

# Planning and Development (ACT FOGO Waste Facility, Block 5, Section 26 Hume) Scoping Document 2022

Notifiable instrument NI2022–418

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (ACT FOGO Waste Facility, Block 5, Section 26 Hume) Scoping Document 2022*.

## 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.

George Cilliers  
Delegate of the planning and land authority  
29 August 2022



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## Scoping Document

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

<b>APPLICATION NUMBER:</b> 202200016		<b>DATE OF THIS NOTICE:</b> 19 July 2022
<b>DATE LODGED:</b> 7 June 2022		
<b>PROJECT:</b> Proposed Food Organics and Garden Organics (FOGO) facility involving in vessel composting of up to 70,000 tonnes per annum of food and green waste organic material		
<b>IMPACT TRACK TRIGGER:</b> Schedule 4, Part 4.2, Item 10 of the <i>Planning and Development Act 2007</i> . Other triggers may also apply.		
<b>BLOCK:</b> 5	<b>SECTION:</b> 26	<b>DISTRICT/DIVISION:</b> Hume
<b>ADDRESS:</b> 6 Recycling Road		
<b>PROPONENT/APPLICANT:</b> ACT NoWaste		
<b>LESSEE/LAND CUSTODIAN:</b> ACT NoWaste (Transport Canberra and City Services - TCCS)		

### SCOPING DOCUMENT

The planning and land authority (the Authority) within the Environment, Planning and Sustainable Development Directorate (EPSDD) received the 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:

- Identified the matters that are to be addressed by an EIS in the relation to the development proposal and
- Prepared this 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.



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- 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.

### 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 this scoping document for the proposal within the timeframe provided. 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 Dominic Riches to arrange a suitable time to discuss.

**Delegate of the planning and land authority**

George Cilliers  
Executive Group Manager  
Planning Delivery Division  
Environment, Planning and  
Sustainable Development Directorate

### Contact

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## 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 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 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.

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## 5.2. Alternatives to the proposal

As background for the proposal, provide details of any alternatives 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*
- *Planning and Development Regulation 2008*
- *Waste Management and Resource Recovery Act 2016 and*
- Related statutory approvals.

### 6.2. Other requirements

The description must also include information on how the proposal is consistent with each of the following:

- Territory Plan 2008, including the Statement of Strategic Directions (Section 2.1)
- ACT Planning Strategy
- National Capital Plan
- *Climate Change and Greenhouse Gas Reduction Act 2010*
- The ACT Climate Change Strategy 2019-2025
- Canberra's Living Infrastructure Plan: Cooling the City
- Relevant Environment Protection Policies and Separation Distance Guidelines for Air Emissions ([https://www.environment.act.gov.au/environment/legislation\\_and\\_policies](https://www.environment.act.gov.au/environment/legislation_and_policies))
- Transport for Canberra policy
- *Environment Protection Act 1997*
- *Heritage Act 2004*
- *Nature Conservation Act 2014*
- Other relevant planning and environmental guidelines and management plans.

## 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

**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"> <li>Sterilisation of surrounding land uses</li> </ul>	8.1.1
Traffic and transport	<ul style="list-style-type: none"> <li>Traffic impacts from the operation</li> </ul>	8.1.2
Utilities	<ul style="list-style-type: none"> <li>Impacts on existing infrastructure</li> </ul>	8.1.3
Biodiversity and nature conservation	<ul style="list-style-type: none"> <li>Impacts on flora</li> <li>Impacts on fauna</li> </ul>	8.1.4
Heritage	<ul style="list-style-type: none"> <li>Impacts on known heritage values</li> </ul>	8.1.5
Materials and waste	<ul style="list-style-type: none"> <li>Impacts from hazardous waste and/or chemicals received/stored at the facility</li> <li>Impacts from excess stockpiling of waste or recyclable material</li> <li>Impacts from spread of waste</li> </ul>	8.1.6
Landscape and visual	<ul style="list-style-type: none"> <li>Visual impacts from the facility and the operation</li> </ul>	8.1.7
Soils and geology	<ul style="list-style-type: none"> <li>Impacts from soil contamination from the operation</li> <li>Impact from the disturbance of existing contaminated soil</li> </ul>	8.1.8

Environmental Theme	Risk identified	See section/s below for further detail
Water and hydrology	<ul style="list-style-type: none"> <li>Impacts to groundwater from the operation</li> <li>Impacts on stormwater and surrounding waterways, such as Dog Trap Creek</li> </ul>	8.1.9
Air quality and climate change	<ul style="list-style-type: none"> <li>Air quality impacts from operation including cumulative impacts</li> <li>Increased greenhouse gas emissions from the proposal</li> </ul>	8.1.10
Socio-economic and health	<ul style="list-style-type: none"> <li>Impacts from operation harbouring vermin and pest animals</li> </ul>	8.1.11
Noise and vibration	<ul style="list-style-type: none"> <li>Noise and vibration impacts from operation of the facility, including truck movements</li> </ul>	8.1.12
Hazard and risk	<ul style="list-style-type: none"> <li>Impacts from fires at the facility</li> <li>Impacts from bushfires</li> <li>Impact on aircraft from bird strike</li> </ul>	8.1.13

## 8. Assessment of Impacts

Sufficient information is required to provide the Authority with an adequate understanding of the environmental impacts associated with the proposal.

Each risk identified in Table 1 and in the proponent's PRA must be addressed, and structured, as set out in sections 8.1.1-8.1.5 below.

### 8.1. Standard requirements

#### *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 for the environmental themes identified in Table 1 and 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 proposed 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 and 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. Detailed requirements**

The following items (sections 8.2.1 - 8.2.13), 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.



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**8.2.1. Planning and land status**

- *Include a description of planning context of the area where the project will be located.*
- *Describe planning and development status of any land or project relevant to the proposal.*
- *Describe 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 existing and future uses in relation to the surrounding uses.*

**8.2.2. 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/TCCSTransport-Impact-Assessment-Guidelines.pdf](https://www.cityservices.act.gov.au/__data/assets/pdf_file/0009/991989/TCCSTransport-Impact-Assessment-Guidelines.pdf).*
- *The TIA must include intersection analysis of the nearby roads.*
- *Describe how hazardous materials will be transported to and from the site.*

**8.2.3. Utilities**

- *Describe current utilities on and surrounding the site.*
- *Provide details of new connections and any proposed relocation.*
- *Provide details of any proposed discharge of liquid trade waste required.*
- *Information must be provided regarding utility works that are required as part of the proposal and mitigation measures proposed to avoid contamination.*

**8.2.4. Biodiversity and nature conservation**

- *Provide a description of ecological values on and adjacent to the site.*
- *Provide details of whether the proposal will impact the existing connectivity for the area and whether the site will contribute to the future connectivity of the area.*
- *Consider impact on the area from the facility attracting vermin and associated predators.*
- *Consider impacts from the spread of weeds.*
- *A targeted Striped legless lizard (SLL) survey must be undertaken for the site.*
- *Any impacts identified in the EIS must also consider avoidance and mitigation measures to ensure impacts are reduced.*

**8.2.5. 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.*
- *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.*

**8.2.6. Materials and 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.*
- *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).*
- *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.*

**8.2.7. 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.*
- *Consider visual impact to the Monaro Highway and consistency with Development Control Plan 171/09/0001.*
- *Consider lighting impacts in relation to pilot distraction.*

**8.2.8. Soil 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.*
- *An assessment of potential PFAS (per-and poly-fluoroalkyl substances) contamination for the site is required.*
- *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.*

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**8.2.9. Water 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.

**8.2.10. Air quality and climate change**

- 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 assessment must consider dust impacts on the surrounding developments.
- The air quality and odour assessment must identify suitable 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.
- Provide evidence showing net emissions from the operation of the facility.
- Provide quantitative estimates of the Scope 1 and 2 greenhouse gas emissions that will be generated by the proposed development during operation.

**8.2.11. Socio-economic and health**

- Provide an assessment of impacts from the operation harbouring vermin and pest animals.
- Outline vermin and pest control measures encompassing both the transport and storage of organic waste on site.

**8.2.12. 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”.

**8.2.13. Hazard and risk**

- 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.

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- *A bushfire assessment must be undertaken by a suitably qualified person.*
  - *A climate change risk assessment is required addressing the risk from increased events from flood, bushfire or extreme heat risk.*
  - *Outline management procedures to be followed should critical infrastructure failure occur.*
  - *Describe any hazardous materials and dangerous chemicals to be used or stored on site during construction and operation.*
  - *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 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.

## 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 in 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.
- 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.
- The local community and businesses owners and employees. This includes local 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 including 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.

**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**

### **A1. ACT Emergency Services Agency**

*ACTF&R has reviewed the Application for Environment Impact Statement Scoping documents. These documents acknowledge the proposed development is located within bushfire prone area, and that bushfire risk would be considered during the EIS process.*

*ACTF&R require a bushfire assessment to be completed and submitted for review for this development. Due to the nature of the facility, ACTF&R recommend the assessment includes provision of shielding (non-combustible fencing) to the perimeter of the block to assist with prevention of fire travel into facility from grassland hazard in the event of a bushfire.*

### **A2. Canberra Airport**

*We acknowledge the application document references the NASF Guidelines and the proponent will undertake a Bird and Wildlife Assessment (Guideline C). The site is just under 9km away from the airport and so it lies between the Area B and Area C of the NASF Guideline C, this details a Mitigate and Monitor action plan for dealing with birds and wildlife. A thorough investigation is required by the proponent. We are happy to provide contact details of preferred consultants if required.*

*We also request that Guideline E- lighting and pilot distraction be regarded to, we acknowledge that this would be addressed under the NCA Outdoor Lighting policy.*

### **A3. Climate Change and Energy (EPSDD)**

*The documentation provided suggests that there are overall environmental benefits of processing organic waste in a FOGO facility, compared to sending that waste to landfill. However, it is not clear from the available information whether the proposed development will result in an overall reduction in net greenhouse gas emissions. Climate Change and Energy Division recommends that the proponent is required to provide evidence that gives assurance there will be a reduction in net emissions by diverting waste from landfill.*

*If the proposal has the potential to be a significant emitter and may impact on the ACT's greenhouse gas emissions targets, the proponent will need to provide quantitative estimates of the Scope 1 and 2 greenhouse gas emissions that will be generated by the proposed development during operation. Mitigation and/or offsetting measures proposed and the extent to which they reduce emissions must also be quantified. Estimates must be calculated in a way that is comparable to the greenhouse gas emissions targets in the Climate Change and Greenhouse Gas Reduction Act 2010.*

*The Climate Change and Energy Division notes the proximity of the proposed development to the Mugga Lane Solar Park. The Division recommends the proponent is required to consider the potential impacts (e.g. dust) of the development on the solar facility.*

*If the proponent is assessing flood, bushfire or extreme heat risk, the Division advises that the impacts of climate change also need to be considered in the EIS, ideally through a climate change risk assessment. The Division encourages the use of NARClm regional downscaled climate projections for any reference to the ACT's future climate. More information can be found here:*

*<https://www.climatechange.environment.nsw.gov.au/climate-projections-used-adaptsw?elqTrackId=f72f9814d12b4d16ba7df19f02bf31e5&elqaid=83&elqat=2>*

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#### **A4. Conservator of Flora and Fauna**

*Terrestrial biodiversity impacts of the development are likely to be negligible and additional assessment is not required. However, 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:*

##### **1. 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.*

##### **2. 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.*

##### **Bushfire risk**

*Whilst the proposal has identified that it will consider bushfire risk in the EIS, I suggest the following should be the minimum elements that should be considered:*

- *Risk of bushfire impacting the facility. Particularly addressing any required asset protection zones, the construction standards of any buildings, the siting of any stockpiles and windrows of flammable materials.*
- *Fire originating on the site affecting other lands. Construction, and Operational phases. Measures to reduce the likelihood of fire ignition and spread, including conditions around the safety of plant and equipment to minimise risk of ignition, and on when construction or operations should cease for safety.*
- *Asset protection zones. These must be located within the site boundary and maintained by the operator. Any impacts of APZ on the environment to be assessed as part of the EIS.*

*Irrespective of the above the proponent should conduct a full risk assessment of potential natural hazards and risks, including flooding.*

##### **Impacts to connectivity**

*The proposal is adjacent to undeveloped land and, as identified in the preliminary assessment, there are a range of potential conservation values present. The habitat connectivity mapping prepared by the ACT Government notes that the site is located in an area of Moderate to High value for its potential to improve habitat connectivity. As part of the biodiversity assessment, the proposal should assess the risk associated with the development from the perspective of habitat connectivity.*

##### **Impacts to biodiversity**

*The type of facility being proposed for this development holds a risk for attracting vermin and associated predators, which can then impact on adjacent lands and biodiversity. The EIS should consider this risk in the operational phases.*

##### **Potential presence of Striped Legless Lizard**



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*The Scoping Document refers to an inspection performed by my team in 2020 that determined the vegetation on the site was too degraded to support Striped Legless Lizard (SLL).*

*Prior to European settlement, this section of Dog Trap Creek was natural temperate grassland or open woodland which was primary habitat for this species. Recent surveys (post 2020) in the Jerrabomberra area have recorded SLL in degraded vegetation. Advice received from an expert in this species is that the site does have potential to support a population. Possible SLL habitat in this vicinity is subject to a number of development proposals which represent a cumulative threat to the conservation of this species. For this reason, I require a targeted SLL survey to be undertaken on the site as part of the EIS. This is required to ensure that the proposal does not pose a threat to SLL.*

#### **A5. Environment Protection Authority (EPA)**

##### ***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.*

*An assessment of potential PFAS (per-and poly-fluoroalkyl substances) contamination at the site and in the product is required, taking account of research undertaken by the Australian Packaging Covenant Organisation, Australia’s PFAS National Environmental Management Plan and ACT initiatives to ban single use plastic packaging.*

##### ***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.*

#### **A6. ACT Health**

*Odour impacts associated with the facilities’ operation on surrounding receptors should be identified and assessed and mitigation measures should be discussed within the EIS.*

*The applicant is advised that The HPS supports the implement standard mitigation measures, actions and studies in table 8 of the EIS scoping document (refer to page 45-49).*

*The HPS supports that a contamination assessment should be undertaken as part of the EIS as*

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indicated in the ACT FOGO waste facility EIS Scoping Document 4.5 Soils and contamination.

**A7. ACT Heritage**

1. *An expert assessment of the potential for Hume Site 1 to extend into the proposed development area, by a suitably qualified specialist.*
2. *An expert assessment of the potential environmental impacts to Hume Site 1 arising from the proposal, such as but not limited to water quality, hydrology, erosion and vibration.*
3. *A Cultural Heritage Assessment (CHA) of the potential Aboriginal heritage impacts of the proposal, which must:*
  - a. *Be undertaken by a suitably qualified archaeologist;*
  - b. *Be informed by consultation with Representative Aboriginal Organisations (RAOs) about: the cultural and heritage significance of any identified Aboriginal places and objects; the potential heritage impacts of proposed development; and proposed management outcomes;*
  - c. *Meet the information requirements of the Council's Cultural Heritage Reporting policy, which is available at <https://www.environment.act.gov.au/heritage/publications-and-resources>;*
  - d. *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; and*
  - e. *This CHA is to be submitted directly to the Council for review, and for advice on any additional Heritage Act 2004 requirements.*
4. *If testing or archaeological excavation is required to assess the extent of Hume Site 1, and/or to assess the Aboriginal heritage significance of the subject area, this investigation must be undertaken to inform the EIS. The investigation must include:*
  - a. *Preparation of an Excavation Permit application by suitably qualified specialists, and including a Research Design and Methodology;*
  - b. *Where the application relates to Aboriginal places and objects, consultation with RAOs regarding the proposed investigation, its methods and the management of any objects recovered;*
  - c. *Submission of the application to the Council under Section 61E of the Heritage Act 2004; and*
  - d. *Following approval of the application under Section 61F of the Heritage Act 2004, completion of the investigation in accordance with the conditions of that approval.*
5. *If the above assessment actions identify that the proposal may have detrimental heritage effects, all alternatives to heritage impacts must be considered and adopted where reasonably practicable. Where alternatives are not reasonably practicable, measures to minimise heritage impacts must also be considered and adopted.*

**Note:** *The EIS must redact information on some heritage places and objects, including in attached heritage reports, as:*

- *It is an offence under Section 55 of the Heritage Act 2004 to make information on Hume Site 1 publicly available; and*

- *Information on Aboriginal places and objects is culturally sensitive, and should not be made public in accordance with Traditional Custodians views. It is also an offence under Section 55 of the Heritage Act 2004 to make information on some Aboriginal places at Hume publicly available.*

*The Council also advises that, if the above assessment demonstrates that the proposal would have a significant adverse impact on Hume Site 1, the proposed development of a FOGO facility may not be suitable at this location; and may not be supported by the Council in the future.*

*The Council also notes that, in accordance with Heritage Act 2004 provisions, approval from the Council will be required where the proposal may diminish the heritage significance of Hume Site 1 or damage Aboriginal places and objects; in addition to any approvals required under the Planning and Development Act 2007.*

*Such approval is sought by making a Statement of Heritage Effect (SHE) application under Section 61G of the Heritage Act 2004, which are approved by the Council where it is satisfied on reasonable grounds that: the proposed activity is justifiable; and that there are no other reasonably practicable alternatives to heritage impacts; and that measures to minimise the heritage impacts of the proposal have been adopted.*

#### **A8. Icon Water**

##### **Trade Waste**

*All connections to sewer that are classified as Liquid Trade Waste (any non-domestic sewage) must apply to Icon Water's Liquid Trade Waste team for approval before connection to sewer. This will include any discharge to sewer from this facility. Further information on acceptance requirements for liquid trade waste can be found on the Icon Water website [www.iconwater.com.au/tradewaste](http://www.iconwater.com.au/tradewaste).*

*In this circumstance at a minimum the ACT FOGO waste facility will need a current Icon Water Approval to discharge to sewer. A new trade waste application must be submitted. A consultation may be required to ascertain the likely discharge and discuss any pre-treatment requirements or if some waste must be collected for off-site disposal. The ACT FOGO waste facility will also need to consider how they are going to manage their liquid wastewater during construction and any potentially contaminated ground or surface water. This water must not be discharged to sewer without approval from Icon Water.*

*Icon Water Liquid Trade Waste team contact information is Email: [trade.waste@iconwater.com.au](mailto:trade.waste@iconwater.com.au)  
Phone 02 6248 3222.*

##### **Environment**

- *The site is potentially contaminated with Heavy Metals / Hydrocarbons / Asbestos overlay. The EIS notes that a contamination study will be done. This will need to take into account Icon Water assets and ensuring that any connections and movement of pipelines done through the project are done ensuring contamination does not occur to the pipeline.*

*The contamination study should be provided to Icon Water to help us future manage the infrastructure we have in the area as well.*

#### **A9. Nation Capital Authority (NCA)**

*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.*

**A10. Transport Canberra and City Services (TCCS)**

TCCS had no comments for the EIS scoping stage.

## Attachment B

### GLOSSARY

**ACTF&R:** ACT Fire and Rescue (ESA).

**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.

**EPA:** ACT Environment Protection Authority.

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

**EPSDDD:** *Environment, Planning and Sustainable Development Directorate*.

**ESA:** Emergency Services Agency.

**HPS:** Health Protection Service in the ACT Health Directorate.

**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.

**NCA:** National Capital Authority (Cwth).

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

**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.

**SLL:** Stripped legless Lizard.

**TCCS:** Transport Canberra and City Services.