

SELECT COMMITTEE ON THE PROPOSAL TO RAISE THE WARRAGAMBA DAM WALL
INQUIRY INTO THE PROPOSAL TO RAISE THE WARRAGAMBA DAM WALL

Rachel Musgrave – Supplementary Questions

Supplementary Question 1:

1. *How many species that had a requirement for expert reports under the Framework for Biodiversity Assessment were excluded because of budgetary constraints?*
 - a) *How much would these reports have cost if they had been completed?*
 - b) *What percentage of the budget for reports does this represent?*

Response:

Under Section 6.5.1.15 of the FBA, where a species is assumed to be present on the development site, the assessor must use an expert report to determine the location and area of the species polygon to include the fauna habitat or number of individual flora species assumed to be present on the development site.

In relation to the Warragamba Dam Wall Raising Project:

- (a) the number of species assumed present for the Upstream biodiversity assessment report (**BAR**) was 82, with only 1 expert report obtained;
- (b) the number of species assumed present for the Construction BAR was 58, with only 7 expert reports obtained.

In my experience, the average cost of obtaining these expert reports is approximately \$20,000 per report. Given the total budget for SMEC to carry out the biodiversity assessment was, in my recollection, in the order of \$250,000, it was obviously not feasible to obtain expert reports for all species assumed present in the assessment area. To do so, adopting my estimated average cost, would have cost an extra \$1.62 million for the Upstream BAR and \$1.02 million for the Construction BAR.

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Supplementary Question 2:

2. *Is the impact area as outlined in the EIS consistent with the impact area that was identified by you during the assessment process?*
 - a) *If no, do you consider that all direct impacts have been included in the final assessment?*

Response:

I did not identify the impact area during the assessment process. Rather the development footprint (ie. the area of land that is directly impacted on by a proposed Major Project) was identified and agreed upon by Office of Environment and Heritage (now Department of Planning, Industry and Environment) and Water NSW prior to me taking over the role of the accredited assessor on the project. Once I became the accredited assessor I was instructed that the two parties had agreed on a biodiversity assessment reflecting the potential development footprint of a 1 in 100 chance in a year flood event (13.1 m above full supply level (FSL), RL 130.0 mAHD).

I understand that the final EIS adopted an 'impact area' based upon a flood level between 2.78 m above FSL (RL 119.5 mAHD) and 10.25 m above FSL (126.97 mAHD), which the EIS presents as an 'average' measure of inundation for the existing dam and future flood events over 20 year periods (with the future event assuming construction of the raised dam wall). Therefore the 'impact area' in the final EIS was smaller than the area that I understood had been identified and agreed upon by the two parties early in the assessment process.

I do accept that there are differing opinions about where to draw the line in terms of assessing impacts as a result of temporary inundation. However, the Department of Planning, Industry and Environment generally considers that an assessment based upon a 1 in 100 chance in a year flood event is a reasonable approach in these circumstances – and this accords with my view.

Given this difference in the area assessed for impacts, and having regard to my different views as to the applicability of direct versus indirect impacts, I do not consider that all direct impacts have been included in the final EIS.

It should be noted that the term 'impact area' used by the EIS is not a term used or defined within the Framework for Biodiversity Assessment. The EIS defines the development footprint as equating to the construction footprint for the raising of the dam wall, but does not clarify how the 'impact area' relates to direct and indirect impacts.

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Supplementary Question 3:

- 3. Were your assessments based on the 14 metre wall raising or the revised 17 metre wall raising?*

Response:

My impact assessments were based on the 14 metre wall raising. However, some limited desktop assessment was carried out early on in the project on the understanding that WNSW might seek to amend the EIS to account for the 17 metre wall raising.

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Supplementary Question 4:

4. *Did you feel that your working environment at SMEC was supportive and that your professional advice was accepted?*
 - a) *If no, how has this affected you?*

Response:

Prior to the events the subject of my evidence (being the disagreement with some of my former colleagues at SMEC and individuals at WaterNSW as to the correct approach for the biodiversity assessment for the Project), I had always felt supported in my work at SMEC. Up until that time, my professional advice had been accepted.

However, in the months leading up to my resignation in September 2020, and specifically in relation to the issues around direct/indirect biodiversity impacts of the Project, I felt that there was a significant amount of pressure coming from WaterNSW and this led to me not being professionally supported in my role at SMEC.

In terms of how this affected me, this lack of support and pressure ultimately played a significant part in me deciding to resign from my role at SMEC. Given the changes that I was directed to make to the draft EIS, I considered that I was being forced to compromise my professional integrity and that my ongoing position at SMEC was therefore untenable.

Despite my previous enjoyment of my role at SMEC and the excellent team that I had working for me, I decided that I had to leave. In particular, I was concerned that the amended approach for the report placed my accreditation at risk and had potential long term implications for my career. This caused me significant anxiety at the time.

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