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联合国教育、
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**Culture Sector
World Heritage Centre**

Attachment C
Document 1
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H. E. Mr Angus Mackenzie
Ambassador,
Permanent Delegate of Australia to
UNESCO
UNESCO House

15 November 2018

Ref.: CLT/WHC/APA/18/203

Subject: State of conservation of the World Heritage property "Greater Blue Mountains Area"

Dear Ambassador,

The World Heritage Centre continues to receive additional information regarding the development plan for raising the wall of the Warragamba Dam in the vicinity of the World Heritage property "Greater Blue Mountains Area", which may negatively impact its Outstanding Universal Value.

I have well noted your authority's report of 29 September 2017, by which the Department of the Environment and Energy informed us that the Warragamba Dam Raising Project is subject to environmental assessment and will only proceed if it is approved following a detailed assessment.

Further to this report, I would like to request an update from your authorities on the proposed Project including on the recent legislative changes passes by the Parliament of New South Wales (Water NSW Amendment (Warragamba Dam) Bill 2018 as soon as possible, and preferably within 1 month from receipt of this letter.

Thanking you for your continuous collaboration and support in the implementation of the *World Heritage Convention*, I remain,

Yours sincerely,

s22

Mechtild Rössler
Director

Enc.

cc. Australian National Commission for UNESCO
National Focal Points for World Heritage
UNESCO Office in Apia
IUCN



Dr Mechtild Rössler
Director
UNESCO World Heritage Centre
7, Place de Fontenoy 75352 Paris
FRANCE

Dear Dr Rössler

Thank you for your correspondence of 21 September, 1 October and 15 November 2018 regarding the potential impact on the Outstanding Universal Value (OUV) of the Greater Blue Mountains World Heritage Area (GBMWA) from the Bylong Coal Project and other existing coal mines and the proposal to raise the Warragamba Dam. I apologise for the delay in replying on these complex matters.

Bylong Coal Project – reconsideration of previous decision

The Bylong Coal Project was assessed in 2014 under Australia's national environment legislation, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), for potential impacts on the World Heritage values and OUV of the GBMWA. It was determined that the proposal was unlikely to have a significant impact on those values and the legislation determined that further environmental impact assessment in relation to those values was not required by the Australian Government. In response to a recent request by the Lock the Gate Alliance, and on the basis of new information that could be relevant to that decision, the Australian Government Minister for the Environment is reconsidering this decision, as provided for under section 74D of the EPBC Act. This process is nearing conclusion and I will ensure that you are advised of the outcome at the earliest opportunity.

Other coal mining issues raised by the Lock the Gate Alliance

The Lock the Gate Alliance has also raised concerns in correspondence to yourself and to the Australian Government about impacts of a number of existing coal mining operations close to the GBMWA. Our responses to those concerns are as follows:

Tahmoor Colliery and Thirlmere Lakes: Long-wall underground coal mining in the part of the Tahmoor Colliery closest to Thirlmere Lakes ceased eight years ago. The relationship between the coal mining operation and the water levels in Thirlmere Lakes has been the subject of close scrutiny and investigation over recent years, including a New South Wales (NSW) Government sponsored independent public inquiry and ongoing research work. The Australian Government has provided funds for water level monitoring data analysis. Further information is available at:

<https://www.environment.nsw.gov.au/water/thirlmerelakesinquiry.htm>

Clarence Colliery and discharge in 2015 of coal fines into the Wollangambe River: In July 2015, a substantial coal fines stockpile collapsed into the Wollangambe River, resulting in pollution of the river within the GBMWA. The mining company was successfully prosecuted under NSW law and directed to pay over a million dollars for environmental management, planning and fauna conservation projects in the region. This was in addition to more than

12 months' work by the company at a cost to it of \$2 million to clean up the impacts of the incident (<https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17071701>). The Australian Government also investigated the incident and undertook field inspections with two independent scientific consultancy reports produced. Based on this investigation the Australian Government is satisfied with the remediation works and has concluded that there have been no long-term impacts on the OUV of the World Heritage Area.

Springvale coal mine: The NSW Government oversees control of water quality in Coxs River, which flows into Lake Burragorang, the main water supply dam for the city of Sydney. While levels of salt, heavy metals and other contaminants are above natural background levels, these levels are not considered to impact on the OUV of the World Heritage Area. To reduce these elevated levels, water treatment and management operations are to be put in place under NSW Government controls to improve water quality.

South Bates extension to the Wambo coal mine: The GBMWA is not listed for geological or geoheritage values, so potential cliff instability as a result of long-wall coal mining would not impact the OUV of the property.

Invincible Colliery Southern Extension: The Invincible Colliery Southern Extension is within Ben Bullen State Forest, which is not within the GBMWA. The proposed mining operation is more than eight kilometres from the GBMWA at the closest point. It is separated from the GBMWA by eucalypt forest, cleared farmland, a road, Coxs River and several other streams. It has been assessed under the EPBC Act and determined to be 'not a controlled action', which means it was assessed as unlikely to have a significant impact on the OUV of the GBMWA.

Proposal to raise the Warragamba Dam

On 1 October and 15 November 2018, the World Heritage Centre asked for information to address the issues raised by a third party about the potential impact on the GBMWA of a proposal to raise the Warragamba Dam.

Under the EPBC Act, any proposal that is likely to have a significant impact on the values of a World Heritage area is subject to rigorous environmental assessment. The NSW Government proposal to raise the Warragamba Dam for flood control purposes is being assessed under the EPBC Act. The Australian Government notified the World Heritage Centre about this proposal in September 2017 in accordance with Paragraph 172 of the World Heritage Operational Guidelines.


The NSW Government is preparing an Environmental Impact Statement (EIS) on the proposal, which is expected to be available for public comment in 2019. The Australian Government's expectation is that potential impacts on all heritage values relevant to the GBMWA, including the Regent Honeyeater and Indigenous cultural values within the proposed inundation area, will be fully addressed in the EIS. The Australian Government is monitoring this assessment closely, including the potential impact on the Aboriginal heritage in the area, as was raised in one of the news articles provided to the Centre. A recent NSW State Development Committee inquiry into legislation relating to the dam raising recommended 'That the NSW Government ... allow for adequate time to conduct survey mapping for Aboriginal heritage in the impacted areas.' It is our expectation that this recommendation will be applied in the evaluation process.

On 15 November 2018, the World Heritage Centre requested an update on the recent amendment to the *Water NSW Act 2014*, which allows the temporary inundation of national park land upstream of the Warragamba Dam wall when operated for flood mitigation purposes. The *Water NSW Amendment (Warragamba Dam) Bill 2018* was passed on 26 October 2018 by the NSW Parliament. Importantly, it will have no impact on the environmental and planning assessment processes currently underway, which will consider the impacts of inundation.

I will ensure that we advise the World Heritage Centre of the outcome of the reconsideration of the Bylong Coal Project when the decision is made. I hope the information provided in this letter gives you clarity on the issues concerning the Greater Blue Mountains World Heritage Area that have been brought to your attention and has affirmed Australia's commitment to protecting the OUV of this globally significant area.

Please feel free to contact **s22**, Director, International Heritage Section, at australiaworldheritage@environment.gov.au for further information or clarification.

Yours sincerely



s22

David Williams
A/g First Assistant Secretary
Heritage, Reef and Marine Division

20 December 2018