

Australian Capital Territory

Planning and Development (ACT Food Organics and Garden Organics (FOGO) Waste Facility, Block 5, Section 26, Hume) Scoping Document 2021

Notifiable instrument NI2021–267

made under the

Planning and Development Act 2007, section 212 (Scoping of EIS)

1 Name of instrument

This instrument is the *Planning and Development (ACT Food Organics and Garden Organics (FOGO) Waste Facility, Block 5, Section 26, Hume) Scoping Document 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Scoping of EIS

Under section 212 of the *Planning and Development Act 2007* (the Act), the planning and land authority has prepared the scoping document in the schedule.

Brett Phillips
Delegate of the planning and land authority
04 May 2021



ACT
Government

Environment, Planning and
Sustainable Development

Scoping Document

Under Division 8.2.2 of the *Planning and Development Act 2007*

APPLICATION NUMBER: 202100005		DATE OF THIS NOTICE: 27 April 2021
DATE LODGED: 12 March 2021		
PROJECT: ACT Food Organics and Garden Organics (FOGO) Waste Facility involving in vessel composting of up to 50,000 tonnes per annum of food and green waste organic material		
IMPACT TRACK TRIGGER: Schedule 4, Part 4.2, Item 9		
BLOCK: 5	SECTION: 26	DISTRICT/DIVISION: Hume
ADDRESS: John Cory Road		
PROPONENT: ACT NoWaste		
APPLICANT: ARUP		
LAND CUSTODIAN: ACT NoWaste (TCCS)		

SCOPING DOCUMENT

The planning and land authority (the Authority) within the Environment, Planning and Sustainable Development Directorate received your application under section 212(1) of the *Planning and Development Act 2007* (the PD Act) for Scoping of an Environmental Impact Statement (EIS) for the above proposed development. Pursuant to section 212(2) of the PD Act, the Authority has:

- a) Identified the matters that are to be addressed by an EIS in relation to the development proposal; and
- b) Prepared a written notice (the **scoping document**) of the matters.

NB: The EIS must conform to the requirements of this scoping document. This document does not indicate approval or support in any way, nor does it indicate approval in principle.

TERM OF SCOPING DOCUMENT

Pursuant to section 213(2) of the PD Act, the proponent must give the draft EIS to the Authority by the end of the period of 18 months starting on the day the Authority gives the scoping document for the development proposal to the applicant.

FORM AND FORMAT OF EIS

The Authority requires that the proponent engage a suitably qualified independent consultant to prepare an EIS, OR the proponent submits, with the draft EIS, an independent review of the draft EIS undertaken by a suitably qualified consultant. The EIS must be in the following form and format:

- The EIS must be prepared in accordance with section 50 of the *Planning and Development Regulation 2008*.
- The EIS must be written in plain English and avoid the use of jargon as much as possible.



- The EIS is required to be provided in the same structure as described in this Scoping Document as closely as possible. A table that cross-references the EIS to the scoping document must be included in the EIS submission.
- The report must reference any figures or supporting information used to the supporting appendix and page number, table or figure.
- Additional technical detail, including relevant data, technical reports and other sources of the EIS analysis must be provided in appendices.
- Maps, diagrams and other illustrative material should be included in the EIS to assist readers to interpret information.
- The EIS document sized A4 with maps and drawings in A4 or A3 format.
- The proponent must supply a copy of all draft EIS and revised EIS documents in electronic formats for circulation and web posting. These are to be supplied by email, USB, or another agreed method.
- Digital files must not exceed 20 MB each.
- The proponent must supply three hard copies of the draft EIS once it has been accepted for lodgement and three hard copies of the revised EIS once it had been accepted for lodgement.

COST OF PREPARATION OF EIS

The proponent is responsible for the preparation of the draft and revised EIS and any related applications and associated costs. This includes additional copies of the draft and revised EIS and other associated documents as required by the Authority from time to time.

NEXT STEPS

The proponent is now required to prepare a document (a **draft EIS**) that addresses each matter raised in the scoping document for the proposal within the timeframe provided in this scoping document. Once the draft EIS has been accepted for lodgement, a public notification fee is payable in order for notification, referrals and assessment to commence. After the notification period has closed, the Authority will provide comments and any public representations received for the proponent to address in preparing a **revised EIS**, and any further instructions on the application.

If you have any queries about the requirements outlined in this scoping document, please contact Kathrine Pellowe to arrange a suitable time to discuss.

 27 April 2021

Delegate of the planning and land authority

Brett Phillips
Executive Group Manager
Planning Delivery Division
Environment, Planning and
Sustainable Development Directorate

Contact

Kathrine Pellowe
Assessment Officer
Impact Assessment
Environment, Planning and
Sustainable Development Directorate
E: Kathrine.Pellowe@act.gov.au
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GENERAL REQUIREMENTS FOR THE EIS

1. Cover Page

The cover page must clearly display the following:

- The name of the proposal (project title)
- The block identifier(s) and street address for the proposal
- The date of the preparation of the document
- Full name and postal address of the designated proponent
- Full name and postal address of the designated applicant
- Name and contact details of the person/organisation who prepared the documents (if different to the above)

2. Glossary

Provide a glossary of technical terms, acronyms and abbreviations used in the EIS.

3. Executive Summary

Provide a non-technical summary of the EIS including a description of the proposal, key findings and recommendations.

4. Introduction

Summarise the proposal background and justification for the proposal.

5. Proposal Details

5.1. Project Description

Provide a description of the proposal, including:

- a) The objectives and justification for the proposal;
- b) The location of the land to which the proposal relates, including detailed maps;
- c) The division and/or district names and block and/or section numbers of the land under the *Districts Act 2002*;
- d) If the land is leased – the lessee’s name;
- e) If the land is unleased or public land – the custodian of the land;
- f) The purposes for which the land may be used;
- g) A clear identification of all lands subject to direct disturbance from the proposal and associated infrastructure and geomorphic features such as waterways and wetlands. This is to be supported by a map showing all affected lands;
- h) An outline of any developments that have been, or are being, undertaken by the proponent, or other person(s) or entities, within the proposal area and broadly in the region. Describe how the proposal relates to these developments;
- i) A description of all the components of the proposal, including the proposal specifications, the predicted timescale for implementation (design, approvals, construction and decommissioning) and project life;

- j) A plan/description of the precise location of any works to be undertaken, structures to be built or elements of the proposal that may have relevant impacts; and
- k) A description of the construction methodologies for the proposal.

5.2. Alternatives to the proposal

Provide details of any alternatives to the proposal considered in developing the proposal including a description of:

- a) Any alternatives to the proposal and provide reasons for selecting the preferred option with an analysis of site selection as an attachment to the EIS;
- b) The criteria used for assessing the performance of any alternative to the proposal considered;
- c) Any matters considered to avoid or reduce potential impacts prior to the selection of the preferred option; and
- d) Details of the consequences of not proceeding with the proposal.

6. Legislative and Strategic Context

A description of the EIS process including any statutory approvals obtained or required for the proposal, and how the proposal is aligned with strategic priorities for the ACT.

6.1. Statutory requirements

The description must include information on statutory requirements for the preparation of an EIS:

- *Planning and Development Act 2007 (including confirmation of relevant Schedule 4 triggers based on impacts identified in the scoping document and any studies undertaken in preparing the draft EIS)*
- *Planning and Development Regulation 2008*
- *Waste Management and Resource Recovery Act 2016*
- Related statutory approvals.

6.2. Climate change

The EIS must include information on how the proposal will reduce the risks from climate change impacts and include proposed adaptation measures to reduce vulnerability and increase resilience of the community and the Territory, particularly the extreme events of heatwaves, droughts, storms with flash flooding and bushfires. The information must address impacts on the local microclimate and how it will avoid contribution to urban heat and positively contribute to urban cooling measures.

Additionally, the EIS must address the contribution the proposal will make to reducing greenhouse gas emissions and meeting the legislated target for a net zero emissions Territory (by 2045 at the latest).

Preparation of the EIS must consider the relevant sections of ACT Government's following policies:

- ACT Climate Change Strategy 2019-2025
- Canberra's Living Infrastructure Plan: Cooling the City

6.3. Other requirements

The description must also include information on how each of the following has been considered in the preparation of the EIS and the development of the proposal:

- Territory Plan 2008
- ACT Planning Strategy
- National Capital Plan
- Sustainability Policies
- Relevant Environment Protection Policies and Separation Distance Guidelines for Air Emissions (https://www.environment.act.gov.au/environment/legislation_and_policies)
- Environment Protection Act
- ACT Waste Management Strategy 2011-2025
- ACT Waste Feasibility Study
- Other relevant planning and environmental guidelines and management plans.

6.3.1. Ecologically sustainable development (ESD)

Provide a description of how the proposed development demonstrates ESD. This is to include long-term and short-term considerations related to economic development, social development and environmental protection at local, regional and national scales. The proponent should ensure that the EIS adequately addresses the ESD principles as defined by section 9 of the PD Act.

6.3.2. Territory Plan strategic directions

A statement must be provided regarding the proposal’s compatibility with the principles in the Statement of Strategic Directions in the Territory Plan 2008 (Section 2.1 - Strategic Direction).

7. Risk Assessment

7.1. Risk Assessment Methodology

Provide a risk assessment in accordance with the Australian and New Zealand Standard for risk management AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*. The proposed criteria for determining which risks are potentially significant impacts must be described.

The Preliminary Risk Assessment (PRA) submitted as part of the request for a scoping document must be revised to include, but not be limited to, the risks identified by the Authority in Table 1. The risks identified in Table 1 are based on the scoping document application and comments received from entities on the application. All of these risks are considered potentially significant (i.e. a medium risk level or above), and must be addressed in the EIS. Should any risk levels change during the preparation of the EIS or any new risks become apparent, these must be assessed and included with a justification in the EIS, and where relevant, the residual risk assessment.

-Assessment guide-			
Provide a table with the headings below to describe the risks identified and the original risk rating without any mitigation strategies in place. This table format is one option, however alternative formats can be used provided the methodology is clearly described and in accordance with AS/NZS ISO 31000:2009 <i>Risk management – Principles and guidelines</i>			
Risk	Likelihood	Consequence	Risk rating

8. Assessment of Impacts

Sufficient information is required to provide the Authority with an adequate understanding of the environmental impacts associated with the proposal. Table 1 identifies the potentially significant risks considered by the Authority that must be addressed in the EIS. The risks and their associated risk levels were determined from the information submitted with the PRA, comments received from entities on the request for scoping document application and the Authority’s risk assessment. Each potentially significant impact rated with a risk rating of medium and above as identified in the risk assessment must be addressed, and structured as outlined in the table below, with the information required by sections 8.3.1-8.3.13 of this scoping document.

Table 1 – Identified impacts and requirements to be addressed in the EIS

Environmental Theme	Risk identified	See section/s below for further detail
Planning and Land Status	<ul style="list-style-type: none"> • Sterilisation of surrounding land uses 	8.3.1
Traffic and Transport	<ul style="list-style-type: none"> • Traffic impacts from the construction and operation of the facility 	8.3.2
Biodiversity and Nature Conservation	<ul style="list-style-type: none"> • Impacts from the removal of existing vegetation 	8.3.3
Heritage	<ul style="list-style-type: none"> • Impacts on heritage values 	8.3.4
Waste	<ul style="list-style-type: none"> • Excess stockpiling of unprocessed and processed organic material 	8.3.5
Landscape and Visual	<ul style="list-style-type: none"> • Visual impacts on the surrounding area from the facility and its operations including incoming waste, composting material, and potential stockpiling 	8.3.6
Soils and Geology	<ul style="list-style-type: none"> • Contamination of soils arising from the facilities operations • Impacts arising from the disturbance of soils with existing contamination from previous and adjacent land uses 	8.3.7
Water Quality and Hydrology	<ul style="list-style-type: none"> • Contamination of groundwater and surface water from discharges of contaminated stormwater or leachate • Impacts from erosion and stormwater runoff to Dog Trap Creek 	8.3.8
Climate Change and Air Quality	<ul style="list-style-type: none"> • Air discharges such as odour from facility processes including stockpiling of materials • Cumulative impacts on air quality taking into consideration other air discharge activities nearby 	8.3.9

Environmental Theme	Risk identified	See section/s below for further detail
	<ul style="list-style-type: none"> • Emissions from traffic during construction and operation of the facility and equipment • Increase in frequency of extreme climatic events resulting in increased odour or breaches/failure of infrastructure resulting in contamination of adjacent land and waterways 	
Socio-economic and Health	<ul style="list-style-type: none"> • Facilities and materials storage providing for increased vermin and pest animals • Contamination of incoming waste stream with hazardous waste • Risk of odour impacting nearby land uses and sensitive receptors. • Impact on health from accidental leakage or spills from the facility 	8.3.10
Noise and Vibration	<ul style="list-style-type: none"> • Noise and vibration from operation of the facility and truck movements 	8.3.11
Hazard and Risk	<ul style="list-style-type: none"> • Impacts from fires at the facility • Critical infrastructure failure • Impacts to aircraft through bird strikes arising from an increase in birds attracted to the facility • Storage of hazardous materials and chemicals on site and impacts on health and the environment 	8.3.12
Biosecurity	<ul style="list-style-type: none"> • Spread of pest weeds and animals, pathogens and diseases 	8.3.13

8.1. Standard Requirements

Each potentially significant environmental impact identified within Table 1 should be addressed/structured as per sections 8.1.1 - 8.1.5.

-Assessment Guide-		
<p>Assessment Scenarios: Proponent should describe and use baseline case, application case and planned development case in their EIS to describe and address impacts at all stages of the project (construction, operation, decommissioning and reclamation)</p>		
<p>Baseline case The baseline case establishes and describes the conditions that exist prior to the development or if the project were not developed. Describe the environmental conditions that include the effects of existing land uses of the area.</p>	<p>Application case The application case describes the baseline case with the effects of the proposal added. Information is provided to allow regulators to determine how project operations should be controlled and how adverse effects can be mitigated and managed.</p>	<p>Planned development case The planned development case describes the environmental conditions of the project when integrated with the existing conditions and any other planned projects which can be reasonably expected to occur.</p>

8.1.1. Environmental conditions and values

Describe the environmental conditions and identify the environmental values for the environmental themes identified in Table 1. This section should discuss the baseline conditions for the area.

8.1.2. Investigations

Identify the findings and results of any environmental investigation in relation to the land to which the proposal relates.

8.1.3. Impacts

Describe the effects of the environmental impact as a result of construction and operation of the proposed development for the environmental themes identified in Table 1 (including those in the proponent’s risk assessment) (including cumulative, consequential and indirect effects) on physical and ecological systems and human communities. Particular emphasis should be placed on the potentially significant impacts identified in the risk assessment and this scoping document. Include a discussion of the timeframes of impacts i.e. short or long term, their nature and extent and whether they are reversible or irreversible, unknown or unpredictable. Include an analysis of the significance of the relevant impacts. Information must include any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

8.1.4. Mitigation

Discuss the safeguards and mitigation measures proposed to be taken for the environmental management of the land to which the proposal relates for the environmental themes identified in Table 1 (including those in the proponent’s risk assessment). This is to include:

- a) A description and an assessment of the proposed impact prevention, mitigation or offsetting measures to deal with the environmental impact of the proposal, along with which stage the mitigation measures will be adopted
- b) Any statutory or policy basis for the mitigation measures

- c) An outline of an environmental management plan (EMP) that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing
- d) The frequency, duration and objectives of monitoring proposed
- e) The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program
- f) A description of the cost effectiveness of environmental mitigation or rehabilitation measures proposed and the expected or predicted effectiveness of those measures.

8.1.5. Residual risk

Provide a table that details the residual risk for the potentially significant impacts identified for the environmental themes in Table 1 and the proponent’s risk assessment. A residual risk assessment is only required where the significance of impact is determined as medium or above. The calculation of the residual risk should take into account the influence of implementation of mitigation or offsetting measures on the impacts identified by the risk assessment. A discussion of how the calculations were determined should also be included, including the expected or predicted effectiveness of the mitigation measures.

-Assessment Guide-				
Provide the residual risk assessment as set out in the table below.				
Risk identified in Section 7.1	Original risk rating from items identified in 7.1	Residual likelihood	Residual consequence	Residual risk rating

8.2. Entity requirements

The EIS must address the entities comments provided in Attachment A. If the issues raised by entities have been addressed in other sections of the EIS, this must be cross referenced.

8.3. Detailed requirements

The following items (sections 8.3.1 - 8.3.13), relate to the potentially significant environmental impacts identified in Table 1. They must be addressed in detail in the EIS.

NOTE: The information provided under the following headings is not an exhaustive list of matters that may be required to accurately detail the assessment scenarios.

8.3.1. Planning and Land Status

- *Include a description of the planning context of the area where the project will be located.*
- *Describe the planning and development status of any land or project relevant to the proposal.*
- *Describe the land use of the proposed land and any land to be affected (including, but not limited to, zoning, lessee(s) or custodian of the land, the permissibility of the proposed use defined in the Territory Plan).*
- *Investigate the impact the proposal will have on surrounding uses and whether the proposal will limit existing or future uses for the surrounding businesses/residences.*

8.3.2. Traffic and Transport

- *Investigate the traffic impacts of the construction and operation of the facility on Mugga Lane and the Monaro Highway including consideration of whether continued safe and efficient movement of vehicles accessing the facility, relating to other activities such as the Mugga Landfill or the materials recycling facility, is not impeded by road network arrangements.*
- *Undertake a Transport Impact Assessment (TIA) in accordance with Transport Canberra and City Services (TCCS) Transport Impact Assessment Guidelines which is available at: https://www.cityservices.act.gov.au/_data/assets/pdf_file/0009/991989/TCCS-Transport-Impact-Assessment-Guidelines.pdf.*
- *The TIA must include intersection analysis of the nearby roads.*

8.3.3. Biodiversity and Nature Conservation

- *Provide a description of ecological values on and adjacent to the site.*
- *Identify whether the development is within the Built-Up Urban Area determined by the Tree Protection Act which is available at: <https://www.legislation.act.gov.au/View/ni/2014-383/current/PDF/2014-383.PDF>*
- *Provide a Tree Assessment and Tree Management Plan if the development is determined to be within the Built-Up Urban Area. If the development is outside the Built-Up Urban Area, then the Tree Protection Act requirements don't apply.*
- *Include consideration of whether the removal of trees will be a key threatening process under the Nature Conservation Act (<https://www.environment.act.gov.au/nature-conservation/conservation-and-ecological-communities/threatened-species-and-ecological-communities/key-threatening-processes>).*

8.3.4. Heritage

- *Include expert advice from a geomorphologist or other suitably qualified specialist on the likelihood of Hume Site 1 extending into the development site.*
- *Include detailed consideration of the associated environmental impacts arising from the proposal (such as impacts to water quality, hydrology, vibration) and their potential impacts to Hume Site 1.*
- *Provide a Cultural Heritage Assessment (CHA) to assist in determining any possible heritage impacts from the development proposal. The CHA must:*

- *Be undertaken by a suitably qualified archaeologist.*
- *Include the information as required by the Heritage Council's Cultural Heritage Reporting policy available at:
<https://www.environment.act.gov.au/heritage/publications-and-resources>.*
- *Include consultation with Representative Aboriginal Organisations (RAOs) about the heritage significance of any identified Aboriginal places and objects, and the impacts of the proposed development or activity on Aboriginal places and objects.*
- *If the CHA identifies that proposed works will cause damage or diminish the significance of heritage places, recommendations must be presented to comply with Heritage Act 2004 provisions. This must include consideration of alternatives to avoid heritage impacts, and if these alternatives are not reasonably practicable, measures that could be adopted to minimise heritage impacts.*

8.3.5. Waste

- *Describe the nature, location and quantities of all materials (including hazardous wastes) to be handled on the site, including the assessment, storage, stockpiling, processing and disposal of materials and waste.*
- *Provide details of expected finished compost volumes and export rates.*
- *Outline management procedures in case of oversupply and/or stockpiling of waste and any consideration to the measures implemented when/if the facility ceases operation.*
- *Prepare an Operational Waste Management Plan in accordance with TCCS Waste Code.*

8.3.6. Landscape and Visual

- *Undertake a visual assessment of the site and surrounds to describe the current landscape character of the area.*
- *Describe the predicted impacts the facility and its operations (such as incoming wastes, composting material, and potential stockpiling) may have on the landscape character of the site and surrounds.*
- *Provide perspectives and/or a visual analysis of the proposal from local vantage points.*

8.3.7. Soils and Geology

- *Describe the soil and geology features of the area.*
- *Provide an environmental assessment of potential existing contamination from previous and adjacent land uses at the development site undertaken by a suitably qualified environmental consultant.*
- *Discuss any contamination impacts that are present at the site (soil and groundwater), and how the site will be remediated (if required).*
- *Describe the potential impacts of leachate/contaminant spills on the local soils.*

8.3.8. Water Quality and Hydrology

- *Describe the surface water and groundwater features of the area.*
- *Investigate the impact the proposal will have on erosion in the Dog Trap Creek and investigate the need for erosion and sediment control structures in the creek to mitigate this impact.*

- *Provide an assessment of peak stormwater discharge and stormwater discharge volume from the facility and consideration of the impact of stormwater discharges to the Dog Trap Creek.*
- *Describe how runoff from the development site will be treated before entering the receiving environment.*
- *Provide information on stormwater retention and reuse capabilities at the development site.*
- *Describe the potential impacts of leachate/contaminant spills on local groundwater and surface water.*
- *Provide information on measures to manage leachate/contaminants emanating from the facility to avoid impacts on groundwater and surface water.*

8.3.9. Climate Change and Air Quality

- *Provide an air quality and odour impact assessment completed by a suitably qualified environmental consultant which considers the air discharges from the facility and their impact on the surrounding environment. The assessment must take into consideration cumulative impacts from surrounding land uses. The assessment must be carried out in accordance with the “NSW EPA Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales”.*
- *The odour assessment must identify suitable odour mitigation measures.*
- *The assessment must include an Air Quality Management Plan which describes proposed mitigation and monitoring of air quality impacts and preventative controls such as maintenance measure and process management.*
- *Describe the effect of emissions from traffic during construction and operation of the facility and equipment.*
- *Describe the effects of extreme climatic events on the facility in relation to air quality and health impacts.*

8.3.10. Socio-economic and Health

- *Provide maps showing impacts on surrounding sensitive receptors, in particular the impact of odours on sensitive receptors.*
- *Describe potential sources of contamination and contaminants of concern such as hazardous wastes at the site, their risk to human health and how these sources will be managed.*
- *Outline vermin and pest control measures encompassing both the transport and storage of organic waste on site.*

8.3.11. Noise and Vibration

- *Provide a noise and vibration impact assessment regarding the operation of the facility prepared in accordance with the “Guidelines for the preparation of Noise Management Plans for development applications Environment Protection Authority, February 2014”.*

8.3.12. Hazard and Risk

- *Describe any hazardous materials and dangerous chemicals to be used or stored on site during construction and operation.*
- *Identify any Schedule 11 hazardous chemical, as per Work Health and Safety Regulation 2011 (WHS Regulation).*

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- *Provide details of maximum storage capacities for any hazardous chemicals.*
 - *Provide safety data sheets for any hazardous chemicals.*
 - *Identify whether any Schedule 11 hazardous chemicals meet the placard quantity as per the WHS Regulation.*
 - *Describe how hazardous materials will be transported to and from the site.*
 - *Provide an assessment of the potential threat of fire occurring at the facility, such as risk in relation to fire in stockpiled material, any effect on the surrounding area that a fire may have, and the protection measures necessary to address the potential threat of fire.*
 - *Outline management procedures to be followed should critical infrastructure failure occur.*
 - *Provide assessment and mitigation measures against the requirements of the “National Airport Safeguarding Framework (NASF)” and airport operations including “Guideline C- Managing the Risk of Wildlife Strikes in the Vicinity of Airports.”*
 - *Provide a Wildlife Management Program in accordance with the NASF Guidelines.*

8.3.13. Biosecurity

- *Describe the potential impacts of the spread of pest weeds and animals, pathogens and diseases from transport and storage of organic waste and compost at the proposed facility and proposed management procedures for the monitoring and mitigation of these impacts.*

9. Community and stakeholder consultation

The intention of the consultation in this scoping document is to ensure significant proposals include meaningful engagement with the community in the early stages of the project and provide clear expectations and an understanding of the actual development proposed. Consultation also provides an opportunity for the community to contribute to the design of the proposal and to resolve any major concerns early in the planning stages.

9.1. Consultation must be undertaken with:

- Lease holders and land managers of land potentially impacted by the proposal.
- Any recreational groups which may be affected by the proposal, such as the ACT Equestrian Association Inc.
- Any volunteer conservation, landscape management or land care groups active in the area to be affected by the proposal, such as the Molonglo Conservation Group and the Isaacs Ridge Mount Mugga Mugga ParkCare Group.
- Adjacent and nearby business owners and employees.
- The local community and community groups such as: the Tuggeranong Community Council, the Jerrabomberra Residents Association and other community groups in the Southern Central Canberra area.

9.2. Provide a consultation report that includes:

- A description of the methodology and criteria for identifying stakeholders and how they were identified. Details and plans must be provided showing potential impacts on the local and wider community to justify how stakeholders were identified.
- An outline of the communication methods used. A variety of communication methods must be adopted to ensure all stakeholders are engaged appropriately, such as face to face, email/letters, community meetings and information sessions and website notifications.

- Details on the information provided during the community consultation process. Note: A plain English statement explaining the proposal and conceptual drawings must be made available to the community and stakeholders.
- A summary of the responses and the main comments raised. Evidence must be provided demonstrating that consultation has been undertaken with each relevant group/person and provide specific detail on how these concerns were addressed.
- A description on how any concerns have been considered and identify any changes that have been made to the proposal.

Consultation must occur as early as possible and avoid, or make allowances for public holidays, school holidays and the summer holiday (Christmas) shutdown period. The level of engagement must be comparable with the size, location and nature of the development and potential impact on the wider community.

9.3. Consideration of public representations from Draft EIS notification

The revised EIS must include a consultation report outlining the representations received, issues raised in the representations and a response to the issues and values identified. The summary response must clearly identify the representation(s) to which the responses relate.

10. Recommendations

Provide a summary of any commitments to impact prevention, mitigation measures, offsetting measures and other actions within the EIS.

Describe the monitoring parameters, monitoring points, frequency, data interpretation and reporting proposals.

11. Other relevant information

The proponent may wish to include issues outside the scope of the EIS as a separate section of the EIS. This allows the proponent to identify matters not required to be addressed in the EIS, but that would be subject to development assessment consideration and notification. This can provide additional context for members of the public regarding management of environmental issues, by ensuring that the public is aware that these issues will be addressed in the detailed design of the proposal.

12. References

A reference list using standard referencing systems must be included.

13. Required Appendices

13.1. Scoping document for the EIS

A copy of the scoping document should be included in the EIS. Where it is intended to bind appendices in a separate volume from the main body of the EIS, the scoping document should be bound with the main body of the EIS for ease of cross-referencing.

13.2. Scoping Document Reference

Include a table that cross-references the EIS to the scoping document. If the EIS addresses the scoping document in multiple places, then this must be also referenced.

13.3. Proponent's Environmental History

Provide details of any proceedings under a Commonwealth or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- The person proposing to take the action
- For an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, then provide details of the corporation's environmental policy and planning framework. Enough information is required to satisfy s136(4) of the EPBC Act.

13.4. Information Sources

For information given the following must be stated:

- The author or any reports or studies
- The publication date
- The source of the information
- How recent the information is (i.e. when a study was conducted or when primary sources were produced)
- How the reliability of the information was tested
- What uncertainties (if any) are in the information.

13.5. Study team

The qualifications and experience of the study team and specialist sub-consultants and expert reviewers must be provided.

13.6. Specialist studies

All reports generated based on specialist studies undertaken as part of the EIS are to be included as appendices.

13.7. Research

Any proposals for researching alternative environmental management strategies or for obtaining any further necessary information should be outlined in an appendix.

Attachment A

ENTITY REQUIREMENTS

Where not otherwise identified as a potentially significant impact, provide information in accordance with the requirements of the entities. If the issues raised by entities have been addressed in other sections of the EIS, this must be cross referenced in this section.

A1. Heritage Council

The desktop consideration of heritage has not identified any non-Aboriginal heritage within or directly adjacent to the project area. The scoping information identifies that Hume PAD 4 is in or near the project area and that a Cultural Heritage Assessment (CHA) will be required to identify the potential for the presence and characteristics of Aboriginal cultural heritage within the project area.

The scoping document also identifies risks to heritage from the proposal, noting that there is a 'negligible' risk of direct impact to historic non-Aboriginal heritage places and objects and a 'high' risk to direct impact to Aboriginal archaeological potential or places with high Aboriginal cultural values.

Advice:

Review of the ACT Heritage Register identifies that a registered heritage place, recorded as 'Hume Site 1', is a heritage consideration for the proposal. Hume Site 1 is of very high significance and high conservation value, and any potential impacts to this heritage place are unlikely to be supported by the Council.

Information about Hume Site 1 has been declared as restricted under Part 9 of the *Heritage Act 2004* and is not publicly available. Additional information can be provided by the Council about this site by submitting a *Limited access to restricted information* form under s57 of the *Heritage Act 2004*.

Additionally, previously recorded Aboriginal places are located in and near the project footprint. Hume PAD 4 has been recorded in the project footprint as noted in the scoping information. Aboriginal places HA11, Hume 1, HAC2/Hume 2, HA12, HID1395, HID1391 and PAD2 have also been recorded in and/or adjacent to the project area.

The development of the FOGO facility may not be suitable at this location given the high significance of the Hume Site 1 heritage place. The Council advises that expert advice from a geomorphologist or other suitably qualified specialist must be sought on the likelihood of Hume Site 1 extending into the project area. If it is considered likely that Hume Site 1 may extend into the project area the Council would not support any activity that could diminish the significance of this place. Associated environmental impacts arising from the proposal (such as impacts to water quality, hydrology, vibration and their potential impacts to Hume Site 1) must be considered in detail. If these associated environmental impacts would diminish the significance of Hume Site 1, the Council would not support the proposal.

Additionally, the Council will require further information to determine if the proposed development has the potential to impact on Aboriginal places or objects. The Council requires that a CHA be undertaken to assist in determining any possible heritage impacts from the project.

This CHA must:

- Be undertaken by a suitably qualified archaeologist;
- Include the information as required by the Council's *Cultural Heritage Reporting* policy available at <https://www.environment.act.gov.au/heritage/publications-and-resources>;
- Include consultation with Representative Aboriginal Organisations (RAOs) about the heritage significance of any identified Aboriginal places and objects, and the impacts of proposed development or activity on Aboriginal places and objects; and
- If the CHA identifies that proposed works will cause damage or diminish the significance of heritage places, recommendations must be presented to comply with *Heritage Act 2004* provisions. This must include consideration of alternatives to avoid heritage impacts, and if these alternatives are not reasonably practicable, measures that could be adopted to minimise heritage impacts. Statutory approvals under the *Heritage Act 2004* will be required if any subsurface testing is proposed or if the works will damage or diminish the significance of heritage places.

A2. Conservator of Flora and Fauna

There are several major concerns regarding potential impacts to Dog Trap Creek which are required to be included in the Scoping Document and addressed in the EIS process. In particular, the EIS will need to incorporate potential impacts of the future operation of the facility in addition to the impacts during construction. The specific items for inclusion are:

Increased erosion

The degraded state and active erosion of Dog Trap Creek is a major concern. Increased development adjacent to the creek will increase the hydrologic stress on this system, leading to further erosion. Ideally, creek stabilisation works are needed in conjunction with increasing development in the catchment. The EIS should consider the need for erosion and sediment control structures in the creek.

Stormwater control

The EIS should include assessment of peak discharge and discharge volume and demonstrate that the facility will have no impact.

In addition, the EIS should demonstrate how all runoff from the development site will be treated before entering the receiving environment and consider retention of stormwater and stormwater reuse on-site.

Removal of existing vegetation

The EIS should identify whether the development is within the Built-Up Urban Area determined by the Tree Protection Act. <https://www.legislation.act.gov.au/View/ni/2014-383/current/PDF/2014-383.PDF>. If it is, then a Tree Assessment and Tree Management Plan will need to be included in the EIS. If the development is outside the Built-Up Urban Area, then the Tree Protection Act requirements don't apply.

In addition, the EIS will need to include consideration of whether the removal of the trees will be a key threatening process under the Nature Conservation Act <https://www.environment.act.gov.au/nature-conservation/conservation-and-ecological-communities/threatened-species-and-ecological-communities/key-threatening-processes>

A3. Health Protection Services (HPS)

The HPS has reviewed the documents and supports the need for:

- contamination assessments to be undertaken to identify the presence and source of potential contaminants.
- a construction environmental management plan and an operational waste management plan to be prepared before construction; and
- an unexpected finds protocol to be developed before the works commence.

The HPS also requests that the EIS should consider:

- pest control measures encompassing both the transport and storage of organic waste; and
- odour impacts from the operation of the proposed facility. The HPS request an odour assessment be undertaken to identify and assess odour impacts on the surrounding environment, including identifying suitable odour mitigation measures, where required.

The applicant is also advised that all reasonable and practicable measures are to be taken to suppress dust and minimise detrimental impacts to air quality during the construction and operation of the facility.

There are no further public health concerns in relation to the proposed EIS scoping document.

A4. Environment Protection Authority (EPA)

The Environment Protection Authority (EPA) requests the following matters be covered in the scoping document for the EIS to help identify the potential impacts that may result from the development proposal and options for mitigating such impacts prior to a development application being lodged and any subsequent additional approvals required:

Air Emissions:

A quantitative assessment of the potential air quality and odour impacts on the surrounding area and details of all proposed mitigation, management and monitoring measures. This assessment must be carried out in accordance with the NSW EPA Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales.

Noise Emissions:

A noise impact assessment prepared in accordance with the “Guidelines for the preparation of Noise Management Plans for development applications Environment Protection Authority, February 2014”

Water:

An assessment of surface water and leachate management must be included in the EIS documentation.

Contamination:

An environmental assessment of the site to determine whether it is suitable for the proposed uses from a contamination perspective. Whilst the proponent can be made aware of this requirement it can be covered off in the DA process rather than the EIS.

Advice

It should be noted that if approved, the proponent will be required to hold an Environmental Authorisation (EA) granted by the EPA. The EA will be required to be obtained following approval of a Development Application and prior to operations commencing on the site. The EPA will set a range of conditions in the EA including setting limits on emissions and managing and monitoring emissions and impacts on the environment.

A5. Icon Water

Environment Team

A Heavy metals / Hydrocarbons / Asbestos overlay is present over the entire site: A previous contaminated land search was conducted in 2016 for this site which states at the time, the EPA indicated that contamination may have impacted the site with its historical use as a waste recycling facility. The ANZECC 1992, *Guidelines for the Assessment and Management of Contaminated Sites* and the ACT EPA 2009, *Contaminated Sites Environment Protection Policy* lists waste storage, treatment or disposal as activities associated with land contamination which may pose a risk to human health and the environment. The site is not recorded on the Register of contaminated sites under section 21(A) of the *Environment Protection Act 1997* (typically, grossly contaminated sites are shown on this list).

Based on this search done in 2016, I can recommend that Icon Water note the potential for contamination at the site and that disturbance of such a site may impact Icon Water assets in the area if contamination is not properly investigated and management practices implemented. Note: This is only a reflection of records the EPA had since 2016 and the site may have been exposed to additional contaminating activities unknown to Icon Water.

Developer Services

Developer Services has no objection for the development. Icon Water's water and sewer main surrounds the block which can be used to service the block.

Please note: there is an existing easement within the block. Any development within the block should meet Icon Water requirements.

Trade Waste

All connections to sewer that are classified as Liquid Trade Waste must apply to Icon Water for approval before connection to sewer. Further information on acceptance requirements for liquid trade waste can be found on the Icon Water website www.iconwater.com.au/tradewaste

In this circumstance, any proposed connections outside of standard office sanitary needs (e.g. toilets, kitchenettes) will need Icon Water Approval to discharge to sewer, as such a trade waste application must be submitted. A consultation may be required to ascertain the likely discharge and discuss what if any pre-treatment is required or if some waste must be collected for off-site disposal.

Icon Water Liquid Trade Waste team contact information: Email: Trade.Waste@iconwater.com.au
Phone: 02 6248 3222.

Building Approvals

Any work(s) that is likely to impact on the Icon Water infrastructure must have Icon Water acceptance prior to any work being undertaken.

A6. Transport Canberra City Services (TCCS)

TCCS doesn't have any detailed comments for this EIS Scoping Document at the moment. However, TCCS will provide comments when a full set of EIS documentation as part of entity referral is available. While preparing the EIS, the proponent must take into consideration the following:

- As part of the requirement by the approved Development Control Plan, the proponent must prepare a Landscape Plan during the design stage and consult with TCCS for support in principle.
- The facility will have road frontage on John Cory Road near the Monaro Highway. The strategic transport modelling suggests that the Monaro Highway and Mugga Lane will be operating close to capacity in the future. Hence the EIS should also include an investigation of the traffic impact of the development not only on Mugga Lane but also on the Monaro Highway to ensure that the continued safe and efficient movement of vehicles accessing the facility is not impeded by road network arrangements. This is because trucks need more time to pass through intersections and have longer acceleration times to merge with through traffic.
- The proponent must prepare a Traffic Impact Assessment (TIA) report for further assessment by TCCS. The report must include intersection analysis of the nearby roads. Please use the link (https://www.cityservices.act.gov.au/__data/assets/pdf_file/0009/991989/TCCS-Transport-Impact-Assessment-Guidelines.pdf) to access the TCCS Traffic Impact Assessment (TIA) Guidelines.
- Possible impact of the proposed development on the northern side of the open space must also be included in the EIS. TCCS notes the presence of stormwater drainage and a creek adjacent to the subject site.

A7. Canberra Airport

We are pleased to see reference to the NASF (National Airport Safeguarding Framework) Guidelines and would like to ensure that reference to these requirements is included in the final EIS scoping documents; especially with this site use and Guideline C- Managing the Risk of Wildlife Strikes in the Vicinity of Airports.

As a food/organic waste facility and with the site being roughly 8km from the airport within the waste and recycling area for the ACT, which includes the Mugga Lane Resource Management Centre, this site use will increase the potential for wildlife. As this site is within a waste and recycling area, it will increase the cumulative impact of the wildlife in the area, a stringent response and wildlife management plan to the NASF Guidelines would be required.

Canberra Airport has experts available for consultation about the NASF Guideline C if required and we would welcome consultation with the proponent to allow this item to be discussed directly.

A8. National Capital Authority (NCA)

The NCA's interest in the site is appropriately detailed in the proponent's scoping document application. The site is identified as an urban area in the National Capital Plan (the Plan) and the proposed land use is permitted under the Plan. Any future development application on this site will need to consider visual impact to the Monaro Highway and be consistent with Development Control Plan 171/09/0001.

A9. Jemena

No comments.

A10. ACT Emergency Services Association (ACTESA)

No comments.

Attachment B

GLOSSARY

Controlled Action (EPBC): An action defined under the EPBC Act, section 67.

Development application (DA): Application for development as defined under the PD Act.

Environment: As defined under the *Planning and Development Act 2007* (the PD Act), each of the following is part of the environment:

- (a) the soil, atmosphere, water and other parts of the earth;
- (b) organic and inorganic matter;
- (c) living organisms;
- (d) structures, and areas, that are manufactured or modified;
- (e) ecosystems and parts of ecosystems, including people and communities;
- (f) qualities and characteristics of areas that contribute to their biological diversity, ecological integrity, scientific value, heritage value and amenity;
- (g) interactions and interdependencies within and between the things mentioned in paragraphs (a) to (f);
- (h) social, aesthetic, cultural and economic characteristics that affect, or are affected by, the things mentioned in paragraphs (a) to (f).

Environmental Impact Statement (EIS): As defined under the PD Act.

EPBC Act: *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)

Impact Track: An assessment track that applies to a development proposal defined under the PD Act, section 123.

Long term: Greater than 15 years duration.

Medium term: Greater than three (3) years to 15 years duration.

PD Act: *Planning and Development Act 2007* (ACT)

Regulated waste: waste defined under the *Environment Protection Act 1997*

Scoping: The process of identifying the matters that are to be addressed by an EIS in relation to the development proposal - see the PD Act, Section 212 (2).

Short term: Zero to three (3) years duration.

Socio-economic: Involving both social and economic factors.