

# Planning and Development (Canberra Brickworks Project - Blocks 1, 7 and 20 Section 102 Yarralumla) Scoping Document 2020

**Notifiable instrument NI2020–32**

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 (Canberra Brickworks Project - Blocks 1, 7 and 20 Section 102 Yarralumla) Scoping Document 2020*.

## **2 Commencement**

This instrument commences on the day after its notification day.

## **3 Scoping of EIS**

The scoping document in the schedule has been prepared.

Brett Phillips  
Delegate of planning and land authority  
16 January 2020



**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> EIS201900047		<b>DATE OF THIS NOTICE:</b> 16 January 2020	
<b>DATE LODGED:</b> 28 November 2019			
<b>PROJECT:</b> Redevelopment of the former Canberra Brickworks site, consisting of a mixture of parkland, residential, commercial and retail uses.			
<b>IMPACT TRACK TRIGGER:</b> Planning and Development Act, Schedule 4; Part 4.3 Items 1(a), 6 & 7			
<b>BLOCK:</b>	<b>SECTION:</b>	<b>DISTRICT/DIVISION:</b>	<b>LESSEE/LAND CUSTODIAN:</b>
1	102	Yarralumla	ACT Property Group
7	102	Yarralumla	TCCS – City Presentation
20	102	Yarralumla	TCCS – City Presentation
<b>ADDRESS:</b> Old Canberra Brickworks, Denman Street, Yarralumla			
<b>PROPONENT:</b> Doma Group			
<b>APPLICANT:</b> Umwelt (Australia) Pty Ltd			

### 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:

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

On 19 December 2017, a delegate of the Commonwealth Minister for the Environment and Energy determined the proposed action to be a controlled action under section 75 of the EPBC Act.

At the time of the controlled action decision, it was also determined that the assessment would be undertaken in accordance with Schedule 1 of the Bilateral agreement made under section 45 of the EPBC Act relating to environment assessment (2014).

This will enable the EIS to meet the impact assessment requirements under both Commonwealth and ACT Legislation. The project will require approval from the Commonwealth Minister for Environment and Energy under part 9 of the EPBC Act before it can proceed.

**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.



## Scoping Document

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

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### 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 (e.g. executive summary, introduction, proposal details, legislative context, risk assessment, assessment of impacts, consultation, recommendations/mitigation, conclusion).
- A table that cross-references the EIS to the scoping document must be included in the EIS submission.
- The EIS must reference any figures or supporting information such as 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.
- A redacted version (in addition to the full version) of any reports containing restricted or sensitive information must be provided for public notification, such as a Cultural Heritage Assessment report.
- 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 and two copies on individual USB's once it has been accepted for lodgement and three hard copies and three copies on individual USB's 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 for



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## Scoping Document

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

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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 Kristy Moyle to arrange a suitable time to discuss.

**Delegate of the planning and land authority**

Brett Phillips  
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Environment, Planning and  
Sustainable Development Directorate  
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**Contact**

Kristy Moyle  
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Impact Assessment and Business Improvement  
Environment, Planning and  
Sustainable Development Directorate  
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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 operation) and project life;

- j) A plan/description of the precise location of any works to be undertaken, structures to be built and all other 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 design and location alternatives to the proposal and provide reasons for selecting the preferred option with an analysis of site selection;
- 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 EIS must include information on statutory requirements for the proposal and how the proposal meets these requirements:

- *Planning and Development Act 2007*
- *Planning and Development Regulation 2008*
- *Environment Protection Act 1997*
- *Environment Protection Regulation 2005*
- *Nature Conservation Act 2014*
- *Tree Protection Act 2005*
- Other 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 to 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 relevant sections of the following ACT Government 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
- 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))
- Plans of Management for any public land
- Any relevant Master Plan
- Other relevant planning and environmental guidelines, action plans and management plans.

#### 6.3.1. Ecologically sustainable development (ESD)

Provide a description of the proposed action in relation to the long-term and short-term considerations of economic development, social development and environmental protection. The proponent should ensure that the EIS adequately addresses the principles of sustainable development as defined by s 9 of the PD Act, especially the economic consequences of the environmental impacts from the proposed development.

#### 6.3.2. Territory Plan strategic directions

A statement must be provided regarding the proposal's consistency 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.

-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

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.



**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>	8.2.1
	<ul style="list-style-type: none"> <li>• Inconsistency with Yarralumla Neighbourhood Plan and Canberra Brickworks Conservation Management Plan</li> </ul>	
Traffic and Transport	<ul style="list-style-type: none"> <li>• Intensification of access road use during construction and the impact of heavy rigid vehicular movements on road surfaces</li> </ul>	8.2.2
	<ul style="list-style-type: none"> <li>• Inability to access the site if the Dudley Street access road is not constructed</li> </ul>	
	<ul style="list-style-type: none"> <li>• Increases in traffic flow on surrounding access roads and the potential for an increase in motor vehicle collisions and / or pedestrian injuries</li> </ul>	
	<ul style="list-style-type: none"> <li>• Damage to sensitive environmental and heritage items caused by construction vehicles accessing the site</li> </ul>	
Utilities	<ul style="list-style-type: none"> <li>• Impacts to existing and proposed utilities during construction and operation</li> </ul>	8.2.3
	<ul style="list-style-type: none"> <li>• Existing services do not have the capacity to service the site</li> </ul>	
Materials and Waste	<ul style="list-style-type: none"> <li>• Increased waste to landfill during construction and operation</li> </ul>	8.2.4
	<ul style="list-style-type: none"> <li>• Contaminants within stockpiles of soil and waste are dispersed into surrounding areas</li> </ul>	
Soils and Geology	<ul style="list-style-type: none"> <li>• Soil disturbance and imported fill leads to erosion and dispersion</li> </ul>	8.2.5
	<ul style="list-style-type: none"> <li>• Disturbance to identified Areas of Environmental Concern (AECs) expose lead and other potentially hazardous materials</li> </ul>	
	<ul style="list-style-type: none"> <li>• Widespread use of fill across the site results in the destabilisation / lack of density / compaction necessary for construction</li> </ul>	
	<ul style="list-style-type: none"> <li>• Construction and landscaping works impact upon / damage the Yarralumla formation</li> </ul>	
Landscape and Visual	<ul style="list-style-type: none"> <li>• Visual impact of the new precinct on the landscape</li> </ul>	8.2.6
	<ul style="list-style-type: none"> <li>• Vegetation removal negatively impacts upon the visual amenity of the locality</li> </ul>	
Water Quality and	<ul style="list-style-type: none"> <li>• Contaminants impact upon water quality as a result of soil disturbance</li> </ul>	8.2.7



Environmental Theme	Risk identified	See section/s below for further detail
Hydrology	<ul style="list-style-type: none"> <li>• Bioremediation failure results in leaching of contaminants into groundwater</li> <li>• An increase in hard / impervious surfaces increases rates of overland rainwater flow</li> </ul>	
Socio-economic and Health	<ul style="list-style-type: none"> <li>• Intensification of the use of the precinct causes a loss of residential amenity</li> <li>• Inadequate attention to design and layout results in a lack of passive surveillance</li> <li>• Potential risks to residents and passive users of the site as a result of exposure to contaminants (particularly lead and asbestos)</li> <li>• Remediation works fail to adequately remove contaminants from the soil</li> <li>• Potential for currently unknown contaminants to impact upon the health of residents and visitors to the precinct</li> </ul>	8.2.8
Climate Change and Air Quality	<ul style="list-style-type: none"> <li>• Increases in the frequency and intensity of extreme climatic events expose future residents to risks associated with bushfire, flooding and temperature extremes</li> <li>• Intensification / construction of increased impervious areas causes a local increase in heat retention</li> <li>• Additional residential and vehicular activities result in increases in greenhouse gas emissions</li> <li>• A failure to properly position residential dwellings in the precinct may result in an over-reliance on heating and cooling</li> </ul>	8.2.9
Noise, Vibration and Lighting	<ul style="list-style-type: none"> <li>• Construction works cause excessive levels of noise and impact upon residential amenity in and adjacent to the precinct</li> <li>• Construction works cause levels of vibration that impact upon residential amenity in and adjacent to the precinct</li> <li>• Increases in residential activity lead to additional noise during operation in and adjacent to the precinct</li> <li>• Increased levels of light impacting adversely on residential amenity in and adjacent to the precinct</li> </ul>	8.2.10

Environmental Theme	Risk identified	See section/s below for further detail
Hazard and Risk	<ul style="list-style-type: none"> <li>Bushfire threat to newly-built properties.</li> </ul>	8.2.11
Ecology and Natural Environment	<ul style="list-style-type: none"> <li>Construction work and site disturbance impact Golden Sun Moth habitat.</li> </ul>	8.2.12
	<ul style="list-style-type: none"> <li>Suitable offset areas are not available</li> </ul>	
	<ul style="list-style-type: none"> <li>Removal of mature, hollow-bearing trees impacts upon the habitat and dispersal of arboreal species</li> </ul>	
	<ul style="list-style-type: none"> <li>Delays in revegetation result in a net loss of canopy cover</li> </ul>	
Heritage	<ul style="list-style-type: none"> <li>Construction and change of use detract from the heritage significance of the Brickworks and associated ancillary structures</li> </ul>	8.2.13
	<ul style="list-style-type: none"> <li>Places listed on the ACT Heritage Register are damaged during construction</li> </ul>	
	<ul style="list-style-type: none"> <li>Places listed on the ACT Heritage Register are damaged during ongoing residential and recreational use</li> </ul>	
	<ul style="list-style-type: none"> <li>Unidentified heritage items are damaged during construction</li> </ul>	
Matters of National Environmental Significance	<ul style="list-style-type: none"> <li>Construction impacts upon Golden Sun Moth habitat and any other matters of national environmental significance (MNES)</li> </ul>	8.2.14
	<ul style="list-style-type: none"> <li>Proposal fails to comply with Commonwealth recovery plans or threat abatement plans</li> </ul>	
	<ul style="list-style-type: none"> <li>Suitable offsets are unavailable to compensate for the impacts to Golden Sun Moth habitat</li> </ul>	

## 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 potentially significant risk identified in Table 1 and in the proponent's PRA must be addressed, and structured, as set out in sections 8.1-8.2 below.

### 8.1. Standard requirements

#### 8.1.1. Environmental conditions and values

Describe the environmental conditions and 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 environmental impacts associated with the 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. 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 impacts.

### **8.1.4. Mitigation**

Discuss the proposed safeguards and mitigation measures that will be implemented to reduce the potentially significant impacts identified in Table 1 and the proponent's risk assessment. This is to include:

- a) A description and an assessment of the proposed impact avoidance, 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) Any corrective actions should the mitigation measures fail
- g) A description of the cost effectiveness of environmental mitigation or rehabilitation measures proposed and the expected or predicted effectiveness of those measures.

Offsets should directly contribute to the ongoing viability of protected matters impacted by the project and deliver an overall conservation outcome that improves or maintains the viability of protected matters as compared to what is likely to have occurred under the status quo, that is if neither the action nor the offset had taken place.

The offset package must provide compensation for any unavoidable impacts arising from the proposal on listed threatened species and communities. The offset package must include, but not be limited to, measures to address the long-term protection and management of relevant listed threatened species and communities at offset sites in the ACT (or surrounding area) and may also include management measures to improve the ecological values. Further information on the provision of Commonwealth offsets is detailed in the *EPBC Offsets Policy (2012)* available from: <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>

Describe the cost effectiveness of environmental mitigation or rehabilitation measures proposed and the expected or predicted effectiveness of those measures.

*Note: Any EMP in relation to this project is to be made publically available on the proponent's website if the project is subsequently approved under the EPBC Act.*

### 8.1.5. Residual risk

Provide a table that details the residual risk for potentially significant impacts identified 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 implementation of mitigation or offsetting measures. 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	Original risk rating from items identified in 7	Residual likelihood	Residual consequence	Residual risk rating

## 8.2. Detailed requirements

The following matters relate to Table 1 and must be addressed in detail in the EIS. Please note this is not an exhaustive list of matters that may be required to accurately detail the assessment scenarios.

### 8.2.1. 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 planning permissibility of the proposed site in relation to the Yarralumla Precinct Map and Code. Provide a description of the differences in planning permissibility at the site of the proposed development and adjacent residential uses.
- Describe the proposal and it's consistency with the Yarralumla Neighbourhood Plan and the Canberra Brickworks Conservation Management Plan.
- 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).

### 8.2.2. Traffic and Transport

- Provide a Traffic Management and Control Plan detailing all safety measures to be implemented during construction. Include a detailed survey that shows each of the sensitive heritage assets that are known to occur on site. Provide details of how these assets will be protected during construction.
- Provide a Transport Impact Assessment.
- Describe arrangements for the transport of construction materials, equipment, products, and personnel during the construction phase of the development proposal.
- Include a description of the volume of traffic generated during construction.
- Investigate the impacts the proposal will have on traffic congestion and road safety and describe mitigation measures to reduce the impacts.
- Provide a Construction Management Plan (CMP) indicating the impacts of construction staging, heavy vehicle movements during construction, conflicts with vulnerable road users and potential environmental impacts.
- Investigate the impacts on the vehicular route chosen to transport oversized

equipment and accessories by heavy vehicles and describe mitigation measures to reduce the impacts.

- Identify and investigate each of the entrance/exit points to be utilised during construction to ensure the minimum stopping sight distances are achieved in accordance with any applicable standards.
- Investigate the impact of vehicular movement associated with residential use during operation, using the maximum proposed number of residential dwellings and commercial outlets.
- Provide an analysis of how the project maximises accessibility to a range of public transport options and any associated infrastructure.
- Indicate how the project is consistent with the approved Landscape Management Protection Plan (LMPP).

#### **8.2.3. Utilities**

- Describe any existing utilities located on the land subject to this proposal.
- Describe the capacity of existing water and sewage services and investigate whether the capacity is sufficient to service the new development.
- Provide details of any new or upgraded utilities, removal or realignments required as a result of this development.
- Provide details of any proposed alterations relocations and / or connections to existing gas services.
- Investigate potential impacts to existing infrastructure and provide mitigation measures to reduce the impacts.
- Provide details of any unlicensed regulated activities as defined under the *Utilities (Technical Regulation) Act 2014*
- Provide details of any potential impacts upon water assets as a result of levelling of the site.

#### **8.2.4. Materials and Waste**

- Describe all materials to be stockpiled on site.
- Investigate potential impacts of stockpiling materials, including any contaminated materials, and provide mitigation measures to reduce any impacts.
- Consider increases in residential and commercial waste to be generated during operation and potential impacts of this waste generation.

#### **8.2.5. Soils and Geology**

- Describe the soil and geology features of the area.
- Investigate the likely impact of construction and soil disturbance on the Yarralumla formation. Detail any mitigation measures required to minimise impact.
- Undertake a detailed contamination assessment of the 10 Areas of Environmental Concern (AEC) identified and in accordance with EPA guidelines.
- Describe the composition and source of all fill intended for use at the site.
- Provide details of any contaminants within fill to be used on site and identify additional areas of concern for assessment in accordance with Phase 2 investigations.
- Provide a Remediation Action Plan for the proposed remediation works in accordance with EPA guidelines.
- Describe any protocols necessary for soil compaction and soil compaction testing to



ensure stabilisation of fill on site.

- Provide a Sediment and Erosion Control Plan (SECP) and describe erosion impacts from construction and operation activities, especially during extreme weather and detail measures to reduce the impacts of sediment and erosion, including dust suppression.
- Provide an Unexpected Finds Protocol (UFP) for all earthworks and construction activities on site.

#### **8.2.6. *Landscape and Visual***

- Undertake a visual assessment of the site and surrounds to describe the impact of the proposed development on the area.
- Visual assessment and impact analysis must provide perspectives of the site from all access ways and present a comparative assessment of existing and proposed views upon immediate surrounds, views along approach routes and any significant views/vistas.
- Identify landscape and visual impacts as a result of vegetation removal.
- Describe measures to be adopted to reduce any visual impacts.

#### **8.2.7. *Water Quality and Hydrology***

- Undertake stormwater surface modelling to determine the impact of increased hard / impervious surfaces on overland flow volume and velocity.
- Investigate the impact of overland flow on water quality as a result of sediment and erosion entering drainage lines, waterways and road drainage infrastructure.
- Describe any mitigation measures required to prevent sediment and erosion from impacting on water quality.
- Consider the potential for bioremediation failure to result in contamination of surface and groundwater.
- Consider the potential for contaminants within soils to impact on water quality as a result of soil disturbance.

#### **8.2.8. *Socio-economic and Health***

- Provide detailed prevention methods to protect residents and passive users of the site from being exposed to site contaminants.
- Consider the increase in vehicular movement, residential activity and commercial enterprise upon the amenity of surrounding residences. Provide mitigation measures to reduce any impacts.
- Provide details of how the precinct has been designed to achieve safety through passive surveillance.

#### **8.2.9. *Climate Change and Air Quality***

- Consider the risks of extreme climatic events upon future residents and how the precinct has been designed to deal with climatic extremes.
- Consider the likely increase in heat retention as a result of increased concrete and hard, landscaped areas. Provide mitigation measures to minimise increases in temperature and promote cooling through design and landscaping.
- Investigate the impact of increasing residential and vehicular activities upon greenhouse gas emissions.
- Describe the design and layout of the site and provide details of building orientation

and materials to achieve solar passive design. Provide details of mitigation methods to reduce reliance on mechanical heating and cooling.

- Outline proposed climate change adaptation measures to reduce vulnerability and increase resilience of the community.
- Describe how the site design and landscaping will contribute to the 30% Urban Environment target for coverage, in accordance with Canberra's Living Infrastructure Plan: Cooling the City.

#### **8.2.10. Noise, Vibration and Lighting**

- Provide an acoustic report that considers the impact of construction activities and noise and vibration on nearby residential properties and provide details of mitigation measures.
- Consider the impact of increased residential and commercial activity upon nearby residential properties and provide details of mitigation measures.
- Include an acoustic assessment and any mitigation measures necessary to minimise the impact of construction and ongoing residential development upon adjacent residential areas.

#### **8.2.11. Hazard and Risk**

- Provide a bushfire assessment report that considers the bushfire attack level of the site and any necessary management of Inner Asset Protection Zones (IAPZ) within the site, in accordance with ACT Bushfire Management Standards.
- Consider the impact of managing the site as an IAPZ on any environmentally sensitive areas.

#### **8.2.12. Ecology and Natural Environment**

- Provide a description of the ecological values (including native vegetation, endangered ecological communities and potential threatened species) and their habitat on and adjacent to the site.
- Report on the presence of rare native plants that are possibly present, including Pale Flax Lily (*Dianella longifolia*), Matted Parrot Pea (*Dillwynia prostrata*), and Button Wrinklewort (*Rutidosis leptorhynchoides*).
- Provide maps showing the location of all habitat and overlay all aspects of the proposed development to show the extent of any impact.
- Consider offset requirements, and whether suitable offsets are available.
- Consider if offsetting is acceptable for the species affected and consider alternatives.
- Consider the impact of removing mature, hollow-bearing trees upon local and regional connectivity for arboreal species with a particular focus on woodland birds including the Diamond Firetail and Double Barred Finch.
- Consider the impact of weed species spread due to soil disturbance and any key habitat that is at risk of being affected. Provide mitigation measures.
- Provide details of mitigation measures to reduce the impacts identified on flora and fauna species in accordance with additional detailed assessment of both direct and indirect impacts.

#### **8.2.13. Heritage**

- Prepare a Research Design and Methodology for excavation of the seven areas of moderate and high archaeological potential and detail the findings of excavations.



- Provide an in-depth heritage assessment of the site:
  - Consider the impact of the redevelopment on the heritage character / significance of the Brickworks and associated ancillary structures.
  - Consider whether the elevations, colours and materials proposed for use in construction are sympathetic to the heritage character of the site.
  - Consider direct and indirect impacts on the known heritage values of the Precinct, spanning heritage buildings and features registered on the ACT Heritage Register, and any historical archaeological features and deposits identified through further research
- Develop a final Conservation Management Plan that considers the impact of the proposed redevelopment on core and supporting heritage items:
  - Survey and locate each item of heritage significance.
  - Describe the measures to be taken to prevent damage during construction.
  - Include a monitoring and evaluation framework to ensure that all items of heritage significance are protected during construction and operation and where impacts cannot be avoided present ways to minimise and mitigate heritage impacts.
  - Include an Unexpected Finds protocol for any additional items of heritage significance that may be identified during construction.

#### **8.2.14. Matters of National Environmental Significance (MNES)**

- Outline the impacts (including extent) to Golden Sun Moth habitat and any other MNES potentially impacted by the project.
- For the Golden Sun Moth (and any other matters identified as potentially impacted) provide a description of the relevant impacts of the action including:
  - a detailed discussion of known threats
  - a detailed assessment of direct and indirect impacts on areas of habitat and populations of listed threatened species during pre-construction, construction and operation
  - detailed information on the extent (in hectares) of known and potential habitat that occurs in the proposed site and surrounds which may potentially be impacted by the proposal
  - a detailed assessment of the nature and extent of the likely short term and long term relevant impacts
  - a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible.
- Outline how the proposal is consistent with any relevant Commonwealth recovery plans or threat abatement plans.
- Outline any offsets proposed to compensate for the impacts to MNES.

### **8.3 Entity requirements**

The EIS must address the entities comments provide 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**

### **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 who may be affected by the proposal; and
- Any local community and community groups.

#### **9.2. Consultation methods**

- Describe the community consultation undertaken (methodology and criteria for identifying stakeholders and the communication methods used).
- Provide details on the information provided during the community consultation process. A plain English statement explaining the proposal and conceptual drawings must be made available to the community and stakeholders.
- Consultation should occur as early as possible and avoid, or make allowances for public holidays, school holidays and the summer holiday (Christmas) shutdown period.

#### **9.3. Consideration of community feedback**

- Provide a summary of how the community and stakeholders responded to the proposal and the main comments raised.
- Describe how any concerns have been considered and identify any changes that have been made to the proposal.

#### **9.4. Consideration of public representations from Draft EIS notification**

- The revised EIS must include 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 commitments to avoid, mitigate and offset the potential significant impacts associated with the proposal.

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 final 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 final scoping document should be bound with the main body of the EIS for ease of cross-referencing.

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### **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.

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## GLOSSARY

**Controlled Action (EPBC):** An action defined under the EPBC Act, s 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, s 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, s 212 (2).

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

**Socio-economic:** Involving both social and economic factors.

## **ATTACHMENT A**

### **COMMONWEALTH GOVERNMENT REQUIREMENTS**

The Department of Environment and Energy has identified that there are likely to be significant impacts on the following controlling provisions:

- listed threatened species and communities (sections 18 and 18A)

All matters of national environmental significance (MNES) protected under the triggered controlling provisions are potentially relevant, however the Department of the Environment and Energy considers that there is likely to be a significant impact on the following:

- Golden Sun Moth – *Synemon plana* (Critically Endangered)

Note that this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under this controlling provision are assessed for the Commonwealth decision-maker's consideration.

The Department of Environment and Energy has identified the following key risk is associated with the proposal:

- removal of 0.9 ha of Golden Sun Moth habitat

In addition, consideration must be given to Australia's obligations under international conventions, or management plans or principles of relevance to the action's controlling provisions. The international conventions, management plans and principles that must be considered in relation to this proposal include:

- a. Listed threatened species and communities
  - i. Australia's obligations under the Convention on Biological Diversity, the Convention on Conservation of Nature in the South Pacific (Apia Convention), or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
  - ii. any relevant recovery plans or threat abatement plans
  - iii. any relevant strategic assessment reports

Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support to proponents and ACT EPSDD in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found in the Department of the Environment and Energy's Species Profile and Threats Database: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

## **ENTITY COMMENTS**

### **ACT Emergency Services Agency**

ACT Emergency Services Agency has provided the following advice:

The site area, Blocks 1, 7 & 20, Section 102, has been identified as being within the bushfire prone area and as such the landscape within the site boundary is required to be managed as an Inner Asset Protection Zone as per the ACT Bushfire Management Standards. Consideration is required as to the impact this would have on any identified environmentally sensitive areas which could potentially result in inconsistencies with land management.

### **ACT Health**

ACT Health has provided the following advice:

- Due to potential contamination concerns, the HPS supports the contamination mitigation / management measures noted in the preliminary risk assessment. The measures include identifying and undertaking remediation of contaminated sites prior to general construction and to develop and implement an Unexpected Finds Protocol (UFP) for all earthworks and construction activities on site, including training personnel in UFP procedure.
- All prospective food businesses are required to submit food business registration and fit-out assessment applications (with suitably detailed plans) for each food business to the Health Protection Service (HPS) prior to construction.
- During the construction phase all reasonable and practicable measures are taken to suppress dust and minimise any other detrimental impacts to air quality.

### **ACT Heritage Council**

The Heritage Council identifies the following heritage assessment requirements for inclusion in the EIS scoping document:

#### **1. Further investigation of the heritage values of the Precinct.**

Lovell Chen and Navin Officer Heritage Consultants (2016) identified seven areas of moderate and high archaeological potential within the Precinct (BRW1, BRW2, BRW3, BRW7, BRW10, BRW11 and BRW12), and recommended archaeological excavation of these areas to adequately assess their heritage significance. Further research is required of these areas, to inform the EIS and future planning and heritage approval applications. This further research must include:

- (a) Preparation of a Research Design and Methodology for these areas, by a qualified archaeologist;
- (b) Submission of an Excavation Permit application to the Council under Section 61E of the *Heritage Act 2004*;
- (c) Archaeological excavation undertaken in accordance with any approval issued under Section 61F of the *Heritage Act 2004*; and
- (d) Analysis of archaeological excavation results, in accordance with significance criteria set out in Section 10 of the *Heritage Act 2004* and the Council's *Heritage Assessment Policy*.

#### **2. Assessment of the potential heritage impacts of proposed development.**

The EIS should provide a detailed written description and mapping of the proposed development and provide an assessment of the potential heritage impacts of the proposal.

This impact assessment should include direct and indirect impacts on the known heritage values of the Precinct, spanning heritage buildings and features registered on the ACT Heritage Register, and any historical archaeological features and deposits identified through further research.

#### **3. Recommended management in accordance with Heritage Act 2004 provisions.**

Reflecting *Heritage Act 2004* provisions, where proposed development may diminish heritage significance values, reasonably practicable alternatives and measures to minimise heritage impacts



should be considered. Where impacts to heritage places and objects are identified and cannot be avoided, recommendations should be presented on ways to minimise and mitigate heritage impacts, reflecting the principles of the Burra Charter (Australia ICOMOS 2013) and related Practice Notes.

In addition, the Council also notes that two *Heritage Act 2004* approvals are required for the project in addition to planning approvals, being:

- A Conservation Management Plan approved by the Council under Section 61K of the *Heritage Act 2004*; and
- A Statement of Heritage Effect approved by the Council under Section 61H of the *Heritage Act 2004*.

It is noted that the 2010 CMP is currently being updated, the Council recommends that this be formally submitted for approval as soon as possible; as CMP outcomes must inform the detailed design for the development of the Precinct, and therefore must also inform the project EIS.

### **Conservator of Flora and Fauna**

The scoping application document has identified most of the impacts likely to occur, including those to Golden Sun Moth present on the site. There are some impacts that still need to be included in the Scoping Document and addressed in the EIS process.

The specific items for inclusion are:

#### **1. Impacts to rare native plants**

Rare native plants possibly occur on the site and the EIS should report on their presence. Some of the species possibly present include Pale Flax Lily (*Dianella longifolia*), Matted Parrot Pea (*Dillwynia prostrata*), and Button Wrinklewort (*Rutidosia leptorhynchoides*).

#### **2. Impacts to woodland birds**

The Diamond Firetail and Double Barred Finch are regionally uncommon birds that have been recorded moving through the site. The site's location next to the Golf Course and near the lake mean that it has local connectivity value for woodland birds and other animals. The EIS should address impacts to connectivity, and landscaping should allow for continued small bird movement across the site.

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

The following requirements will be required to be addressed in the EIS:

- The site must be assessed and remediated in accordance with the guidelines endorsed by the EPA by a suitably qualified environmental consultant.
- The adequacy of the assessment and remedial works must be independently audited by an EPA approved environmental auditor.
- Prior to the commencement of remediation works the remedial action plan (RAP) for the proposed remediation works must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the EPA.
- Prior to the commencement of development works Auditor interim advice indicating that the commencement of development will not impact on the on-going assessment and remedial works at the site must be reviewed and endorsed by the EPA.



- Prior to the area being used for other purposes the findings of the independent audit into the site's suitability for its proposed and permitted uses from a contamination perspective must be reviewed and endorsed by the EPA.

#### **Icon Water**

The levelling of the site, particularly to the east of Block 76, may potentially have an impact on Icon Water assets and impact on overall site drainage, largely influencing stormwater. However, it is assumed that during detailed design, such impacts should be resolved.

It is imperative that Icon Water assets are protected during any planned works and additional information will be provided to you as part of the external services plan in due course.

#### **National Capital Authority**

The NCA's interest in this project is for the land use to be consistent with the National Capital Plan (the Plan). Section 3.1 of the Plan identifies the Brickworks site as 'urban areas' in the General Policy Plan – Metropolitan Canberra. The proposed development in the Scoping Document is not inconsistent with the Plan.

#### **Transport Canberra and City Services Directorate**

Please include the following additional items within the EIS Scoping Document:

- A Transport Impact Assessment.
- A Construction Management Plan (CMP).
- Note: this report/plan is not related to a CEMP and should indicate the impact of construction staging (if any), heavy vehicle movements during construction, conflicts with vulnerable road users, and potential environmental impact as a result.
- Note: The internal road network must comply with the requirements of the Estate Development Code or provide adequate justification for the departures being sought. Additionally, the provision for compliant waste servicing throughout the estate needs to be considered at an early stage to ensure the road layouts and proposed access arrangements are suitable for the Territory waste contractor.
- LMPP approval from the Senior Manager, Place Coordination and Planning, TCCS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Place Coordination and Planning, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

### Utilities Technical Regulation

Utilities Technical Regulation requests the following matters be covered in the scoping document for the EIS to identify potential impacts associated with utility infrastructure 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.

1. The capacity of the existing water and sewage lines to service the development, and if the capacity is found to be insufficient a study that provides details of proposed upgrades to ensure service to the Canberra Brickworks-Precinct. The capacity study should also look at the existing water main at Denman Street and possible relocation to within the road verge. Proposed easements should be shown on associated plans. Proposals shall comply with the *Water Utility Developer Provided Assets - Water Supply and Sewerage Standard*. Proposed alterations and connections to existing services should be discussed with the water utility.
2. The proponent shall provide details on proposed alterations, relocations and/or connections to existing electricity services. These shall be determined in consultation with the Electricity Utility and must comply with the Utility's Service and Installation Rules. Specifically, the proponent is to detail the relocation of electricity services in order to service the proposed development. Relocation of existing electricity infrastructure to follow Denman Street / Quarry Street should be explored. All proposed electrical infrastructure and servicing easements is to be detailed on associated development plans.
3. The proponent shall provide details on proposed alterations, relocations and/or connections to existing gas services. These shall be determined in consultation with the Gas Utility and must comply with the Utility's Service and Installation Rules. All proposed gas infrastructure and servicing easements is to be detailed on associated development plans.
4. The proposed development includes water sensitive urban design as an impact mitigation and management measure, and a water body is shown in the Masterplan. Details of any unlicensed regulated activities as defined under the Utilities (Technical Regulation) Act 2014 should be provided. Such activities would include for example, rooftop generators (solar) over 200 kW, dams over 250 ML in capacity or with a dam height greater than 5 metres or any scale of stormwater harvesting or stormwater reuse schemes and would require a Regulatory Plan and an Operating Certificate (see [https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/2203/~utilities-technical-regulation#ltabs-4](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/2203/~utilities-technical-regulation#ltabs-4)).
5. Solar generation must also comply with the Electricity Utilities requirements. Water reuse schemes are additionally subject to the *Utilities (Non-drinking Water Supply Code) Determination 2014*. A water reuse scheme may require licensing under the *Utilities Act 2000*. You are required to contact the ICRC to discuss the arrangements for this development and they will advise whether a licence is required.

The Utilities Act 2000 sets out several services relating to electricity networks, including connection services that require a licence. However, embedded networks under the National Electricity Rules are exempt from obtaining an operating certificate from the Technical Regulator and a licence from the ICRC. You are required to contact the ICRC to confirm any licensing requirements.

The Utilities Act 2000 sets out licensing requirements for a variety of utility services. Please contact the ICRC to confirm whether any services at the development require licensing.

**EvoEnergy – Electricity**

1. Canberra Brickworks precinct is presently supplied via 11kV overhead network. Depending on the calculated maximum load or demand from the development (calculation to be performed by the developer), an upgrade to the electricity network might be required. This can be further investigated and finalised at a later e.g. application stage.
2. Undergrounding of overhead or above ground utility electrical assets crossing over the precinct from Cotter Rd to Bentham St, can also be considered which will reduce bushfire risk, minimise impact on the environment, increase usable land area, and improve the aesthetics of the precinct.