

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 14 January 2022 9:52 AM
To: Kate Gowland; James Barker; s. 22(1)(a)(ii)
Cc: Simon Banks; Australia World Heritage; s. 22(1)(a)(ii) |
s. 22(1)(a)(ii) s. 22(1)(a)(ii) s. 22(1)(a)(ii)
Subject: RE: A/ICOMOS submission Transmission_Letter from s. 47F(1) -
IUCN Technical Review-Greater Blue Mountains Area- Warragamba Dam Raising EIS
[SEC=OFFICIAL]
Attachments: AICOMOS-Submission-Warragamba-Dam-Proposal-EIS-December-2021.pdf

Good morning

For info, attached is the Australia ICOMOS submission on the W. Dam EIS. It was included in the A/ICOMOS newsletter yesterday, so is in the public domain. Cc'ing ^{s. 22(1)(a)(ii)} as this may be raised at AHC114.

There are several conclusions from AICOMOS that are similar to those in the IUCN Technical Review received yesterday:

Australia ICOMOS objects to the proposal to raise the Warragamba Dam wall and is concerned at inadequacies of the Environmental Impact Statement process and conclusions relating to cultural heritage and, in particular:

1. inconsistency with Australia's obligations under the *World Heritage Convention*;
2. non-compliance with specific Decisions of the World Heritage Committee;
3. potential effects on National Heritage values;
4. non-compliance with Australia's National Heritage Management Principles;
5. incomplete survey coverage of the potentially-affected areas;
6. failure to re-survey following the 2019-2020 bushfires;
7. inadequate understanding of the nature, extent and significance of the Aboriginal cultural resources that may be affected;
8. unfulfilled Secretary's Environmental Assessment Requirements for the EIS;
9. inadequate provision of information to Registered Aboriginal Parties;
10. inadequate engagement with Traditional Owners;
11. absence of 'free, prior and informed consent' from Traditional Owners; and
12. inconsistency with the principles and processes of *The Burra Charter*.

Every effort should be made to pursue alternative solutions to the reported downstream flood risk, rather than pursuing a simplistic solution of the Dam Proposal. Possibilities might include dredging works and filling of the dam to a lower level, or downstream flood mitigation activities which might better address dangers from tributaries that flow into the Hawkesbury-Nepean system downstream of Warragamba Dam.

Australia ICOMOS is concerned that the EIS is fundamentally deficient, and that the very nature of the project is at odds with both appropriate cultural heritage practice and obligations that arise from the *World Heritage Convention*.

s. 22(1)(a)(ii)

From: Kate Gowland <Kate.Gowland@environment.gov.au>
Sent: Thursday, 13 January 2022 2:02 PM
To: James Barker <James.Barker@environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>;
s. 22(1)(a)(ii) @environment.gov.au>
Cc: Simon Banks <Simon.Banks@environment.gov.au>; Australia World Heritage
<AustraliaWorldHeritage@environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>;
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Subject: RE: Transmission_Letter from s. 47F(1)
Area- Warragamba Dam Raising EIS [SEC=OFFICIAL]

-IUCN Technical Review-Greater Blue Mountains

Thanks James – I agree and we will provide them to NSW.
Kate

From: James Barker <James.Barker@environment.gov.au>
Sent: Thursday, 13 January 2022 1:47 PM
To: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>; Kate Gowland <Kate.Gowland@environment.gov.au>;
s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Cc: Simon Banks <Simon.Banks@environment.gov.au>; Australia World Heritage
<AustraliaWorldHeritage@environment.gov.au>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>;
s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>;
Subject: RE: Transmission_Letter from s. 47F(1) -IUCN Technical Review-Greater Blue Mountains
Area- Warragamba Dam Raising EIS [SEC=OFFICIAL]

Thanks s. 22(1)(a)(ii)

Kate, ultimately a matter for you, but I think we should just provide the comments to NSW to factor into their process as appropriate at this point. We will also need to contribute to some defensive TPs on it too. Will give you a call.

Cheers

From: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Sent: Thursday, 13 January 2022 11:48 AM
To: James Barker <James.Barker@environment.gov.au>; Kate Gowland <Kate.Gowland@environment.gov.au>;
s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Cc: Simon Banks <Simon.Banks@environment.gov.au>; Australia World Heritage
<AustraliaWorldHeritage@environment.gov.au>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>;
s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>;
Subject: FW: Transmission_Letter from s. 47F(1) -IUCN Technical Review-Greater Blue Mountains
Area- Warragamba Dam Raising EIS [SEC=OFFICIAL]
Importance: High

James, Kate and ^{s. 22(1)(a)(ii)} also cc'ing you for information.

Please note that IUCN have concluded that:

“...the EIS does not comply with the IUCN World Heritage Advice Note on Environmental Assessment, nor does it fully assess all potential impacts on the OUV as recognised in the Statement of Outstanding Universal Value for the GBMWH, as requested by the World Heritage Committee in Decision 44COM 7B.180, nor address the requirements of Convention policy on sustainable development. Concerns include that:

- a. the methodology for assessing ecological impact and impact on associated cultural values that directly contribute of the OUV of the property is insufficient to assess impacts on OUV, including in light of the fires following the surveys undertaken for the assessment;
- b. local communities, including Traditional Owners, do not appear to have been adequately engaged in the development of the EIS, and it also is apparent they have not provided their free, prior and informed consent;
- c. the proposal to offset planned loss of OUV is not acceptable.

Recalling Decisions 40 COM 76 and 43 COM 7B.27 of the Word Heritage Committee, IUCN also considers that (noting the above limitations) the overall conclusion stated in its World Heritage Assessment that ‘while

the Project could potentially impact the GBMWHA, these impacts would not be significant and would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWHA' is contradicted by the findings presented in the assessment itself. Based on the information provided in the EIS and discussed above, it appears that the project, as proposed, would directly degrade OUV, through its impacts to attributes that are explicitly mentioned in the statutory Statement of OUV adopted by the World Heritage Committee, including cultural associations directly linked to the integrity component of OUV. In this regard, IUCN considers that proceeding further with the implementation of the project appears to be inappropriate in relation to the requirements of the World Heritage Convention."

Following discussions with EAD last year, we had intended that EAD would send these comments through to NSW once received. Please let us know if you would prefer to discuss the contents of the IUCN Review first, before they are sent to NSW, or would prefer different handling?

Thanks

s. 22(1)(a)(ii)

Director
Natural Heritage Section
T: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)
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From: Australia World Heritage <AustraliaWorldHeritage@environment.gov.au>
Sent: Thursday, 13 January 2022 11:05 AM
To: Simon Banks <Simon.Banks@environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au
Cc: s. 22(1)(a)(ii) @environment.gov.au; Australia World Heritage <AustraliaWorldHeritage@environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au; s. 22(1)(a)(ii) @environment.gov.au; s. 22(1)(a)(ii) @environment.gov.au
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Hi ^{s. 22(1)(a)(ii)} and Simon

Please see letter from Centre re: Warragamba Dam (IUCN technical review of EIS)

Kind regards

s. 22(1)(a)(ii)

Assistant Director | International Heritage | 📞 s. 22(1)(a)(ii)
*I am working from home. Please call s. 22(1)(a)(ii) if you need to contact me

s. 33(a)(iii)

S. 33(a)(iii)



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17 December 2021

Warragamba Dam Assessment Team
Planning and Assessment
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

By email: warragamba.dam@parliament.nsw.gov.au

Submission – Warragamba Dam Raising Project – SSI-8441: Submission regarding the Environmental Impact Statement

Australia ICOMOS objects to the proposal to raise the Warragamba Dam wall by 14 metres, thereby allowing for periodic inundation of parts of the Greater Blue Mountains World Heritage Area (GBMWhA) and adjacent areas (the Dam Proposal) and is strongly concerned at inadequacies of the Environmental Impact Statement (EIS) process and the EIS conclusions relating to cultural heritage.

Australia ICOMOS (International Council on Monuments and Sites) is a non-government, not-for-profit organisation of cultural heritage professionals formed as a national chapter of ICOMOS International in 1976. The mission of Australia ICOMOS is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas. ICOMOS is an Advisory Body to the UNESCO World Heritage Committee under the *World Heritage Convention*.

The areas that are affected by the Dam Proposal include a World Heritage property, a National Heritage place, two national parks, a declared Wilderness area, a declared Wild River, and the Warragamba Special Catchment Area. The subject area is recognised globally for its biodiversity and rare species and was also originally nominated to the World Heritage List by Australia, with the support of the NSW Government, for cultural as well as natural values in the 1990s. Parts of the area are currently on the Australian Heritage Council's Priority Assessment List and are being evaluated for a range of potential cultural National Heritage values.

The Dam Proposal is inconsistent with Australia's obligations under the *World Heritage Convention* with respect to the Greater Blue Mountains World Heritage Area (GBMWhA) and neither the Dam Proposal itself, nor the EIS comply with specific Decisions of the World Heritage Committee.

The Dam Proposal would affect the National Heritage values of a place on Australia's National Heritage List and would be inconsistent with Australia's *National Heritage Management Principles*.

The Aboriginal Cultural Heritage Assessment Report (ACHAR), at Appendix K of the EIS, does not provide adequate understanding of the nature, extent and significance of the Aboriginal cultural resources that may be affected by the Dam Proposal and does not fulfil the Secretary's Environmental Assessment Requirements (SEARS) for the EIS.

The process of engagement with Traditional Owners regarding the Dam Proposal has been inadequate and their 'free, prior and informed consent' has not been obtained.

The Dam Proposal is inconsistent with the principles and processes of *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013*.

Australia ICOMOS endorses the recommendations contained in the *Interim Report, October 2021, of the NSW Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall*.

Reasons why Australia ICOMOS Objects to the Proposal

Impact on Outstanding Universal Value of a World Heritage Property

The proposed raising of the Warragamba Dam wall has the potential to affect the integrity of the GBMWH and therefore to impact adversely upon the Outstanding Universal Value (OUV) of this World Heritage property.

The proposal is within the GBMWH and while this inscription was for natural values, there are also important cultural sites and values affected, which are explicitly part of the 'integrity' of the property as expressed in its Statement of OUV:

An understanding of the cultural context of the GBMA is fundamental to the protection of its integrity. Aboriginal people from six language groups, through ongoing practices that reflect both traditional and contemporary presence, continue to have a custodial relationship with the area. Occupation sites and rock art provide physical evidence of the longevity of the strong Aboriginal cultural connections with the land. The conservation of these associations, together with the elements of the property's natural beauty, contributes to its integrity. (<https://whc.unesco.org/en/list/917/>)

Under Article 4 of the *World Heritage Convention*, Australia is obliged (among other things) to do all it can, using the utmost of its own resources, (emphasis added) to identify, protect, and conserve the cultural and natural heritage of the GBMWH. In this regard, Australia ICOMOS highlights Decision 40 COM 7 of the World Heritage Committee in 2016, in which it considered the construction of dams with large reservoirs within the boundaries of World Heritage properties to be incompatible with their World Heritage status, and urged States Parties to “*ensure that the impacts from dams that could affect properties located upstream or downstream within the same river basin are rigorously assessed in order to avoid impacts on the OUV*”.

In relation to the Dam Proposal considered by the EIS, the World Heritage Committee, by Decision 43 COM 7B/2 advised that that the inundation of areas within the property resulting from the raising of the dam wall are:

likely to have an impact on the Outstanding Universal Value [. . .] of the Greater Blue Mountains World Heritage Area.

By the same Decision the Committee urged that the:

process to prepare an Environmental Impact Statement (EIS) for the proposal fully assesses all potential impacts on the OUV of the property and its other values, including Aboriginal cultural heritage (emphasis added).

As outlined below, the EIS does not 'fully assess' 'all potential impacts' because it does not provide adequate identification, investigation or assessment of the potential impacts of the proposed action on the Indigenous cultural values of the GBMWH, which are attributes that contribute to the integrity that underpins the property's OUV.

Adverse heritage impacts should be avoided, to the fullest practical extent, within the GBMWH. The EIS states that “*to compensate for and offset the assessed impact, the Warragamba Offset Strategy focuses on purchasing and managing additional and appropriate land containing the values of the Greater Blue Mountains World Heritage Area to achieve no net loss*”. (EIS Executive Summary page 32). This is an erroneous suggestion. The GBMWH is inscribed on the World Heritage List and loss of attributes which support its OUV, including by periodic inundation, cannot be offset by purchasing alternate land.

Australia ICOMOS therefore supports Recommendation 9 of the Interim Report of the NSW Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall, that the NSW Government:

- *not proceed with the Warragamba Dam wall raising project, if the proposal cannot maintain or improve the current and future integrity of the Greater Blue Mountains World Heritage Area, and*
- *pursue alternative floodplain management strategies instead.*

Impact on National Heritage Values

The discussion of Aboriginal cultural values in the EIS does not adequately consider the implications of the inclusion of some of the affected lands on the National Heritage List nor additional potential National Heritage values. More than 300ha of the Project Upstream Impact Area (PUIA) is already on Australia's National Heritage List and other potentially affected areas are currently part of an area that is on the 'Priority Assessment List' which is being evaluated for potential National Heritage values by the Australian Heritage Council. This assessment includes potential Indigenous National Heritage values which have been nominated by the Greater Blue Mountains World Heritage Area Advisory Committee. This consideration is directly responsive to a specific requirement of the *Australian Heritage Strategy*:

Progressively review existing World Heritage places that have been listed for natural values only to identify whether the areas may contain internationally significant cultural heritage (Australian Heritage Strategy 2015, Objective 1, Action 8, page 19).

As a matter of due process, the Australian Heritage Council should conclude the current Priority Assessment List process and determine whether Indigenous cultural heritage that is within the PUIA has National Heritage value, before any decision is made to proceed with the Dam Proposal.

Australia ICOMOS does not agree with the conclusions reached in Appendix J of the EIS that the Dam Proposal is consistent with the Australian *National Heritage Management Principles*, which apply to places on the National Heritage List. Specifically, in view of inadequacies in survey and assessment and consultative processes, the ACHAR and the conclusions which flow from it, do not comply with the following principles:

1. *The management of National Heritage places should use the best available knowledge, skills and standards for those places, and include ongoing technical and community input to decisions and actions that may have a significant impact on their National Heritage values.*
5. *The management of National Heritage places should make timely and appropriate provision for community involvement, especially by people who:*
 - *have a particular interest in, or associations with, the place, and*
 - *may be affected by the management of the place.*
6. *Indigenous people are the primary source of information on the value of their heritage and the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.*

Impact on Aboriginal Heritage

The EIS is fundamentally flawed because of the inadequate extent of survey undertaken to identify potentially affected Aboriginal sites and the resulting deficiency in assessment and characterisation of predicted impact. It is very concerning that the ACHAR outlines a process for further investigation subsequent to development consent, whereas the further investigation is actually needed to inform consideration as to whether development consent should be granted. Further investigation of known sites, through recording, comparative study and/or test excavation is needed so that their nature, extent and significance can be comprehensively characterised. This is essential given the nature of the threat posed by the Dam Proposal.

Although 43 archaeological sites and 11 other places of cultural significance have been identified, it is estimated that a further 131 sites may be affected. This extrapolation is of questionable validity, and is at best predictive based on the 'normal' and likely to miss any sites that are 'exceptional' to the established pattern. However, without actual information about the actual sites affected, Traditional Owners have effectively been circumvented of the ability to be sufficiently informed about the relevant cultural heritage impacts and therefore the information available to the consent authority is not comprehensive and inadequate.

The ACHAR therefore does not meet a fundamental SEARS Requirement (3.1) that the: "*level of assessment must be commensurate to the degree of impact and sufficient to ensure that the Department and other government agencies are able to understand and assess impacts*".

The ACHAR indicates explicitly that the impacts from the proposal include:

. . . Harm to the cultural landscape through the periodic temporary flooding of 43 known archaeological sites (and an additional predicted 131 archaeological sites) and 11 cultural places within the PUJA.

Cumulative harm to the intangible values of the cultural landscape through extension of previously unmitigated impact on cultural values from the construction of the Warragamba Dam and flooding of the Burragorang Valley and its tributary valleys . . . (ACHAR page iv)

More than 81% of the GBMWhA was impacted by the 2019-2020 bushfires. However, the ACHAR fieldwork was completed prior to the fires and the ACHAR advised that: *“it was not possible to conduct further survey after the fires”*. (ACHAR page 34) and that: *“it is not possible to quantify the effects of the 2019-2020 wildfires on Aboriginal heritage values or individual sites or places in the study area”* (ACHAR page 34). This is completely unacceptable, inconsistent with due process and the suggestion that further survey was not possible is untenable. Bushfires can cause damage to Aboriginal cultural heritage sites, such as damage to rock art from intense heat, burning of scarred trees and damage to stone artefacts. Fire can also reveal scatters or other previously unknown sites – which may now be exposed in previously surveyed areas.

While the ACHAR hypothesises that *“the resilience of the cultural landscape suggest the latest fires have not had an impact that would result in a material effect to this assessment”*, (ACHAR page 34) the impact of the fires is actually completely unknown because further fieldwork was not undertaken. The extent of field survey and the lack of survey post the 2019-2020 fires is a serious and unacceptable shortcoming.

In light of the circumstances outlined above, Australia ICOMOS supports Recommendation 12 of the Interim Report of the NSW Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall, October 2021, which proposes:

That Water NSW conduct further Aboriginal Cultural Heritage Assessment, including additional field surveys, to address the concerns raised by stakeholders and agencies, particularly in relation to the adequacy of field surveys, and post fire assessment, as well as demonstrating the agreement of RAPs in the significance assessment of sites, and the need for a broader cultural impact assessment of the project.

The mitigation and management measures considered in the EIS (EIS Executive Summary page 39) are inappropriate and unacceptable. The EIS proposes *“an Aboriginal cultural heritage management plan to address intergenerational equity including recording of Aboriginal cultural heritage”*. Recording is insufficient. The focus should be on avoidance of harm. And yet, the ACHAR concludes, in relation to Aboriginal Cultural Heritage, that if the project proceeds, *“there is no capacity for directly applied management measures for the avoidance or minimisation of harm”* (ACHAR page iv).

Involvement of Traditional Owners

The ACHAR notes that the ‘Cultural Values Assessment’ involved limited consultation with the Registered Aboriginal Parties (RAPs), *“the majority of who were not willing to participate in the formal assessment process or nominate knowledge holders”* (ACHAR page iii). Despite these limitations and the admission that *“locations of cultural value cannot be considered comprehensive”*, the cultural landscape was assessed to be ‘of very high significance’ (ACHAR page iv).

The EIS states that there has been further consultation with the RAPs during review and revision of the ACHAR. The ACHAR states *“it has been clearly communicated by the RAPs that they do not support the Project”* (ACHAR page iv). Australia ICOMOS notes that, in light of the inadequacy of information available to the RAPs and the circumstances described in the ACHAR, there is no free, prior and informed consent for the Dam Proposal from Aboriginal Traditional Owners. Therefore, Australia ICOMOS supports Recommendation 11 of the Interim Report of the NSW Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall:

That the NSW Government not proceed with the Warragamba Dam wall raising project should Registered Aboriginal Parties not give free, prior and informed consent for the project to proceed, as required in advice provided to the NSW Government by the Commonwealth Department of Agriculture, Water and Environment.

Non-compliance with the Burra Charter

Best practice heritage practice, including *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013* (the Burra Charter), requires that the values of a place of cultural significance

should be identified prior to decisions which affect those values, and that, while considering and managing other factors, a primary objective should be conservation of those values. As outlined above, the EIS has not involved adequate consultation nor survey work in relation to the ACHAR. There has been insufficient consideration of alternatives to the proposal to avoid harm. Therefore, the EIS does not meet Burra Charter standards and is fundamentally flawed.

The Burra Charter sets out specific principles and processes for decision-making and the conservation and management of places of cultural significance. Although the Burra Charter does not directly set out specific standards or practices for the conduct of an EIS, it is of concern that the EIS is inconsistent with several Articles of the Burra Charter. In particular:

- The mitigation and management measures considered (EIS Exec Summary page 39) are inconsistent with an appropriate conservation outcome. The EIS proposes “an Aboriginal cultural heritage management plan to address intergenerational equity including recording of Aboriginal cultural heritage”. Recording is insufficient and would be inconsistent with the conservation principles in Articles 2 and 3 of the Burra Charter.
- Survey of only a part (circ 33%) of the directly affected area as noted in the sampling strategy presented in the ACHAR (page 30) has prevented comprehensive understanding of the definitive extent of cultural resources which would be destroyed. This shortcoming represents a fundamental non-compliance with the core process set out in Article 6 of the Burra Charter.
- There has been insufficient engagement with Traditional Owners. The information available to them through the EIS (including lack of adequate location data – even if it were to be provided in confidence) means that participation by associated people has been thwarted, contrary to the intent of Article 12 of the Burra Charter.
- With respect to non-Aboriginal heritage, there was no process for identification or assessment of unlisted items of potential heritage significance which were not already included on statutory registers or lists (EIS Chapter 17, Non-Aboriginal Heritage, page 17-5). In view of the nature of the project under consideration this is not consistent with the process outlined in Article 26 of the Burra Charter.

The Dam Proposal is inconsistent with the Burra Charter because it would not respect the cultural significance of the affected cultural places and would not avoid or minimise adverse impacts on cultural heritage. Therefore, Australia ICOMOS supports Recommendation 13 of the Interim Report of the NSW Legislative Council Select Committee on the Proposal to Raise the Warragamba Dam Wall, October 2021, which proposes:

That the NSW Government, in the final Environmental Impact Statement, clearly demonstrate how the Aboriginal Cultural Heritage Assessment for the Warragamba Dam wall raising project complies with all current guidelines identified in the SEARs, including the:

- *Burra Charter . . .*

Conclusions

Australia ICOMOS objects to the proposal to raise the Warragamba Dam wall and is concerned at inadequacies of the Environmental Impact Statement process and conclusions relating to cultural heritage and, in particular:

1. inconsistency with Australia’s obligations under the *World Heritage Convention*;
2. non-compliance with specific Decisions of the World Heritage Committee;
3. potential effects on National Heritage values;
4. non-compliance with Australia’s National Heritage Management Principles;
5. incomplete survey coverage of the potentially-affected areas;
6. failure to re-survey following the 2019-2020 bushfires;

7. inadequate understanding of the nature, extent and significance of the Aboriginal cultural resources that may be affected;
8. unfulfilled Secretary's Environmental Assessment Requirements for the EIS;
9. inadequate provision of information to Registered Aboriginal Parties;
10. inadequate engagement with Traditional Owners;
11. absence of 'free, prior and informed consent' from Traditional Owners; and
12. inconsistency with the principles and processes of *The Burra Charter*.

Every effort should be made to pursue alternative solutions to the reported downstream flood risk, rather than pursuing a simplistic solution of the Dam Proposal. Possibilities might include dredging works and filling of the dam to a lower level, or downstream flood mitigation activities which might better address dangers from tributaries that flow into the Hawkesbury-Nepean system downstream of Warragamba Dam.

Australia ICOMOS is concerned that the EIS is fundamentally deficient, and that the very nature of the project is at odds with both appropriate cultural heritage practice and obligations that arise from the *World Heritage Convention*.

Yours sincerely

S. 47F(1)

**Professor Tracy Ireland ICOMOS, FSA
President**

s. 33(a)(iii), s. 47F(1)

Warragamba Dam Environmental Impact Statement- IUCN technical review

Title of proposal: Warragamba Dam Raising

Property: Greater Blue Mountains Area

State Party: Australia

Document submitted: Environmental Impact Statement (EIS) – Warragamba Dam Raising, prepared for WaterNSW, 10 September 2021

Date submitted: 29 September 2021

Background:

On 29 September 2021, the State Party of Australia submitted information to the UNESCO World Heritage Centre (WHC), that the Environmental Impact Statement (EIS) for the Warragamba Dam Raising¹ project had been made available for public review and comment, and invited the WHC and IUCN to submit comments.

On 18 November 2021, the World Heritage Centre sent a letter to the State Party conveying that the EIS has been shared with IUCN for review, noting that in line with the World Heritage Committee's decision 44 COM 7B.180² and as an established practice, the technical review provided by IUCN will be transmitted to the State Party through an official letter from the Director of the World Heritage Centre.

IUCN has conducted a technical review of the EIS, including consideration of its concordance with the 2013 IUCN World Heritage Advice Note on Environmental Assessment³. The aim of this review is to establish whether the submitted document complies with the principles set out in the Advice Note, that all environmental assessments should follow in order to constitute an adequate basis for decision-making concerning World Heritage properties. This review considers in particular *Appendix J- World Heritage Assessment* of the EIS as well as a number of other sources of information, which are referenced in the text below, including relevant guidelines and policies of the World Heritage Convention and decisions of the World Heritage Committee. IUCN has also received comments from ICOMOS International related to the integrity of the property.

IUCN also notes that this review is based on information available at the time of writing, in which the EIS is in a public exhibition period, and that it is possible that new information may become available following this period, including through the subsequent stages in the project determination process. IUCN remains at the disposal of the State Party for assistance, as required, including in the instance that new information comes to light that concerns the state of conservation of the property. Lastly, IUCN notes that the content of this review is without prejudice to the final advice that IUCN may provide to the World Heritage Committee in regard to the project that is the subject of the EIS.

¹ <http://mpweb.planningportal.nsw.gov.au/major-projects/project/10571>

² <https://whc.unesco.org/en/soc/4174>

³

https://www.iucn.org/sites/dev/files/import/downloads/iucn_advice_note_environmental_assessment_18_1_1_13_iucn_template.pdf

Environmental Impact Statement (EIS) – Warragamba Dam Raising:

The EIS is an extensive document which contains 29 chapters, with an additional 18 appendices. Appendix J- World Heritage Assessment sets out an analysis the impacts of the proposed dam raising on the Outstanding Universal Value (OUV) of the Greater Blue Mountains Area World Heritage property (GBMWH).

IUCN's review, in particular, considers the conclusion of the World Heritage Assessment of the EIS stating that *'while the Project could potentially impact the GBMWH, these impacts would not be significant and would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWH'*

IUCN comments and observations:

i. Assessment of impacts on Outstanding Universal Value (including conditions of integrity)

The OUV of the property, recognised through its inclusion on the World List, is set out in its Statement of Outstanding Universal Value (SOUV), which was adopted by the World Heritage Committee in 2013 (Decision 37 COM 8E⁴), and which is also available on the main site page on the website of the UNESCO World Heritage Centre: <https://whc.unesco.org/en/list/917/>. This statement provides an entry point from which any EIS should proceed in assessing impacts. In this regard IUCN notes that the SOUV makes clear that:

"An understanding of the cultural context of the GBMA is fundamental to the protection of its integrity. Aboriginal people from six language groups, through ongoing practices that reflect both traditional and contemporary presence, continue to have a custodial relationship with the area. Occupation sites and rock art provide physical evidence of the longevity of the strong Aboriginal cultural connections with the land. The conservation of these associations, together with the elements of the property's natural beauty, contributes to its integrity."

The upstream impact area for the raised dam clearly includes important cultural sites that contribute to the property's integrity. As outlined in the EIS, the project may result in the total loss of a number of known sites with high cultural and scientific significance as a result of their inundation. The inundation of these sites would, therefore, damage attributes of the OUV of the property, and therefore this reported loss appears clearly at odds with the conclusion of the EIS that the Project *'would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWH'*.

ii. Free, prior and informed consent and public consultation

IUCN notes that on 28 August 2020 Traditional Owners formally advised State and National Government consent authorities that they were not properly engaged in the development of the EIS in relation to the cultural values which contribute to the property's integrity, and do not give free, prior and informed consent for the project to proceed⁵.

The IUCN Advice Note on Environmental Assessment, states that all relevant stakeholders should be involved in the assessment process, and the 2015 Policy on World Heritage and

⁴ <https://whc.unesco.org/en/decisions/4964/>

⁵

https://d3n8a8pro7vhmx.cloudfront.net/wildrivers/pages/74/attachments/original/1634878394/Warragamba_DamRaising_TOs_No_FPIC.pdf?1634878394

Sustainable Development states that States Parties should '*ensure adequate consultations, the free, prior and informed consent and equitable and effective participation of indigenous peoples where World Heritage nomination, management and policy measures affect their territories, lands, resources and ways of life*'. In this context, the EIS therefore does not comply with these principles, noting, as above, that these also relate directly to attributes that are connected to Outstanding Universal Value.

iii. Rigorous Environmental Assessment, based on adequate data and information

The EIS indicates the method for assessing flora and fauna distribution, which forms the basis of analysis of impacts to the OUV of the property, is based on predictive models, as detailed field surveys were not possible due to the size of the study area. The lack of survey coverage and focussed surveys for threatened taxa which contribute significantly to the OUV of the property, and whose presence and range are difficult to establish through predictive modelling, represents a shortcoming in the assessment methodology and undermines the validity of the data on which the findings of the EIS are based.

Moreover, the consideration of cultural associations relevant to OUV is clearly not rigorous in the EIS. There have been no physical investigations to enable informed assessment of the sites concerned, and the approach to understanding cultural values requires broadening to encompass concepts of place, landscape, contemporary tradition and living heritage, rather than limiting cultural heritage to known individual sites.

iv. Post fire recovery assessment

As reported in the EIS, around 70% of the upstream impact area was affected by the major bushfires of 2019/20, and a number of species have had their entire global populations, including fire sensitive species, impacted by the fires. The EIS presents information regarding extent, severity, and impact of the bushfires in the upstream impact area of the property. However the potential of the project to exacerbate bushfire impacts or affect the recovery prospects of key species and habitats, as requested by the World Heritage Committee in Decision 44COM 7B.180, are not considered adequately.

Moreover, there is no indication that field surveys have been repeated in fire-affected areas. Therefore, the implications of fire damage cannot be adequately considered on this basis, as the data may no longer be valid following the fires.

v. Mitigation measures and identification of reasonable alternatives

Finally, regarding the Warragamba offset program proposed in order to minimise the impacts of the project '*where impacts cannot be avoided*', it should be noted that OUV, confirmed through the inscription of the property, cannot be subject to excisions and compensation on an area basis. In principle, IUCN considers that OUV cannot be offset and therefore the concept of compensation plots for the planned loss of OUV is not appropriate.

Conclusion

In conclusion, IUCN considers that the EIS does not comply with the IUCN World Heritage Advice Note on Environmental Assessment, nor does it fully assess all potential impacts on the OUV as recognised in the Statement of Outstanding Universal Value for the GBMWH, as requested by the World Heritage Committee in Decision 44COM 7B.180, nor address the requirements of Convention policy on sustainable development. Concerns include that:

- a. the methodology for assessing ecological impact and impact on associated cultural values that directly contribute of the OUV of the property is insufficient to assess impacts on OUV, including in light of the fires following the surveys undertaken for the assessment;
- b. local communities, including Traditional Owners, do not appear to have been adequately engaged in the development of the EIS, and it also is apparent they have not provided their free, prior and informed consent;
- c. the proposal to offset planned loss of OUV is not acceptable.

Recalling Decisions **40 COM 7**⁶ and **43 COM 7B.2**⁷ of the Word Heritage Committee, IUCN also considers that (noting the above limitations) the overall conclusion stated in its World Heritage Assessment that *'while the Project could potentially impact the GBMWH, these impacts would not be significant and would not result in a material loss or degradation of the Outstanding Universal Value of the GBMWH'* is contradicted by the findings presented in the assessment itself. Based on the information provided in the EIS and discussed above, it appears that the project, as proposed, would directly degrade OUV, through its impacts to attributes that are explicitly mentioned in the statutory Statement of OUV adopted by the World Heritage Committee, including cultural associations directly linked to the integrity component of OUV. In this regard, IUCN considers that proceeding further with the implementation of the project appears to be inappropriate in relation to the requirements of the World Heritage Convention.

Date sent to World Heritage Centre: 21/12/2021

⁶ <https://whc.unesco.org/en/decisions/6817/>

⁷ <https://whc.unesco.org/en/decisions/7430/>

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 11 January 2022 12:12 PM
To: Kate Gowland; s. 22(1)(a)(ii)
Cc: James Barker; s. 22(1)(a)(ii)
Subject: W. Dam and mining Transmission - Letter from s. 47F(1) - Greater Blue Mountains Area [SEC=OFFICIAL]
Attachments: 203 Amb Australia - Greater Blue Mountains Area.pdf; Correspondence_IUCN Technical Review of Warragamba Dam wall EIS_11 November.pdf; Correspondence_Warragamba Dam EIS on exhibition_24 October.pdf; Greater_Blue_Mountains_World_Heritage_Committee.pdf; Hawkins-Rumker-Information-Paper.pdf; Coal-mining-release-and-exclusion-areas-map.pdf

Hi s. 22(1)(a)(ii)

See attached letter from the WH Centre and three 3rd Party letters (Colong Foundation and GBMA World Heritage Advisory Committee) received overnight. The letters have taken a while to reach us, they are dated August, October and November 2021.

The WH Centre has asked us to 'verify the content' of the letters in a response within 2 months. We will need to work with you to prepare the response.

The letters refer to the W. Dam EIS and the CIA of mining.

- We have still not received any comments from the WH Centre or IUCN on the EIS despite several reminders.
- The CIA is ready to go, just waiting for the letter to be cleared by A/g AS/Reef and Int'l Heritage and to be signed by our FAS Simon Banks.

Happy to discuss once you have had time to look at the letters attached.

Thanks

s. 22(1)(a)(ii)

From: Australia World Heritage <AustraliaWorldHeritage@environment.gov.au>
Sent: Tuesday, 11 January 2022 11:45 AM
To: s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>
Subject: FW: Transmission - Letter from s. 47F(1) - Greater Blue Mountains Area [SEC=OFFICIAL]

Good morning

Please see below and attached a letter from the Centre on the Warragamba Dam

Kind regards

s. 22(1)(a)(ii)

Assistant Director | International Heritage | 📞 s. 22(1)(a)(ii)

s. 33(a)(iii), s. 47F(1)

S. 33(a)(iii)

s. 33(a)(iii), s. 47F(1)

s. 33(a)(iii)

s. 33(a)(iii), s. 47F(1)

s. 33(a)(iii)

S. 11C(1)(b)

S. 11C(1)(b)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

S. 11C(1)(b)

S. 11C(1)(b)

S. 11C(1)(b)

S. 11C(1)(b)

S. 11C(1)(b)

S. 11C(1)(b)

s. 22(1)(a)(ii)



Our reference : DOC21/683449

Director Energy and Resources Policy
NSW Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124
Via online submission: <https://www.planningportal.nsw.gov.au/hawkins-rumker>

Preliminary Regional Issues Assessment Hawkins Rumker

The Advisory Committee for the Greater Blue Mountains Area World Heritage Property (GBMA) is jointly appointed by the NSW and Commonwealth environment ministers to provide advice on the protection, conservation, presentation, and management of the GBMA and issues concerning surrounding land uses that have the potential to impact on the area.

World Heritage listing is the highest level of international recognition that may be afforded to an area. World Heritage is a *matter of national environmental significance* under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The NSW Government supports the Commonwealth in its responsibility as a State Party to the World Heritage Convention to ensure the identification, protection, conservation, presentation and transmission to future generations of Australia's cultural and natural heritage of Outstanding Universal Value.

The Outstanding Universal Value of the GBMA relates to the outstanding examples of ongoing ecological and biological processes significant in the evolution of Australia's highly diverse ecosystems and communities of plants and animals, and significant natural habitats for the in-situ conservation of biodiversity, including the eucalypts and eucalypt dominated communities and many rare and threatened plants and animals.

The Advisory Committee is concerned that developments, both within and on lands adjacent to the GBMA, should not impact detrimentally on the World Heritage values. The Advisory Committee expresses concern in relation to potential negative impacts of coal mining in the proposed Rumker and Hawkins lease areas north and northeast of Rylstone, proposed for release for coal exploration and mining under the Strategic Release Framework. These areas are directly adjacent to Wollemi National Park, part of the GBMA, and include ecosystems contiguous with the GBMA.

The threat to aquatic ecosystems, particularly groundwater dependent ecosystems, is exemplified in the now well-documented, catastrophic impacts of underground longwall coal extraction on the nearby Newnes Plateau Shrub Swamps (NPSS), listed as an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*, and part of the Commonwealth Temperate Highland Peat Swamps on Sandstone (THPSS) Endangered

Ecological Community (EPBC Act). Baird and Benson (2020)¹ reported “increasing evidence of the lowering and loss of water tables in undermined NPSS swamps and resulting impacts on groundwater-dependent flora and fauna.” They noted that following the 2019 bushfires, “observations of the impact of the longwall mining-related lowering of water-tables and subsequent fire impacts in these swamps provides dramatic evidence of the irreversible damaging impacts of longwall mining. Unlike the reference swamps, the undermined swamps failed to respond to good rains since January 2020, with almost no resprouting of typical and often long-lived, resprouter sedgeland and shrub species.... the dead swamps provide clear evidence of the impacts of longwall mining.” The loss of groundwater on groundwater-dependent species at the western edge of their distributions, such as the Endangered Blue Mountains Water Skink (*Eulamprus leuraensis*) and Endangered Giant Dragonfly (*Petalura gigantea*), has resulted in, or is expected (based on current monitoring trajectories) to result in extirpation of all populations of these species in undermined swamps (Baird and Benson 2020)¹.

The Rumker and Hawkins strategic coal exploration areas include all of the upper Cox's Creek, Breakfast Creek and Reedy Creek catchments. The significant biodiversity values of the endangered and unique montane peat swamps in the upper Cudgegong River catchment east of Rylstone (including Cox's Creek), have previously been highlighted by Baird and Benson (2017², 2018³). These peat swamp ecosystems form part of the Montane Peatlands and Swamps in NSW Endangered Ecological Community (NSW *Biodiversity Conservation Act 2016*) and although not specifically identified as such, will form part of the THPSS Endangered Ecological Community (*EPBC Act 1999*). Due to their high biodiversity values, some of these areas (e.g. Coricudgy State Forest and its significant montane peat swamps), have been proposed for addition to the GBMA (Benson & Smith 2015⁴).

In view of the extensive evidence of the destructive impact of longwall coal mining on the Endangered NPSS (e.g. Baird & Benson 2020¹, Keith et al. 2021⁵) and well documented damage to watercourses and Coastal Upland Swamps of the Woronora Plateau south of Sydney, the potential for irreversible damage and destruction of these regionally important and poorly documented, groundwater dependent peat-swamp ecosystems along Cox's Creek and in the upper Lawson Creek catchment along Breakfast Creek and Reedy Creek, and rare spring ecosystems such as around Bald Mountain^{6,7}, is extremely high. There is

¹ Baird, I.R.C. and Benson, D. (2020). Serious impacts of longwall coalmining on endangered Newnes Plateau Shrub Swamps, exposed by the December 2019 bushfires. *Australasian Plant Conservation* **29**(1):12-15.

² Baird, I.R.C. & Benson, D. (2017). *Survey and estimation of biodiversity values in relation to National Heritage listing for Rollen Creek swamp, Coricudgy State Forest, Central Tablelands, NSW*. Unpublished report. Available from <https://doi.org/10.13140/RG.2.2.24271.48800>

³ Baird, I.R.C. & Benson, D. (2018). *Hydrogeomorphology, floristics, classification, and conservation values of the little-known montane mires of the upper Cudgegong River catchment, Central Tablelands, New South Wales*. *Cunninghamia*, **18**, 001-021.

⁴ Benson, D. & Smith, J. (2015). Protecting biodiversity values in response to long-term impacts: additional areas recommended for inclusion in the Greater Blue Mountains World Heritage Area. In: *Values for a new generation: Greater Blue Mountains World Heritage Area* (ed Benson, D.) pp. 48-75. Greater Blue Mountains World Heritage Area Advisory Committee. Available from <http://www.environment.nsw.gov.au/protectedareas/values-new-generation.htm>

⁵ Keith, D.A., Benson, D., Krogh, M., Watts, L., Simpson, C.C., Baird, I., Mason, T. L.. (2021) *Newnes Plateau Shrub Swamps: Monitoring responses to the 2019-2020 bushfires and interactions with other threatening processes*. Update Report March 2021. Centre for Ecosystem Science, University of NSW, Sydney.

⁶ Lillis, S. (2002). Cudgegong River & Tributary Vegetation Mapping Project. Report prepared for The Cudgegong Catchment Committee (s.355 committee of Rylstone Shire Council) August 2002. S.J. Landscape Constructions, Wollar, NSW.

⁷ Lillis, S. (2003). Lawsons Creek Vegetation Mapping Project. Report prepared for the Cudgegong Catchment Committee (s.355 committee of Rylstone Shire Council) November 2003. S.J. Landscape Constructions, Wollar, NSW.

also a high risk of negative impacts on stream hydrology across the area, including into the GBMA.

The potential for threatened species, e.g. the Endangered Giant Dragonfly, to be present in parts of these ecosystems is also high (Baird & Benson 2017², 2018³). The 2016 description of a recently discovered new species of giant spiny crayfish in headwater streams draining Mt Coricudgy in nearby Coricudgy State Forest (McCormack & Ahyong 2017⁴) highlights the potential for rare, threatened, and as yet undiscovered aquatic species to be present elsewhere in the proposed lease areas. McCormack and Ahyong suggested this species qualified for listing as Critically Endangered. The occurrence of isolated populations of the rare mallee, *Eucalyptus camphora* subsp. *camphora*, in and around swamps in the proposed lease areas, further highlights the biodiversity values of this area and the threat associated with any lowering of water tables associated with coal mining.

We reiterate the position of the World Heritage Committee that mineral exploration or exploitation is incompatible with World Heritage status. The World Heritage Committee's decision in 2019 (43 COM 7B.2⁵) "*notes with concern that several mining projects exist in the vicinity of or adjacent to the property, and that some mining activities have resulted in impacts on the property, as evidenced by the incident at the Clarence Colliery, and also requests the State Party to undertake an assessment of potential cumulative impacts of all existing and planned mining projects in the vicinity of the property through a Strategic Environmental Assessment (SEA) or a similar mechanism*".

At our August 2020 meeting, the Advisory Committee were briefed by CSIRO, contracted by the Department of Agriculture, Water and the Environment, to conduct the Greater Blue Mountains Area Cumulative Impact Assessment project which aims to identify risk to the Outstanding Universal Value of the GBMA from mining and analyse the protection and management arrangements.

We foreshadow that the outcomes of the CSIRO cumulative impact assessment project may have models that will assist with assessing potential impacts to the GBMA. We recommend the CSIRO cumulative impact assessment be used in the Preliminary Regional Issues Assessment Hawkins Rumker.

Please contact our Executive Officer, Jacqueline Reid via email to [REDACTED] or by telephone to [REDACTED] for any further information.

Yours sincerely,

s. 47F(1)

Bruce Leaver, AM
Chair
Greater Blue Mountains World Heritage Area Advisory Committee

12 August 2021

² McCormack, R.B. & Ahyong, S.T. (2017). *Euastacus vesper* sp. nov., a new giant spiny crayfish (Crustacea, Decapoda, Parastacidae) from the Great Dividing Range, New South Wales, Australia. *Zootaxa*, 4244, 556-567 doi:10.11646/zootaxa.4244.4.6

³ <https://whc.unesco.org/en/decisions/7430/>

s. 47C(1), s. 47B(a)

s. 47C(1), s. 47B(a)

s. 47C(1), s. 47B(a)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: AHC <AHC@environment.gov.au>

Sent: Wednesday, 9 February 2022 4:43 PM

To: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Cc: AHC <AHC@environment.gov.au>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>;

s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au)>

Subject: Request: Presenter for the upcoming Australian Heritage Council meeting [SEC=OFFICIAL]

Good afternoons. s. 22(1)(a)(ii)

I'm writing to ask a favour. I look after the Australian Heritage Council secretariat in Heritage Branch, and we have a meeting coming up on Wednesday, 23 March 2022.

(I used to work under ^{s. 22(1)(a)} when she was over at agriculture in AFFE Division, and looked after the AGMIN and AGSOC meetings – she may remember me – or not!).

I've attached a draft agenda which was circulated yesterday – there is an item there #4 called 'EPBC Assessments' – it includes an update on the Warragamba Dam EIS. (Council members are interested in this issue which is closely related to the Greater Blue Mountains heritage assessment.)

- The EPBC assessments will likely be us providing Council members with an update on referrals received from your division into Heritage Branch since the last meeting.
- Would there be someone from your division who could attend the meeting at that time (10am 23/3 for 30 minutes) to provide the Warragamba Dam update?

Presenters are normally FAS or AS-level to provide this type of update (e.g. Melissa McEwen will be updating council on reforms in her division if she's available).

If you could check with ^{s. 22(1)(a)} who would be available/able to present to the Australian Heritage Council (the Chair is the Hon. Ted Baillieu AO, former Victorian premier) it would be greatly appreciated.

Happy to chat/explain anything further. I'm sure ^{s. 22(1)(a)} is across the AHC, but if you need more information about members it can be found here: [About the Australian Heritage Council - DAWE](#)

Many thanks and I look forward to hearing from you.

Regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Sent: Thursday, 10 February 2022 5:41 PM

To: Kate Gowland <Kate.Gowland@environment.gov.au>; s. 22(1)(a)(ii)

[@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Subject: RE: Blue mountains dam raising [SEC=OFFICIAL]

A slightly tweaked sitrep below:

- The NSW Government is assessing the proposal to raise the Warragamba Dam wall on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance including World Heritage values.
- The proposal by WaterNSW is to mitigate potential downstream flooding.
- The public comment period on the Environment Impact Statement (EIS) closed in December last year.
- In January this year, the NSW Government requested Water NSW to respond to all issues raised by government agencies and in public submissions on the EIS.
- The NSW Government has directed WaterNSW to provide a more:
 - comprehensive assessment of Aboriginal cultural heritage values, and
 - detailed assessment of the impacts of the proposal against the Statement of Outstanding Universal Value (OUV) for the World Heritage listed Greater Blue Mountains.
- I understand that a significant number of issues were raised in public submissions– it will take some time for Water NSW to work through all of these issues.
- Before I make any decision under the EPBC Act I will consider the NSW Government’s final environmental assessment and all other matters required under environmental law.
- I am well aware of concerns about this project raised by international bodies such as the World Heritage Committee and the International Union for the Conservation of Nature.
 - We understand that the NSW Government has provided to WaterNSW the Australia ICOMOS submission on the EIS, and the IUCN technical review of the EIS.

From: Kate Gowland <Kate.Gowland@environment.gov.au>

Sent: Thursday, 10 February 2022 5:36 PM

To: s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>; s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Subject: RE: Blue mountains dam raising [SEC=OFFICIAL]

Looks good to me ^{s. 22(1)(a)(ii)} do we need to add anything more from the Heritage side? I think it’s a beaut sitrep.

From: s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Sent: Thursday, 10 February 2022 5:33 PM

To: Kate Gowland <Kate.Gowland@environment.gov.au>; s. 22(1)(a)(ii) <[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Subject: FW: Blue mountains dam raising [SEC=OFFICIAL]

Hi

I’ve crafted them as TPs if the Minister needs to say anything.

- The New South Wales Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance including World Heritage values.
- The public comment period on the Environment Impact Statement closed in December last year.
- In January this year, the NSW Government requested the proponent for the Warragamba Dam wall raising project to respond to all issues raised by government agencies and all issues raised in public submissions.
- The NSW Government has directed the proponent to provide a more:
 - comprehensive assessment of Aboriginal cultural heritage values, and
 - detailed assessment of the impacts of the proposal against the Statement of Outstanding Universal Value (OUV) for the Greater Blue Mountains World Heritage Area.
- I understand that a significant number of issues were raised during public submissions process – it will take some time for the proponent to work through all of these issues.
- Before I make any decision under the EPBC Act I will consider the New South Wales Government’s final environmental assessment and all other matters required under environmental law.
- I am well aware of concerns of reputable international bodies such as the World Heritage Committee and the International Union for the Conservation of Nature.
 - We understand that the NSW Government has provided to the proponent the Australia ICOMOS submission on the EIS, and the IUCN technical review of the EIS.

s. 22(1)(a)(ii)

Project	Proponent	Stage	LEX-26015 Assessment Approach	EPBC Act Sensitivity	Page 46 of 264 Public Interest
EPBC 2017-7940 Warragamba Dam Raising Project	WaterNSW	Assessment	Bilateral	Listed threatened species and communities World Heritage, National Heritage	High

Division: EAD

EAD28_Warragamba Dam

Issues

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes. The current full supply level will not change.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the world heritage property, including Indigenous cultural heritage and biodiversity.
- On 19 December 2021, the public comment period for the Environmental Impact Statement closed. The public submissions and advice from NSW state agencies have raised concerns about impacts to World Heritage values and biodiversity.

Talking points

- The proposal is likely to have significant impacts on listed threatened species and communities and World and National Heritage values, including cultural heritage.
- The proposal is being assessed by the NSW Government on behalf of the Australian Government under the Assessment Bilateral Agreement.
- The Environmental Impact Statement (EIS) for the project, prepared by WaterNSW (the proponent), was published on the NSW Department of Planning and Environment website from 29 September 2021 – 19 December 2021. Concerns about impacts to World Heritage and biodiversity were raised in public submissions and advice from state agencies.
- The Department of Planning and Environment has asked WaterNSW (the proponent) for a response to submissions and a Preferred Infrastructure Report to address all concerns raised. [s. 47C\(1\)](#)
- The Department of Agriculture, Water and the Environment (the department) received a technical review of the EIS from the, International Union for the Conservation of Nature

Contact Officer: Kate Gowland

Telephone: [s. 47F\(1\)](#)

Cleared by (SES level): Louise Vickery (EAD)

Telephone: 6274 1964

Last updated: 10/02/2022 11:39 AM

(IUCN). The department has sent the review to the NSW Department of Planning and Environment.

- Before making a decision on whether or not to approve the raising of the dam wall the Minister will consider all relevant information on the proposal.

If asked whether there will be an adequate assessment of impacts to Commonwealth protected matters and World Heritage.

- The NSW Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance.
- Following the exhibition of the EIS, the NSW Government has requested the proponent provide a response to public submissions and a Preferred Infrastructure Report to address concerns raised in submissions and advice from state agencies in relation to world heritage and biodiversity including nationally listed threatened species and communities.
- [s. 47C\(1\)](#)

t.

- The Preferred Infrastructure Report must adequately address the concerns raised by submissions and state agencies before NSW regulators can finalise their assessment.
- The department is working closely with the NSW Government to ensure that the assessment adequately addresses impacts to EPBC Act listed matters including the Outstanding Universal Value of the Greater Blue Mountains World Heritage Area.

If asked about assessment of bushfire impacts

- The department has advised NSW that the assessment of impacts on matters of national environmental significance needs to take into account the impact of the 2019-20 bushfires.
- The 2019-20 bushfires burnt over 739,906 hectares (ha), or about 71 percent of the Greater Blue Mountains Area. The department understands from information provided by WaterNSW that 70 percent of the potential upstream inundation area was burnt.

If asked about the concerns of the World Heritage Committee

- The Australian Government is committed to protecting and managing the World Heritage values of the Greater Blue Mountains Area, consistent with our obligations as a signatory to the World Heritage Convention.
- At its 44th session in July 2021, the World Heritage Committee asked the Australian Government to provide the EIS to the World Heritage Centre, for review by the IUCN, the Committee's advisory body on nature. A link to the report was provided on 29 September 2021.
- At its 44th session in July 2021, the World Heritage Committee asked the Australian Government to provide the EIS to the World Heritage Centre, for review by the International Union for the Conservation of Nature (IUCN), the Committee's advisory body on nature. A link to the report was provided on 29 September 2021.

- On 11 January 2022, the department received a technical review of the EIS from the IUCN.IUCN. This review has been passed on to the NSW Government.
- s. 47C(1)

If asked about the ACIUCN (Australian Committee for the International Union for the Conservation of Nature)

- s. 47C(1)
- The Department is a member of the ACIUCN Board s. 47C(1)
- The project is still under assessment by the NSW Government and before making any decision on the proposal, the Minister for the Environment will consider the New South Wales Government's environmental assessment and all other matters required under national environmental law.

If asked about alternatives to reducing downstream flood risk

- The proposal to raise the dam wall has been put forward by the NSW Government as their preferred option for mitigating downstream floods.
- The Environmental Impact Statement discusses alternative options that the NSW Government considered.

If asked about offsets

- The department will require any residual significant adverse impacts be offset in accordance with NSW government regulations.

If asked about the 'impact area' defined by WaterNSW in the EIS

- The area of impact proposed by WaterNSW has been determined through modelling using data from rainfall records and flood events dating back since before the construction of the dam. Department of Planning and Environment have sought expert review of this methodology.

If asked about the increasing costs of the project

- The cost of the project is a matter for the NSW Government.

If asked about implications of 'single touch' approval bilateral

- The States and Territories will not be permitted to approve actions relating to Matters of National Environmental Significance, including World Heritage, unless their processes have been accredited as meeting the requirements of the EPBC Act.

If asked about applications under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIHP Act)

- s. 47C(1)
- The ATSIHP Act process is separate to the EPBC Act and EIS processes
- s. 47C(1)

Background

- The proposed raising of the Warragamba Dam wall wall includes raising the abutments and roadway by 17 m. The spillway height, which controls the full supply level and flood levels, will be raised by 12 m.
- The full supply level of the dam is not intended to change from current operations. The additional height of the spillway will only be used for flood mitigation in times of extreme rainfall.
- The proposed action aims to reduce flood impacts to homes and businesses downstream of the dam within the current planning level as reported in the Taskforce Options Assessment Report released in January 2019 by Infrastructure NSW.
- The proposed action would extend the potential inundation footprint of Lake Burragorang into the World Heritage listed Greater Blue Mountains Area impacting approximately 304 ha of the Greater Blue Mountains Area based on modelled likely level of inundation over a 20 year period (representing 0.03 percent of World-heritage listed Greater Blue Mountains Area).
- Temporary inundation upstream of the dam could range from 5 to 14 days and could result in significant impacts to listed threatened species and ecological communities National Heritage values, World Heritage values the Outstanding Universal of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage
- The increased temporary inundation could result in significant impacts to biodiversity including habitat for listed threatened species and ecological communities and impacts to National Heritage values, World Heritage values and the Outstanding Universal Value of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage.

Assessment process

- On 17 July 2017, the proposed action was determined to be a controlled action for impacts to World Heritage, National Heritage and threatened species and communities.
- The NSW Government is assessing the proposal on behalf of the Australian Government under the NSW Assessment Bilateral Agreement.
- WaterNSW has prepared an Environmental Impact Statement to examine the potential impacts of the proposed action on EPBC Act listed matters.
- The Environmental Impact Statement was published from 29 September – 19 December 2021. The Department of Planning and Environment has requested that WaterNSW provide a response to submissions and Preferred Infrastructure Report to address all concerns raised in submissions and advice from agencies.

- When all issues raised by the state agencies have been resolved, the Department of Planning and Environment will prepare an assessment report and conditions for the decision-makers.
- A New South Wales Select Committee Parliamentary Inquiry into the proposal to raise the Warragamba Dam wall commenced on 20 June 2019. The Inquiry has not concluded and last met on 7 June 2021.

Project	Proponent	Stage	LEX-26015 Assessment Approach	EPBC Act Sensitivity	Page 51 of 264 Public Interest
EPBC 2017-7940 Warragamba Dam Raising Project	WaterNSW	Assessment	Bilateral	Listed threatened species and communities World Heritage, National Heritage	High

Division: EAD

[Title] **LEX26015 - Document 014 - REPORT Subject senate estimates document**

Issues

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes. The current full supply level will not change.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the world heritage property, including Indigenous cultural heritage and biodiversity.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the World Heritage property, including Indigenous cultural heritage and biodiversity.
- On 19 December 2021, the public comment period for the Environmental Impact Statement closed. The public submissions and advice from NSW state agencies have raised concerns about impacts to World Heritage values and biodiversity.

Talking points

- The proposal is likely to have significant impacts on listed threatened species and communities and World and National Heritage values, including cultural heritage.
- The proposal is being assessed by the NSW Government on behalf of the Australian Government under the Assessment Bilateral Agreement.
- The Environmental Impact Statement (EIS) for the project, prepared by WaterNSW (the proponent), was published on the NSW Department of Planning and Environment website from 29 September 2021 – 19 December 2021. Concerns about impacts to World Heritage and biodiversity were raised in public submissions and advice from state agencies.

Contact Officer: Kate Gowland

Cleared by (SES level): Louise Vickery (EAD)

Telephone: s. 47F(1)

Telephone: 6274 1964

Last updated: 11/03/2022 4:28 PM

- The Department of Planning and Environment has asked WaterNSW (the proponent) for a response to submissions and a Preferred Infrastructure Report to address all concerns raised. s. 47C(1)
- The Department of Agriculture, Water and the Environment (the department) received a technical review of the EIS from the, International Union for the Conservation of Nature (IUCN). The department has sent the review to the NSW Department of Planning and Environment.
- Before making a decision on whether or not to approve the raising of the dam wall the Minister will consider all relevant information on the proposal.

If asked whether there will be an adequate assessment of impacts to Commonwealth protected matters and World Heritage.

- The NSW Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance.
- Following the exhibition of the EIS, the NSW Government has requested the proponent provide a response to public submissions and a Preferred Infrastructure Report to address concerns raised in submissions and advice from state agencies in relation to world heritage and biodiversity including nationally listed threatened species and communities.
- s. 47C(1)
- The Preferred Infrastructure Report must adequately address the concerns raised by submissions and state agencies before NSW regulators can finalise their assessment.
- The department is working closely with the NSW Government to ensure that the assessment adequately addresses impacts to EPBC Act listed matters including the Outstanding Universal Value of the Greater Blue Mountains World Heritage Area.

If asked about assessment of bushfire impacts

- The department has advised NSW that the assessment of impacts on matters of national environmental significance needs to take into account the impact of the 2019-20 bushfires.
- The 2019-20 bushfires burnt over 739,906 hectares (ha), or about 71 percent of the Greater Blue Mountains Area. The department understands from information provided by WaterNSW that 70 percent of the potential upstream inundation area was burnt.

If asked about the concerns of the World Heritage Committee

- The Australian Government is committed to protecting and managing the World Heritage values of the Greater Blue Mountains Area, consistent with our obligations as a signatory to the World Heritage Convention.
- At its 44th session in July 2021, the World Heritage Committee asked the Australian Government to provide the EIS to the World Heritage Centre, for review by the

IUCN, the Committee's advisory body on nature. A link to the report was provided on 29 September 2021.

- At its 44th session in July 2021, the World Heritage Committee asked the Australian Government to provide the EIS to the World Heritage Centre, for review by the International Union for the Conservation of Nature (IUCN), the Committee's advisory body on nature. A link to the report was provided on 29 September 2021.
- On 11 January 2022, the department received a technical review of the EIS from the IUCN.IUCN. This review has been passed on to the NSW Government.
- [s. 47C\(1\)](#)

If asked about the ACIUCN (Australian Committee for the International Union for the Conservation of Nature)

- [s. 47C\(1\)](#)
- The Department is a member of the ACIUCN Board [as. 47C\(1\)](#)
- The project is still under assessment by the NSW Government and before making any decision on the proposal, the Minister for the Environment will consider the New South Wales Government's environmental assessment and all other matters required under national environmental law.

If asked about alternatives to reducing downstream flood risk

- The proposal to raise the dam wall has been put forward by the NSW Government as their preferred option for mitigating downstream floods.
- The Environmental Impact Statement discusses alternative options that the NSW Government considered.

If asked about offsets

- The department will require any residual significant adverse impacts be offset in accordance with NSW government regulations.

If asked about the 'impact area' defined by WaterNSW in the EIS

- The area of impact proposed by WaterNSW has been determined through modelling using data from rainfall records and flood events dating back since before the construction of the dam. Department of Planning and Environment have sought expert review of this methodology.

If asked about the increasing costs of the project

- The cost of the project is a matter for the NSW Government.

If asked about implications of 'single touch' approval bilateral

- The States and Territories will not be permitted to approve actions relating to Matters of National Environmental Significance, including World Heritage, unless their processes have been accredited as meeting the requirements of the EPBC Act.

If asked about applications under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIHP Act)

- s. 47C(1)
- The ATSIHP Act process is separate to the EPBC Act and EIS processes
- s. 47C(1)

Background

- The proposed raising of the Warragamba Dam wall wall includes raising the abutments and roadway by 17 m. The spillway height, which controls the full supply level and flood levels, will be raised by 12 m.
- The full supply level of the dam is not intended to change from current operations. The additional height of the spillway will only be used for flood mitigation in times of extreme rainfall.
- The proposed action aims to reduce flood impacts to homes and businesses downstream of the dam within the current planning level as reported in the Taskforce Options Assessment Report released in January 2019 by Infrastructure NSW.
- The proposed action would extend the potential inundation footprint of Lake Burragorang into the World Heritage listed Greater Blue Mountains Area impacting approximately 304 ha of the Greater Blue Mountains Area based on modelled likely level of inundation over a 20 year period (representing 0.03 percent of World-heritage listed Greater Blue Mountains Area).
- Temporary inundation upstream of the dam could range from 5 to 14 days and could result in significant impacts to listed threatened species and ecological communities National Heritage values, World Heritage values the Outstanding Universal of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage
- The increased temporary inundation could result in significant impacts to biodiversity including habitat for listed threatened species and ecological communities and impacts to National Heritage values, World Heritage values and the Outstanding Universal Value of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage.

Assessment process

- On 17 July 2017, the proposed action was determined to be a controlled action for impacts to World Heritage, National Heritage and threatened species and communities.
- The NSW Government is assessing the proposal on behalf of the Australian Government under the NSW Assessment Bilateral Agreement.

- WaterNSW has prepared an Environmental Impact Statement to examine the potential impacts of the proposed action on EPBC Act listed matters.
- The Environmental Impact Statement was published from 29 September – 19 December 2021. The Department of Planning and Environment has requested that WaterNSW provide a response to submissions and Preferred Infrastructure Report to address all concerns raised in submissions and advice from agencies.
- When all issues raised by the state agencies have been resolved, the Department of Planning and Environment will prepare an assessment report and conditions for the decision-makers.
- A New South Wales Select Committee Parliamentary Inquiry into the proposal to raise the Warragamba Dam wall commenced on 20 June 2019. The Inquiry has not concluded and last met on 7 June 2021.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii) <@environment.gov.au>
Sent: Wednesday, 2 February 2022 12:21 PM
To: s. 22(1)(a)(ii) <@environment.gov.au>
Cc: s. 22(1)(a)(ii) <@environment.gov.au>
Subject: Warragamba Dam ACIUCN draft TPs and background as discussed [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Here is what I've already pulled together, as discussed:

TALKING POINTS

EIS – Proposal to raise the Warragamba Dam wall

- As requested by the World Heritage Committee, the draft Environmental Impact Statement (EIS) for the proposed Warragamba Dam wall raising was forwarded to the World Heritage Centre on 29 September 2021. Comments on the EIS from IUCN were received and forwarded to NSW for their consideration.
- The New South Wales Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance including World Heritage values.
- Before making any decision on the proposal, the Minister will consider the New South Wales Government's environmental assessment and all other matters required under national environmental law.

2022 State Party Report

- The department will prepare a report on the state of conservation of the Greater Blue Mountains Area as requested by WHC44 by the deadline of 1 December 2022.

BACKGROUND

EIS – Proposal to raise the Warragamba Dam wall

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes.
- The project requires approval under the EPBC Act because there are likely impacts to World Heritage and National Heritage values and threatened species and communities.
- The project is being assessed on behalf of the Australian Government by the NSW Government under the assessment bilateral agreement.

- At its 43rd session in 2019, the World Heritage Committee expressed concern about the likely impacts of the proposal on the World Heritage values of the Greater Blue Mountains Area. The decision requested the State Party to ensure the EIS for the proposal fully assesses all potential impacts on the OUV of the property and its other values, including Aboriginal cultural heritage.
- The EIS was published on the NSW Department of Planning, Industry and Environment on the Planning Portal at <https://www.planningportal.nsw.gov.au/>. The public comment period is now closed.
- The Commonwealth Minister for the Environment will consider all relevant information including the EIS and submissions from the public before making a decision on whether to approve the action under the EPBC Act.

If raised: Assessment of potential cumulative impacts of mining in the vicinity of the Greater Blue Mountains Area

- At its 43rd session in 2019, the World Heritage Committee noted that several mining projects exist in the vicinity of or adjacent to the Greater Blue Mountains Area (GBMA), and that some mining activities have resulted in impacts on the property and asked the Australian Government to undertake an assessment of potential cumulative impacts of all existing and planned mining projects in the vicinity of the property through a Strategic Environmental Assessment or similar mechanism.
- At its 44th session in July 2021, the World Heritage Committee asked Australia to submit the results of this assessment to the World Heritage Centre, for review by the International Union for the Conservation of Nature (IUCN), as soon as they become available.
- In response to this request, ~~the in 2020 the department commissioned CSIRO to conduct a desktop study of the potential cumulative impacts of existing and proposed mines on the Outstanding Universal Value (OUV) of the GBMA. To do this,~~ prepared CSIRO used a spatial causal network analysis to evaluate how stressors of nearby mines may impact on eight high-level components of the GBMA's Outstanding Universal Value (OUV) chosen to represent the natural values and integrity of the property.
- The CSIRO report sets out the results of this analysis, including an explanation of the technical components of the causal network underlying the assessment and how it is used to address cumulative impacts.
- The department used the independent CSIRO analysis to determine residual risk (that remains after legislated protection and management measures have been applied) to the eight high-level components of the OUV of the GBMA. This analysis is presented in the report Potential cumulative impacts of mining on the Outstanding Universal Value of the Greater Blue Mountains Area.
- The scope of the assessment included the risk of cumulative impacts from mining. The potential for the 2019-20 bushfires to increase the vulnerability of GBMA values to mining threats was also considered.

Cheers

s. 22(1)(a)(ii)

Assistant Director | Natural Heritage Section | Department of Agriculture, Water and the Environment | e:

s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au) | t: **s. 22(1)(a)(ii)**

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Briefing for visit to IUCN Headquarters – Gland, Switzerland, 9 December 2021

ATTACHMENT A**180. Greater Blue Mountains Area (Australia) (N 917)****Decision: 44 COM 7B.180**

The World Heritage Committee,

1. Having examined Document WHC/21/44.COM/7B.Add,
2. Recalling Decision **43 COM 7B.2**, adopted at its 43rd session (Baku, 2019),
3. Expresses its utmost concern about the unprecedented fires that affected large parts of the property and significantly impacted some areas and habitats, and commends the State Party for its immediate fire-fighting responses, including those targeting specific attributes of the Outstanding Universal Value (OUV) of the property, such as the Wollemi pine stands;
4. Welcomes the information provided by the State Party regarding the immediate management responses to the 2019-2020 bushfires, including the assessment of direct and indirect impacts, plans for longer-term actions and the consideration of funding commitments to ensure long-term recovery, and requests the State Party to submit to the World Heritage Centre, for review by IUCN, an update on the process of assessing the impacts of fires on the OUV of the property and its recovery prospects, as soon as this significant information has been collated;
5. Takes note of the information provided by the State Party regarding the ongoing preparation of the Environmental Impact Statement (EIS) for the project proposal to raise the Warragamba Dam wall, reiterates its request to the State Party to ensure, in line with its commitments, that the current process to prepare the EIS fully assesses all potential impacts on the OUV of the property and its other values, including Aboriginal cultural heritage, and also requests the State Party to thoroughly assess whether raising the wall could exacerbate bushfire impacts on the property and affect the medium- and longerterm recovery prospects of key species and habitats within the predicted temporary inundation areas, and to submit the EIS to the World Heritage Centre, for review by IUCN, prior to its final approval;
6. Notes the initiation of an assessment of the cumulative impacts of existing and planned mining projects in the vicinity of the property, including a specific assessment of all stressors that present a risk to the property's OUV, and the confirmation regarding the development of the airspace and flight path design for the Western Sydney Airport and its subsequent environmental assessment, and further requests the State Party to submit the results of these processes to the World Heritage Centre, for review by IUCN, as soon as they become available;
7. Also welcomes the continued development of a revised Strategic Plan for the property and the confirmation that this plan will undergo consultation with the Aboriginal communities and be subject to the necessary environmental assessment, and also reiterates its request to the State Party to ensure that potential threats to the property from activities outside its boundaries, in particular mining activities, are fully considered in the development of this management framework;
8. Encourages the State Party to consult IUCN for advice on the development of the EIS planning documents prior to their finalisation, as well as on the development of longerterm bushfire recovery plans for the property's OUV;
9. Also recalling Decision **41 COM 7**, adopted at its 41st session (Krakow, 2017), which reiterated the importance of States Parties undertaking the most ambitious implementation of the Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC), notes with concern that climate change is recognized as an increasing threat to the property, and further welcomes the efforts of the State Party to develop an

Briefing for visit to IUCN Headquarters – Gland, Switzerland, 9 December 2021

- understanding of projected changes resulting from climate change in relation to the property's OUV and to strengthen climate and disaster resilience;
10. Appreciates the efforts made through the Royal Commission into National Natural Disaster Arrangements to look at lessons learned, develop recommendations on how to strengthen emergency management as well as climate and natural disaster risk reduction, and to implement reforms based on experience, and also encourages the State Party to share the lessons learned with other States Parties to the Convention facing similar threats, promoting knowledge exchange on fire management strategies at natural World Heritage properties;
 11. Requests furthermore the State Party to submit to the World Heritage Centre, by **1 December 2022**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 46th session.

s. 22(1)(a)(ii)

s. 33(a)(iii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Thursday, 10 February 2022 6:38 PM
To: Paula Perrett
Subject: FOR INFO Blue mountains dam raising [SEC=OFFICIAL]

From: s. 22(1)(a)(ii) <@environment.gov.au>
Sent: Thursday, 10 February 2022 5:57 PM
To: s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>
Subject: FW: FOR INFO Blue mountains dam raising [SEC=OFFICIAL]

For info

From: Kate Gowland <Kate.Gowland@environment.gov.au>
Sent: Thursday, 10 February 2022 5:55 PM
To: s. 22(1)(a)(ii) <@environment.gov.au>
Cc: James Barker <James.Barker@environment.gov.au>; DLO Ley <DLOLey@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>; Brown, Melissa (Agriculture) <Melissa.Brown@agriculture.gov.au>
Subject: RE: Blue mountains dam raising [SEC=OFFICIAL]

Hi James

Please find some points for the Minister for tomorrow's round table on Warragamba Dam wall raising. Let myself or s. 22(1)(a)(ii) know if need anything further,
 Kate

Kate Gowland
 A/g Assistant Secretary
 Environment Assessments Branch (NSW, ACT)
 Department of Agriculture, Water and Environment

s. 47F(1) kate.gowland@awe.gov.au

- The NSW Government is assessing the proposal to raise the Warragamba Dam wall on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance including World Heritage values.
- The proposal by WaterNSW is to mitigate potential downstream flooding.
- The public comment period on the Environment Impact Statement (EIS) closed in December last year.
- In January this year, the NSW Government requested Water NSW to respond to all issues raised by government agencies and in public submissions on the EIS.
- The NSW Government has directed WaterNSW to provide a more:
 - comprehensive assessment of Aboriginal cultural heritage values, and
 - detailed assessment of the impacts of the proposal against the Statement of Outstanding Universal Value (OUV) for the World Heritage listed Greater Blue Mountains.
- I understand that a significant number of issues were raised in public submissions– it will take some time for Water NSW to work through all of these issues.
- Before I make any decision under the EPBC Act I will consider the NSW Government's final environmental assessment and all other matters required under environmental law.

- I am well aware of concerns about this project raised by international bodies such as the World Heritage Committee and the International Union for the Conservation of Nature.
 - We understand that the NSW Government has provided to WaterNSW the Australia ICOMOS submission on the EIS, and the IUCN technical review of the EIS.

From: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Sent: Thursday, February 10, 2022 4:38:44 PM

To: James Barker <James.Barker@environment.gov.au>; DLO Ley <DLOLey@environment.gov.au>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>

Subject: Blue mountains dam raising

Hi,

Could i please get half a page on the latest Sitrep and TPs/handling lines for dam raising for Warragamba and world heritage considerations etc...

Min Ley has a roundtable in blue mountains tomorrow

Get [Outlook for iOS](#)

OFFICIAL**DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT**

Division: Heritage Reef and Ocean Division (HROD)

HRO03

Commented [LC1]

s. 47C(1)**WORLD HERITAGE AREAS (EXCEPT REEF)****CURRENT ISSUE**

The July 2021 World Heritage Committee decisions on the state of conservation of the Tasmanian Wilderness, Greater Blue Mountains Area and Gondwana Rainforests of Australia (**Attachments A, B, and C**) expressed concerns about development proposals, the impact of bushfires, and the protection of Indigenous cultural heritage.

KEY FACTS AND RESPONSES**s. 22(1)(a)(ii)**

Contact Officer: [s. 22\(1\)\(a\)\(ii\)](#)
Telephone: [s. 22\(1\)\(a\)\(ii\)](#)
Last updated: 18 January 2022

SES Lead: James Barker
Mobile Number: [s. 47F\(1\)](#)
SB21-000037

OFFICIAL

OFFICIAL

Greater Blue Mountains Area

- A State Party Report on the state of conservation of the Greater Blue Mountains will be submitted to the World Heritage Centre, as requested by the Committee, by 1 December 2022 (**Attachment B**).
- As requested by the Committee, the draft Environmental Impact Statement (EIS) for the proposed Warragamba Dam wall raising was forwarded to the World Heritage Centre on 29 September 2021. Comments on the EIS from IUCN have been received and forwarded to NSW for their consideration.
- In response to a 2019 request from the Committee, an assessment of the cumulative impacts of mining in the vicinity of the property was prepared in consultation with CSIRO, NSW Government agencies and other stakeholders, and forwarded to the World Heritage Centre on 18 January 2022.
- A proposal to implement a plan for aviation airspace management for the Western Sydney Airport was received by the department on 29 December 2021. Guidelines for the preparation of an EIS to assess the project are being prepared and are expected to be provided to the proponent by the end of February 2022.
- The 2022 State Party Report will include updates on the impacts of the 2019-20 bushfires, as requested by the Committee.

s. 22(1)(a)(ii)

ATTACHMENTS

Attachment A

s. 22(1)(a)(ii)

OFFICIAL

Attachment B 2021 World Heritage Committee decision on the Greater Blue Mountains Area

Attachment C

s. 22(1)(a)(ii)

3
OFFICIAL

s. 33(a)(iii), s. 22(1)(a)(ii)

s. 33(a)(iii), s. 22(1)(a)(ii)

s. 33(a)(iii), s. 22(1)(a)(ii)

Warragamba Dam Wall Raising Project

IUCN policy position:

The IUCN's official policy position was set at the 2021 World Conservation Congress in Marseille, as follows:

ALARMED that the Government of New South Wales (NSW) is continuing to push ahead with processes designed to facilitate the raising of the Warragamba Dam, given its location within the Greater Blue Mountains World Heritage Area that would inundate over 1,000 hectares of the Greater Blue Mountains World Heritage Area and 3,700 hectares of the surrounding National Park, considered essential to the integrity of the property at the time of nomination;

CONCERNED that the NSW Government's publicly stated intention is to raise the Warragamba Dam wall by 14 m, which will result in the regular flooding of 65 km of streams and rivers, home to eucalyptus forests and threatened species habitat;

CONCERNED that over 300 indigenous cultural sites would be inundated under the proposal to raise the Warragamba Dam wall;

AWARE that the Australian Government has stated that "The impact of increased flood water levels within the dam is likely to have extensive and significant impacts on listed threatened species and communities and world and national heritage values of the Greater Blue Mountains World Heritage Area"; and

CONCERNED that the cumulative impacts of coal mining within the Greater Blue Mountains World Heritage Area, notably water pollution and cliff collapse, are impacting upon the Outstanding Universal Values of the site;

The IUCN World Conservation Congress, at its session in Marseille, France:

1. CALLS ON the State Government of NSW to abandon all plans to raise the Warragamba Dam wall;
2. CALLS ON the Government of Australia to refuse all approvals for the raising of the Warragamba Dam wall and any other developments which would impact the Outstanding Universal Values of the Greater Blue Mountains World Heritage Area; and
3. ENCOURAGES the IUCN World Heritage Programme to continue to flag concerns regarding the Warragamba Dam-raising project, along with any other threats (post-NSW bushfires) to the Greater Blue Mountains World Heritage Area, through mechanisms such as World Heritage Outlook.

Background:

The Greater Blue Mountains World Heritage Area (GBMWhA) in Australia is at risk of being flooded by a proposal to raise the Warragamba Dam wall 14 metres for flood mitigation to enable downstream development on floodplains. The areas to be inundated (within the World Heritage Area) are of Outstanding Universal Value due to the eucalypt diversity of the region. The catchment is the most protected natural area in Australia, with six layers of state, federal and international protection afforded to it . The NSW Government Preliminary EIS stated there were 47 threatened species, including several species of eucalypt, that live within the areas that would be inundated by the proposal .

The New South Wales Government passed an amendment to the *National Parks and Wildlife Act 1974* to allow the flooding of the GBMWhA in October 2018 . IUCN identified this piece of legislation as central to the protection of the site its 2017 outlook report . Further to this, the IUCN World Heritage Outlook Report (2017) identified the raising of Warragamba Dam wall as being of “high threat inside the site.”

The NSW and Federal Government World Heritage Advisory Committee has stated: “the proposal will have significant adverse impacts on biodiversity, siltation and weed dispersal, wilderness and wild river values, Aboriginal cultural heritage values, aesthetic values and management access” of the site.

Over 300 Indigenous cultural heritage sites belonging to the Gundungurra people are located within the regions of the GBMWhA and will be inundated by the dam wall raising .

Given that a World Heritage Site will be impacted, the Australian Government will have final consent over the dam wall raising. This consent is due to be decided upon in 2020. The New South Wales Government has stated construction will commence in 2020 after the Environmental Impact Statement is completed.

International best practice floodplain development controls are not being applied in the Hawksbury-Nepean Valley. A comprehensive alternative flood management strategy for the downstream valleys has been compiled by respected Australian National University scientist Prof. Jamie Pittock .

Sponsor:

- Australian Rainforest Action Network

Co-sponsors:

- Australian Conservation Foundation
- Australian Marine Conservation Society
- Australian Rainforest Conservation Society
- Ecological Society of the Philippines [Philippines]
- Nature Conservation Council of New South Wales
- The WILD Foundation [United States of America]
- The Wilderness Society
- WWF-Australia

S. 11C(1)(b)

s. 33(a)(iii)

s. 33(a)(iii)

S. 33(a)(iii)

s. 33(a)(iii)

s. 33(a)(iii)

ISSUES UPDATE – NATURAL AND INDIGENOUS WORLD HERITAGE

(excludes Reef, 3 cultural/historic World Heritage properties s. 22(1)(a)(ii) team), Kakadu and Uluru-Kata Tjuta National Parks (Parks Australia) and Macquarie Island (AAD)

Updates highlighted - 24 November 2021

s. 22(1)(a)(ii)

- * Greater Blue Mountains Area – s. 22(1)(a)(ii)
- Finalising Cumulative Impact Assessment of mining in the vicinity of the WH property – delayed, now in final review. Meeting with WH Advisory Committee Monday 8 November 2021. EAD organising briefing with Minerals Council of NSW. Preparing info brief for Minister (MS21-009482)
- EIS for Warragamba Dam wall raising – link sent to WH Centre for IUCN review, workshop discussions with EAD and relevant NSW agencies 4 and 5 Nov. 2021. Public consultation extended to 19 Dec. 2021. WHC have written saying comments from IUCN will come in a letter to Simon Banks.
- State Party Report by 1 Dec 2022
- Outstanding mapping request from WH Centre
- Writing to NSW re longstanding National Heritage assessment
- Colong Foundation FoI LEX 25002 – corro on Warragamba Dam wall raising (with WHC, IUCN and MO)
-

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: Kate Gowland
Sent: Monday, 31 January 2022 3:47 PM
To: James Barker; Media
Cc: **s. 22(1)(a)(ii)**
Subject: RE: URGENT MEDIA ENQUIRY: Request for response to IUCN view of Warragamba proposal [SEC=OFFICIAL]

Thanks everyone – I'm doing MARA testing – and so missed the email at first. Hope you were all happy with the response,
Kate

From: James Barker <James.Barker@environment.gov.au>
Sent: Monday, 31 January 2022 2:49 PM
To: Media <media@environment.gov.au>
Cc: Kate Gowland <Kate.Gowland@environment.gov.au>; **s. 22(1)(a)(ii)** @environment.gov.au; **s. 22(1)(a)(ii)** @environment.gov.au
Subject: RE: URGENT MEDIA ENQUIRY: Request for response to IUCN view of Warragamba proposal [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

I think these questions sit in Kate's space as it relates to the ongoing EPBC process. I haven't been able to touch base with Kate yet, but I expect the answer will be that the proposal is being assessed by NSW, the Minister would expect the proponent to respond to the matters raised by IUCN as part of the NSW assessment process, the Minister would carefully consider Australia's obligations under the WH Convention before deciding whether to approve the project once the NSW assessment process is complete.

Cheers
james

From: Media <media@environment.gov.au>
Sent: Monday, 31 January 2022 2:25 PM
To: James Barker <James.Barker@environment.gov.au>
Cc: Media <media@environment.gov.au>; Kate Gowland <Kate.Gowland@environment.gov.au>; **s. 22(1)(a)(ii)** @environment.gov.au
Subject: URGENT MEDIA ENQUIRY: Request for response to IUCN view of Warragamba proposal [SEC=OFFICIAL]

Hi James and Kate,

The MO has received an urgent media enquiry from ABC on Warragamba Dam wall raising. Grateful if you can provide a short response by 3.30pm today, noting urgent deadline of 5pm.
Attached is the letter referred to in the enquiry.

ENQUIRY:

The NSW Government has just published a letter by the IUCN saying that the proposal to raise Warragamba dam wall appears inconsistent with the World Heritage Convention.

It's quite a scathing letter.

It is potentially paving the way for the World Heritage Committee to say the same thing.

Under the EPBC Act, the minister must not act inconsistently with the World Heritage Convention.

Question are:

1. Would the minister consider approving the project, even if the WHC says it is inconsistent with our obligations under the World Heritage Convention?
2. Is the Minister concerned about the issues raised by the IUCN in the letter?

Thank you,

s. 22(1)(a)(ii)

Media Officer | Media | **s. 22(1)(a)(ii)**

Department of Agriculture, Water and the Environment
Communication and Media Branch
Corporate and Business Division

From: **s. 22(1)(a)(ii)** <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Sent: Monday, 31 January 2022 1:58 PM
To: Media <media@environment.gov.au>; **s. 22(1)(a)(ii)** <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Subject: FW: Request for response to IUCN view of Warragamba proposal [SEC=OFFICIAL]

Hi can I get an urgent response on this one, noting the deadline below

From: **s. 47F(1)** <[s.47F\(1\)@abc.net.au](mailto:s.47F(1)@abc.net.au)>
Sent: Monday, 31 January 2022 1:52 PM
To: **s. 22(1)(a)(ii)** <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Subject: Request for response to IUCN view of Warragamba proposal

Hi **s. 22(1)(a)(ii)**

The NSW Government has just published a letter by the IUCN saying that the proposal to raise Warragamba dam wall appears inconsistent with the World Heritage Convention.

It's quite a scathing letter.

It is potentially paving the way for the World Heritage Committee to say the same thing.

Under the EPBC Act, the minister must not act inconsistently with the World Heritage Convention.

My questions are:

1. Would the minister consider approving the project, even if the WHC says it is inconsistent with our obligations under the World Heritage Convention?
2. Is the Minister concerned about the issues raised by the IUCN in the letter?

Can you get back to me by 5pm today?

The letter is attached.

Regards,

s. 47F(1)

Please consider the environment before printing this e-mail.

The information contained in this email and any attachment is confidential and may contain legally privileged or copyright material. It is intended only for the use of the addressee(s). If you are not the intended recipient of this email, you are not permitted to disseminate, distribute or copy this email or any attachments. If you have received this message in error, please notify the sender immediately and delete this email from your system. The ABC does not represent or warrant that this transmission is secure or virus free. Before opening any attachment you should check for viruses. The ABC's liability is limited to resupplying any email and attachments.

Project	Proponent	Stage	LEX-26015 Assessment Approach	EPBC Act Sensitivity	Page 86 of 264 Public Interest
EPBC 2017-7940 Warragamba Dam Raising Project	WaterNSW	Assessment	Bilateral	Listed threatened species and communities World Heritage, National Heritage	High

Division: EAD

LEX26015 - Document 026 - REPORT Subject senate estimates brief

Issues

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes. The current full supply level will not change.
- The World Heritage Committee and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the world heritage property, including Indigenous cultural heritage and biodiversity.
- On 19 December 2021, the public comment period for the Environmental Impact Statement closed. The public submissions and advice from NSW state agencies have raised concerns about impacts to world heritage values and biodiversity.

Talking points

- The proposal is likely to have significant impacts on listed threatened species and communities and World and National Heritage values, including cultural heritage.
- The proposal is being assessed by the NSW Government on behalf of the Australian Government under the Assessment Bilateral Agreement.
- The Environmental Impact Statement (EIS) for the project, prepared by WaterNSW (the proponent), was published on the NSW Department of Planning and Environment website from 29 September 2021 – 19 December 2021. Concerns about impacts to world heritage and biodiversity were raised in public submissions and advice from state agencies.
- The Department of Agriculture, Water and the Environment (the department) received a technical review of the EIS from the IUCN World Heritage Centre. The department has sent the review to the NSW Department of Planning and Environment.
- The Department of Planning and Environment has asked WaterNSW (the proponent) for a response to submissions and a Preferred Infrastructure Report to

Contact Officer: Kate Gowland

Cleared by (SES level): Louise Vickery (EAD)

Telephone: s. 47F(1)

Telephone: 6274 1964

address all concerns raised. s. 47C(1)

- Before making a decision on whether or not to approve the raising of the dam wall the Minister will consider all relevant information on the proposal.

If asked whether there will be an adequate assessment of impacts to Commonwealth protected matters and World Heritage.

- The NSW Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance.
- Following the exhibition of the EIS, the NSW Government has requested the proponent provide a response to public submissions and a Preferred Infrastructure Report to address concerns raised in submissions and advice from state agencies in relation to world heritage and biodiversity including nationally listed threatened species and communities.
- s. 47C(1)
- The Preferred Infrastructure Report must adequately address the concerns raised by submissions and state agencies before NSW regulators can finalise their assessment.
- The department is working closely with the NSW Government to ensure that the assessment adequately addresses impacts to EPBC Act listed matters including Outstanding Universal Value of Greater Blue Mountains World Heritage Area.

If asked about assessment of bushfire impacts

- The department has advised NSW that the assessment of impacts on matters of national environmental significance needs to take into account the impact of the 2019-20 bushfires.
- The 2019-20 bushfires burnt over 739,906 hectares (ha), or about 71 percent of the Greater Blue Mountains Area. The department understands from information provided by WaterNSW that 70 percent of the potential upstream inundation area was burnt.

If asked about the concerns of the World Heritage Committee

- The Australian Government is committed to protecting and managing the World Heritage values of the Greater Blue Mountains Area, consistent with our obligations as a signatory to the World Heritage Convention.

- On 11 January 2022, the department received a technical review of the EIS from the IUCN World Heritage Centre. This review has been passed on to the NSW Government.
- [s. 47C\(1\)](#)

If asked about alternatives to reducing downstream flood risk

- The proposal to raise the dam wall has been put forward by the NSW Government as their preferred option for mitigating downstream floods.
- The Environmental Impact Statement discusses alternative options that the NSW Government considered.

If asked about offsets

- The department will require, any residual significant adverse impacts, be offset in accordance with the NSW government regulations.

If asked about the 'impact area' defined by WaterNSW in the EIS

- The area of impact proposed by WaterNSW has been determined through modelling using data from rainfall records and flood events dating back since before the construction of the dam. Department of Planning and Environment have sought expert review of this methodology.

If asked about the increasing costs of the project

- The cost of the project is a matter for the NSW Government.

If asked about implications of 'single touch' approval bilateral

- The States and Territories will not be permitted to approve actions relating to Matters of National Environmental Significance, including World Heritage, unless their processes have been accredited as meeting the requirements of the EPBC Act.

If asked about applications under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIPH Act)

- The ATSIPH Act process is separate to the EPBC Act and EIS processes
- [s. 47C\(1\)](#)

Background

- The proposed raising of the Warragamba Dam includes raising the abutments and roadway by 17 m. The spillway height, which controls the full supply level and flood levels, will be raised by 12 m.

- The full supply level of the dam is not intended to change from current operations. The additional height of the spillway will only be used for flood mitigation in times of extreme rainfall.
- The proposed action aims to reduce flood impacts to homes and businesses downstream of the dam within the current planning level as reported in the Taskforce Options Assessment Report released in January 2019 by Infrastructure NSW.
- The proposed action would extend the potential inundation footprint of Lake Burragorang into the World Heritage listed Greater Blue Mountains Area impacting approximately 304 ha of the Greater Blue Mountains Area based on modelled likely level of inundation over a 20 year period (representing 0.03 percent of World-heritage listed Greater Blue Mountains Area).
- Temporary inundation upstream of the dam could range from 5 to 14 days and could result in significant impacts to listed threatened species and ecological communities National Heritage values, World Heritage values the Outstanding Universal Values of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage
- The increased temporary inundation could result in significant impacts to biodiversity including habitat for listed threatened species and ecological communities and impacts to National Heritage values, World Heritage values and the Outstanding Universal Values of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage.

Assessment process

- On 17 July 2017, the proposed action was determined to be a controlled action for impacts to heritage, national heritage and threatened species and communities.
- The NSW Government is assessing the proposal on behalf of the Australian Government under the NSW Assessment Bilateral Agreement.
- WaterNSW has prepared an Environmental Impact Statement to examine the potential impacts of the proposed action on EPBC Act listed matters.
- The Environmental Impact Statement was published from 29 September – 19 December 2021. The Department of Planning and Environment has requested that WaterNSW provide a response to submissions and Preferred Infrastructure Report to address all concerns raised in submissions and advice from agencies.
- When all issues raised by the state agencies have been resolved, the Department of Planning and Environment will prepare an assessment report and conditions for the decision-makers.
- A New South Wales Select Committee Parliamentary Inquiry into the proposal to raise the Warragamba Dam wall commenced on 20 June 2019. The Inquiry has not concluded and last met on 7 June 2021.

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

Division: Heritage Reef and Ocean Division (HROD)

HRO03

WORLD HERITAGE AREAS (EXCEPT REEF)**CURRENT ISSUE**

The July 2021 World Heritage Committee decisions on the state of conservation of the Tasmanian Wilderness, Greater Blue Mountains Area and Gondwana Rainforests of Australia (**Attachments A, B, and C**) expressed concerns about development proposals, the impact of bushfires, and the protection of Indigenous cultural heritage.

KEY FACTS AND RESPONSES

s. 22(1)(a)(ii)

Contact Officer: s. 22(1)(a)(ii)
Telephone: s. 22(1)(a)(ii)
Last updated: 25 January 2022

SES Lead: James Barker
Mobile Number: s. 47F(1)
SB21-000037

Greater Blue Mountains Area

- A State Party Report on the state of conservation of the Greater Blue Mountains will be submitted to the World Heritage Centre, as requested by the Committee, by 1 December 2022 (**Attachment B**).
- As requested by the Committee, the draft Environmental Impact Statement (EIS) for the proposed Warragamba Dam wall raising was forwarded to the World Heritage Centre on 29 September 2021. Comments on the EIS from IUCN have been received and forwarded to NSW for their consideration.
- In January 2022, the NSW Government requested the proponent for the Warragamba Dam wall raising project to respond to all issues raised by government agencies and all issues raised in public submissions. This includes a more comprehensive assessment of Aboriginal cultural heritage values, and a more detailed assessment of the impacts of the proposal against the Statement of Outstanding Universal Value (OUV) for the Greater Blue Mountains World Heritage Area.
- In response to a 2019 request from the Committee, an assessment of the cumulative impacts of mining in the vicinity of the property was prepared in consultation with CSIRO, NSW Government agencies and other stakeholders, and forwarded to the World Heritage Centre on 19 January 2022.
- A proposal to implement a plan for aviation airspace management for the Western Sydney Airport was received by the department on 29 December 2021. Guidelines for the preparation of an EIS to assess the project are being prepared and are expected to be provided to the proponent by the end of February the first quarter of 2022.
- The 2022 State Party Report will include updates on the impacts of the 2019-20 bushfires, as requested by the Committee.

s. 22(1)(a)(ii)

- The Flinders Ranges (SA) was added to the Tentative List in April 2021 and it is anticipated that the nomination will be submitted by 1 February 2024.
- The Quandamooka Yoolooburrabee Aboriginal Corporation is preparing a Tentative List submission for Quandamooka country, in Moreton Bay, Queensland.

ATTACHMENTS**Attachment A****s. 22(1)(a)(ii)****Attachment A1****Attachment B**

2021 World Heritage Committee decision on the Greater Blue Mountains Area

Attachment C**s. 22(1)(a)(ii)**

Project	Proponent	Stage	LEX-26015 Assessment Approach	EPBC Act Sensitivity	Page 93 of 264 Public Interest
EPBC 2017-7940 Warragamba Dam Raising Project	WaterNSW	Assessment	Bilateral	Listed threatened species and communities World Heritage, National Heritage	High

Division: EAD

LEX26015 - Document 028 - BRIEF Draft Senate Estimates Brief EAD28 - Warragamba Dam

Issues

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes. The current full supply level will not change.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the world heritage property, including Indigenous cultural heritage and biodiversity.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the World Heritage property, including Indigenous cultural heritage and biodiversity.
- On 19 December 2021, the public comment period for the Environmental Impact Statement closed. The public submissions and advice from NSW state agencies have raised concerns about impacts to World Heritage values and biodiversity.

Talking points

- The proposal is likely to have significant impacts on listed threatened species and communities and World and National Heritage values, including cultural heritage.
- The proposal is being assessed by the NSW Government on behalf of the Australian Government under the Assessment Bilateral Agreement.
- The Environmental Impact Statement (EIS) for the project, prepared by WaterNSW (the proponent), was published on the NSW Department of Planning and Environment website from 29 September 2021 – 19 December 2021. Concerns about impacts to World Heritage and biodiversity were raised in public submissions and advice from state agencies.
- The Department of Agriculture, Water and the Environment (the department) received a technical review of the EIS from the IUCN. International Union for the Conservation of

Contact Officer: Kate Gowland

Cleared by (SES level): Louise Vickery
(EAD)

Telephone: s. 47F(1)

Telephone: 6274 1964

Last updated: 11/03/2022 4:59 PM

Nature (IUCN). The department has sent the review to the NSW Department of Planning and Environment.

- The Department of Planning and Environment has asked WaterNSW (the proponent) for a response to submissions and a Preferred Infrastructure Report to address all concerns raised. [s. 47C\(1\)](#)
- Before making a decision on whether or not to approve the raising of the dam wall the Minister will consider all relevant information on the proposal.

If asked whether there will be an adequate assessment of impacts to Commonwealth protected matters and World Heritage.

- The NSW Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance.
- Following the exhibition of the EIS, the NSW Government has requested the proponent provide a response to public submissions and a Preferred Infrastructure Report to address concerns raised in submissions and advice from state agencies in relation to world heritage and biodiversity including nationally listed threatened species and communities.
- [s. 47C\(1\)](#)
- The Preferred Infrastructure Report must adequately address the concerns raised by submissions and state agencies before NSW regulators can finalise their assessment.
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If asked about assessment of bushfire impacts

- The department has advised NSW that the assessment of impacts on matters of national environmental significance needs to take into account the impact of the 2019-20 bushfires.
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If asked about the concerns of the World Heritage Committee

- The Australian Government is committed to protecting and managing the World Heritage values of the Greater Blue Mountains Area, consistent with our obligations as a signatory to the World Heritage Convention.
- At its 44th session in July 2021, the World Heritage Committee asked the Australian Government to provide the EIS to the World Heritage Centre, for review by the IUCN, the Committee's advisory body on nature. A link to the report was provided on 29 September 2021.

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- On 11 January 2022, the department received a technical review of the EIS from the IUCN.IUCN. This review has been passed on to the NSW Government.
- [Fs. 47C\(1\)](#)

If asked about alternatives to reducing downstream flood risk

- The proposal to raise the dam wall has been put forward by the NSW Government as their preferred option for mitigating downstream floods.
- The Environmental Impact Statement discusses alternative options that the NSW Government considered.

If asked about offsets

- The department will require any residual significant adverse impacts be offset in accordance with NSW government regulations.

If asked about the 'impact area' defined by WaterNSW in the EIS

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- The cost of the project is a matter for the NSW Government.

If asked about implications of 'single touch' approval bilateral

- The States and Territories will not be permitted to approve actions relating to Matters of National Environmental Significance, including World Heritage, unless their processes have been accredited as meeting the requirements of the EPBC Act.

If asked about applications under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSIHP Act)

- [s. 47C\(1\)](#)
- The ATSIHP Act process is separate to the EPBC Act and EIS processes
- [s. 47C\(1\)](#)

Background

- The proposed raising of the Warragamba Dam wall wall includes raising the abutments and roadway by 17 m. The spillway height, which controls the full supply level and flood levels, will be raised by 12 m.
- The full supply level of the dam is not intended to change from current operations. The additional height of the spillway will only be used for flood mitigation in times of extreme rainfall.
- The proposed action aims to reduce flood impacts to homes and businesses downstream of the dam within the current planning level as reported in the Taskforce Options Assessment Report released in January 2019 by Infrastructure NSW.
- The proposed action would extend the potential inundation footprint of Lake Burragorang into the World Heritage listed Greater Blue Mountains Area impacting approximately 304 ha of the Greater Blue Mountains Area based on modelled likely level of inundation over a 20 year period (representing 0.03 percent of World-heritage listed Greater Blue Mountains Area).
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- The increased temporary inundation could result in significant impacts to biodiversity including habitat for listed threatened species and ecological communities and impacts to National Heritage values, World Heritage values and the Outstanding Universal Value of the Greater Blue Mountains Area, which includes Aboriginal cultural heritage.

Assessment process

- On 17 July 2017, the proposed action was determined to be a controlled action for impacts to World Heritage, National Heritage and threatened species and communities.
- The NSW Government is assessing the proposal on behalf of the Australian Government under the NSW Assessment Bilateral Agreement.
- WaterNSW has prepared an Environmental Impact Statement to examine the potential impacts of the proposed action on EPBC Act listed matters.
- The Environmental Impact Statement was published from 29 September – 19 December 2021. The Department of Planning and Environment has requested that WaterNSW provide a response to submissions and Preferred Infrastructure Report to address all concerns raised in submissions and advice from agencies.
- When all issues raised by the state agencies have been resolved, the Department of Planning and Environment will prepare an assessment report and conditions for the decision-makers.
- A New South Wales Select Committee Parliamentary Inquiry into the proposal to raise the Warragamba Dam wall commenced on 20 June 2019. The Inquiry has not concluded and last met on 7 June 2021.

S. 33(a)(iii)

s. 33(a)(iii)

Project	Proponent	Stage	LEX-26015 Assessment Approach	EPBC Act Sensitivity	Page 100 of 264 Public Interest
EPBC 2017-7940 Warragamba Dam Raising Project	WaterNSW	Assessment	Bilateral	Listed threatened species and communities World Heritage, National Heritage	High

Division: EAD

LEX26015 - Document 030 - BRIEF EAD28-Warragamba Dam

Issues

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes. The current full supply level will not change.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the world heritage property, including Indigenous cultural heritage and biodiversity.
- The World Heritage Committee, the International Union for the Conservation of Nature (IUCN) and community groups, including the Colong Foundation, have expressed concern that the inundation of areas within the Greater Blue Mountains Area as a result of the proposal is likely to have an impact on the Outstanding Universal Value (OUV) of the World Heritage property, including Indigenous cultural heritage and biodiversity.
- On 19 December 2021, the public comment period for the Environmental Impact Statement closed. The public submissions and advice from NSW state agencies have raised concerns about impacts to World Heritage values and biodiversity.

Talking points

- The proposal is likely to have significant impacts on listed threatened species and communities and World and National Heritage values, including cultural heritage.
- The proposal is being assessed by the NSW Government on behalf of the Australian Government under the Assessment Bilateral Agreement.
- The Environmental Impact Statement (EIS) for the project, prepared by WaterNSW (the proponent), was published on the NSW Department of Planning and Environment website from 29 September 2021 – 19 December 2021. Concerns about impacts to World Heritage and biodiversity were raised in public submissions and advice from state agencies.

Contact Officer: Kate Gowland

Telephone: s. 47F(1)

Cleared by (SES level): Louise Vickery (EAD)

Telephone: 6274 1964

- The Department of Planning and Environment has asked WaterNSW (the proponent) for a response to submissions and a Preferred Infrastructure Report to address all concerns raised. s. 47C(1)
- The Department of Agriculture, Water and the Environment (the department) received a technical review of the EIS from the, International Union for the Conservation of Nature (IUCN). The department has sent the review to the NSW Department of Planning and Environment.
- Before making a decision on whether or not to approve the raising of the dam wall the Minister will consider all relevant information on the proposal.

If asked whether there will be an adequate assessment of impacts to Commonwealth protected matters and World Heritage.

- The NSW Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance.
- Following the exhibition of the EIS, the NSW Government has requested the proponent provide a response to public submissions and a Preferred Infrastructure Report to address concerns raised in submissions and advice from state agencies in relation to world heritage and biodiversity including nationally listed threatened species and communities.
- s. 47C(1)
- The Preferred Infrastructure Report must adequately address the concerns raised by submissions and state agencies before NSW regulators can finalise their assessment.
- The department is working closely with the NSW Government to ensure that the assessment adequately addresses impacts to EPBC Act listed matters including the Outstanding Universal Value of the Greater Blue Mountains World Heritage Area.

If asked about assessment of bushfire impacts

- The department has advised NSW that the assessment of impacts on matters of national environmental significance needs to take into account the impact of the 2019-20 bushfires.
- The 2019-20 bushfires burnt over 739,906 hectares (ha), or about 71 percent of the Greater Blue Mountains Area. The department understands from information provided by WaterNSW that 70 percent of the potential upstream inundation area was burnt.

If asked about the concerns of the World Heritage Committee

- The Australian Government is committed to protecting and managing the World Heritage values of the Greater Blue Mountains Area, consistent with our obligations as a signatory to the World Heritage Convention.
- At its 44th session in July 2021, the World Heritage Committee asked the Australian Government to provide the EIS to the World Heritage Centre, for review by the

IUCN, the Committee's advisory body on nature. A link to the report was provided on 29 September 2021.

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- On 11 January 2022, the department received a technical review of the EIS from the IUCN.IUCN. This review has been passed on to the NSW Government.
- Further questions on world heritage committee interactions should be addressed to Heritage, Reef and Ocean Division.

If asked about the ACIUCN (Australian Committee for the International Union for the Conservation of Nature)

- s. 47C(1)
- The Department is a member of the ACIUCN Board and will continue to work constructively with the ACIUCN.
- The project is still under assessment by the NSW Government and before making any decision on the proposal, the Minister for the Environment will consider the New South Wales Government's environmental assessment and all other matters required under national environmental law.

If asked about alternatives to reducing downstream flood risk

- The proposal to raise the dam wall has been put forward by the NSW Government as their preferred option for mitigating downstream floods.
- The Environmental Impact Statement discusses alternative options that the NSW Government considered.

If asked about offsets

- The department will require any residual significant adverse impacts be offset in accordance with NSW government regulations.

If asked about the 'impact area' defined by WaterNSW in the EIS

- The area of impact proposed by WaterNSW has been determined through modelling using data from rainfall records and flood events dating back since before the construction of the dam. Department of Planning and Environment have sought expert review of this methodology.

If asked about the increasing costs of the project

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If asked about implications of 'single touch' approval bilateral

- The States and Territories will not be permitted to approve actions relating to Matters of National Environmental Significance, including World Heritage, unless their processes have been accredited as meeting the requirements of the EPBC Act.

If asked about applications under the Aboriginal and Torres Strait Islander Heritage Protection Act (ATSHP Act)

- s. 47C(1)
- The ATSHIP Act process is separate to the EPBC Act and EIS processes
- s. 47C(1)

Background

- The proposed raising of the Warragamba Dam wall wall includes raising the abutments and roadway by 17 m. The spillway height, which controls the full supply level and flood levels, will be raised by 12 m.
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- The proposed action would extend the potential inundation footprint of Lake Burragorang into the World Heritage listed Greater Blue Mountains Area impacting approximately 304 ha of the Greater Blue Mountains Area based on modelled likely level of inundation over a 20 year period (representing 0.03 percent of World-heritage listed Greater Blue Mountains Area).
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Assessment process

- On 17 July 2017, the proposed action was determined to be a controlled action for impacts to World Heritage, National Heritage and threatened species and communities.
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- The Environmental Impact Statement was published from 29 September – 19 December 2021. The Department of Planning and Environment has requested that WaterNSW provide a response to submissions and Preferred Infrastructure Report to address all concerns raised in submissions and advice from agencies.
- When all issues raised by the state agencies have been resolved, the Department of Planning and Environment will prepare an assessment report and conditions for the decision-makers.
- A New South Wales Select Committee Parliamentary Inquiry into the proposal to raise the Warragamba Dam wall commenced on 20 June 2019. The Inquiry has not concluded and last met on 7 June 2021.

s. 22(1)(a)(ii)

From: Kate Gowland
Sent: Friday, 11 February 2022 12:48 PM
To: Media
Cc: James Barker; **s. 22(1)(a)(ii)**
Subject: RE: NITV: Warragamba Dam [SEC=OFFICIAL]

Actually – should add a line re Indigenous, see below

From: Kate Gowland
Sent: Friday, 11 February 2022 12:45 PM
To: Media <Media@environment.gov.au>
Cc: James Barker <James.Barker@environment.gov.au>; **s. 22(1)(a)(ii)** @environment.gov.au
Subject: RE: NITV: Warragamba Dam [SEC=OFFICIAL]

Hi **s. 22(1)(a)(ii)**

Cleared points as follows:

- The New South Wales Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance including world heritage values.
- Following public comments on the Environmental Impact Statement, the NSW Department of Planning and Environment has requested a Preferred Infrastructure Report requiring the WaterNSW to undertake further assessment in light of issues raised during the public consultation period.
- The Minister is aware of the concerns raised by Indigenous groups. NSW requires comprehensive consultation with Indigenous communities through the assessment process.
- Before making any decision on the proposal, the Minister will consider the New South Wales Government's environmental assessment that relate to impacts to matters of national environmental significance and, take into consideration all obligations under the EPBC Act including those relating to the World Heritage Convention.

From: Media <media@environment.gov.au>
Sent: Friday, 11 February 2022 12:19 PM
To: **s. 22(1)(a)(ii)** @environment.gov.au
Cc: Kate Gowland <Kate.Gowland@environment.gov.au>; James Barker <James.Barker@environment.gov.au>; Media <media@environment.gov.au>
Subject: FW: NITV: Warragamba Dam [SEC=OFFICIAL]

Dear **s. 22(1)(a)(ii)**

Please see media query below which has just come in via the MO. Also raises heritage aspects of the decision.

Previous responses have been as follows:

- The New South Wales Government is assessing the proposal on behalf of the Australian Government under the assessment bilateral agreement. The bilateral agreement provides for a robust assessment of matters of national environmental significance including world heritage values.
- Before making any decision on the proposal, the Minister will consider the New South Wales Government's environmental assessment and all other matters required under national environmental law.

s. 22(1)(a)(ii)

Public Affairs Officer | Media | s. 22(1)(a)(ii)

Department of Agriculture, Water and the Environment
Communication and Media Branch
Corporate and Business Division

From: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Sent: Friday, 11 February 2022 12:05 PM
To: Media <media@environment.gov.au>
Cc: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>
Subject: FW: NITV: Warragamba Dam [SEC=OFFICIAL]

Hi

Can we please have a response to this.

s. 22(1)(a)(ii)

From: s. 47F(1) <[s.47F\(1\)@sbs.com.au](mailto:s.47F(1)@sbs.com.au)>
Sent: Friday, 11 February 2022 10:21 AM
To: Minister Ley <Minister.Ley@environment.gov.au>
Subject: NITV: Warragamba Dam

Hi all,

Hope this email finds you well.

I am hoping that the Minister is able to provide a short statement regarding Warragamba Dam.

It's understood that IUCN has advised the federal government that the project is inconsistent to our obligations on the World Heritage Convention. We understand that Minister Ley has the final call on whether the project can continue and may be in breach if approves it in its current form – which can be deemed inconsistent.

Does the Minister support the project in its current form?

Does the Minister believe that the Convention should be central to any developments that would impact environmental and cultural heritage?

Many have called for the EIS to be reviewed and potentially redone – does the Minister advise this as the best path forward?

IUCN also voiced concerns of Traditional Owners, who have been said since the beginning of this project that the have not been consulted properly and do not give free, prior and informed consent – does the Minister feel that WaterNSW and contracted parties creating the EIS must fully involved Traditional Owners in this process?

My deadline is 1pm AEST.
Best,



s. 47F(1)

Digital Journalist

s. 47F(1) @sbs.com.au

SBS 14 Herbert Street
Artarmon NSW 2064 Australia

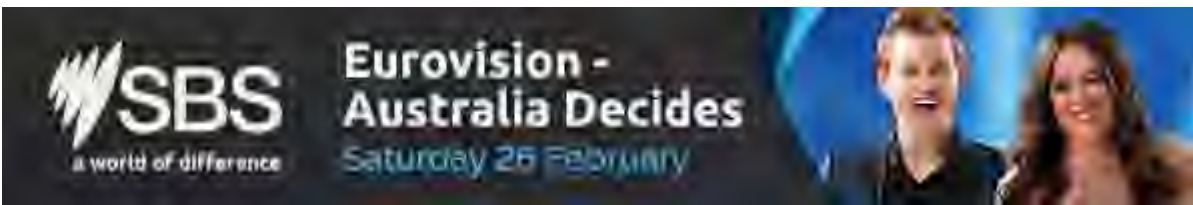
M: s. 47F(1)

T: s. 47F(1)

sbs.com.au



SBS acknowledges the Traditional Owners of Country throughout Australia.



From: [Kate Gowland](#)
To: [s. 22\(1\)\(a\)\(ii\)](#)
Cc: [s. 22\(1\)\(a\)\(ii\)](#)
Subject: FW: FYA - FOR INPUT BY 2 FEB 22: ACIUCN Materials for item to be raised in any other business [SEC=OFFICIAL:Sensitive]
Date: Tuesday, 1 February 2022 8:48:24 PM
Attachments: [Warragamba Dam Wall Raising Project - draft motion for consideration.pdf](#)
[Warragamba Dam Wall Raising Project - IUCN policy position.pdf](#)
[Warragamba Dam Environmental Impact Statement- IUCN technical review.PDF](#)
Importance: High

I'm hoping [s. 22\(1\)\(a\)\(ii\)](#) will take the lead on this – but we will need to provide input. Our position as always, the proposal is under assessment, the Minister will consider all relevant information before making a decision under the EPBC Act, etc
Kate

From: Kylie Calhoun <Kylie.Calhoun@environment.gov.au>
Sent: Tuesday, 1 February 2022 8:19 PM
To: Kate Gowland <Kate.Gowland@environment.gov.au>
Cc: [s. 22\(1\)\(a\)\(ii\)](#) @environment.gov.au>
Subject: FYA - FOR INPUT BY 2 FEB 22: ACIUCN Materials for item to be raised in any other business [SEC=OFFICIAL:Sensitive]
Importance: High

Hi [s. 22\(1\)\(a\)\(ii\)](#)

Please see email below. I haven't seen something like this before. I assume the main comments will come from Simon's division re World Heritage. Do you have anything that we need to add or comment on from an EPBC perspective?

Happy to chat tomorrow morning if that is easier.

Cheers

Kylie

From: [s. 22\(1\)\(a\)\(ii\)](#) @agriculture.gov.au>
Sent: Tuesday, 1 February 2022 6:51 PM
To: [s. 22\(1\)\(a\)\(ii\)](#) @agriculture.gov.au>; Simon Banks <Simon.Banks@environment.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) @agriculture.gov.au>; Kylie Calhoun <Kylie.Calhoun@environment.gov.au>
Cc: Tinning, Chris (Agriculture) <Chris.Tinning@agriculture.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) @agriculture.gov.au>; [s. 22\(1\)\(a\)\(ii\)](#) @environment.gov.au>
Subject: FOR INPUT BY 2 FEB 22: ACIUCN Materials for item to be raised in any other business [SEC=OFFICIAL:Sensitive]
Importance: High

Dear All,

I am a recently appointed member of the board of the Australian Committee of the IUCN, one of two members of the Government House of the ACIUCN.

A draft motion (refer to [attachments](#)) has been received from another recently appointed member, [s. 47F\(1\)](#) Colong Foundation (a member of the Non-Government House) relating

to the Warragamba Dam Wall Raising Project.

Could you please provide me with advice for the handling of this motion for the upcoming board meeting (**Thursday 3 February at 1.30pm**), as well as providing me with some clear talking points. **If you could please provide this advice and TPs by Wednesday 2 Feb.**

I'd be happy to meet with you to discuss further or provide any further information regarding the ACIUCN. **s. 22(1)(a)(ii)** in my team can also be contacted, noting I am out of the office until Wednesday lunchtime.

Kind regards,

s. 22(1)(a)(ii)

Director | International Environment and UN Section |
Trade, Market Access and International Division |
Department of Agriculture, Water and Environment

Tel: **s. 22(1)(a)(ii)** | **Mob:** **s. 22(1)(a)(ii)** | **Email:** **s. 22(1)(a)(ii)**[@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

From: Director ACIUCN <director@aciucn.org.au>

Sent: Tuesday, 1 February 2022 4:59 PM

To: **s. 22(1)(a)(ii)** ; **s. 47F(1)** [@syd.com.au](mailto:s.47F(1)@syd.com.au); **s. 22(1)(a)(ii)**
[@agriculture.gov.au](mailto:s.22(1)(a)(ii)@agriculture.gov.au); **s. 47F(1)**
[@environment.nsw.gov.au](mailto:s.47F(1)@environment.nsw.gov.au); **s. 47F(1)** [@parks.vic.gov.au](mailto:s.47F(1)@parks.vic.gov.au); **s. 47F(1)**
[@acfonline.org.au](mailto:s.47F(1)@acfonline.org.au)>

Subject: FW: Materials for item to be raised in any other business [SEC=UNOFFICIAL]

Importance: High

Dear Board,

Please find attached a draft motion from ^{s. 47F(1)} for tomorrow's meeting regarding the Warragamba Dam.

^{s. 47F(1)} has requested to have observers for this Agenda Item. As I too am new to this I have asked him to speak with Peter Cochran as the Chair.

thanks

s. 47F(1)

s. 47F(1)

Director

Australian Committee for IUCN Inc.

Working from land of Gubbi Gubbi (Kabi Kabi) people (Noosa, QLD)

Mailing Address:

GPO Box 528, Sydney NSW 2001

Ph: **s. 47F(1)**

E: director@aciucn.org.au

www.aciucn.org.au

My regular working days are Tuesday and Thursday. If your enquiry is urgent please contact me on the above mobile number.

I usually live, meet and work on the land of Gubbi Gubbi (Kabi Kabi) people. I pay my respects to their Elders, past, present and emerging, and acknowledge the important role that Aboriginal and Torres Strait Islander people continue to play in caring for land and sea country.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: s. 47F(1) <[s.47F\(1\)@syd.com.au](mailto:s.47F(1)@syd.com.au)>
Sent: Tuesday, 1 February 2022 3:44 PM
To: Director ACIUCN <director@aciucn.org.au>
Cc: s. 47F(1) <[s.47F\(1\)@gmail.com](mailto:s.47F(1)@gmail.com)>; s. 11C(1)(a) <[s.11C\(1\)\(a\)@colongwilderness.org.au](mailto:s.11C(1)(a)@colongwilderness.org.au)>
Subject: Materials for item to be raised in any other business
Importance: High

Hi s. 47F(1)

As I flagged earlier, please see attached:

- Draft motion to be moved in item 11 of Thursday's agenda
- The two accompanying documents referred to in clauses 1 and 2 of the draft motion, which together provide the necessary background.

Could you please circulate to committee members?

I've copied s. 47F(1)s and s. 11C(1)(a) into this email (Chair and General Manager respectively), and wondering whether it's possible for them to sit in as observers for this part of the meeting. If committee members have any queries about the detail of the project, it may be that s. 47F(1) is better placed than I to respond, given I've only been on the Colong Foundation Board for several weeks. s. 47F(1) (and s. 11C(1)(a)) have been involved with this important issue far longer than I.

cheers

s. 47F(1)

Disclaimer: This email is confidential and may also contain legally privileged information. If you are not the intended recipient, please contact the sender on [+61 \(2\) 9667-9111](tel:+61296679111) and do not use, disclose, copy, or distribute it to anyone. Confidentiality and legal privileges are not waived by reason of mistaken delivery to you.

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)



Australian Government
Australian Heritage Council

The Hon Matthew Kean
Treasurer, and Minister for Energy and Environment
GPO Box 5341
SYDNEY NSW 2001

Dear Treasurer

I am writing in relation to the longstanding assessment by the Australian Heritage Council of the *Greater Blue Mountains Area – additional values* for possible inclusion in the National Heritage List.

In the first instance, I would like to congratulate you on the recent announcement of additions to the NSW reserve system in the Greater Blue Mountains region. This is important for both the protection of the environment, and to tourism in the area.

As you know the Greater Blue Mountains Area was included on the World Heritage List in 2000, and the same area was included on the National Heritage List in 2007. Both listings only recognise the outstanding natural, not cultural, heritage of the area. The *Greater Blue Mountains Area – additional values* was included on the Finalised Priority Assessment List for assessment by the Australian Heritage Council for possible inclusion in the National Heritage List in 2008. I understand that a number of stakeholders, including the Greater Blue Mountains World Heritage Advisory Committee, The Wilderness Society, and the Colong Foundation for Wilderness have over the years advocated for the recognition of additional values and areas through National Heritage listing, as a precursor to possible World Heritage renomination.

The desktop assessment of the natural heritage values of the *Greater Blue Mountains Area – additional values* has largely been completed, however consultation about the assessment, and particularly consultation with Aboriginal people with rights and interests in the area, has been delayed several times, primarily to avoid any possible confusion with other consultation processes for the Western Sydney Airport and the proposal to raise the Warragamba Dam wall. More recently consultation has not progressed following the summer 2019-20 bushfires and COVID-19 restrictions.

The assessment covers areas within the boundary of the Greater Blue Mountains Area World Heritage property and National Heritage place and some adjacent areas around the edge of this boundary, including parts of the Newnes, Ben Bullen and Wolgan state forests. For this reason the assessment has come to be known as the *Greater Blue Mountains Area – additional values and areas*. A map of the areas under consideration by the Council is enclosed for your reference. The values for which the place was nominated are detailed in the Australian Heritage Database (see extract enclosed).

In August 2014, then NSW Minister for the Environment the Hon Rob Stokes MP wrote to then Minister for the Environment the Hon Greg Hunt MP expressing support for the assessment of additional values and areas, noting that this would enable the additional areas to be considered as part of any future World Heritage boundary readjustment. I have enclosed a copy of the letter for your information.

Given the time that has elapsed, I am now seeking your government's views on the feasibility of progressing the National Heritage assessment, and the possible expansion of the National Heritage place and the World Heritage property.

In considering additions to the area included on the National Heritage List, it is important to note that National Heritage places are matters of national environmental significance, protected under national environmental law. Any action that may have a significant impact on the listed National Heritage values of a National Heritage place must be referred for assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999*. For an expansion of the World Heritage property, inclusion of additional areas and/or values in the World Heritage List would require a renomination or boundary modification to be submitted for consideration by the World Heritage Committee.

As you know there is considerable work underway in the Blue Mountains with a focus on bushfire impact assessment and recovery. In addition, the World Heritage Committee has asked that Australia provide a state of conservation report on the property by 1 December 2022. The July 2021 Committee decision includes a request for an update on the process of assessing the impacts of fires on the Outstanding Universal Value (OUV) of the property, and its recovery prospects. The decision also requests that the EIS for the proposed raising of the Warragamba Dam wall fully assesses all potential impacts on the OUV of the property and its other values, including Aboriginal cultural values, and thoroughly assesses whether raising the wall could exacerbate bushfire impacts on the property and affect the medium and longer-term recovery prospects of key species and habitats within the predicted temporary inundation areas. A copy of the World Heritage Committee's decision is enclosed.

As requested by the World Heritage Committee, the EIS on the proposed raising of the Warragamba Dam wall has been provided to the World Heritage Centre for review by IUCN. In addition, a cumulative impact assessment report of existing and planned mining projects in the vicinity of the property, based on a methodology developed by CSIRO and prepared in consultation with a number of NSW Government agencies, is nearing completion and once finalised will be sent to the World Heritage Centre, for review by IUCN as requested by the Committee.

If the National Heritage assessment is to progress, consultation with Traditional Owners and Custodians, and a wide range of stakeholders will be required to ensure a comprehensive analysis of potential additional values, including Indigenous cultural heritage values. I would be grateful for any advice or support your department may be able to provide to assist with or to lead consultation, in particular with Traditional Owners and Custodians of the six Aboriginal language groups of the region, and with other interested parties. In addition, the assessment will need to include updated information on the condition of the natural and cultural heritage values in the areas under assessment, particularly in relation to impacts from the devastating 2019-20 bushfires. I think that NSW is best placed to provide this information.

Please do not hesitate to contact me if you would like to discuss the matters raised in this letter. In addition, staff from the Heritage Branch in the Department of Agriculture, Water and the Environment are available to discuss the National Heritage assessment further with your department. Mr James Barker, Assistant Secretary Heritage Branch, may be contacted in the first instance on 02 6275 2015 or by email at james.barker@awe.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Ted Baillieu', written over a light-colored background.

The Hon Ted Baillieu AO
Chair
6 December 2021

Encl.

S. 33(a)(iii)

s. 33(a)(iii)

S. 33(a)(iii)

s. 33(a)(iii)

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s. 33(a)(iii), s. 22(1)(a)(ii)

s. 33(a)(iii), s. 22(1)(a)(ii)

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s. 33(a)(iii), s. 22(1)(a)(ii)

s. 33(a)(iii), s. 22(1)(a)(ii)

s. 33(a)(iii), s. 47F(1), s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Thursday, 13 January 2022 5:25 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii)
Subject: RE: ACTION: Updates for MO call tomorrow - Due COB today [SEC=OFFICIAL]
Attachments: Australia Warragamba Dam EIS_Technical review_IUCN.pdf

Hi s. 47F(1)

Sorry this is a bit late.

s. 22(1)(a)(ii)

Greater Blue Mountains Area

- We expect the reports on the **cumulative impact assessment of mining in the vicinity of the Blue Mtns** will be sent to the WH Centre for review by IUCN on Friday 14/1 (letter is with Simon for signature).
 - The CSIRO report will be published on their website, the DAWE report on the DAWE website – no exact timing for that yet but we will send through background and proposed TPs to the office in anticipation of their publication.
- We have received the **IUCN technical review on the Warragamba Dam EIS**.
 - EAD are the lead on this, and will send the IUCN comments to NSW
 - IUCN have a number of concerns with the EIS and have concluded that:
 - a. the methodology for assessing ecological impact and impact on associated cultural values that directly contribute of the OUV of the property is insufficient to assess impacts on OUV, including in light of the fires following the surveys undertaken for the assessment;
 - b. local communities, including Traditional Owners, do not appear to have been adequately engaged in the development of the EIS, and it also is apparent they have not provided their free, prior and informed consent;
 - c. the proposal to offset planned loss of OUV is not acceptable.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 14 January 2022 5:14 PM
To: s. 47F(1)
Cc: s. 22(1)(a)(ii)
Subject: RE: ACTION: Top agenda items for catch up with Simon Monday - Due COB today [SEC=OFFICIAL]

Hi s. 47F(1)

Here you go, sorry we always have a lot!

Thanks

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Greater Blue Mountains Area

- Letter to send the reports on the **cumulative impact assessment of mining in the vicinity of the Blue Mtns** to the WH Centre for review by IUCN is with Simon for signature
 - The CSIRO report will be published on the CSIRO website, the DAWE report on the DAWE website – no exact timing for that yet but we will send through background and proposed TPs to the office in anticipation of their publication.

- **3rd Party letters** (Colong Foundation) forwarded by the World Heritage Centre for verification of claims
 - Concerns about the W. Dam EIS, cultural heritage assessment etc.
 - Reply to be prepared with EAD and NSW

- **IUCN technical review on the Warragamba Dam EIS**
 - EAD are the lead on this, and will send the IUCN comments to NSW
 - IUCN have a number of concerns with the EIS and have concluded that:
 - a. the methodology for assessing ecological impact and impact on associated cultural values that directly contribute of the OUV of the property is insufficient to assess impacts on OUV, including in light of the fires following the surveys undertaken for the assessment;
 - b. local communities, including Traditional Owners, do not appear to have been adequately engaged in the development of the EIS, and it also is apparent they have not provided their free, prior and informed consent;
 - c. the proposal to offset planned loss of OUV is not acceptable.
 - Similar concerns raised by A/ICOMOS
 - EAD will meet with NSW next week, further advice on next steps is likely

- **Western Sydney Airport aviation airspace management (PAAM) s160 assessment process**
 - a decision on the assessment approach for the project will be Friday 28 January 2022
 - EAD will prepare EIS guidelines by around the end of February 2022, they will seek advice from Heritage

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 14 February 2022 6:49 PM
To: s. 22(1)(a)(ii)
Subject: FW: GBMA WH - info [SEC=UNOFFICIAL]

Just want to make sure you have a copy of this briefing prepared for DFAT. Let me know if you have any questions.

From: s. 22(1)(a)(ii) <[REDACTED]@environment.gov.au>
Sent: Thursday, 10 February 2022 6:09 PM
To: s. 47F(1) <[REDACTED]@dfat.gov.au>
Cc: s. 22(1)(a)(ii) <[REDACTED]@environment.gov.au>; Paula Perrett <Paula.Perrett@environment.gov.au>; James Barker <James.Barker@environment.gov.au>
Subject: FW: WH - info [SEC=UNOFFICIAL]

s. 47F(1)

See below for points on Warragamba Dam and s. 22(1)(a)(ii) as requested. Thanks to s. 22(1)(a)(ii) for providing. Let us know if you need anything different to what we have provided (s. 22(1)(a)(ii) is cc'd).

I will send you the most recent strategy sent to the FM in the PE.

Kind regards

s. 22(1)(a)(ii)

Warragamba Dam

- A proposal by WaterNSW to raise the Warragamba Dam wall to mitigate potential downstream flooding is being assessed through an Environmental Impact Assessment process by the NSW Government under a bilateral agreement with the Australian Government. The assessment is required because of the likely impacts of the project on World and National Heritage values and listed threatened species and communities.
- In 2019 and again in 2021 the World Heritage Committee expressed concern about the likely impacts of the proposal on the World Heritage listed Greater Blue Mountains Area. The Committee has asked that Australia ensure the Environmental Impact Statement (EIS) fully assesses all potential impacts on the Outstanding Universal Value of the property and its other values, including Aboriginal cultural heritage.
- The EIS for the project was provided, by the Department of Agriculture, Water and the Environment (DAWE), to the UNESCO World Heritage Centre for review by IUCN on 29 September 2021, and on 12 January 2022 DAWE received a technical review of the EIS from IUCN. DAWE provided the review to the NSW Department of Planning and Environment. The IUCN review raised concerns about the methodology, engagement with communities and Traditional Owners, and the proposal to offset planned loss of Outstanding Universal Value, similar to comments raised by some domestic stakeholders.
- In January 2022 the NSW Department of Planning and Environment asked WaterNSW for a response to public submissions on the EIS and to prepare a Preferred Infrastructure Report to address all concerns raised. The department understands, the Preferred Infrastructure Report will require the proponent to redesign the project and do an environmental assessment on the impact of the redesigned project.
- The Blue Mountains is not currently scheduled to be discussed at the 45th session of the Committee in June 2022 as a report on the state of conservation of the property has only been requested to be submitted by 1 December 2022, for review by the Committee at its 46th session in 2023. Any suggestion that WHC45 review the state of conservation of the property in June 2022, would be premature, in particular as the additional assessment of the Warragamba Dam wall raising project requested by the NSW Government is ongoing.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

Division: Heritage Reef and Ocean Division (HROD)

HRO03

WORLD HERITAGE AREAS (EXCEPT REEF)**CURRENT ISSUE**

The July 2021 World Heritage Committee decisions on the state of conservation of the [s. 22\(1\)\(a\)\(ii\)](#) Greater Blue Mountains Area and [s. 22\(1\)\(a\)\(ii\)](#) of Australia (**Attachments A, B, and C**) expressed concerns about development proposals, the impact of bushfires, and the protection of Indigenous cultural heritage.

KEY FACTS AND RESPONSES

s. 22(1)(a)(ii)

Contact Officer: [s. 22\(1\)\(a\)\(ii\)](#)
Telephone: [s. 22\(1\)\(a\)\(ii\)](#)
Last updated: 25 January 2022

SES Lead: James Barker
Mobile Number: [s. 47F\(1\)](#)
SB21-000037

Greater Blue Mountains Area

- A State Party Report on the state of conservation of the Greater Blue Mountains will be submitted to the World Heritage Centre, as requested by the Committee, by 1 December 2022 (**Attachment B**).
- As requested by the Committee, the draft Environmental Impact Statement (EIS) for the proposed Warragamba Dam wall raising was forwarded to the World Heritage Centre on 29 September 2021. Comments on the EIS from IUCN have been received and forwarded to NSW for their consideration.
- In response to a 2019 request from the Committee, an assessment of the cumulative impacts of mining in the vicinity of the property was prepared in consultation with CSIRO, NSW Government agencies and other stakeholders, and forwarded to the World Heritage Centre on 19 January 2022.
- A proposal to implement a plan for aviation airspace management for the Western Sydney Airport was received by the department on 29 December 2021. Guidelines for the preparation of an EIS to assess the project are being prepared and are expected to be provided to the proponent by the end of February 2022.
- The 2022 State Party Report will include updates on the impacts of the 2019-20 bushfires, as requested by the Committee.

s. 22(1)(a)(ii)

ATTACHMENTS

Attachment A

s. 22(1)(a)(ii)

Attachment A1

Attachment B

2021 World Heritage Committee decision on the Greater Blue Mountains Area

Attachment C

s. 22(1)(a)(ii)

s. 33(a)(iii)

s. 33(a)(iii)

s. 22(1)(a)(ii)

From: James Barker
Sent: Wednesday, 5 January 2022 2:58 PM
To: Simon Banks; s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: Talking Points and Background for meeting with s. 11C(1)(a) Colong Foundation [SEC=OFFICIAL]

Hi Simon - As discussed, below are some TPs and background for your meeting with s. 11C(1)(a) tomorrow on the Greater Blue Mountains, thanks to s. 22(1)(a)(ii) Happy to discuss of course.

TALKING POINTS**EIS – Proposal to raise the Warragamba Dam wall**

- The department has notified the World Heritage Centre that the EIS is available for public comment.
- To date no comments have been received from the World Heritage Centre or IUCN on the EIS.

Assessment of potential cumulative impacts of mining in the vicinity of the Greater Blue Mountains Area

- The potential cumulative impacts of 15 coal mines and three sand mines were included in the assessment.
- We expect to transmit the assessment to the WHC in the coming weeks.

2022 State Party Report

- The department will prepare a report on the state of conservation of the Greater Blue Mountains Area as requested by WHC44 by the deadline of 1 December 2022.

BACKGROUND**EIS – Proposal to raise the Warragamba Dam wall**

- The NSW Government is proposing to raise the Warragamba Dam wall for downstream flood mitigation purposes.
- The project requires approval under the EPBC Act because there are likely impacts to World Heritage and National Heritage values and threatened species and communities.
- The project is being assessed on behalf of the Australian Government by the NSW Government under the assessment bilateral agreement.
- At its 43rd session in 2019, the World Heritage Committee expressed concern about the likely impacts of the proposal on the World Heritage values of the Greater Blue Mountains Area. The decision requested the State Party to ensure the EIS for the proposal fully assesses all potential impacts on the OUV of the property and its other values, including Aboriginal cultural heritage.
- The EIS has been published on the NSW Department of Planning, Industry and Environment on the Planning Portal at <https://www.planningportal.nsw.gov.au/>.
- The Commonwealth Minister for the Environment will consider all relevant information including the EIS and submissions from the public before making a decision on whether to approve the action under the EPBC Act.

Assessment of potential cumulative impacts of mining in the vicinity of the Greater Blue Mountains Area

- At its 43rd session in 2019, the World Heritage Committee noted that several mining projects exist in the vicinity of or adjacent to the Greater Blue Mountains Area (GBMA), and that some mining activities have resulted in impacts on the property and asked the Australian Government to undertake an assessment of potential cumulative impacts of all existing and planned mining projects in the vicinity of the property through a Strategic Environmental Assessment or similar mechanism.

- At its 44th session in July 2021, the World Heritage Committee asked Australia to submit the results of this assessment to the World Heritage Centre, for review by the International Union for the Conservation of Nature (IUCN), as soon as they become available.
- In response to this request, in 2020 the department commissioned CSIRO to conduct a desktop study of the potential cumulative impacts of existing and proposed mines on the Outstanding Universal Value (OUV) of the GBMA. To do this, CSIRO used a spatial causal network analysis to evaluate how stressors of nearby mines may impact on eight high-level components of the GBMA's Outstanding Universal Value (OUV) chosen to represent the natural values and integrity of the property.
- The CSIRO report, sets out the results of this analysis, including an explanation of the technical components of the causal network underlying the assessment and how it is used to address cumulative impacts.
- The department used the independent CSIRO analysis to determine residual risk (that remains after legislated protection and management measures have been applied) to the eight high-level components of the OUV of the GBMA. This analysis is presented in the report Potential cumulative impacts of mining on the Outstanding Universal Value of the Greater Blue Mountains Area.
- The scope of the assessment was limited to the risk of cumulative impacts from mining. Potential impacts from other land uses and the effects of climate change were not part of the WHC decision, hence deemed out of scope. However, the potential for the 2019-20 bushfires to increase the vulnerability of GBMA values to mining threats was considered.

FOI – Colong Foundation for Wilderness - Greater Blue Mountains World Heritage Area - LEX 25002

- The request was finalised and completed on 21 December 2021 and the documents released published on the Department's disclosure log on 22 December 2021.
- The request was for
 1. *[Withdrawn on 7 November 2021] All correspondence (including text messages and attachments) sent or received between the DAWE and the World Heritage Centre concerning the Greater Blue Mountains World Heritage Area or (inclusive) the raising of Warragamba Dam wall, between 1 September 2021 and 29 October 2021.*
 2. *All correspondence (including text messages and attachments) sent or received between the DAWE and the International Union for the Conservation of Nature concerning the Greater Blue Mountains World Heritage Area or (inclusive) the raising of Warragamba Dam wall, between 1 September 2021 and 29 October 2021.*
 3. *All correspondence and briefing (including text messages and attachments) sent, provided or received between the DAWE and the Office for the Minister for Environment concerning the Greater Blue Mountains World Heritage Area or (inclusive) the raising of Warragamba Dam wall, between 1 August 2021 and 29 October 2021.*

s. 22(1)(a)(ii)

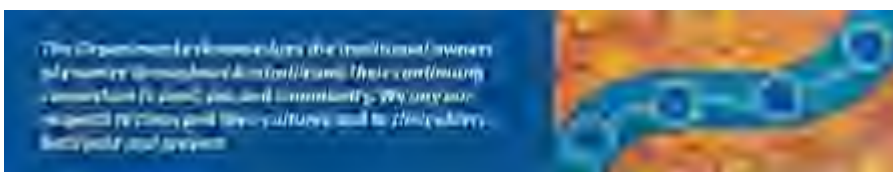
Natural Heritage Section

T: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)

Department of Agriculture, Water and the Environment
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Australian Government
Australian Heritage Council

Mr James Barker
Assistant Secretary
Heritage Branch
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

Dear Mr Barker

Release of the draft Greater Blue Mountains Area - additional values assessment to the NSW Government under s324R of the EPBC Act

I am contacting you in your role as Assistant Secretary for the Heritage Branch and delegate to the Minister for the Environment for the purposes of section 324R of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act).

Under this section of the Act the Minister for the Environment may give permission to a member of the Australian Heritage Council to disclose particular information concerning a heritage assessment to particular persons or persons within a particular group.

As you are aware, the Council's assessment of the Greater Blue Mountains Area additional values is currently in progress. I would like to disclose information about the assessment to the NSW Government to engage with them on the assessment, and seek additional information about the areas being assessed and contacts for consultation with Aboriginal people in the area.

I ask that you give permission for such disclosure, which can be done by a return email to the Council Secretariat (AHC@environment.gov.au), noting the request and agreeing to it.

Yours sincerely

S. 47F(1)

The Hon. Ted Baillieu AO
Chair
6 December 2021