

## **Appendix D**

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Correspondence from the  
Department of Primary  
Industries



New South Wales

**DEPARTMENT OF PRIMARY INDUSTRIES**

DGO08/343

5 MAY 2008

Mr George Warne  
General Manager  
NSW State Water Corporation  
P O Box 1018  
DUBBO NSW 2830

Dear Mr Warne

Thank you for the opportunity to meet with yourself and representatives from your organisation on 18 April 2008 to discuss the fish passage requirements of the Keepit and Split Rock Dam Safety Upgrades. NSW DPI is committed to the restoration of fish passage throughout the state and welcomes the significant contribution of NSW State Water Corporation (SWC) towards achieving this goal.

As discussed at the abovementioned meeting, the costs of construction of a high level fishway at Keepit Dam are likely to exceed the potential benefit to the migratory fish community of the Namoi River. As a consequence, NSW DPI supports the construction of fishways on three downstream weirs (Mollee, Gunidgera and Weeta) as a suitable alternative to the proposed high level fishway on Keepit Dam. Such an undertaking would provide significant conservation benefits given the fish species assemblage involved, length of river opened to fish passage and the amelioration of cold water release impacts planned as part of the Keepit Dam modifications. These works would satisfy any requirements in relation to the modification of Keepit Dam under Section 218 of the *Fisheries Management Act* (1994). The three downstream weirs would also serve as an offset for the proposed dam safety upgrade works at Split Rock Dam.

While the department recognizes the ongoing impact of Keepit Dam on the migratory fish community, the restoration of fish passage to over 500kms of the Namoi River downstream of Keepit will be a significant contribution to the long-term health and productivity of the Namoi catchment.

NSW DPI supports the continuing consultation with SWC over the remaining dam safety upgrade proposals throughout the state. Please do not hesitate to contact Mr Cameron Lay (02 6738 8520) to discuss the development of the fishway offset proposals for the Keepit Dam project or any other aspect of NSW DPI involvement with the dam safety upgrade works throughout NSW

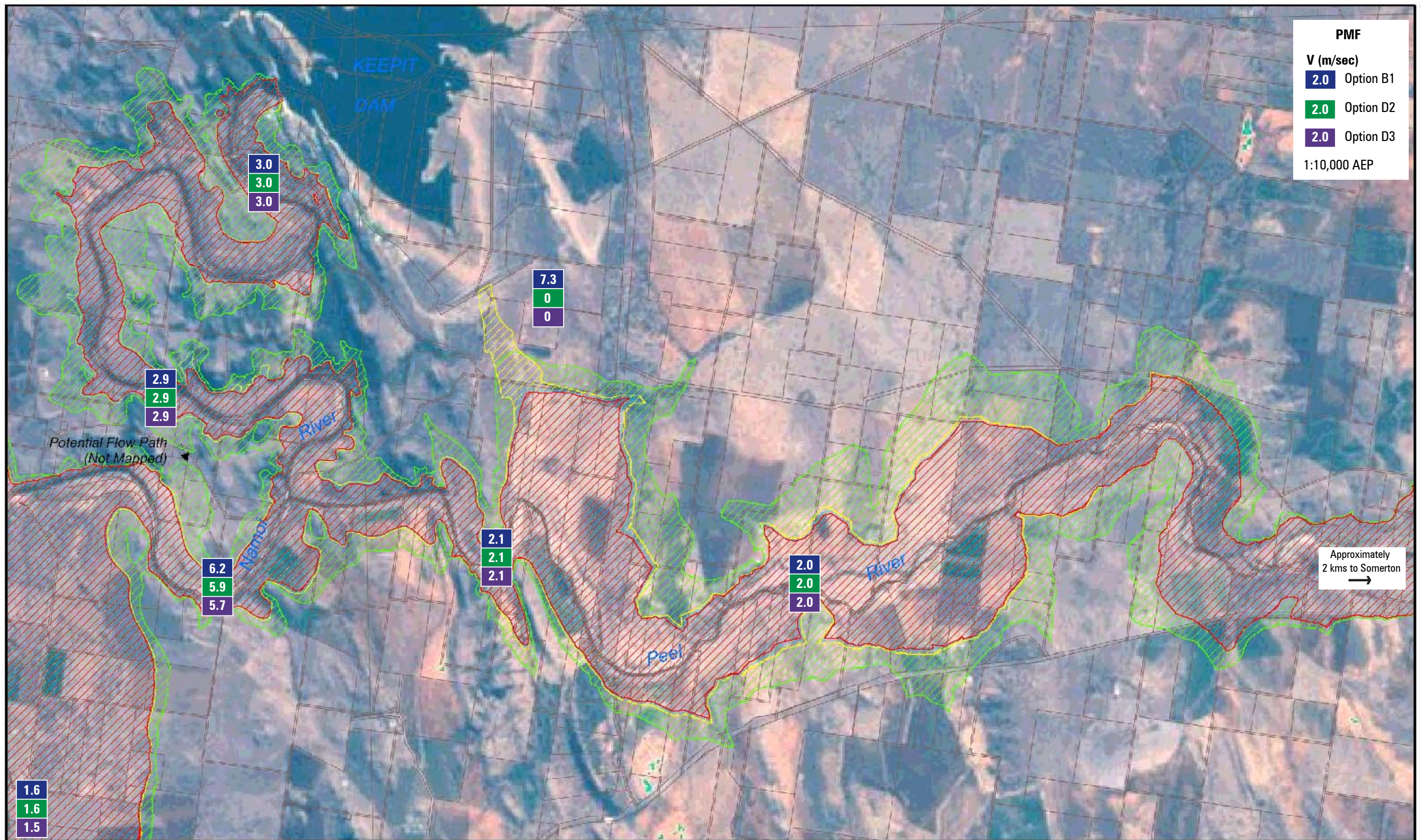
Yours sincerely

  
**RICHARD SHELDRAKE**  
**DIRECTOR GENERAL**

## **Appendix E**

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Flood mapping figures



PMF	
V (m/sec)	
2.0	Option B1
2.0	Option D2
2.0	Option D3
1:10,000 AEP	

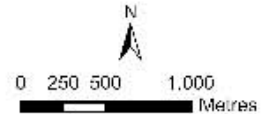
**SKM**

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Topographic data supplied from Department of Land and Water Conservation  
 Aerial Photographs supplied from Land and Property Information  
 Data of Aerial Photographs Apr. 1987

1:10,000 AEP Flood Mapping - Peel River Confluence - 1st Draft - 1st Review - May 2005



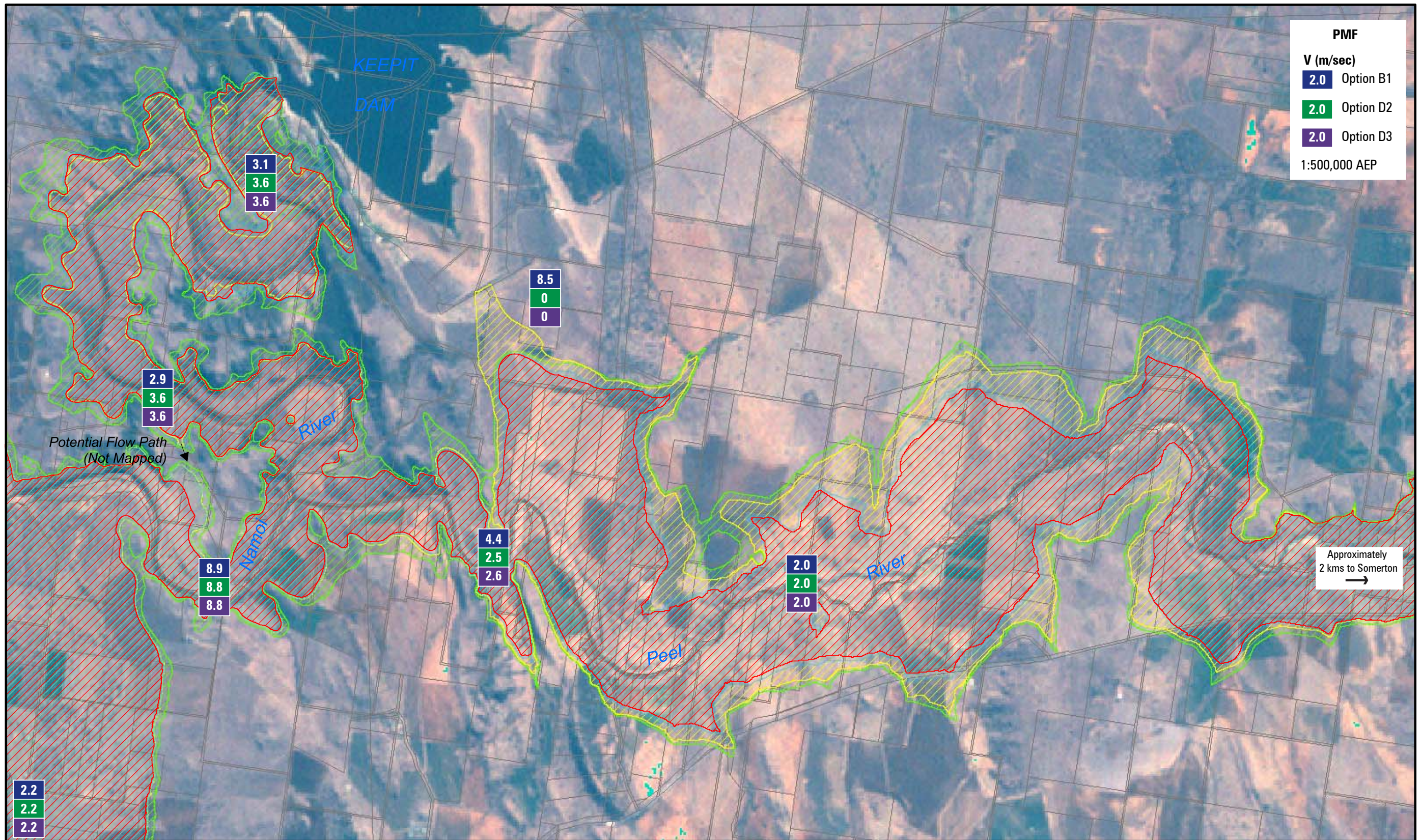
- LEGEND - 1:10,000 AEP Flood with:**
- Option A3 - Right abutment spillway + 8.8 m raising
  - Option B1 - Right abutment spillway + subwall spillway + 3.2 m raising
  - Option D2 - Right abutment spillway + Sailing Club/Boat Ramp Spillways - 4.3 m raising
  - Option D3 - Right abutment spillway + Sailing Club/Boat Ramp Spillways - 5.5 m raising Scenario Assuming No Dam
  - Failure of Existing Dam (assuming no interim works)
- AEP is Annual Exceedance Probability

## Keepit Dam Flood Mapping of Final Four Options

1:10,000 AEP Flood

Namoi River and Peel River Confluence  
 Version 1 May 2005





PMF	
V (m/sec)	
2.0	Option B1
2.0	Option D2
2.0	Option D3
1:500,000 AEP	

2.2  
2.2  
2.2

8.9  
8.8  
8.8

2.9  
3.6  
3.6

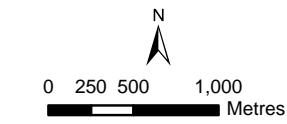
3.1  
3.6  
3.6

8.5  
0  
0

4.4  
2.5  
2.6

2.0  
2.0  
2.0

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 Topographic Data supplied from Department of Land and Water Conservation.  
 Aerial Photographs supplied from Land and Property Information.  
 Date of Aerial Photographs April 1997  
 I:\WCMS\wc01923\Gis\ArcMap\wc01923\_namoi\_peel\_confluence\_pmf\_a3.mxd - May 2005



The flood extents shown on this map have been produced using topographic contours and LIDAR data (where available). Due to uncertainty inherent in the methods used to compute flood levels and infer flood extents, the computed flooded areas should be considered as approximate.

- LEGEND - Probable Maximum Flood with:**
- Option A3 – Right abutment spillway + 8.8 m raising
  - Option B1 – Right abutment spillway + subwall spillway + 3.2 m raising
  - Option D2 - Right abutment spillway + Sailing Club/Boat Ramp Spillways + 4.3 m raising
  - Option D3 - Right abutment spillway + Sailing Club/Boat Ramp Spillways + 5.5 m raising Scenario Assuming No Dam
  - Failure of Existing Dam (assuming no interim works)

**Keepit Dam**  
**Flood Mapping of Final Four Options**  
**Probable Maximum Flood**  
 Namoi River and Peel River Confluence  
 Version 1 May 2005



## **Appendix F**

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NSW Treasury Circular 05/05



## EX GRATIA PAYMENTS

**Ministers have the authority to approve ex gratia payments subject to the guidelines detailed in this Circular.**

### Summary:

The purpose of this Circular is to confirm that Ministers have the authority to approve ex gratia payments in accordance with the following guidelines.

Ex gratia payments, also known as act of grace payments, may be made to persons who Ministers consider have suffered a financial or other detriment as a result of the workings of government. This detriment must be of a nature which cannot be remedied or compensated through recourse to legal proceedings.

In other words, payments which are made, either (a) to meet legal liabilities or (b) where legal advice is that the Government may be found liable to pay compensation, are not ex gratia in nature. Generally the Treasury Managed Fund will provide cover for legal liabilities that member agencies face and Ministers should ensure that all such claims are submitted to the Fund for consideration.

For cases that relate to the provision of ex gratia legal assistance to Ministers, public officials and Crown employees, reference should be made to Premier's Memorandum No 99-11.

Ex gratia payments are entirely discretionary in nature and it is for Ministers to determine those cases in which payments will be made having regard to all the circumstances. There are no formal or mandatory criteria for determining when such payments should be made. Every case must be considered on its own facts and in its own context.

When a Minister is deciding whether to make an ex gratia payment, a relevant consideration is whether that action would have potentially wider implications for agencies or the Government. The manner of an ex gratia payment should ensure that no expectations, interests or rights are created beyond the individual case.

The costs involved are to be met from existing budget allocations. If a proposed payment would have a significant impact on an agency's financial position, the written approval of the Treasurer must be obtained before any commitment to payment is made.

Ministers should ensure that the Crown is protected from further liability. Arrangements should be made via a deed of release for the payee to waive the right to further compensation and/or damages as a condition of payment. In exceptional cases where this does not occur payees should undertake in writing to repay the ex gratia payment from any award made under litigation. Generally confidentiality clauses should also be included.

**This Treasury Circular is a direction issued under section 9(2) of the Public Finance and Audit Act, 1983.**

Ian Neale,  
Executive Director  
Resources and Crown Directorate

**Further Information:** Andrew Waddington      Tel:      (02) 9228 3343

NSW Treasury Internet:      [www.treasury.nsw.gov.au](http://www.treasury.nsw.gov.au)