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Dear John,

RE – Consistency Review – Pedestrian bridge on the Googong Reservoir Foreshore

It is understood that the Bulk Water Alliance (BWA) intends on undertaking works to improve the existing pedestrian access over Burra Creek to the London Bridge Homestead (See Appendix A for photos). It is further understood that BWA is seeking advice from the Environmental Representative on the consistency of the works in relation to the Approved Project.

REVIEW OF DOCUMENTATION

EIS/PER Background

It is noted that the upgrading of the pedestrian access is not specifically mentioned in the Project Description for the EIS or the PER. The EIS commits to working with Palerang Council on raising the pedestrian access (see Statement of Commitment 60 below).

Approval Background

NSW Condition of Approval 4.3a states that:

Prior to the commencement of construction, the Proponent shall prepare and implement a Community Information Plan which sets out the community communications and consultation processes to be undertaken during construction and operation of the project. The Plan shall include but not be limited to:

- a) *procedures and timing to consult with the community and Palerang Council in order to come to an agreement regarding revegetation of Burra Creek adjacent to Burra Village, raising of pedestrian access to London Bridge Homestead above the predicted high water mark and the construction of a bridal trail along areas where roadwork is required.*

Statement of Commitment 60 states that:

The proponent will work with Palerang Shire Council and community members to identify and assist the progression of potential community benefits, including road realignment and safety improvements at Gibraltar Saddle, maintenance of Burra Creek vehicle crossings, greenways and riparian revegetation of Burra Creek adjacent to Burra village and raising of pedestrian access to London Bridge Homestead above the predicted high water mark.



Project Management Response

The Community Engagement and Stakeholder Management Plan (BWA-M2G-CE-PLN-002, and approved by the Department of Planning and Infrastructure) notes, in Section 5.4 (Community Benefits), that in terms of community benefits from the project:

In accordance with the project's conditions of approval, under consideration are plans for:

- *Raising of pedestrian access to London Bridge Homestead above the predicted high water mark;*

Section 11.5 makes a similar commitment to developing plans for raising the pedestrian access.

The Community Information Plan – Schedule 2010-2012 (Appendix A), makes a commitment to:

Undertake a consultation with Palerang Council and the local community to facilitate agreement about the following community enhancement projects;

- *Raising of walkway to London Bridge Homestead*

Conclusion about Consistency of Proposed Works with the Approved Scope of Works

Based on a review of the above documents, it is concluded that the Approved Project involves a commitment to work with Palerang Council and the community to develop a plan for the raising of the pedestrian access to the London Bridge Homestead. However, it is not clear that this commitment extends to implementing and plan, that is, undertaking physical works at the site.

Therefore, any physical works undertaken by BWA are considered an alteration to the scope of works as Approved. In accordance with Section 75W of the EP&A Act, a determination as to whether the proposed works are consistent with the Minister's approval is required to determine whether the changes are likely to constitute a modification to the project, and therefore whether further approval from the Minister is required.

1.2 CONSISTENCY WITH THE MINISTER'S APPROVAL

Assessment of Environmental Document issues in relation to consistency

It is understood that the works required to raise the pedestrian access bridge would involve (see Appendix B for design drawings):

- Removing the decking and associated material from the existing bridge. The concrete footings would remain in place.
- Removing rock from in-stream and placing it at each end of the pedestrian bridge to provide a stable access point from the bank onto the bridge.
- Minor earthworks associated with the above step.
- Installing a new concrete footing block at each end of the bridge
- Install grating panels over the concrete blocks at the desired level. Some grouting will be required.

The following environmental factors are considered of relevance to determining consistency with the Approval:

1. Aquatic Flora and Fauna
2. Aboriginal Heritage

The Aquatic Impact Assessment (Appendix G of the EIS) describes the aquatic environment of Burra Creek including instream and bank environments, fish habitats and likely native and pest species populations. No specific assessment of impacts from proposed physical works on the pedestrian access were discussed. However, significant attention was given to potential changes in stream morphology, bank stability and fringing vegetation from changes in water flows. Of relevance to the proposed works to the access bridge are the assessments of impacts to pool depth and width and bank

erosion. The impact assessment conducted for the EIS is considered adequate to address any impacts from the proposed works on the access bridge.

The Cultural Heritage Assessment including Subsurface Testing Program (Appendix I of the EIS) undertook a review of Aboriginal cultural heritage along the Burra Creek corridor. It recorded a number of sites of actual or potential Aboriginal cultural heritage significance, including BC11, a PAD which extends over the pedestrian access bridge location, and BC13, surface Aboriginal artefacts found in proximity to the pedestrian access bridge. BWA have arranged, together with their consultant archaeologists Navin Officer, to undertake Heritage Salvage Work on April 17 2012.

Assessment of Conditions of Approval in relation to consistency

As discussed above, the Approval makes specific reference to committing to preparing a plan to upgrade the pedestrian access bridge to the London Bridge Homestead. It is therefore considered that the intent of the Approval was for the bridge to be upgraded, either by BWA (if consistent with the EIS) or by a third party with the assistance of BWA. Given this, it is considered that the implementation of the works agreed to with Palerang Council and the community is a natural extension of the intent of the Conditions of Approval and is therefore consistent with the Conditions of Approval.

No Conditions of Approval could not be met through the implementation of the works.

Assessment of Statement of Commitments in relation to consistency

As mentioned above, SoC 60 commits to a plan being developed to upgrade the pedestrian access to the London Bridge Homestead. It is considered that the implementation of the plan, ie the undertaking of the physical works themselves, is therefore a natural extension of SoC 60 and is consistent with it.

SoC 22 states that:

Impact to Aboriginal sites/objects along Burra Creek and at London Bridge will be avoided.

The proposed works would have impacts to BC11, a PAD, and should Aboriginal sites/objects be present, would potentially result in this SoC not being met. BWA have arranged for Salvage Work to commence on April 17 2012. Consultation with Aboriginal stakeholder groups has occurred (e-mail 28/3/2012) including an invitation to participate in the salvage works. This process is consistent to the process of Aboriginal subsurface investigations and salvage work described in the EIS and undertaken elsewhere on the project since Approval was granted. It is considered that this approach addresses any concerns with not being able to meet SoC 22.

CONSISTENCY REVIEW

A review of consistency issues is presented in Table 1.

Table 1 Consistency review

Consistency Question	Discussion	Response
Would the introduction of the proposed change, either by itself or in association with any other proposed change, result in any Condition of Approval (other than Condition of Approval 1) not being met?	The activities proposed in the design alteration would not result in any of the CoA's not being met.	No
Do the proposed changes, considered together, result in a radical change to the approved project as a whole?	The overall Approved Project is not affected by the proposed changes. The proposed upgrade works on the new pedestrian bridge are a natural extension of the Approved project and in no way radically changes the Approved Project.	No

Consistency Question	Discussion	Response
Do the proposed changes, considered together, result in a substantive change to the objectives and functions of the approved project as a whole?	The objective of the Approved Project is to provide water security to the ACT. The function of the Approved Project is to construct and operate a water pipeline from the Murrumbidgee River to Burra Creek. The proposed works at the pedestrian bridge would not alter these objectives or functions.	No
Does any single proposed change considered separately (or, as relevant, in association with any other proposed change) result in a substantive change to the objectives and functions of that element of the approved project which is to be modified and in so doing, does not help to better satisfy any other Conditions of Approval?	The proposed works would not alter the project objectives or function.	No
Does any single proposed change result in any change in impact of such nature or scale (including impact on different people to those who were affected by the approved project) that it would be unreasonable not to make public?	None of the impacts likely to be incurred from the proposed works would change in scale or nature any previously assessed and publicly displayed impact identified for the Approved Project. Additional consultation with specific interest groups, namely Aboriginal stakeholders, is required to address the discrepancy and proposed management response to SoC 22.	No

CONCLUSION AND RECOMMENDATIONS

Based on the review above, I advise that in my opinion, the proposed upgrade works at the pedestrian bridge near the London Bridge Homestead is consistent with the Approved Project. A modification request pursuant to Section 75W of the EP&A Act is not considered necessary.

The following recommendation is made:

- No works on the new access bridge would commence until the Aboriginal investigations at the site are completed to the point where the consultant Archaeologist is confident the works are unlikely to significantly impact any items of Aboriginal cultural heritage.

Yours sincerely,



Erwin Budde
Independent Environmental Representative

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APPENDIX A PHOTOS





APPENDIX B DESIGN DRAWING