

Select committee on the proposal to raise the Warragamba Dam Wall



Select Committee on the Proposal to Raise the Warragamba Dam Wall, 28 August 2020

Table provides a summary of the questions taken on notice and summary of post hearing transcript corrections:

Agency Roles and Responsibilities

Infrastructure NSW is overseeing the whole-of-government implementation of phase one of the Hawkesbury-Nepean Valley Flood Risk Management Strategy working across all levels of government and non-government partners and communities to implement all nine of the flood strategy outcomes. The Flood Strategy is a broader, integrated approach to managing risk in one of the most flood-exposed regions in Australia.

WaterNSW is responsible for completing detailed concept design and obtaining environmental approvals for raising Warragamba Dam wall for flood mitigation; including community consultation and detailed assessment of potential environmental impacts from construction and ongoing operation and for submitting an environmental impact statement (EIS) to the NSW Department of Planning, Industry and Environment and the Australian Government Department of Agriculture Water and Environment.

The **Department of Planning, Industry and Environment** – under the Environmental Planning and Assessment Act 1979, is responsible for administering and assessing major State significant infrastructure projects, including the proposal to raise Warragamba Dam Wall. The NSW National Parks and Wildlife Service is a directorate of the Department of Planning, Industry and Environment.

Assigned	QoN Summary	QoN – Response	Transcript Pg. No.
Mr Justin Field, MLC	If you could take on notice to inform the Committee about when you received those submissions from those agencies and the date that you forwarded it on to WaterNSW, I would greatly appreciate that.	<p>Department of Planning Industry and Environment</p> <p>On 16 July 2020, the Department provided WaterNSW with a compilation of agency advice received as part of the review of the draft EIS, and a summary of that advice. The compilation incorporated copies of advice from Transport for NSW and NSW EPA previously provided to WaterNSW on 19 June 2020.</p> <p>After receiving the individual agencies' advice on the dates below, the Department's role included a review to identify any inconsistencies and/or conflicts in the individual agency advices before providing the collation of advice to WaterNSW. This is consistent with the Department's standard practice in the conduct of pre-exhibition reviews for other major infrastructure proposals.</p>	4

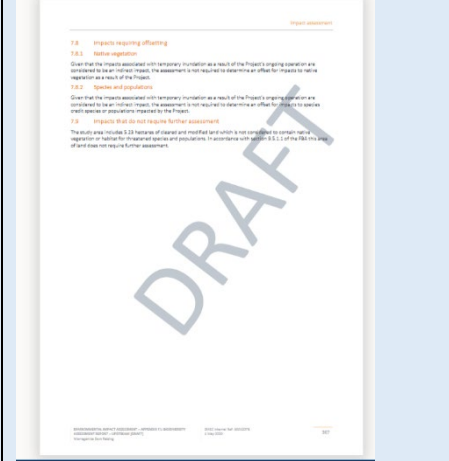
Select committee on the proposal to raise the Warragamba Dam Wall



			<p>In relation to the timing of advice from agencies, please refer to the table below. Following the provision of the advice below, and the transfer of cultural heritage matters to the Department of Premier and Cabinet, Heritage NSW advised on 20 July 2020 that the initial advice they had provided contained all feedback they considered appropriate to provide for the EIS review.</p> <p>In relation to the timing of advice from agencies, please refer below:</p> <p>Agency Advice – dates received: EPA Environment, Energy and Science Division of DPIE (in relation to Aboriginal Cultural Heritage, biodiversity and comments provided by NPWS) - received 5 June 2020</p> <p>TfNSW – received 9 June 2020</p> <p>DAWE (in relation to Aboriginal cultural heritage assessment report and in relation to world heritage) – received 10 June 2020</p> <p>DAWE (in relation to biodiversity offsets and consideration of impacts of bushfire) – received - 15 June 2020</p> <p>DAWE (in relation to matters of national environmental significance and hydrology) - received - 18 June 2020</p> <p>DPIE Water/Natural Resources Access Regulator – received - 24 June 2020</p> <p>Fisheries – received - 30 June 2020</p>	
<p>The Hon Adam Searle, MLC</p>		<p>Is document labelled at the foot of the document - “Environmental Impact Assessment appendix F1 biodiversity assessment report” part of the draft EIS?</p>	<p>General response</p> <p>The tabled document is an extract of an appendix of the draft EIS reviewed as part of the interagency pre-exhibition review.</p>	<p>7</p>

Select committee on the proposal to raise the Warragamba Dam Wall



			<p>Drafting Note</p> <p>A page from the relevant document of the EIS appearing to match that as described by the member is extracted below for reference.</p> 	
<p>The Hon Penny Sharpe, MLC</p>	<p>What are the considerations re: agreement/consensus between agencies on certain matters, will this be indicated/highlighted in the EIS?</p>	<p>General response</p> <p>There is a requirement in the SEARS to include that consultation has occurred with relevant government agencies and key stakeholders and how the project has responded to the feedback received.</p> <p>The EIS will outline issues raised by Government agencies as part of consultation chapter and identify how those issues have been addressed.</p>	<p>10</p>	
<p>The Hon Penny Sharpe, MLC</p>	<p>What would more study include? (in relation to World Heritage matters)</p>	<p>WaterNSW</p> <p>The World Heritage assessment will draw on specialist studies including Aboriginal Cultural Heritage, biodiversity, visual impact assessment, flooding and hydrology.</p>	<p>11</p>	
<p>The Hon Penny Sharpe, MLC</p>	<p>Who signs off on the guidelines</p>	<p>Department of Planning, Industry and Environment</p> <p>Any amendment to the Guideline for applying the Biodiversity Assessment Method at severely burnt sites (EES</p>	<p>18</p>	

Select committee on the proposal to raise the Warragamba Dam Wall



			2020) would be signed-off at an Executive level within the Environment, Energy and Science (EES) Group within the Department of Planning, Industry and Environment. EES prepared the guideline following the 2019/20 Black Summer bushfires and considers the guideline is still fit for purpose. EES has no plans to amend the guideline at this point in time.	
	Mr Justin Field, MLC	Can the Climate Change Report prepared by WMAWater be made available to the Committee?	Infrastructure NSW The Report will be available as part of the documentation to support EIS and will be released when the EIS is placed on public exhibition.	22
	Mr. Justin Field, MLC	When was the Climate Change work commissioned	Infrastructure NSW June 2017.	23
	The Hon. Adam Searle, MLC	Referring to feedback on the draft EIS in terms of Aboriginal cultural heritage from the Commonwealth - could you supply a copy of that document?	General response At this stage, while the EIS is in draft, agency comments are under consideration by the proponent and Department and the EIS has not been exhibited, it is not appropriate to publicly release agency advice. To do so may prejudice the effectiveness of the consultation with agencies, the deliberative process as well as the EIS public exhibition process which is an essential step in the assessment process.	24
	The Hon. Adam Searle, MLC	Have you received a formal submission from Heritage NSW, likely other departmental documents that we have been discussing, some of which have appeared in the media?	Department of Planning, Industry and Environment The Department received advice from the EES Group of the Department in relation to the Aboriginal cultural heritage assessment as part of the review of the draft EIS.	24-25
	The Hon. Adam Searle, MLC	Consider providing the Heritage NSW feedback on Aboriginal cultural heritage issues to the Committee.	General response At this stage, while the EIS is in draft, agency comments are under consideration by the proponent and Department and the EIS has not been exhibited, it is not appropriate to publicly	24-25

Select committee on the proposal to raise the Warragamba Dam Wall



			release agency advice. To do so may prejudice the effectiveness of the consultation with agencies, the deliberative process as well as the EIS public exhibition process which is an essential step in the assessment process.	
Mr. Justin Field, MLC	Would you be prepared to provide on notice the letter that WaterNSW refers to? In your letter to them on 30 June you say "WaterNSW is responding to the Dore (DAWE) request."		WaterNSW The "request by DAWE" as noted in the WaterNSW letter dated 30th June 2020 was referring to discussions with DAWE not in response to a specific letter from DAWE.	29
The Hon Adam Searle, MLC	Just to be clear, you are not aware of any possible consequences for the world heritage listing that might flow from the dam wall being raised? It is not a trick question, I am happy for you to take it on notice.		Department of Planning, Industry and Environment The Department is aware of correspondence provided to the Australian Government in its capacity as the State Party to the World Heritage Convention. The Department will fully consider the impacts of the proposal on the Greater Blue Mountains World Heritage Area in its assessment of the SSI application.	29
Mr Justin Field, MLC	Could I offer, perhaps, Mr Gainsford, an opportunity for you to make this easier for the public and all of us, and simply commit to publishing the feedback that you have received from the agencies to the EIS. Can you confirm that if the House was to pass a call for papers motion whether or not those documents would be considered cabinet in confidence, as most have been when we have asked for these sorts of things associated with this project in the past?		General Response We are unable to answer a hypothetical question or provide an opinion on what approach may be adopted if there is a call for papers under SO52.	28-29