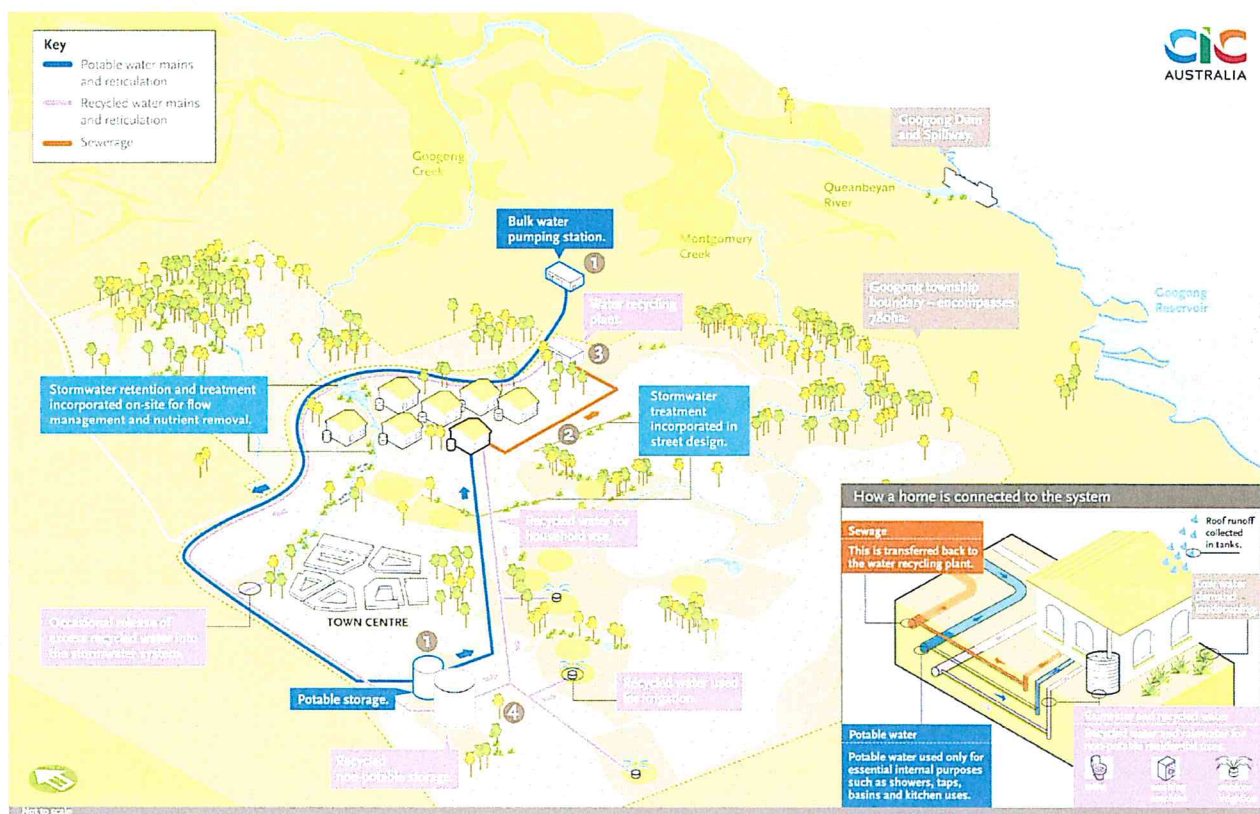


## MODIFICATION REQUEST: Googong Township Water Cycle Project (MP 08\_0236)



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

April 2013

*Cover Image: Schematic Layout of the Proposal. (Source: Googong Township Water Cycle Project Environmental Assessment, November 2010)*

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## EXECUTIVE SUMMARY

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Googong Township Pty Ltd (GTPL) proposes to modify the Planning Assessment Commission's (PAC) approval (issued under delegation of the Minister for Planning and Infrastructure) of the Googong Township Water Cycle Project, issued on 24 November 2011 under Part 3A of the *Environmental Planning and Assessment Act 1979*. The project site is located approximately seven kilometres south of Queanbeyan and is within the Queanbeyan and Palerang local government areas.

The Googong Township Water Cycle Project involves the trunk water supply, including recycled water, for the Googong Township master planned town. The Minister has granted a Concept Approval and Stage 1 Project Approval for the project. The proposed modification application the subject of this report relates to the Project Approval.

The proposed modification seeks to change Condition of Approval (CoA) C4 to allow for the salvage of artefacts at Aboriginal heritage site GWTP2. CoA C4 currently requires that all Aboriginal heritage sites remain undisturbed. The removal and salvage is required as a result of the detailed design of the water recycling plant component of the project, which has a larger footprint than anticipated in the Project Approval and will encroach on site GWTP2.

The Proponent consulted with the Office of Environment and Heritage (OEH) and registered Aboriginal stakeholders prior to lodging the application. OEH has not raised any concern, and the Aboriginal stakeholders do not object to the removal of the site and generally support the proposed salvage methodology.

Given the low significance of the heritage site and the acceptability of the proposed salvage methods, the modification is, on balance, considered acceptable and is recommended for approval.

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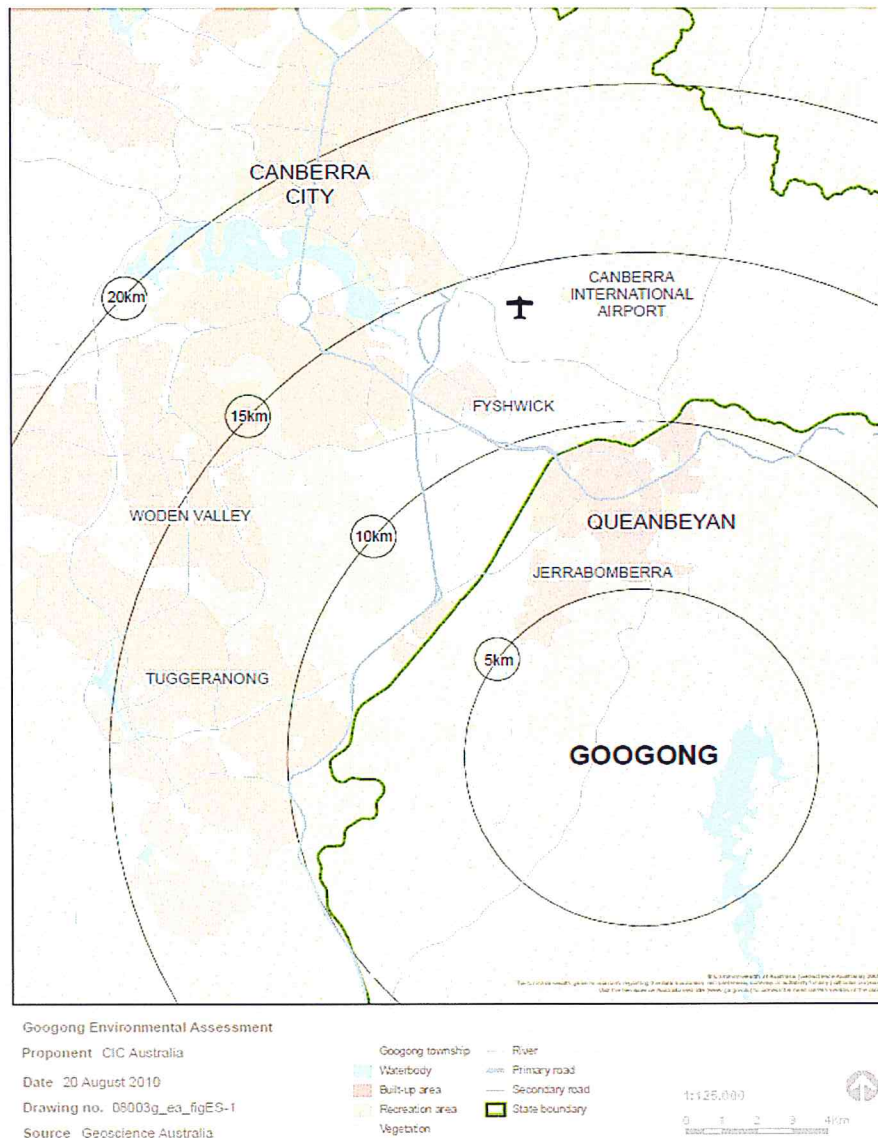
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## 1. BACKGROUND

The Planning Assessment Commission (PAC), as delegate for the Minister for Planning and Infrastructure, concurrently approved a concept plan and first stage project plan for the provision of water related services to the proposed Googong Township (the Googong Township Water Cycle Project) (MP 08\_0236) under Part 3A of the *Environmental Planning and Assessment Act 1979* on 24 November 2011. The proponent is Googong Township Pty Ltd (GTPL), which is a partnership between Canberra Investment Corporation (CIC) and Mirvac.

The project location is shown in Figure 1.



**Figure 1:** Project location (Source: Googong Township Water Cycle Project Environmental Assessment, November 2010)

The Googong Township is a master planned new town approximately seven kilometres south of Queanbeyan and 20 kilometres south-east of central Canberra. It is proposed to be constructed across five stages over 20 to 25 years, and on completion will feature a resident population of approximately 16,000 across 5,500 dwellings, a town centre, smaller village centres, schools, community facilities, and open space.

The approved concept plan for the Googong Township Water Cycle Project included the concept for the trunk infrastructure for water storage and the distribution network for the proposed town. Connections of individual properties to the trunk infrastructure are not part of the approved plan and will require separate approvals.

The concept plan approval includes:

- a potable water storage and distribution system;
- a sewage collection network to transfer waste flows to a water recycling plant; and
- a recycled water storage and distribution system for non-potable reuse.

The project approval included the construction of infrastructure for Stage 1 of the project, which serves precinct NH1A (i.e. the first part of the township to be developed, shown on Figure 2). Further stages of the Googong Township Water Cycle Project will occur as further stages of the broader Googong Township project are developed.

The Stage 1 project approval includes:

- a bulk water pumping station;
- a recycled water pumping station;
- two sewage pumping stations;
- interim reservoirs; and
- pipes connecting this infrastructure.

Stage 1 is in the early stages of construction. There are no previous modifications to the concept plan or the Stage 1 project approval. Figure 2 shows the approved project layout.

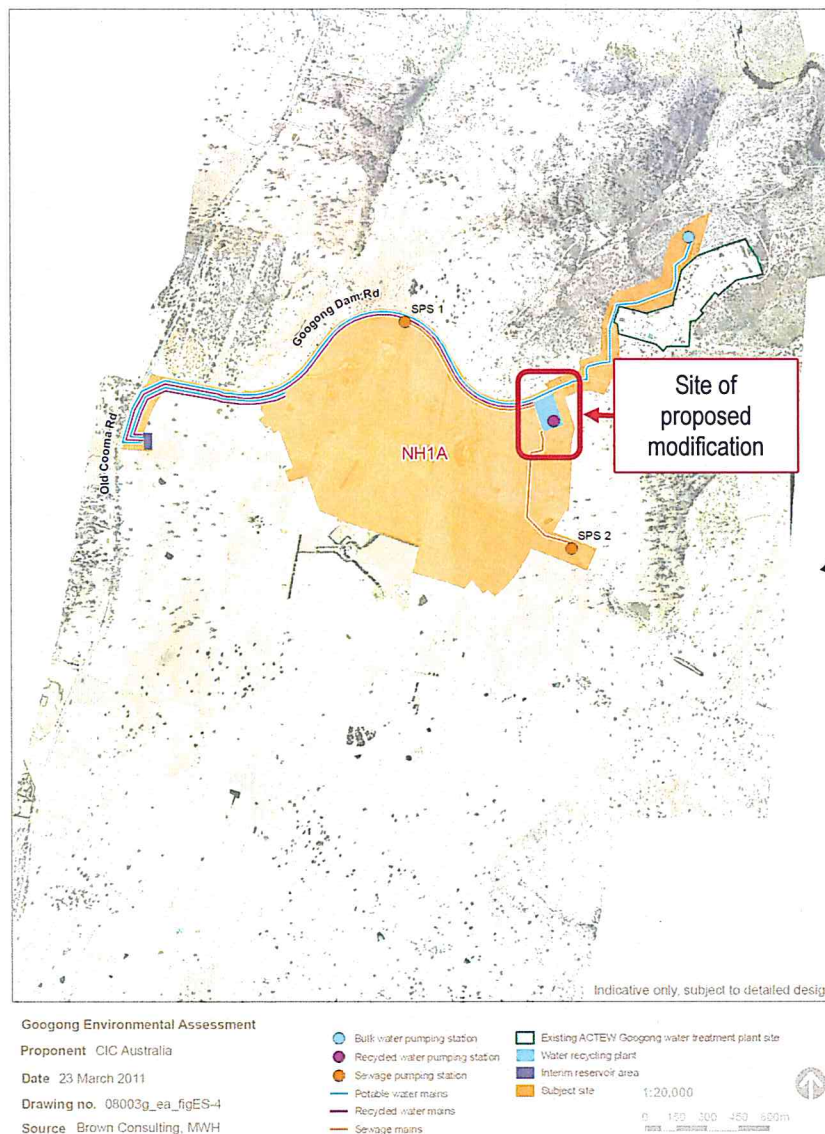


Figure 2: Project layout (Source: Googong Township Water Cycle Project Environmental Assessment, November 2010)

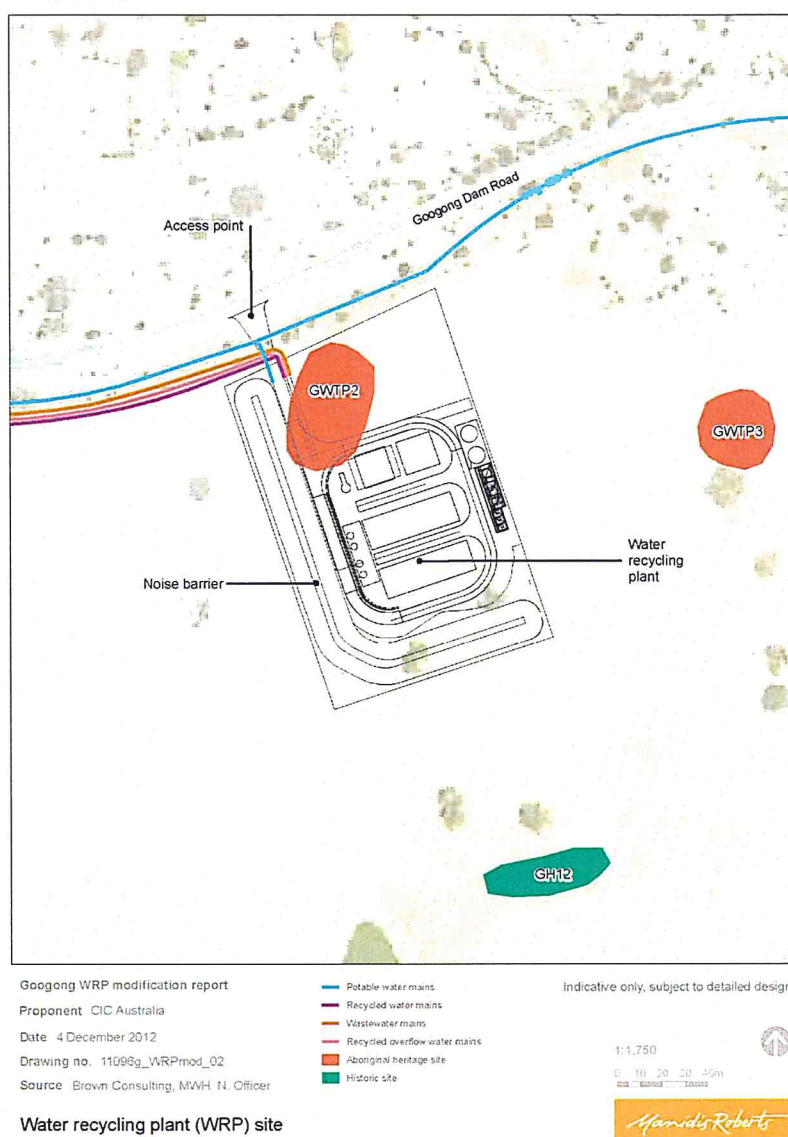
## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

The concept design of the water recycling plant (WRP) consisted of four individual reactors joined into two larger reactors. Detailed design of the WRP has found that separate maintenance access to each reactor and between the reactors is required and this design would require a larger footprint than was anticipated in the EA. No technical or operational changes to the reactors or WRP are required by this proposed change.

The proposed modified layout is shown in Figure 3.

The revised layout encroaches upon an Aboriginal heritage item (an artefact scatter identified as GWTP2), identified in the EA and for which no impact was expected.



**Figure 3:** Modified Water Recycling Plant layout (Source: Googong Township Water Cycle Project Modification Assessment, February 2013)

Condition of Approval C4 provides that “*The Proponent shall not impact items of Aboriginal or non-Indigenous heritage significance identified in the EA*”. The revised WRP layout and footprint will impact on item GWTP2 and will therefore not be consistent with this condition. The modification application therefore proposes to modify Condition C4.

The key aspects of the proposed modification are listed in Table 1.

**Table 1: Key Proposed Modifications**

Aspect	Description
Design of WRP	Construct four separate reactors with appropriate access to each, with resultant change to WRP layout
Aboriginal heritage	Salvage and remove artefacts at site GWTP2 by surface collection prior to commencement of construction.
Modification to CoA C4	Modification of condition to provide for the removal and salvage of artefacts at site GWTP2, while retaining requirement that other heritage items not be impacted.

The Proponent has justified the need for the modification on the grounds that four separate reactors are required to provide for physical access to each of them and their connections for maintenance purposes. As such, the detailed design of the water recycling plant requires a larger area than envisaged by the concept design.

The Proponent considered alternatives, including relocating the plant to the south and to the east. The southern relocation was not preferred as it would be close to a local waterway and would encroach upon the odour buffer zone for future residential development. The resultant changes to the odour impact area may have proven more difficult to manage or mitigate than the approved area. The eastern relocation was not preferred as it would impact on another Aboriginal heritage site (GWTP3) and would be outside the area zoned for a sewage treatment plant. Each of these options would have had greater impacts than those identified for the proposed modification and may have also required modifications to the project approval.

### **3. STATUTORY CONTEXT**

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#### **3.1 Modification of the Minister's Approval**

The project approval for the Googong Township Water Cycle Project was approved by the PAC under delegation of the Minister for Planning and Infrastructure under section 75J of the EP&A Act on 24 November 2011. Under Schedule 6a Section 2(1)(a) of the EP&A Act, Part 3A continues to apply to approved projects.

Consideration of the modification request under section 75W of the EP&A Act is appropriate as the proposed modification is not consistent with the project approval, but is not a project in its own right.

#### **3.2 Delegated Authority**

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request.

As no public submissions were received (see section 4), the Director, Infrastructure Projects may determine the modification request under delegated authority.

### **4. CONSULTATION AND SUBMISSIONS**

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#### **4.1 Exhibition**

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department displayed the modification request on its website but did not formally exhibit it as it is considered to be a minor modification.

#### **4.2 Public Authority Submissions**

No formal submissions were received from public authorities. The Department consulted the Office of Environment and Heritage, which confirmed its pre-lodgement advice to the Proponent that it has no objection to the proposed modification.

#### **4.3 Public Submissions**

No submissions were received from the public.

## 5. ASSESSMENT

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The Department considers the only issue for the proposed modification to be Aboriginal heritage.

### 5.1 Aboriginal Heritage

#### Issue

The detailed design of the Water Recycling Plant has resulted in an increased footprint that would impact on Aboriginal heritage site GWTP2. It is proposed to salvage and remove artefacts found on the site in accordance with the salvage methodology developed in consultation with the Office of Environment and Heritage (OEH) and registered Aboriginal stakeholders.

#### Department's Consideration

The Aboriginal heritage assessment conducted for the concept and project approvals concluded that site GWTP2, along with the other two artefact scatters found in the assessment for the parent approval, is of low local and regional significance. The reasons for this conclusion included that the ground cover is disturbed and that the raw materials and artefacts uncovered are common in the area.

While this assessment of the significance of GWTP2 is considered to remain current and accurate (note that the Department and the then Department of Environment, Climate Change and Water (DECCW) accepted that assessment), no impact was previously identified on this or any other Aboriginal heritage site. The changes to the WRP layout mean that this site will now be disturbed. The Proponent's assessment identifies that the impact (*i.e.* disturbance of the site *in situ*) cannot be avoided and therefore if it is accepted, the site would be salvaged and stored in accordance with the salvage methodology and protocol established for the subdivision element of the Googong Township project, which was determined by Queanbeyan City Council. The Department accepts that relocation of the WRP is not practical for the reasons discussed in section 2.1 above.

The Proponent consulted with the Office of Environment and Heritage (as successor agency to DECCW), and attempted to consult with the five previous registered Aboriginal stakeholders. Three stakeholders responded, one could not be contacted and the other did not respond.

The proposed salvage methodology includes the following steps:

- a surface inspection of the location to re-find previously identified artefacts;
- logging artefacts with GPS;
- collecting, bagging and labelling artefacts;
- including recovered artefacts in the broader Googong Township project's 'Back to Country' protocol.

A 'Back to Country' protocol is a common method of working with Aboriginal stakeholders to salvage and relocate artefacts. In this case, the protocol was developed in relation to the subdivision and residential development aspect of the proposal (and therefore does not form part of the Googong Township Water Cycle Plan as currently approved), and includes relocating artefacts to a site within the Googong Township that is retained as open space and selected in consultation with registered Aboriginal stakeholders, and recording the existing and relocated locations of artefacts.

Two of the registered Aboriginal stakeholders are satisfied with the proposed salvage methodology. The third, while not objecting to the proposed salvage, suggested that a more detailed sub-surface investigation be conducted, as the presence of surface artefacts may be an indicator of sub-surface artefacts. The Proponent advised this stakeholder that sub-surface investigations are not considered

justifiable as sub-surface investigations of sites of comparable significance in the broader project area suggest a low potential of finding sub-surface artefacts.

OEH reviewed the proposed modification including the salvage methodology and consultation with registered Aboriginal stakeholders and advised the Proponent that the proposed modification was acceptable given:

- the low significance of the site; and
- that the proposed salvage methodology and consultation undertaken to date is consistent with the conditions of an Aboriginal Heritage Impact Permit (AHIP) issued previously for the residential component of the Stage 1, which is subject to separate Part 4 consent.

The Department sought confirmation of this position from OEH, which was provided in an email dated 22 March 2013 (Appendix C) and recommended that any proposed modification to CoA C4:

- refer to the 'Back to Country' protocol required by the AHIP (Appendix D);
- and be accompanied by new conditions requiring that
  - development activities within the recorded boundaries of site GWTP2 be minimised wherever possible; and
  - that sites GWTP3 and GH12 be clearly marked to minimise risk of impact from persons or vehicles operating near the site.

A condition to delineate nearby heritage sites (as recommended by OEH) is not considered necessary, as protective fencing measures are included in the approved Heritage Management Plans for the Project Approval. The OEH recommended condition to minimise impact on GWTP2 has been discussed with the Proponent. The Proponent has advised that as the site contains six artefacts over a 50 metre by 30 metre area, there is no concentrated area of artefacts that can be avoided. As such, there is no practical ability to minimise the impact on this item. This justification is considered reasonable. Given that the artefacts will be appropriately salvaged, a condition requiring that impact to GWTP2 is not considered necessary.

As no impacts were proposed to known Aboriginal heritage sites in the Environmental Assessment for the parent approval, there are no conditions in the current Project Approval that relate to salvage methodologies. The 'Back to Country' protocol referenced above was developed as a condition of the AHIP issued in relation to the residential component of Stage 1. Whilst the AHIP does not apply to the project, it is considered appropriate to adopt appropriate conditions of the AHIP in this instance to govern salvage methodology required under the modified Project Approval for consistency of management across the broader development area. To ensure certainty in the salvage methodology, it is recommended that CoA C4 be modified as follows (with additions to the Proponent's suggestion in bold italics and deletions in strikethrough):

"The Proponent ***shall*** salvage, through surface collection, identified artefacts at site GWTP2 prior to the commencement of construction at that site. Salvage should be carried out in accordance with ***salvage methods described in Navin Officer Heritage Consultants Pty Ltd, October 2012 "Methodology: Googong Township Truck Water Main and Recycled Water System". Salvaged artefacts should be relocated in accordance with the artefact relocation methods as described in Navin Officer Heritage Consultants Pty Ltd (24 June 2010) "Back to Country Proposal to Reposition Salvaged Aboriginal Artefacts from the Googong New Town (Neighbourhood 1A) Development*** ~~the methodology developed in consultation with OEH and registered Aboriginal parties.~~ The Proponent shall not impact any other item of Aboriginal or non-Indigenous heritage significance identified in the EA".

It is also recommended that CoA A1 ('Terms of Approval') be modified to refer to the Modification Assessment.

## 6. CONCLUSION AND RECOMMENDATIONS

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The proponent seeks to modify the Googong Township Water Cycle Project Stage 1 Project Approval to allow for the removal and salvage of artefacts within Aboriginal heritage site GWTP2. This salvage and removal is required for the detailed design of the water treatment plan component of the project, which requires a larger area than that anticipated under the Project Approval.

The Department has reviewed the Modification Assessment, including the consultation with the Office of Environment and Heritage and registered Aboriginal stakeholders.

The key issue in the modification assessment is Aboriginal heritage. Given the relatively low significance of the site, based on the presence of other similar artefacts in the region, and that the proposed salvage and relocation of artefacts is consistent with the approach applied to other development within the Googong Township separate to water and sewage servicing infrastructure, the Department considers that the proposed modification is acceptable.

The modification is therefore recommended for approval, subject to the modification of CoAs A1 and C4 as detailed above.

Prepared by



Alexander Scott  
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Infrastructure Projects

Approved by



Felicity Greenway  
22/7/13  
Felicity Greenway  
A/ Director  
Infrastructure Projects

## **APPENDIX A      MODIFICATION REQUEST**

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See the Department's website at [http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view\\_job&job\\_id=5838](http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view_job&job_id=5838).

## **APPENDIX B    RECOMMENDED MODIFYING INSTRUMENT**

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See the Department's website at [http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view\\_job&job\\_id=5838](http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view_job&job_id=5838).

## **APPENDIX C    EMAIL   CORRESPONDENCE   FROM   OEH   DATED   22 MARCH 2013**

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See the Department's website at [http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view\\_job&job\\_id=5838](http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view_job&job_id=5838).

## **APPENDIX D    BACK TO COUNTRY PROTOCOL**

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See the Department's website at [http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view\\_job&job\\_id=5838](http://majorprojects.planning.nsw.gov.au/page/development-categories/transport--communications--energy---water/water-supply-works/?action=view_job&job_id=5838).