offsets Schemes 2005-2016*, by Nature Conservation Council of NSW

<sup>13</sup> For instance, see LC inquiry p.10

lack of survey and evidence of actual numbers and locations of threatened species in EIS.<sup>14</sup>

The truth is there that the cost of this project in terms of permanent irreparable damage to our land, ecosystems, plants and animals, is too high a price to pay. Developers' money, or in this case, public money as the NSW government is the proponent, will not fix this. The only solution is to seriously investigate and implement other measures to manage flooding risks for the communities already living on the flood plains.

### **Government can solve the problem it claims it is addressing through other means**

The government proponent says that raising the dam would protect residents on the flood plains. However, there are many other ways to provide for these communities. Overflow from Warragamba dam is not the sole contributor to flooding now. On average, 45% of floodwaters are derived from areas outside of the upstream Warragamba Dam catchment. This means that no matter how high the dam wall is constructed, it will not be able to prevent flooding in the Hawkesbury-Nepean Valley downstream.

It seems that the dam proposal will only benefit property developers who build new suburbs on land that is released for housing development if the dam is raised. The government minister has indicated this could happen.

There are many alternative options to raising the Warragamba Dam wall that would protect existing floodplain communities. A combined approach of multiple options has been recommended as the most cost-effective means of flood risk mitigation. However, Alternative options were not comprehensively assessed in the EIS.

I accept the Department's submissions disclaimer and declaration  
I have not made a reportable political donation in the past two years.

---

<sup>14</sup> LC Inquiry p.12