Dams Safety
NSW

NSW GOVERNMENT

Meeting 42

Held on: 19 November 2024 – 10:15am – 3:57pm

Held at: Level 11, Room 12 4PSQ, Parramatta and via Teams

Attended

Members

Mr Paul O'Connor (Chair), Ms Julie Garland McLellan (Deputy Chair), Mr Shane McGrath, Mr Ian Landon-Jones and Mr Chris Salkovic (CEO)

Management

Ms Inger Shimell, Ms Alison Collaros, Mr Jason Porter, and Mr Richard Nevill

Invitees (online)

Ms Beth Overton (Director Water Policy) and Ms Susan Pucci (Manager Water Policy and Legislation) – Item 2.6, Mr Peter Boyd (Principal Policy Officer) – Item 2.8, Mr Jackson Wong (Senior Officer Information Access and Privacy) and Geeta Chand (Senior Administration Assistant) – Item 3.2, Mr Andrew Clarke (Senior Regulatory Officer Dam Safety) – Item 4.4

Staff Observer

Ms Susan Filan (Project Officer - Education)

Secretariat

Ms Claire Hendley

Agenda item discussion and actions

Item 1. Meeting Administration

1.1 Acknowledgement of country

Members acknowledged meeting on the land of the Burramattagal people, a clan of the Dharug, and paid respect to Elders past, present, and emerging.

1.2 Welcome, apologies and absences

The Chair welcomed attendees.

Dr Lisa Caffery and Ms Margaret Hynes 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. Ms Julie Garland McLellan declared her recent appointment to the board of Judo Australia on 27 October 2024. No conflicts of interest were identified for items on the agenda.

1.3.2 Declarations of appointed members' review of papers

Appointed members declared all papers were reviewed.

Written comments provided by Dr Lisa Caffery (for Items 2.1, 2.2, 2.3, 2.5, 2.6, 3.4, 4.2, 4.4, 4.6, and 5.2) via email were noted and included as part of the discussions.

1.4 Confirmation of agenda and acceptance of items for noting

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

Items 3.1 and 3.3 were added to the consent agenda. Consent items 3.1, 3.3, 4.1, 4.2, and 4.7 were accepted for noting by appointed members. Items 4.3 – 4.6 were removed from the consent agenda for discussion.

1.5 Confirmation of previous minutes

The minutes of 1 October 2024 were taken as read and accepted by appointed members. with minor editorial change.

Action: 20241911-01: Secretariat to finalise the October 2024 minutes to reflect edits.

1.6 Confirmation of board action items

Members discussed correspondence relating to action 20240110-12 shared prior to the meeting.

The action status updates were accepted by appointed members.

Item 2. Strategic matters

2.1 Pumped Hydo development assessments

The meeting paper outlined the status of proposed pumped hydro projects (with dams) under consideration and provided information on the impacts of water level fluctuations on dams associated with these projects. Members discussed processes, such as the Secretary's Environmental Assessment Requirements to articulate DSNSW's general requirements regarding declared dams.

Action: 20241911-02: Management to continue exploring opportunities to liaise with other agencies to finalise pathways for planning input on pumped hydro developments.

Action: 20241911-03: Management to consider adding a section on pumped hydro developments to the DSNSW website.

2.2 Strategic plan refresh update

The meeting paper provided an update on the progress of the strategic plan refresh and presented a new structure. The draft purpose statement, balanced scorecard approach and draft key result areas and goals were discussed. Their alignment with the output from the October 2024 workshop was noted. Members approved the balanced scorecard approach proposed.

Action: 20241911-04: Management to circulate a revised draft purpose statement, key result areas and goals out of session for further review and feedback.

2.3 Dams above the safety threshold

The appointed members noted the status reports on 3 dams with risks above the safety threshold. Interim risk reduction measures for Warragamba, Cataract and Gosling Creek dams were discussed.

Action: 20241911-05: Management to write to WaterNSW and request responses to issues discussed during the meeting. Draft letter to be circulated to appointed members for review.

Action: 20241911-06: Chair and CEO to report progress on interim risk reduction measures for Warragamba Dam to the Minister.

2.4 Declaration/revoking of declaration

The appointed members noted the information contained in the paper and endorsed the recommendation to revoke the declaration of 3 dams:

- Bulga Old Tailings Dam
- Ravensworth South Tailings Dam
- Gannet Place Retarding Basin.

2.5 Section 5 Order to publish list of declared dams

The meeting paper outlined the change in declaration status of six dams and two basins since the last Declared Dams Order was gazette in January 2024. The appointed members approved the updated list and agreed that the Chair sign the section 5 Order for Declared Dams.

Action: 20241911-07: Management to send the section 5 Order to the Chair for signing and proceed with the steps outlined in the paper.

2.6 Review of Dams Safety Act 2015 – update

Ms Beth Overton and Ms Susan Pucci from the DCCEEW Water Policy team presented a revised Scope and Terms of Reference for the Dams Safety Act review. Appointed members endorsed the documents and noted the Department intends to seek a one-year postponement of the statutory review of the Dams Safety Regulation 2019.

2.7 SFAIRP guidance note

The draft SFAIRP guidance note was presented in the meeting paper. Proposed amendments following consultation were discussed and agreed. The valuable contributions and time invested by the dam safety community were acknowledged and appreciated for their insightful input. Appointed members approved 'The requirement to reduce dam safety risks so far as is reasonably practicable – SFAIRP guidance note with amendments and noted the next steps outlined in the paper.

Action: 20241911-08: Management to ensure that responses to feedback on the draft guidance note are published on the DSNSW website.

Item 3. Governance matters

3.1 Modern Regulator Improvement Tool (MRIT)- action plan update

The meeting paper tabled the 2024/2025 MRIT Action Plan addressing recommendations from the 2023 MRIT assessment. Appointed members noted the Action Plan and progress against identified actions under Item 1.4.

3.2 Government Information Public Access (GIPA) Act

Mr Jackson Wong and Ms Getta Chand from the DCCEEW Governance and Risk team presented an overview of the Government Information (Public Access) Act 2009 and what types of records might be subject to public access. Pathways to accessing information and the focus on assessing applications based on public interest were discussed. Appointed members noted the information contained in the paper and presentation.

Action: 20241911-09: Management to investigate and report back on how frequently DSNSW minutes published on the website are accessed by external parties.

3.3 Delegations and travel policy

The meeting paper detailed the delegations, travel and procurement policies relevant to DSNSW operations and described the ongoing work to update the financial delegations. Appointed members noted the recommendations contained in the paper under Item 1.4.

3.4 Cyber security appointed member risk

The meeting paper provided advice regarding risks of providing and sharing information to and between members. Concerns regarding funneling communication between the board and the Department, reduced organisational oversight with the loss of access to Viva Engage and the potential need for third party technical assistance was discussed.

Action: 20241911-10: Chair to discuss formal and informal communication mechanisms between the Board and the Department with Deputy Secretary Water at the next quarterly coordination meeting.

Item 4. Operational matters

4.1 Organisational health update (including WH&S)

The meeting paper provided insights into the current state of the agency's organisational health, including key WHS indicators and a finance summary. Appointed members noted the information contained in the report under Item 1.4.

4.2 Operations update

The meeting paper provided information about operational affairs of DSNSW. Appointed members noted the information contained in the paper under Item 1.4.

4.3 Quarterly KPI update (to 30 Sept)

The quarterly KPIs and operational statistics were presented. The representation of data regarding dams above the safety threshold was discussed, particularly the reporting on progress of interim measures and acceptable progress. Appointed members noted the KPI update.

4.4 WHS focus topic – Driving risk

The meeting paper and presentation provided information about the WHS procedures and controls used by DSNSW to reduce risks associated with driving. The strong links across the portfolio were discussed and acknowledged. Appointed members noted the paper.

4.5 Audit evaluation report

The meeting paper provided information on the results of a recent practice review and the audit plan for the 2025 financial year. Members discussed the audit mix and evaluation frequency. Appointed members noted the progress on identified actions and ongoing KPI reporting.

4.6 Levy implementation update

The meeting paper provided an update on the progress of the Government's consideration of a dams safety levy. Further details on contingent planning in the event a levy is established were discussed. Appointed members noted the next steps presented in the paper.

Action: 20241911-11: CEO to provide future levy updates as part of the CEO report.

4.7 Water pricing proposals

The meeting paper outlined key information regarding pricing proposals submitted to IPART by Sydney Water, Hunter Water and WaterNSW, and their impacts on customer bills. Appointed members noted the information contained in the plan under Item 1.4.

Item 5. General business

5.1 Other business

Appointed members discussed the possibility of exploring support for emerging dam industry professional engineers through programs such as internships as presented at ANCOLD.

Action: 20241911-12: Mr Ian Landon-Jones to share relevant papers from the ICOLD Meeting with Secretariat for distribution to appointed members.

5.2 Topics and issues of interest for future agendas

The following topics were identified for future agendas:

- Inundation maps – access to and impacts of public release (national and international examples)
- Cyber security – evolving risks (including generative AI) and status review
- Risks associated with (remote controlled and automated) control systems for operating gates and valves on dams (including design standards, reliability, cyber security, resilience, failure warnings etc).

Action: 20241911-13: Management to consider the implications and opportunity to embrace the 10 guidelines in the recently released 'Voluntary AI Safety Standard'.

Action: 20241911-14: Management to review evolving risks of generative AI in 6 months' time.

5.3 Communication priorities

Appointed members discussed the:

- Engagement with Ministers Office and WaterNSW on Warragamba
- Communications on SFAIRP guidance
- Levy implementation if Government agrees to establish a levy model.

5.4 Forward plan of board meetings

Nil.

5.5 Meeting evaluation

Ms Julie Garland McLellan provided an evaluation of the meeting.

Action: 20241911-15: Appointed members to provide comments to the Chair on items in the consent agenda 48 hours prior to the meeting.

Item 6. Appointed member – in camera

Nil.

Item 7. Next meeting

7.1 Next meeting 18-20 February 2025- Jindabyne

The next meeting is scheduled for 18-20 February 2025. The meeting will be held in Tumut with site visits to Snowy Hydro dams.

Item 8. Meeting close

The meeting closed at 3:57pm.