

# Planning and Development (Morisset Road Extension and Sullivans Creek Retardation Basin, Blocks 393, 739, 765, 738 and 864 Gungahlin) Scoping Document 2021

Notifiable instrument NI2021–368

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 (Morisset Road Extension and Sullivans Creek Retardation Basin, Blocks 393, 739, 765, 738 and 864 Gungahlin) Scoping Document 2021*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Scoping of EIS

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

Brett Phillips  
Executive Group Manager  
15 June 2021



**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> 202100015		<b>DATE OF THIS NOTICE:</b> 1 June 2021
<b>DATE LODGED:</b> 16 April 2021		
<b>PROJECT:</b> The extension and upgrade of Morisset Road and development of a retardation basin in the Sullivans Creek catchment.		
<b>IMPACT TRACK TRIGGER:</b> Item 1, Item 2 and Item 3, Part 4.3, of the <i>Planning and Development Act 2007</i>		
<b>BLOCK(S):</b> 393, 739, 765, 738 & 864	<b>SECTION:</b> N/A	<b>DISTRICT</b> Gungahlin
<b>ADDRESS:</b> Morisset Road		
<b>PROPONENT/APPLICANT:</b> Transport Canberra City Services (TCCS)		
<b>LESSEE/LAND CUSTODIAN BLOCK 393:</b> Radio Canberra Pty Ltd		
<b>LESSEE/LAND CUSTODIAN BLOCK 7739:</b> EPSDD Parks and Conservation, ACT Government		
<b>LESSEE/LAND CUSTODIAN BLOCK 765:</b> CMTEDD Venues Canberra (EPIC), ACT Government		
<b>LESSEE/LAND CUSTODIAN BLOCK 738:</b> EPSDD Parks and Conservation, ACT Government		
<b>LESSEE/LAND CUSTODIAN BLOCK 864:</b> TCCS Roads, ACT Government		

### 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 the relation to the development proposal; and
- Prepared a written notice (the **scoping document**) of the matters.

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

### TERM OF SCOPING DOCUMENT

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

### FORM AND FORMAT OF EIS

The Authority requires that the proponent engage a suitably qualified independent consultant to prepare an EIS, OR the proponent submits, with the draft EIS, an independent review of the draft EIS undertaken by a suitably qualified consultant.

The EIS must be in the following form and format:

- The EIS must be prepared in accordance with section 50 of the *Planning and Development Regulation 2008*.
- The EIS must be written in plain English and avoid the use of jargon as much as possible.
- The EIS is required to be provided in the same structure as described in this Scoping Document as closely as possible. A table that cross-references the EIS to the scoping document must be included in the EIS submission.
- The report must reference any figures or supporting information used to the supporting appendix and page number, table or figure.
- Additional technical detail, including relevant data, technical reports and other sources of the EIS analysis must be provided in appendices.
- Maps, diagrams and other illustrative material should be included in the EIS to assist readers to interpret information.
- The EIS document sized A4 with maps and drawings in A4 or A3 format.
- The proponent must supply a copy of all draft EIS and revised EIS documents in electronic formats for circulation and web posting. These are to be supplied by email, USB, or another agreed method.
- Digital files must not exceed 20 MB each.

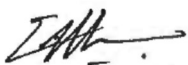
### **COST OF PREPARATION OF EIS**

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

### **NEXT STEPS**

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

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



**Delegate of the planning and land authority**

George Cilliers  
a/g Executive Group Manager  
Statutory Planning  
Environment, Planning and  
Sustainable Development Directorate

### **Contact**

Kathrine Pellowe  
Assessment Officer  
Impact Assessment  
Environment, Planning and  
Sustainable Development Directorate  
E: Kathrine.Pellowe@act.gov.au  
T: (02) 6207 0011

## REQUIREMENTS FOR THE EIS

### 1. Cover Page

The cover page must clearly display the following:

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

### 2. Glossary

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

### 3. Executive Summary

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

### 4. Introduction

Summarise the proposal background and justification for the proposal.

### 5. Proposal Details

#### 5.1. Project Description

Provide a description of the proposal, including:

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

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## 5.2. Alternatives to the proposal

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

- a) Any alternatives to the proposal and provide reasons for selecting the preferred option;
- 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*
- Related statutory approvals.

### 6.2. Climate change

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

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

Preparation of the EIS must consider the relevant sections of 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
- Sustainability Policies
- 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
- Plans of Management for any public land
- Any relevant Master Plan
- Other relevant planning and environmental guidelines and management plans.

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

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

#### *6.3.2. Territory Plan strategic directions*

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

## **7. Risk Assessment**

### **7.1. Risk Assessment Methodology**

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

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

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

## **8. Assessment of Impacts**

Sufficient information is required to provide the Authority with an adequate understanding of the environmental impacts associated with the proposal. Table 1 identifies the potentially significant risks considered by the Authority that must be addressed in the EIS. Each potentially significant impact outlined in Table 1 (below) must be addressed and impacts with a risk rating of medium and above as identified in the proponent's revised PRA. In addition, the EIS must also address the information required by sections 8.3.1-8.3.10 of this scoping document.

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

Environmental Theme	Risk identified	See section/s below for further detail
Traffic and Transport	<ul style="list-style-type: none"> <li>Impacts on traffic during construction and operation</li> </ul>	8.3.1
Utilities	<ul style="list-style-type: none"> <li>Impacts on existing utilities and infrastructure</li> </ul>	8.3.2
Biodiversity/Flora and Fauna	<ul style="list-style-type: none"> <li>Impacts from the clearance of native vegetation, including fragmentation of habitat corridor</li> <li>Impacts on flora, including impacts on Nadjung Mada Nature Reserve</li> <li>Impacts on fauna</li> </ul>	8.3.3
Heritage	<ul style="list-style-type: none"> <li>Impacts on known heritage values</li> <li>Impacts on unknown heritage values</li> </ul>	8.3.4
Landscape and Visual	<ul style="list-style-type: none"> <li>Visual impacts on the landscape from the proposal</li> </ul>	8.3.5
Soils and Geology	<ul style="list-style-type: none"> <li>Impacts from construction on existing contamination from previous and adjacent land uses</li> <li>Impacts from discharges of sediment to the Sullivans Creek during construction of new road and retardation basin</li> </ul>	8.3.6
Water and Hydrology	<ul style="list-style-type: none"> <li>Changes to flow regimes in Sullivans Creek</li> </ul>	8.3.7
Air Quality	<ul style="list-style-type: none"> <li>Impacts from discharges of air pollutants from construction and operation of the road on nearby sensitive receptors</li> </ul>	8.3.8
Noise and Vibration	<ul style="list-style-type: none"> <li>Impacts of noise and vibration from construction and operation of the road</li> </ul>	8.3.9
Hazard and Risk	<ul style="list-style-type: none"> <li>Impact of increased risk of fire due to proposal being in a Bushfire Prone Area</li> <li>Retardation basin poses a risk of drowning while in flood</li> </ul>	8.3.10

### 8.1. Standard requirements

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

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

#### 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 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
- Any statutory or policy basis for the mitigation measures
- 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
- The frequency, duration and objectives of monitoring proposed
- 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.

<b>Risk identified in Section 7.1</b>	<b>Original risk rating from items identified in 7.1</b>	<b>Residual likelihood</b>	<b>Residual consequence</b>	<b>Residual risk rating</b>
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#### **8.2. Entity requirements**

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

#### **8.3. Detailed requirements**

The following items (sections 8.3.1 - 8.3.10), relate to the potentially significant environmental impacts identified in Table 1. They must be addressed in detail in the EIS.

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

##### **8.3.1. Traffic and Transport**

- Describe the traffic impacts from the construction and operation of the road including consideration of impacts on access to the Youth Detention Centre.

##### **8.3.2. Utilities**

- Describe the impacts from the proposal on existing utilities and infrastructure including any likely damage to utilities.

##### **8.3.3. Biodiversity/Flora and Fauna**

- Provide an Ecological Impact Assessment prepared by a suitably qualified consultant for the proposed development.
- Assess the direct impacts on flora and fauna including Golden Sun Moth, Striped Legless Lizard, Superb Parrot, threatened ecological communities including Box Gum Woodland, and registered trees from the proposed development.
- Describe the impact of habitat loss and habitat fragmentation caused by the development, particularly, the potential loss of wildlife movement corridors and habitat connections.
- Describe how the movement of values (i.e., animals) will be facilitated from the development area into Nadjung Mada Nature Reserve.
- Discuss the impact of night lighting and noise on nocturnal fauna and flora.

- Discuss the potential impacts to the adjacent nature reserves such as the Nadjung Mada Nature Reserve.
- Outline mitigation measures proposed to address impacts on flora and fauna and whether an offset is likely to be required and, if so, how they comply with the EPBC Act environmental offsets policy and whether an offset management plan is likely to be required.
- Consider whether ongoing management, monitoring or reporting regimes are required.

#### **8.3.4. Heritage**

- Provide a Cultural Heritage Assessment (CHA) prepared by a suitably qualified consultant that describes the impacts of the proposal on known heritage sites. The CHA should include details of the outcome of the assessment as endorsed by the ACT Heritage Council, and any further Heritage Act 2004 requirements for the project as identified by ACT Heritage Council advice.
- Describe the impact of construction and operation of the proposal on known and unknown heritage items and places and proposed mitigation measures.

#### **8.3.5. Landscape and Visual**

- Provide a description of the visual impacts that may arise from the proposed development, including the removal of vegetation, additional lighting, road extension and retardation basin.
- Provide perspectives of the proposal from local vantage points.

#### **8.3.6. Soils and Geology**

- Provide a description of the potential impacts that may arise from the disturbance of existing contaminated land from previous and adjacent land uses.
- The EIS must address all potential areas of environmental concern within the proposed area of works in accordance with Environment Protection Authority (EPA) endorsed guidelines.
- Describe mitigation measures proposed to avoid impacts that may arise from the disturbance of existing contaminated land.
- Provide the Preliminary Site Investigation Report undertaken by Douglas Partners completed July 2020.
- The EIS must include an indicative sediment and erosion control plan demonstrating that the following is complied with:
  - Sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised.
  - Pond construction should be in accordance with the following guidelines:
    1. Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).
    2. No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.
    3. Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.
    4. Regular dredging of the dam must be carried out to remove silt.
    5. Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The size of the ponds must be minimum of 150 m<sup>3</sup>/ hectare and the temporary ponds shall not be removed until 85 % of the developments are complete or all the disturbed areas are stabilised.

#### **8.3.7. Water and Hydrology**

- Provide an assessment of the impact the proposal will have on the Sullivans Creek and its natural flow regime (including upstream and downstream impacts). The assessment should include consideration of:
  - the impacts on the values of the Kenny/Nadjung Mada Nature Reserve.
  - cumulative impacts of the development of Kenny (including the Eastern Gungahlin High School), its associated water sensitive urban design (WSUD) infrastructure and diversion of stormwater flows.
  - the impacts of climate change leading to more frequent and large flooding events including impacts from the basin failing.
- Provide a description of the WSUD mitigation measures for the proposed development.

#### **8.3.8. Air Quality**

- Provide an assessment of the impacts from discharges of air pollutants on nearby sensitive receptors from construction and operation of road.

#### **8.3.9. Noise and Vibration**

- Provide an assessment of the impacts of noise and vibration on nearby sensitive receptors from the construction and operation of the road.

#### **8.3.10. Hazard and Risk**

- Describe the proposed fire protection measures that will be implemented for infrastructure, bushfires, and remote car fires.
- Describe the measures that will be implemented to avoid the risk of drowning while the retardation basin is in flood.

### **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;
- The local community; and businesses owners and employees.

#### **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. Enough information is required to satisfy s136(4) of the EPBC Act.

#### **13.4. Information Sources**

For information given the following must be stated:

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

#### **13.5. Study team**

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

#### **13.6. Specialist studies**

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

#### **13.7. Research**

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

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**Attachment A**

**ENTITY REQUIREMENTS**

**A1. Conservator of Flora and Fauna**

*The EIS application has identified most concerns, however there are several additional potential impacts which are required to be included in the Scoping Document and addressed in the EIS process. The specific items for inclusion are:*

**1. Impacts to biodiversity**

*In addition to the risks identified, the EIS should address:*

- *Risk Assessment 9.2 – vegetation clearing will also result in direct impact on Sun Moths and probably Striped Legless Lizards in addition to impacts on their habitats.*
- *Risk Assessment 9.4 – The likelihood of this risk occurring has been rated as remote, which is considered inaccurate, as impact would occur each time the basin filled.*
- *How the movement of values (i.e., animals) will be facilitated from the development area in Kenny into Nadjung Mada Nature Reserve.*

**2. Stormwater**

*Much of the early stormwater studies for the Kenny/upper Sullivans Creek catchment was based on the assumption that the Nadjung Mada Nature Reserve area would be a suitable location for dealing with stormwater. This is no longer the case, given the offsets commitments of the reserve, and these early studies are no longer accurate. These studies are required to be updated accordingly.*

*Additionally, there is no current work that is looking at the cumulative impacts of the development of Kenny, and its associated WSUD infrastructure, diversion of stormwater flows, the impacts of the Eastern Gungahlin High School, and now the flood detention basin at Morisset Road. While the need for this overall study extends beyond the scope of this individual project, the impacts of the Morisset Road extension on potential impacts of stormwater on the values of Kenny and Nadjung Mada Nature Reserve (including upstream and downstream impacts) will need to be included in the EIS and assessed.*

*Further – I recommend that such a study be commissioned for all proposed and future works within the catchment area to inform future planning and infrastructure works.*

*Thank you for the opportunity to provide comment and input into the development of a Scoping Document for this EIS. Please contact Michaela Watts, Conservator Liaison, on 02 6207 1831 or email [michaela.watts@act.gov.au](mailto:michaela.watts@act.gov.au) if further information or clarification of the above comments is required.*

**A2. Heritage Council**

*On 20 April 2021, the ACT Heritage Council (the Council) received a request for comment on an Environmental Impact Statement (EIS) scoping document for the proposed extension and upgrade of Morisset Road, and the development of a retardation basin in the Sullivans Creek catchment, located in Blocks 393, 739, 765, 738 and 864 Gungahlin.*

*The 'Application for EIS Scoping Document' sets out that:*

- *A Cultural Heritage Assessment (CHA) has been prepared for the project by Advitech Environmental Pty Ltd;*
- *This CHA has determined that there are no heritage places within the proposed footprint of the project;*
- *One Aboriginal place is recorded to the north of the proposed alignment and is located away from the intended works area;*

- *Two areas of potential archaeological deposit (PAD) are located in a block where some works are proposed, however, works are not proposed near the PADs;*
- *The project will connect into the existing alignment of Old Well Station Road that has been previously recorded in cultural heritage assessments to have low to moderate significance. This part of the Old Well Station Road alignment is not registered on the ACT Heritage Register; and*
- *Further modification of Old Well Station Road through the project would not change the nature of the existing road, provided that no changes are made to the alignment.*

*The Council notes that the CHA is informed by the results of an application for the release of information on restricted sites at this location, made under s57 of the Heritage Act 2004 and approved by the Council on 25 June 2020.*

**Advice:**

*The EIS scoping document indicates that a CHA has already been prepared for the proposal. This CHA has not been referred to the Council for advice and endorsement. To support the EIS the following will be required:*

- *The project CHA must be submitted to the Council to demonstrate compliance with Heritage Act 2004 provisions;*
- *Following review of the CHA, the Council may provide advice on whether further heritage information is required and/or heritage conservation requirements, such as fencing requirements and buffer zones, to ensure that Aboriginal places near the project footprint are not inadvertently impacted;*
- *If the CHA meets the Council's 2015 Cultural Heritage Reporting policy and all Heritage Act 2004 requirements the Council will endorse CHA; and*

*The Draft EIS must include the outcomes of the CHA, as endorsed by the Council, and any further Heritage Act 2004 requirements for the project as identified by Council advice.*

**A3. Health Protection Services**

*The HPS has reviewed the documents and advises the applicant that the following be appropriately considered at the Development Application stage or incorporated within the draft EIS:*

- *The Preliminary Site Investigation report by Douglas Partners completed July 2020 is submitted at the draft EIS stage for review.*
- *A Construction Environment Management Plan and an Unexpected Finds Protocol should be developed with consideration to the Preliminary Site Investigation undertaken by Douglas and Partners in July 2020.*
- *The design and construction of the retardation basin and any sedimentation ponds must minimise the potential for them to cause an insanitary condition (local mosquito nuisance) under the Public Health Act 1997. The applicant is advised to contact the HPS for further information.*
- *The applicant is advised that all reasonable and practicable measures are to be taken to suppress dust and minimise detrimental impacts to air quality during the construction and operation of the facility.*

*Thank you again for the opportunity to review and comment on the above EIS Scoping document. Should you require any further information, please contact Jason Drinkwater on (02) 5124 9817 or email [jason.drinkwater@act.gov.au](mailto:jason.drinkwater@act.gov.au).*

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**A4. Icon Water**

*Icon Water have compiled the following comments:*

Environment team

- *There is a landfill overlay present on the northern side of Morisset Road. This has been identified in the report as per below. This is unlikely to impact localised Icon Water services in the area. The contractor undertaking the works mention that a preliminary site investigation report has been completed. However, there is no mention of any further management recommendations. Just something to note that potential contaminants from the landfill may be mobilised during works and need to be managed accordingly to protect assets (which I assume will be done) i.e., appropriate handling, storage, and sampling as per the EPA's Information Sheet 4.*
- *Disturbed ground from the historical uncontrolled builder's spoil landfill was observed upon review of the 1985 aerial. Subsequently, the contaminated land search letter from the EPA states that part of Block 393 Gungahlin was used as a historical builders' spoil landfill.*

Developer Services

- *The proposed road alignment will impact existing Icon Water assets and "In principle" will be required.*
- *Icon Water has already started the process with the consultant but haven't accepted the design yet.*

Building Approvals

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

Strategic Planning

- *These blocks are located to the west of Kenny (greenfield development) and upstream of the Canberra Racecourse, Yowani Club and Kamberra Winery, all of which have been identified for future developments. Augmentation of Water and Sewer infrastructure has been identified for these developments and interactions with the proposed works should be considered in any future development approval process.*

**A5. ACT Emergency Services Association**

*ACT Fire and Rescue (ACTF&R) reviewed EIS – 202100015. ACTF&R requests that the developer considers installing hydrants running along the proposed road for fire protection purposes both current infrastructure, bushfires and remote car fires.*

**A6. National Capital Authority**

*Thank you for the referral for EIS 202100015, Blocks 393, 739, 765, 738 & 864 Gungahlin. The NCA has no additional comment for the EIS Scoping Document.*

*The site is identified as Urban Areas and Hills, Ridges & Buffer Spaces in the National Capital Plan (the Plan) and the proposed land use is permitted under the Plan. Any future works within the Federal Highway road reserve will require a Works Approval from the NCA at the development application stage.*

**A7. Jemena**

*No comments.*



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**A8. Environment Protection Authority (EPA)**

Contamination:

*The Environment Protection Authority (EPA) has reviewed the report titled “Preliminary Site Investigation Proposed Morisset Road Extension and Sullivans Creek Retardation Basin Morisset Road, Gungahlin” dated 23 July 2020 by Douglas Partners Pty Ltd and notes that the consultant recommends further assessment works at the site prior to being in a position to comment on the site’s suitability for its proposed uses from a contamination perspective.*

*The EIS will be required to address all potential areas of environmental concern within the proposed area of works in accordance with Environment Protection Authority (EPA) endorsed guidelines. Upon completion of these additional works the consultant’s final site suitability report into the whole site’s suitability for its proposed must be forwarded to the EPA in accordance with [Information sheet 11 - EPA Report Submission Requirements](#) for review and endorsement.*

Sediment and erosion control:

*A final sediment and erosion control plan will be required to be submitted and endorsed by the EPA prior to works commencing. The EIS should include an indicative sediment and erosion control plan demonstrating that the following conditions will be complied with:*

- *Sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised.*
- *Pond construction should be in accordance with the following guidelines:*
  1. *Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).*
  2. *No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*
  3. *Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.*
  4. *Regular dredging of the dam must be carried out to remove silt.*
  5. *Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The size of the ponds must be minimum of 150 m<sup>3</sup>/ hectare and the temporary ponds shall not be removed until 85 % of the developments are complete or all the disturbed areas are stabilised.*

*Note: Site drawing and details must be provided to the EPA for approval prior to works commencing.*

*Further comments and recommended conditions of approval will be provided at the Development Application stage when further detail is available.*

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**Attachment B**

**GLOSSARY**

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

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

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

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

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

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

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

**Long term:** Greater than 15 years duration.

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

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

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

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

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

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