

Ms Tina Mrozowska  
Administration Officer, Upper House Committees  
Parliament of New South Wales  
6 Macquarie Street  
Sydney NSW 2000

Dear Ms Mrozowska,

**Proposal to Raise the Warragamba Dam Wall – Post-hearing responses – 21 February 2022**

I refer to your email dated 3 March 2022 seeking post-hearing responses from witnesses who appeared before the Select Committee on the Proposal to Raise the Warragamba Dam Wall on 21 February 2021.

Responses to the questions taken on notice and transcript corrections from the Department of Planning and Environment on behalf of Mr Dean Knudson (Deputy Secretary, Biodiversity, Conservation and Science) and Mr Atticus Fleming (Acting Coordinator General, Environment, Energy and Science) are enclosed.

Yours Sincerely,

Atticus Fleming  
**Acting Coordinator General**  
**Environment, Energy and Science**  
24 March 2022

## ENVIRONMENT AND HERITAGE

### Question from The Hon. Justin Field MLC

Page 19 of [uncorrected transcript](#) - Question taken on notice:

**The CHAIR:** There was a series of leaks of agency submissions or agency comments on the draft EIS—I think we are talking now well over 12 months ago. Some of the witnesses here today may have been at the hearing where we looked at that. Our understanding was that there was then quite significant interactions between the agencies and Planning and the proponent to sort of go through those adequacy concerns and to address them. It seems, though, that largely they have not been addressed in the final EIS. So I guess my question is to you in the first place, Mr Knudson. Can you explain what was that engagement between Planning, your agency and the proponent between those draft comments and the final submission of the EIS?

**DEAN KNUDSON:** Chair, I cannot really give you an awful lot of detail because I joined the department after those events and that last testimony. But certainly we can come back and detail the extent of meetings that happened and what was discussed at a fairly high level between ourselves and Planning in particular. Planning is the main interlocutor with the proponent; we do not deal directly with a proponent—that is fairly standard—but we can walk through what we provided to Planning in terms of correspondence back to WaterNSW and make sure that you have got all the information that we have. We are happy to provide that on notice.

**The CHAIR:** Okay, thank you, I would appreciate that.

#### Answer:

On 25 May 2020, the Environment, Energy and Science Group (EES) provided advice to the former Planning and Assessment Group (PAG) within the former Department of Planning, Industry and Environment (DPIE) on key issues, comments and questions relating to the assessment of impacts on biodiversity, Aboriginal cultural heritage and the national park estate in the final draft of the Warragamba Dam Raising Environmental Impact Statement (EIS).

An interagency briefing to discuss the final draft of the EIS was held on 27 May 2020. Representatives from EES, PAG, the Australian Department of Agriculture, Water and the Environment (DAWE) and WaterNSW attended this briefing.

As an outcome of the interagency briefing and to assist in finalising PAG's consistency review comments on the draft EIS, PAG coordinated a series of issue specific meetings with NSW agencies and DAWE. EES was represented at meetings addressing: Aboriginal cultural heritage (11 June 2020), biodiversity offsetting (15 June 2020), bushfire assessment (15 June 2020) and World Heritage impacts (11 June 2020).

Following PAG's EIS consistency review advice to WaterNSW on 15 July 2020, PAG coordinated additional issue specific meetings with NSW agencies and DAWE. EES was represented at meetings addressing: World Heritage and National Heritage (28 July 2020), protected and sensitive lands (16 September 2020) and biodiversity and offsetting (28 July 2020, 5 August 2020, 16 September 2020, 21 October 2020 and 28 June 2021).

On 21 July 2020, a Warragamba Dam Coordination Group, comprising executive representatives from DPIE, WaterNSW and Infrastructure NSW, met to oversee the implementation of a high-level plan focussed on addressing outstanding key elements of the draft EIS.

On 21 December 2020, the DPIE Secretary provided clarification to WaterNSW on the requirement for an additional and separate offset strategy to address the impacts of the project on protected area values, in addition to that required by the Framework for Biodiversity Assessment to address the Planning Secretary's environmental assessment requirements. On 26 February 2021, PAG, EES and WaterNSW met to discuss this issue further.

Following a request from PAG, EES reviewed a pre-exhibition version of the upstream biodiversity assessment, the biodiversity assessment report and the offset strategy. On 28 July 2021, EES provided comments at a meeting with PAG, WaterNSW and DAWE.

## ENVIRONMENT AND HERITAGE

### Question from The Hon. Penny Sharpe MLC

Page 21 of [uncorrected transcript](#) - Question taken on notice:

**The Hon. PENNY SHARPE:** Thank you, Mr Kidman. We heard this morning that the business case has been submitted to Cabinet and is under consideration. Did any of your agencies have input into the business case?

**DEAN KNUDSON:** Not that I am aware of, but we will come back on notice and absolutely confirm that for you.

**SAMUEL KIDMAN:** Not that I am aware of, either, but I can check that.

### Answer:

This is a matter for Cabinet.

## ENVIRONMENT AND HERITAGE

### Question from The Hon. Penny Sharpe MLC

Page 21 of [uncorrected transcript](#) - Question taken on notice:

**The Hon. PENNY SHARPE:** Thank you. The reason that I am asking about the business case, which obviously—we were also told there is no change in relation to the cost profile or the estimated costs of the project as it stands. Can I just clarify? There have been significant concerns about whether the way the biodiversity offsets will be accounted for—whether there is a temporary inundation or whether there is permanent damage. Is that something that you believe still needs to be resolved? Or is that something that you have accepted now within the EIS—that it is temporary inundation and understanding that there will have to be calculations later, but that the issue around temporary versus permanent is agreed to? I am not sure who to ask. I am not sure whether it is you, Mr Knudson, or Mr Fleming.

**DEAN KNUDSON:** I believe it is me. The answer is that you are exactly right that at the back end of the process, once the final preferred infrastructure plan comes in, along with the response to all the submissions that the proponent has received, they will come forward with their final proposition with respect to the project. That will allow us then to take a look at the required offsets, but ultimately that is then a decision for Planning as to the adequacy of those. We will provide our input, but there are a number of steps that still need to happen.

That being said, I think you are also getting at this issue of temporary and permanent inundation. What my staff have told me is that there was an agreement, in effect, to take a look at historical models of inundation using Monte Carlo predictions over a 200,000-year period—quite an extensive period of time—to come up with what is the likely maximum inundation during a 20-year estimate. That is what has been used to form the foundation of figuring out what the inundation impacts look like and, therefore, what the initial calculations with respect to offsets are. That being said, it is quite technical. I am very happy, if it is helpful to the Committee, to come back and explain what we have come up with as a group of agencies as the approach to managing or predicting the possible inundation areas. Certainly we can provide detail on that to you, if that would be helpful.

**The Hon. PENNY SHARPE:** I would welcome that,

#### Answer:

Please refer to the response provided to the question taken on notice at the 26 October 2021 Budget Estimates inquiry – Energy and Environment portfolio hearing, at page 53 of <https://www.parliament.nsw.gov.au/lcdocs/other/16365/Answers%20to%20QON%20-%20Hon%20Matt%20Kean%20MP.%20Energy%20and%20Environment%20Portfolio%20-%20Received%2023%20Nov%202021.pdf>

## ENVIRONMENT AND HERITAGE

### Question from The Hon. Penny Sharpe MLC

Page 23 of [uncorrected transcript](#) - Question taken on notice:

**The Hon. PENNY SHARPE:** I have a National Parks and Wildlife question which is to you, Mr Fleming. But I had not realised that you are now the Acting Coordinator General. I think you will still be able to answer this. I want to understand how much consultation the National Parks and Wildlife Service had with the Blue Mountains World Heritage Advisory Committee?

**SAMUEL KIDMAN: ATTICUS FLEMING:** I would not be able to tell you off the top of my head the level of engagement—are you talking about our local advisory committee?

**The Hon. PENNY SHARPE:** Yes.

**SAMUEL KIDMAN: ATTICUS FLEMING:** I understand they have made a submission to the EIS. That information has come to me via the national parks staff. I can only assume that there has been some level of engagement, as I assume there is ongoing engagement, really, with that committee.

**The Hon. PENNY SHARPE:** Thank you. I am very happy for you to come back to us about that.

#### Answer:

The National Parks and Wildlife Service has had significant engagement with the Greater Blue Mountains World Heritage Area Advisory Committee and the Blue Mountains Branch Regional Advisory Committee on the Warragamba Dam wall raising proposal, including the Environmental Impact Statement process. Both committees also received briefings from WaterNSW.

## ENVIRONMENT AND HERITAGE

### Question from The Hon. Justin Field MLC

Page 27 of [uncorrected transcript](#) - Question taken on notice:

**The CHAIR:** My understanding is there is a difference between that management plan which seemed to be about how to respond primarily to temporary inundation as the result of the dam wall rising. There is a difference between that and the actual operational rules for how the dam is going to be operated. I think the biggest impact could be that it may well extend the time period of inundation upstream and that has not been specified in this EIS. I pick up your point about modelling, Mr Knudson. I am not sure if that has been sufficient to recognise the potential differences the operational rules for the dam could have. The suggestion has been made by Infrastructure NSW this morning, and in other commentary around this project, that the Government is waiting to understand the conditions that would be put on it by the planning department before they make a judgment about the operational rules. I guess I am asking, is that good enough, given those rules could have a substantive impact—it is substantive when considering the impacts of this proposal—on biodiversity both upstream and downstream? That is my question to you. Do you have sufficient information without those rules to make a judgement? If they are not going to be provided until after approval, or after consideration by the planning Minister, is that adequate?

**ATTICUS FLEMING:** Mr Chair, I very much understand your question but, unfortunately, I do not have a definitive answer for you. I would have to come back on that to explain, on behalf of my staff, in effect, how they deal with that uncertainty and whether they feel that there is adequacy in terms of what has been provided to date with respect to both the upstream and downstream impacts, because I think both are very relevant and I just do not know the answer to it. So I would have to come back.

#### Answer:

In the advice that the Environment, Energy and Science (EES) Group provided to the Department of Planning and Environment - Planning on the exhibited Environmental Impact Statement (EIS), EES noted that operational procedures to minimise inundation times were identified as a mitigation measure. However, the EIS did not provide sufficient detail about the proposed offsets and mitigation measures and how these would interact with each other and with the operational procedures for the dam.

EES also noted the operational procedures needed to address impacts on Aboriginal cultural heritage, biodiversity, historic heritage and other values of the National Parks and Wildlife Service estate.

EES recommended that additional information was required, detailing how the operational procedures will be prepared, who will be involved in developing them and how the environmental management plan will interact with other offsets and mitigation measures to reduce and manage impacts from the proposal and from inundation events.