

Submission
No 34

**INQUIRY INTO WATER NSW AMENDMENT
(WARRAGAMBA DAM) BILL 2018**

Organisation: National Parks Association of NSW

Date Received: 3 October 2018

The Hon. Martin Taylor MLC
Chair
Standing Committee on State Development
Parliament House
Macquarie Street
SYDNEY NSW 2000

Via email to: state.development@parliament.nsw.gov.au

3 October 2018

Dear Mr Taylor

NPA Submission to Inquiry into Water NSW Amendment (Warragamba Dam) Bill 2018

The National Parks Association of NSW (NPA) appreciates the opportunity to make a submission to the Standing Committee on State Development regarding the *Water NSW Amendment (Warragamba Dam) Bill 2018*.

Established in 1957, NPA is a community-based organisation with over 40,000 supporters from rural, remote and urban areas across the state. NPA promotes nature conservation and evidence-based natural resource management.

NPA is gravely concerned that the *Water NSW Amendment (Warragamba Dam) Bill 2018* will allow the inundation of land that is of such special significance that it is afforded the highest level of Australian conservation value and protection. The area of land proposed for inundation is World Heritage-listed, gazetted as a National Park, declared as wilderness, contains a declared wild river and has National Heritage status. The amendments facilitate devastation of an area of outstanding universal value and are based on multiple invalid assumptions.

NPA calls on the NSW Government to withdraw the Water NSW Amendment (Warragamba Dam) Bill 2018 from the NSW Parliament.

NPA objects to the assumption that it is acceptable to reverse decisions made in the past to protect the natural and cultural heritage of NSW. The conservation values of the Greater Blue Mountains World Heritage Area are as significant if not more significant than they were when existing protection decisions were legislated. Nothing has changed to warrant disregarding these values through overriding s.153B of the *National Parks and Wildlife Act 1974* (NPW Act) to allow inundation of park land. The Blue Mountains Plan of Management sets out these natural values as including a large number of threatened, rare and restricted species and communities, a wide range of plant and animal species, significance for the maintenance of natural processes, spectacular scenery, and

diversity of natural features.¹ Furthermore, the Greater Blue Mountains World Heritage Area is listed on the World Heritage Register due to its “*exceptional representation of major eucalypt groups ... exceptional diversity of habitats... of the Australian fauna within a single place... and outstanding ecological integrity.*”² Legislation must continue to protect these values and not override their protection.

NPA objects to the assumption that it is reasonable to undermine the guidelines and principles that establish appropriate management of the Greater Blue Mountains World Heritage Area. The amendments are contrary to the IUCN guidelines for managing natural World Heritage properties; the objects and management principles of the *Wilderness Act 1987* and the *NPW Act*; the objects of the Greater Blue Mountains World Heritage Area strategic plan and the desired outcomes for managing key threats in this strategic plan which include urban development. These guidelines and principles have been long established, remain valid and need to be respected.

NPA objects to the assumption that Water NSW is an appropriate body to be responsible for an environment management plan relating to the temporary inundation of national park land; and that the matters to be addressed in the plan be determined by the Minister for the Environment after approval of the dam project. At present the Minister for the Environment and the Minister for Water are jointly required to develop plans of management in relation to special areas in accordance with s.52 of the *NSW Water Act 2014*. It is also contrary to the recommendations of the 1998 McLellan review on the cryptosporidium outbreak in the Sydney water supply which recommended that responsibility for managing special areas for water quality and broader ecological considerations be transferred to NPWS and that the special areas should be declared as national parks/nature reserves.³

NPA objects to the assumption that development proposals take precedence over conservation of threatened, rare and restricted species. The amendments allow flooding up to 4,700 hectares of land and 65 kilometres of wilderness rivers and streams in the interests of urban development of western Sydney floodplains over the next thirty years. We are facing an unprecedented fauna and flora extinction crisis and this proposed inundation will exacerbate this crisis through the destruction of habitats supporting at least 26 threatened species that will potentially be driven closer to extinction. For example, the area is the breeding site for the critically endangered Regent Honeyeater (*Anthochaera phrygia*)⁴, and the, largest wild population of the nationally threatened Camden White Gum (*Eucalyptus benthamii*).⁵ These plants and animals cannot move elsewhere, the NSW government can and should identify alternative areas for urban development.

¹ Blue Mountains National Park, Plan of Management, May 2001.

² NSW Office of Environment & Heritage. (2009). Greater Blue Mountains World Heritage Area Strategic Plan. Sydney, Australia. Retrieved from <https://bit.ly/2rEX1l6>

³ Peter McClellan, Sydney Water Inquiry: Final Report Volume 2, December 1998

⁴ Colong Foundation for Wilderness Media Release (2018). Government attempts cover-up of NSW's rarest bird. Retrieved from <https://bit.ly/2QQ3RPN>

⁵ Butcher, P.A., Skinner A.K, & Gardiner C.A. (2005). Increased inbreeding and inter-species gene flow in remnant populations of the rare *Eucalyptus benthamii*. *Conservation Genetics*, 6:213-226.

NPA objects to the assumption that it is acceptable to destroy cultural heritage of the Gundungurra people. The area to be inundated contains crucial artwork, eucalypt scar trees, creation story waterholes and other significant cultural sites. It is not reasonable to flood these sites when alternatives exist for flood mitigation for the Hawkesbury – Nepean floodplain.

NPA objects to the assumption that raising the Warragamba Dam wall is the best solution to urban flooding risk in the Hawkesbury – Nepean floodplain. Raising of the dam wall has been rejected in the past on economic and environmental grounds and alternative mitigation strategies put in place (\$100m spillway). It will have no impact on flood risks from other rivers feeding the Nepean and Hawkesbury Rivers.

Raising the dam wall is not best practice and alternatives such as evacuation infrastructure, levees, diversion structures and lowering the dam full water level have been recommended by flood management experts⁶ and need to be explored as alternatives.

NPA objects to the assumption that it is acceptable to threaten the Greater Blue Mountains World Heritage status. The amendments put the Australian Government at risk of contravening the World Heritage Convention which requires the protection and management of their values sustained or enhanced over time. The amendments allow actions that are likely to see the Greater Blue Mountains World Heritage Area placed on the World Heritage in Danger List. This contravenes Australia's international obligations, diminishes our international standing and threatens the world heritage status that draws tourists to the area.

Given the serious nature of the issues relating to these amendments, NPA is extremely concerned that this legislation and the Inquiry are proceeding with undue haste, effectively locking the community out of the opportunity to participate in decisions about this complex matter. There is no reason for this legislation to be rushed through without due consultation.

The environmental impact assessment will not be completed until next year, and the decision to proceed with this legislation now pre-empts the outcome of this process.

In summary, these amendments are in contemptuous disregard of world, national and state protections of an area of outstanding and irreplaceable natural universal values and NPA calls on the NSW Government to:

- Withdraw the *Water NSW Amendment (Warragamba Dam) Bill 2018* from the NSW Parliament;
- Cease all plans for further urban development on the Hawkesbury – Nepean floodplain;
- Immediately cease planning to raise the height of the Warragamba Dam; and
- Seriously consider alternatives that have been proposed for protecting residents currently living on the floodplain.

⁶ Molino Stewart (2012), *North West Sector Flood Evacuation Analysis*. Available online: <https://bit.ly/2JtmYPy>

For further enquiries on this matter I may be contacted on .

Yours sincerely

Alix Goodwin
Chief Executive Officer