

9 September 2022

David Gainsford
Deputy Secretary
Development Assessment
Department of Planning and Environment

By email:

Dear Mr Gainsford

Allegations concerning Warragamba Dam Raising proposal Environmental Impact Statement (EIS)

Your ref: IRF22/410

I refer to your letter dated 25 July 2022 (**Letter**) in relation to the Warragamba Dam Wall Raising Project Environmental Impact Statement – Report on Factual Inquiries dated 14 April 2022 (**Report**).

The Department of Planning and Environment (**DPE**) raised in three concerns in its Letter, to which I provide further detail in response to below:

1. WaterNSW engaged SMEC as its consultant to assist in preparing the Environmental Impact Statement (**EIS**) and the Upstream Biodiversity Assessment Report (**BAR**), as WaterNSW did not have the internal resources or expertise to conduct the EIS itself. All consultants engaged by WaterNSW on the project supplement for WaterNSW resources and are an extension of the project team. SMEC served as one of those resources, in the same way that other consultants serve as additional resources. As such, it was within the scope of engagement that WaterNSW would direct SMEC, as its consultant, in relation to the preparation of the EIS.
2. As mentioned in response to concern 1 above, it was within the scope of WaterNSW's engagement of SMEC that it directed SMEC, as its consultant, in relation to aspects of the preparation of the EIS.
3. The Report makes observations about Mr Robert's prior involvement as a peer reviewer of the BARs, and his subsequent appointment as the accredited assessor for the BAR.

As DPE would be aware, there is no DPE prescribed requirement for a 'peer review' of the EIS and BAR. This was a step that WaterNSW, as the proponent, undertook as part of its own

assurance process to determine if the EIS was complying with the Secretary's Environmental Assessment Requirements (**SEARs**) prior to submitting to DPE for the consistency review. As such, there is also no defined 'best practice' for how a peer review would be undertaken.

WaterNSW would appreciate working with DPE in defining what best practice in relation to a 'peer review' is, including any other relevant governance structures to guide future projects.

Finally, I address the closing matters that DPE raised in its Letter below:

- a) WaterNSW is finalising the Response to Submissions and Preferred Infrastructure Report; and will consider to what extent (if any) the matters in the Report impact on that response.
- b) WaterNSW will review its governance structures in relation to any future applications made by WaterNSW to DPE. As mentioned earlier in this letter, we would also appreciate working with DPE in exploring best practice governance requirements to guide future projects. If any changes to process are required, these will be made. Appropriate education and training of our people at the start of future projects can also then occur, to ensure our people are properly equipped in this regard. Again, WaterNSW would appreciate working with DPE on exploring what the education and training requirements should cover, as this may also benefit other proponents in the future.

WaterNSW would like to clarify that we did in fact state that we intended to share the report with the Select Committee on the Proposal to Raise the Warragamba Dam Wall (**Select Committee**), and was seeking your support to do so. I note that in your letter you have provided that support. In doing so, and in the interest of transparency, we will also share this response letter with the Select Committee.

Please do not hesitate to contact me should you have any questions in relation to this letter.

Yours sincerely,

Andrew George
Chief Executive Officer, WaterNSW