

**INQUIRY INTO PROPOSAL TO RAISE THE
WARRAGAMBA DAM WALL**

Organisation: The National Trust of Australia (NSW)

Date Received: 10 September 2019

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Mr Justin Field MLC
Committee Chair
Select Committee on the Proposal to Raise the Warragamba Dam Wall
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Field,

Legislative Council Inquiry into the Proposal to Raise the Warragamba Dam Wall

Introduction

The National Trust of Australia (NSW) was formed in 1945 to recognise and seek the conservation of this State's built, natural, scientific, scenic and cultural heritage, particularly places such as the escarpments, ridgelines and valleys of the Blue Mountains Region.

The National Trust's legislative objects specifically included the recognition and protection of Aboriginal relics, Aboriginal rock carvings and Aboriginal rock paintings and archaeological sites.

The Jamison & Kedumba Valley Landscape Conservation Area and the Kanimbla and Megalong Valley Landscape Conservation Area were early examples of landscape listings on the National Trust Register in the 1970s.

The National Trust strongly supported the World Heritage Listing of the Greater Blue Mountains Area which was inscribed in the year 2000.

Conflicting reports on the planning height for the dam wall raising and the potential use of the raising for additional storage capacity as well as flood mitigation and engagement between the NSW Government and the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in relation to the project

The National Trust understands from media reports, that on 1 March 2019 the World Heritage Centre requested a *State Party Report on the state of conservation of the Greater Blue Mountains Area* from the Australian Government in regard to development proposals outside the World Heritage Area that had the potential to, or were claimed to, affect the Outstanding Universal Value of the property. The report noted that a New South Wales Government proposal to raise the Warragamba Dam Wall by 14 metres was being assessed under the federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The report then stated "*The Warragamba Dam is downstream and outside of the World Heritage property and the proposal is for flood mitigation downstream of the dam*". In terms of potential impacts the report stated "*Under some*



flood conditions, if the dam wall is raised there will be increased temporary inundation of the World Heritage property.”

Media reports indicated that at a March 20 2019 Forum in Western Sydney it was announced that there was a need to raise the wall of Warragamba Dam, firstly to protect lives and property and secondly to help deal with storage capacity.

A March 15 2019 Sydney Morning Herald article by Peter Hannam indicated that there may be plans to lift the height of Warragamba Dam more than publicly announced to take into account the impact of climate change.

The National Trust has concerns that the World Heritage Committee’s examination of this issue at its 43rd session held in Baku, Azerbaijan from 30 June to 10 July 2019, may not have had the full facts on the proposal to raise the Dam wall.

The adequacy of the Environmental Impact Assessment process to date, including the assessment of impacts on Aboriginal Cultural Heritage

An environmental impact assessment is being prepared for the dam wall raising proposal which will include an aboriginal cultural heritage study. This study has been undertaken to assess the impact of the periodic inundation of aboriginal sites that will be submerged when the dam water level increases by 14 metres (or perhaps even higher) after a catastrophic rainfall event.

This will require the assessment of land that will be inundated along the hundreds of kilometres of the shoreline of the existing lake. This is land of which the Gundungurra nation has been the custodian since time immemorial.

This study has apparently already been completed and involves a report of some two thousand pages. The National Trust understands that, apart from the agreement of the initial study methodology, the relevant aboriginal community, including the two principal representative bodies of the Gundungurra nation, have not been invited to be involved in the detail of the Aboriginal Cultural Heritage Study.

This would seem to be a peculiar denial of rights of participation that would have been assumed to exist given that all the parties including the NSW Government and Sydney Water are party to an Indigenous Land Use Agreement with the two principal Gundungurra Groups that has, at its heart, an obligation to consult regarding future projects that might impact the lands subject to that agreement.

Rather than allowing participation in the study itself, the completed Aboriginal Cultural Heritage Study has now been delivered to the Gundungurra Groups for their review and comment. Those groups were denied any right of partnership or participation in the work of the Aboriginal Cultural Heritage Study. They have now been given only a matter of weeks to respond to the Study Report.

The National Trust contends that this time frame, is unreasonable and is in total contradiction to the intent of the Indigenous Land Use Agreement and is inappropriate on many counts.

The Gundungurra people have lived in the Southern Blue Mountains for aeons. Scientifically proven habitation goes back some twenty thousand years, but may actually go back much further.

In view of this, the heritage sites which are the subject of the Aboriginal Heritage Cultural Study have potential to be similarly aged. This is a study of sites that potentially may predate many of the heritage icons that mark the line of human history. The great Pyramid of Giza 2,560 BC, the City of Babylon 2,300 BC, Stonehenge 3,000 BC. Even the cave paintings of Altimara at 21,000 BC don’t overshadow the possible age of Gundungurra sites in the Southern Blue Mountains.

This is a study of sites that are exceptionally old, and the precautionary principle would indicate that such a study should not be rushed, that a proper and equitable time should be allowed for traditional custodians to



assimilate, validate and to add to that study to ensure its completeness and the appropriateness of its recommendations.

Then there is the issue of equity. The past 231 years has caused a huge disruption to the sacred relationship between the Gundungurra people and the sites that they have maintained over millennia.

The impacts of the waves of new settlers post 1788 on the existing population, in this instance the Gundungurra people, has resulted in a loss of knowledge and a huge reduction in the size of the community who hold that knowledge.

These facts create an imperative for the government to allow considerably more time for the indigenous community to understand and contribute to the Warragamba Dam Wall Aboriginal Cultural Heritage Study.

The National Trust argues that the indigenous community should be allowed four to six months to consider the work of the consultants. The State Government should recognise the huge load being placed on a group that feels a spiritual responsibility for the land whilst having the intimacy of their relationship with their country so damaged.

Funding should be provided to ensure the community can respond and add to that report so that the full value of what might be lost or damaged in this project is fully understood by the whole community.

Yours sincerely,

Graham Quint
Director, Conservation