

Submission
No 37

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

Organisation: Nature Conservation Council of NSW

Date Received: 2 October 2018



Nature Conservation Council

The voice for nature in NSW

The Director
Standing Committee on State Development
Parliament House
Macquarie Street, Sydney NSW 2000

By email: state.development@parliament.nsw.gov.au

2 October 2018

NCC Submission - Inquiry into the Water NSW Amendment (Warragamba Dam) Bill 2018

Dear Sir/Madam,

The Nature Conservation Council of New South Wales (**NCC**) is the state's peak environment organisation. We represent over 150 environment groups, and thousands of supporters, across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

Introduction

Thank you for the opportunity to make a submission to the Inquiry into the *Water NSW Amendment (Warragamba Dam) Bill 2018 (the Bill)*. Given the significantly short timeframe for this Inquiry, we have only been able to prepare a short written submission and will not be available to give evidence at the hearing. However, we understand that other environment groups, including NCC members the Colong Foundation for Wilderness and National Parks Association of NSW will also be assisting the Inquiry and we strongly encourage the Committee to consider the concerns raised by those groups as it considers the implications of the Bill.

NCC opposes the Bill. The Bill facilitates the raising of the Warragamba Dam wall, which would allow temporary inundation of the World Heritage Blue Mountains National Parks and cause significant environmental damage.

Our key concerns with the Bill and the proposal to raise the Warragamba Dam wall are briefly outlined below.

Impacts on biodiversity and cultural heritage

It is our understanding that raising the Warragamba dam wall would lead to inundation of 4,700 hectares of World Heritage listed Blue Mountains National Parks and 65 kilometres of wilderness streams upstream of the raised dam wall.

The inundation of these areas will have significant impacts on biodiversity including: impacts on fauna, including threatened species such as the critically endangered Regent honeyeater and their habitat; impacts on flora, including the nationally threatened Camden White Gum; increased erosion; and impacts on water quality due to increased sedimentation and silt runoff.

We are also concerned about the impacts on cultural heritage, particularly on Gundungarra cultural heritage sites, including artwork, camps and ceremonial sites.

Impacts on the Greater Blue Mountains World Heritage Area (GBMWHA) and National Parks

The impacts on the GBMWHA should not be dismissed lightly. World Heritage Sites are listed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as having special cultural or physical significance and outstanding universal value. There are currently only 19 listed World Heritage Areas in Australia¹. The significant biodiversity and cultural values of the Greater Blue Mountains were integral to its listing as a World Heritage area including the wide range of eucalypt communities, large tracts of wilderness and the integrity of its ecosystems.

In his second reading speech, Minister Blair states that the Bill is needed to “*overcome a technical barrier that exists at present under the National Parks and Wildlife Act 1974 to the proposal to raise the Warragamba Dam wall*”². We would hardly describe the provisions of the NPW Act as “a technical barrier”. Those provisions are there for the very reason of protecting National Parks. Introducing legislation to specifically overcome protections in the NPW Act deliberately undermines those protections and threatens the environmental and cultural values of the National Parks and the World Heritage values of the Greater Blue Mountains.

Concerns about expanded development on the floodplain

While the Government claims the Bill is needed for flood mitigation, we believe the real driver behind the Bill and the proposal to raise the Warragamba Dam wall is the push to increase development on the Hawkesbury-Nepean Valley floodplain. The Government plans to double housing on the floodplain, adding another 134,000 homes to the area³. This is yet another example of the Government putting vested interests ahead of the environment and communities.

We take flood risks and mitigation action seriously, but do not believe that raising the Warragamba Dam wall is the appropriate solution for addressing flood risks, and should definitely not be used to justify additional development on the floodplain.

Alternative options for flood mitigation for the Hawkesbury-Nepean Valley have been identified, including:

- investing in evacuation infrastructure in the Hawkesbury-Nepean Valley;
- adopting international best practice flood plain development controls;
- using flood levees and diversion structures; and
- managing the existing capacity of Warragamba Dam by lowering its current full storage level to provide additional airspace for floods.⁴

¹ www.environment.gov.au/heritage/places/world-heritage-list

² www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-77340'

³ Infrastructure NSW (2017), *Hawkesbury-Nepean Valley Flood Risk Management Strategy* www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0018/93051/Infrastructure-NSW-Resilient-Valley,-Resilient-Communities-2017-January.pdf

⁴ See, for example, Molino Stewart (2012), *North West Sector Flood Evacuation Analysis*; Wenger et. al (2013), *Living with floods: key lessons from Australia and abroad*; Wenger et. al (2013), *Living with floods: key lessons from Australia and abroad*; D. Bewsher et al. (2013), *Hawkesbury's flood risk management plan: 15 years in the making*; A. Turner et al. (2016), *The potential role of desalination in managing flood risks from dam overflows: the case of Sydney*, Journal of Cleaner Production 135: 342-355.

In light of flooding risks, further development on known floodplains should be avoided. The proposal to raise the Warragamba dam wall and increase housing on the floodplain is inconsistent with the principles of ecologically sustainable development, including the precautionary principle and conservation of biological diversity and ecological integrity.

Concerns with the Bill

In addition to our overarching concerns, we have concerns with specific provisions of the Bill. For example, under the Bill temporary inundation of national park land will not be subject to a Plan of Management under the *National Parks and Wildlife Act (1974)*; instead an Environmental Management Plan will be required. We are concerned that there is less rigour and transparency required for the preparation of an Environmental Management Plan including no public consultation requirements or requirement to seek the advice of the relevant regional advisory committee. We are also concerned that the Environmental Management Plan will be prepared after the project is determined, meaning the decision maker will not have all relevant information relating to environmental management before them when determining the project. Finally, we note that the Bill does not clearly define 'temporary inundation'.

For the reasons outlined above, we urge the Committee to recommend that the Bill does not proceed.

Yours sincerely,

Kate Smolski
Chief Executive Officer