Dams Safety NSW

Meeting 43

Held on: 19 February 2025 – 08:45am – 3:00pm

Held at: Tumut Bowling Club, 24-30 Richmond St, Tumut. NSW 2720 and via Teams

Attended

Members

Mr Paul O'Connor (Chair), Ms Julie Garland McLellan (Deputy Chair), Mr Shane McGrath, Mr Ian Landon-Jones, Dr Lisa Caffery and Ms Alison Collaros (A/CEO)

Management invitees

Mr John Sukkar (A/Principal Dams Safety Engineer); Mr Richard Nevill; and Ms Claire Hendley (Principal Project Officer) – Item 2.9

External Invitees

Dr Mark Pearse (Principal Hydrologist, HARC) – Item 2.1; Mr Ronan Magaharan (WaterNSW), Mr David Harper (Project Director, WaterNSW) – Item 2.2; Mr Robert Brownbill (Manager Assessments, DCCEEW Water Group) and Mr Tim Kirby (Director Major Projects Advisory; Planning) – Item 2.5; Ms Beth Overton (Director Water Policy) and Ms Susan Pucci (Manager Water Policy and Legislation) – Item 2.7;

Staff observer

No observer attended this meeting.

Secretariat

Mr Peter Skehan

Agenda item discussion and actions

Item 1. Meeting Administration

1.1 Acknowledgement of country

Members acknowledged meeting on the land of the Wiradjuri people, and paid respect to Elders past, present, and emerging.

1.2 Welcome, apologies and absences

The Chair welcomed attendees.

Mr Chris Salkovic, Ms Margaret Hynes, Ms Kristina Resanceff and Mr Jason Porter were noted as apologies for the meeting.

1.3 Declarations

1.3.1 Declarations of interest and disclosures

The updated declarations of interest were presented in the board pack and declared accurate. Mr Shane McGrath declared his on-going consultancy role with Snowy Hydro which was identified as a conflict. Mr McGrath was recused from decision making regarding Snowy Hydro. Mr McGrath also noted a potential conflict of interest in his former role at the Major Projects Board for WaterNSW where he worked with David Harper (Guest). This was not considered a conflict of interest.

Mr Paul O'Connor declared that he has accepted a new interim role with the Royal Melbourne Institute of Technology and a new part-time role in Governance at the Department of Employment. These were not considered conflicts.

No further conflicts of interest were identified for items on the agenda.

Action: 20251902-01: Secretariat to include a table outlining interests with respect to agenda item number and board decision on interests in future meetings.

1.3.2 Declarations of appointed members' review of papers

Appointed members declared all papers were reviewed.

1.4 Confirmation of agenda and acceptance of items for noting (in particular items 4.1, 4.2, 4.3, 4.4)

The agenda was confirmed by appointed members, noting the change in order of some items.

Discussion of CEO correspondence with WaterNSW was included under General Business.

GIPA Act disclosures were included for discussion under General Business.

1.5 Confirmation of previous minutes

The minutes of 19 November 2024 were taken as read and accepted by appointed members.

1.6 Confirmation of board action items

Members discussed action 20221010-04, The development of a plan for the safety threshold for severity of damage and loss concept to infrastructure, environmental, health and social impacts. This work can now proceed given the finalisation of SFAIRP guidance.

The action status updates were accepted by appointed members.

Action: 20251902-02: Management to provide a board paper in relation to a plan for the progression of further development of the safety threshold. Related to action 20221010-04 *(plan for further development of Safety Threshold for Severity of Damage and Loss concept to infrastructure, Environmental, Health and Social impacts)*.

Item 2. Strategic matters

2.1 SFAIRP and community consultation - Dr Mark Pearse

Dr Pearse's presentation offered a high-level overview of community consultation in the context of risk management from a SFAIRP perspective. Dr Pearse is an industry expert who has worked for over 25 years in risk and hydrology related fields including ALARP/SFAIRP assessments for dams, risk assessment, flood modelling, hydraulic modelling, water resources, extreme rainfall estimation and spillway adequacy assessments.

Appointed members discussed with Dr Pearse the appropriate measures to undertake to ensure that any risks are of a level that is acceptable to the community and if the DSNSW legislation provides that assurance. Dr Pearse outlined his opinion of 6 key prerequisites for community acceptance of risk:

- Opportunity to participate.
- Satisfaction with participation.
- Appropriate level of invitation into process.
- Sufficiency of information.
- Fair and transparent processes.
- Confidence in general systems and processes (e.g. Dams Safety Management System, Operations &Maintenance Plan, Dams Safety Emergency Plan).

Members further discussed the appropriateness of the objectives of the Dams Safety Act 2015 and its ability to ensure that there is equity across the community with respect to exposure to risk.

Action: 20251902-03: Management to provide an update at each board meeting during the Dam Safety Act review on how to promote/produce community acceptance of risk, including a paper at the next board meeting to refresh the board on what was previously covered regarding community acceptance of risk.

Action: 20251902-04: Management to seek a way to develop community acceptance of risk in the Act before considering its removal.

Action 20251902-05: Management to request Dr Mark Pearse to send through updated slide pack as presented.

Action 20251902-06: Chair to invite Dutch risk expert to address board on community acceptance of risk.

Action 20251902-07: Chair to provide University of Tasmania's community acceptance paper mentioned at the ANCOLD operator's forum.

2.2 Warragamba dam update – Mr Ronan Magaharan (Executive Manager of Operations, WaterNSW) and Mr David Harper (Project Director, WaterNSW)

Mr Magaharan and Mr Harper presented to the Board an update on the Warragamba Dam Climate Resilience Project. The current risk assessment highlights potential areas of high risk. Key considerations included:

- Alignment with government policy including 'in principle' approval for the project.
- Consideration of recently updated Australian Rainfall and Runoff Guidelines & Climate Change impacts.

The board further discussed recent correspondence between WaterNSW and DSNSW and confirmed its commitment to open lines of communication between both organisations. There was agreement that where risk is high expedited action is warranted, including where possible the removal of administrative constraints.

Action: 20251902-08: CEO to prepare response to WaterNSW correspondence, thank WaterNSW for the presentation, confirm our shared understanding of the statistical likelihood of incident occurrence, and confirm expectations of their next milestone, and circulate to members.

2.3 Dams above the safety threshold

Three dams with risks above the safety threshold were presented. Interim risk reduction measures for Talbingo, Jounama and Tumut 3 dams were discussed.

The appointed members noted the status reports on the 3 dams and requested minor editorial changes be made through the comments presented.

Action: 20251902-09: Management to ask Snowy Hydro if they have investigated reservoir lowering as an interim solution for lowering the risk of the 3 dams.

Action: 20251902-10: Management to confirm the plotting of risks with Snowy Hydro.

Action: 20251902-11: Management to provide members with prior correspondence between DSNSW and Snowy Hydro.

2.4 Engagement program – Snowy Hydro visit.

The appointed members discussed the visit to Snowy Hydro's facilities the day before. Members were satisfied the dam owner maintains their assets well and have further enhanced their focus on dam safety.

Action: 20251902-12: Future Agenda item. Paper on aging profile of NSW dams and the role of DSNSW.

Action: 20251902-13: Chair to write to the Snowy Hydro CEO to acknowledge the agency's work in relation to dam safety and to thank them for recent site visits and on-site discussions.

2.5 Planning assessment presentation – Mr Brownbill and Mr Kirby

Mr Tim Kirby and Mr Robert Brownbill from NSW Planning presented a high level overview of NSW planning processes with respect to state significant development and infrastructure projects.

The appointed members noted the presentation and outlined the importance of maintaining alignment on planning objectives between DSNSW and NSW Planning.

Action: 20251902-14: Ongoing action for management and NSW Planning to inform each other when updating websites or guidelines.

2.6 Strategic plan refresh update.

The meeting paper provided an update on the progress of the strategic plan refresh. After incorporating feedback from appointed members, an updated draft strategic plan was presented for discussion and agreement on key aspects. Following member feedback from the November meeting an independent review was conducted by Mr. Andrew Sprague from Impact Advisors to provide a sense check and recommend improvements.

The appointed members discussed how public value can be determined and addressed 4 key result areas to assist in the definition of DSNSW as an agency:

1. Influence: Champion prudent risk management to prevent harm from dams.

2. Integrity: Uphold a sound, fair and transparent dam safety regulatory system.
3. Vigilance: Monitor compliance and safety performance to be vigilant.
4. Stewardship: Support our people to deliver our service promise.

Appointed members reviewed the presentation statements and suggested minor edits to the purpose statement and value statement.

Action: 20251902-15: CEO and Chair to liaise regarding recommended edits to purpose and value statements.

Action : 20251902-16: Management to refine strategies in each pillar of strategic plan, then develop headline metrics and measures for each, comprising of 1 lead and 1 lag measure for each strategy by April Board meeting.

2.7 Review of Dams Safety Act 2015 – update

Ms Beth Overton and Ms Susan Pucci from the DCCEEW Water Policy team presented a paper for discussion which provides an update on the progress of the Dams Safety Act 2015 legislative review and an outline of the draft public consultation discussion paper. The Water Policy team plans to have draft terms of reference and an issues paper available for comment soon.

Appointed members endorsed the documents and acknowledged the work underway.

Action: 20251902-17: Management to share Dr Mark Pearse's slide pack with DCCEEW Water Policy team and to extend invitation for them to join future presentations on the topic.

2.8 Changes to strategic environment.

Item was held over, noting the importance of alignment with DCCEEW reforms.

2.9 Dams Safety levy implementation update.

The meeting paper provided an update on the progress of the Government's implementation of a dam safety levy and the governance framework surrounding it.

A governance system is now in place with a project plan, reporting process and steering committee. Declared dam owners were notified of the intent to implement a levy on 16 January 2025. Further details on debt recovery, budget risks and costs were discussed. Appointed members noted the elements presented in the paper.

Action: 20251902-18: Management to follow up on the Department's standard terms of trade for payment (ie timeframe for payment).

Action: 20251902-19: Levy team to investigate the process for establishing DSNSW as a vendor in the finance systems of levy-paying regulatees.

Item 3. Governance matters

3.1 Regulatory policy review and changes

A paper was presented regarding the updating of the Dams Safety Regulatory Policy. Once the strategic refresh is complete the Regulatory Policy will be reviewed in much greater detail.

Appointed members happy to take an interim position with recommended changes. Appointed members noted the review and endorsed changes.

Action: 20251902-20: Management to adopt recommended edits and present the Regulatory Policy for a more detailed review in 12 months' time.

Action: 20251902-21: Management to verify owner of document (regulatory policy).

3.2 Decision rights and accountability.

The meeting paper asked for clarification on the rights and accountability framework at DSNSW. Appointed members discussed the powers of members in relation to the specifics of compliance under the Act and other relevant legislation.

When communicating with state-owned corporations or other organisations, it was emphasized correspondence should occur at the appropriate level (e.g. chair to chair, CEO to CEO) with the sender determined by the nature of the communication.

The appointed members noted the guidance and the need to discuss concerns further.

Action: 20251902-22: Chair and CEO to discuss appropriate signatory for different types of outgoing correspondence, and also to investigate if CEO is to communicate in an operational or strategic function (i.e., as a member of the Board or as the CEO).

Item 4. Operational matters

4.1 Organisational health update

The meeting paper provided insights into the current state of the agency's organisational health, including key work health and safety indicators and a finance summary. Appointed members noted the information contained in the report.

4.2 Operations update

The meeting paper provided information on the operational affairs of DSNSW. The nature of and response to psychosocial issues were further discussed during the in-camera session. Appointed members noted the information contained in the paper under Item 1.4.

Action: 20251902-23: Management to make distinction between lost time injuries and non-lost time injuries in the organisational health update.

4.3 PMES results and actions.

The meeting provided insights into DSNSW's annual People Matter Employee Survey results. The paper on the census results and proposed actions was noted by appointed members.

4.4 Bi-annual Strategic Plan progress.

The meeting paper provided an update on the progress of actions within the Strategic Plan. Appointed members noted the paper with some recommended inclusions for the next board meeting.

Action: 20251902-24: Management to include DSMS audit topic in the next Dams Safety Newsletter, including key findings from current DSMS audit campaign.

4.5 Quarterly KPI update

The quarterly KPIs and operational statistics were presented. The hiring of new staff with expertise in compliance was highlighted alongside the development of a risk-based strategy to address key non-compliances.

Action: 20251902-25: Management to present an update on the submission of risk reports at the next meeting including projections and approach to improving on-time submission rate by dam owners.

Action: 20251902-26: Management to update members at the next meeting on trends relating to open non-compliances.

Item 5. General business

5.1 Other business

Appointed members discussed the role of GIPA with respect to board and staff communications. Further discussion outlined the need for DSNSW and WaterNSW to work closer to understand and respond to potential dam safety risks related to WaterNSW dams.

5.2 Topics and issues of interest for future agendas

Items for inclusion in future agendas:
- Paper on the aging profile of NSW dams
- Invitation to Dutch risk expert to address members and the DCCEEW Water Policy team on community acceptance of risk.

Action: 20251902-27: For future packs, Secretariat to insert a hyperlink at the end of each paper, linking back to the agenda.

5.3 Communication priorities

Appointed members discussed the:

- Engagement with Ministers Office and WaterNSW on Warragamba

5.4 Forward plan of board meetings

Nil.

5.5 Meeting evaluation

Mr Shane McGrath provided an evaluation of the meeting.

Action: 20251902-28: Appointed members to message chair with any comments on consent agenda.

Item 6. Appointed member – in camera

Appointed members discussed psychosocial issues with the Acting CEO and the need for specialist support to guide managers in handling complex matters.

Appointed members noted the CEO’s mid-year self-evaluation of performance.

Item 7. Next meeting

7.1 Next meeting 15 April 2025 in Parramatta.

Item 8. Meeting close

The meeting closed at 3:00pm.