

Planning and Development (Materials Recovery Facility Hume ACT PMCA, Blocks 6 and 10, Section 25 Hume) Scoping Document 2022

Notifiable instrument NI2022–377

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Materials Recovery Facility Hume ACT PMCA, Blocks 6 and 10, Section 25) Hume Scoping Document 2022**.

2 Commencement

This instrument commences on the day after its notification day.

3 Scoping of EIS

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

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

*Name amended under Legislation Act, s 60



Scoping Document

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

APPLICATION NUMBER: 202200011		DATE OF THIS NOTICE: 21 July 2022
DATE LODGED: 8 June 2022		
PROJECT: Materials Recovery Facility Hume ACT PMCA - upgrades to the existing Hume Materials Recovery Facility (MRF), delivering additional warehouse structures, hardstand facilities, and other associated works to augment current operations. The upgraded MRF is expected to have a capacity of 115,000 tonnes per annum.		
IMPACT TRACK TRIGGER: Schedule 4, Part 4.2, Item 10 of the <i>Planning and Development Act 2007</i> . Other triggers may also apply.		
BLOCKS: 6 & 10	SECTION: 25	DIVISION: Hume
ADDRESS: Corner of John Cory Road and Recycling Road, Hume, ACT 2620		
PROPONENT: ACT NoWaste (Transport Canberra and City Services - TCCS)		
APPLICANT: GHD Pty Ltd		
LESSEE/LAND CUSTODIAN BLOCK 6: ACT NoWaste (TCCS) LESSEE/LAND CUSTODIAN BLOCK 10: ACT NoWaste (TCCS)		

SCOPING DOCUMENT

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

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

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

TERM OF SCOPING DOCUMENT

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

FORM AND FORMAT OF EIS

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



ACT
Government

**Environment, Planning and
Sustainable Development**

Scoping Document

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

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

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

Delegate of the planning and land authority

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

Contact

Hayden Pini
Development Assessment Officer
Impact Assessment
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www.planning.act.gov.au

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

GENERAL REQUIREMENTS FOR THE EIS

1. Cover Page

The cover page must clearly display the following:

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

2. Glossary

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

3. Executive Summary

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

4. Introduction

Summarise the proposal background and justification for the proposal.

5. Proposal Details

5.1. Project Description

Provide a description of the proposal, including:

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

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

5.2. Alternatives to the proposal

For background, provide details of any alternatives to the proposal considered in developing the proposal including a description of:

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

6. Legislative and Strategic Context

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

6.1. Statutory requirements

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

- *Planning and Development Act 2007 (including confirmation of relevant Schedule 4 triggers based on impacts identified in the scoping document and any studies undertaken in preparing the draft EIS)*
- *Planning and Development Regulation 2008*
- *Waste Management and Resource Recovery Act 2016*
- 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 the extreme events of heatwaves, droughts, storms with flash flooding and bushfires. The information must address impacts on the local microclimate and how it will avoid contribution to urban heat and positively contribute to urban cooling measures.

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

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

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

6.3. Other requirements

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

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- Territory Plan 2008, including the Statement of Strategic Directions (Section 2.1)
 - ACT Planning Strategy
 - National Capital Plan
 - Sustainability Policies
 - *Climate Change and Greenhouse Gas Reduction Act 2010*
 - ACT Waste Management Strategy 2011-2025
 - Relevant environment protection policies and guidelines for air, noise, and odour emissions; the management of stockpiles; and the handling of non-domestic liquid trade waste
 - Environmental Protection Guidelines for Construction and Land Development in the ACT
 - Contaminated Sites Environment Protection Policy 2017
 - *Environment Protection Act 1997*
 - *Environment Protection Regulation 2005*
 - *Heritage Act 2004*
 - *Nature Conservation Act 2014*
 - *Public Health Act 1997*
 - *Utilities (Technical Regulation) Act 2014*
 - *Utilities (Technical Regulation) (ACT Dam Safety Code) Approval 2018*
 - 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. The risks and their associated risk levels were determined from the information submitted with the PRA, comments received from entities on the request for scoping document application and the Authority's risk assessment. Each potentially significant impact rated with a risk rating of medium and above as identified in the risk assessment must be addressed, and structured as outlined in the table below, with the information required by sections 8.3.1-8.3.13 of this scoping document.

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

Environmental Theme	Risk identified	See section/s below for further detail
Planning and land status	<ul style="list-style-type: none"> Sterilisation of surrounding land uses. 	8.2.1
Traffic and transport	<ul style="list-style-type: none"> Traffic impacts from construction and operation of the facility. 	8.2.2
Utilities and infrastructure	<ul style="list-style-type: none"> Impacts on existing utilities and infrastructure. Impacts from required upgrades to existing utilities and infrastructure. 	8.2.3
Materials and Waste	<ul style="list-style-type: none"> Impacts from excess stockpiling of recyclable and non-recyclable materials and waste. Increased waste to landfill during construction and operation. Impacts from spread of waste. Impacts from hazardous waste and/or chemicals stored/received at the facility. 	8.2.4
Landscape and Visual	<ul style="list-style-type: none"> Visual impacts from the facility and its operation 	8.2.5
Soils and Geology	<ul style="list-style-type: none"> Impacts from the disturbance of existing contaminated soils. Contamination of soils arising from 	8.2.6

Environmental Theme	Risk identified	See section/s below for further detail
	construction and facility operations.	
Water Quality and Hydrology	<ul style="list-style-type: none"> Contamination of groundwater. Impacts on stormwater and surrounding waterways, such as Dog Trap creek. 	8.2.7
Biodiversity and Nature Conservation	<ul style="list-style-type: none"> Impacts on Flora and Fauna. Impact on protected matters due to facilitation of weed, pest and pathogen spread. 	8.2.8
Socio-economic and Health	<ul style="list-style-type: none"> Impacts from operation harbouring vermin and pest animals. 	8.2.9
Climate Change and Air Quality	<ul style="list-style-type: none"> Increased greenhouse gas emissions. Air quality impacts, including cumulative impacts. Impacts on facility operations from increase in frequency of extreme climatic events. 	8.2.10
Noise and Vibration	<ul style="list-style-type: none"> Noise and vibration impacts from construction and operation of the facility, including truck movements. 	8.2.11
Hazard and Risk	<ul style="list-style-type: none"> Impacts from fires at the facility. Impacts from fires in the surrounding area. Impacts from critical infrastructure failure. Impacts on aircraft from bird strike. 	8.2.12
Heritage	<ul style="list-style-type: none"> Impacts to Heritage objects and/or places. 	8.2.13

8.1. Standard requirements

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

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

8.1.1. Environmental conditions and values

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

8.1.2. Investigations

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

8.1.3. Impacts

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

8.1.4. Mitigation

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

- a) A description and an assessment of the proposed impact prevention, mitigation or offsetting measures to deal with the environmental impact of the proposal, along with which stage the mitigation measures will be adopted
- b) Any statutory or policy basis for the mitigation measures
- c) An outline of an environmental management plan (EMP) that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing
- d) The frequency, duration and objectives of monitoring proposed
- e) The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program
- f) A description of the cost effectiveness of environmental mitigation or rehabilitation measures proposed and the expected or predicted effectiveness of those measures.

8.1.5. Residual risk

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

-Assessment Guide-

Provide the residual risk assessment as set out in the table below.

Risk identified in Section 7.1	Original risk rating from items identified in 7.1	Residual likelihood	Residual consequence	Residual risk rating
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8.2. Detailed requirements

The following items (sections 8.2.1 - 8.2.14), 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.

8.2.1. Planning and land status

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

8.2.2. Traffic and transport

- Investigate the traffic impacts from construction and operation of the facility on Mugga Lane and the Monaro Highway, including consideration of whether continued safe and efficient movement of vehicles accessing the existing facility, or relating to other activities such as the Mugga Landfill or the proposed ACT FOGO waste facility, is not impeded by road network arrangements.
- Undertake a Transport Impact Assessment (TIA) in accordance with Transport Canberra and City Services (TCCS) Transport Impact Assessment Guidelines which is available at: https://www.cityservices.act.gov.au/_data/assets/pdf_file/0009/991989/TCCS-Transport-Impact-Assessment-Guidelines.pdf
- The TIA must include intersection analysis of the nearby roads.
- The TIA should also describe short-term parking arrangements for the existing facility whilst the new materials recovery facility is being constructed and long-term parking arrangements once the new facility is operational.
- Describe how hazardous materials will be transported to and from the site.

8.2.3. Utilities and Infrastructure

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

8.2.4. Materials and Waste

- *Describe the nature, location, and quantities of all materials (including any hazardous wastes) to be handled on the site, including the assessment, storage, stockpiling, processing and disposal of materials and waste.*
- *Provide details of expected material and waste volumes, including residual waste to landfill.*
- *Outline management procedures in case of oversupply and/or stockpiling of materials and waste and any consideration of measures to be implemented when/if the facility ceases operation.*
- *Prepare an Operational Waste Management Plan in accordance with TCCS Waste Code.*
- *Describe any hazardous materials and dangerous chemicals to be used or stored on site during construction and operation.*
- *Identify any Schedule 11 hazardous chemical, as per Work Health and Safety Regulation 2011 (WHS Regulation).*
- *Provide details of maximum storage capacities for any hazardous chemicals.*
- *Provide safety data sheets for any hazardous chemicals.*
- *Identify whether any Schedule 11 hazardous chemicals meet the placard quantity as per the WHS Regulation.*
- *Describe how any potential hazardous materials will be transported to and from the site.*

8.2.5. Landscape and Visual

- *Undertake a visual assessment of the site and surrounds to describe the current landscape character of the area.*
- *Describe the predicted impacts the facility and its operations (such as incoming waste and material, potential stockpiling, artificial lighting) may have on the landscape character of the site and surrounds.*
- *Provide perspectives and/or a visual analysis of the proposal from local vantage points.*
- *Consider visual impact to the Monaro Highway and consistency with Development Control Plan 171/09/0001.*
- *Consider lighting impacts in relation to pilot distraction.*

8.2.6. Soils and Geology

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

8.2.7. Water Quality and Hydrology

- *Describe the surface water and groundwater features of the area.*
- *Provide a description of likely annual wastewater volumes generated on site under maximum operational capacity.*
- *Provide a description about suitable sizing/treatment of the proposed bioretention pond system, to give confidence about the ability of the proposed bioretention pond system to manage volume and quality of wastewater under maximum operational capacity.*
- *Provide details of the existing dam and proposed bioretention pond, including height of the*

dam/pond wall from toe to crest in metres and volume of the dam/pond in ML.

- *Consider the potential for impacts associated with wastewater generation and any other on-site activity, on water quality, aquatic ecosystem and erosion within Dog Trap Creek (which flows to Jerrabomberra Creek and Lake Burley Griffin).*
- *Include mitigation measures to prevent potential water quality, aquatic ecosystem and erosion impacts to Dog Trap Creek and further downstream.*
- *Demonstrate compliance with the 'Waterways: Water Sensitive Urban Design General Code' made under the Territory Plan.*
- *Consider any feasible options to divert wastewater away from Dog Trap Creek.*
- *Describe the potential impacts of wastewater and contaminant spills on local groundwater and surface water.*
- *Describe how runoff from the development site will be treated before entering the receiving environment.*
- *Provide information on stormwater retention and reuse capabilities at the development site.*
- *Provide information on measures to manage wastewater/contaminants emanating from the facility to avoid impacts on groundwater and surface water.*

8.2.8. Biodiversity and Nature Conservation

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

8.2.9. Socio-economic and Health

- *Provide maps and details showing potential impacts on surrounding sensitive receptors.*
- *Provide an assessment of impacts from the operation harbouring vermin and pest animals.*
- *Outline vermin and pest control measures encompassing both the transport and storage of materials and waste on site.*

8.2.10. Climate Change and Air Quality

- *Outline the greenhouse gas emissions that will be generated by the proposed development during construction and operation, including measures to mitigate the impact.*
- *Provide quantitative estimates of the Scope 1 and 2 greenhouse gas emissions that will be generated by the proposed development during operation.*
- *Outline how the proposal has assessed and responded to increased natural disaster risk being driven by climate change, particularly the extreme events of heatwaves, droughts, storms with flash flooding, and bushfires.*
- *Consider air quality impacts such as odour emissions and dust due to increased traffic movements and outline avoidance and mitigation measures to ensure any impacts are reduced.*

8.2.11. Noise and Vibration

- *Provide a noise and vibration impact assessment regarding the operation of the facility prepared in accordance with the “Guidelines for the preparation of Noise Management Plans for development applications Environment Protection Authority, March 2021”.*

8.2.12. Hazard and Risk

- *Provide an assessment of the potential threat of fire occurring at the facility, such as risk in relation to fire in stockpiled material, any effect on the surrounding area that a fire may have, and the protection measures necessary to address the potential threat of fire.*
- *A bushfire assessment must be undertaken by a suitably qualified person.*
- *Consider how the development will limit the storage of flammable materials on-site during the bushfire danger period.*
- *A climate change risk assessment is required addressing the risk from increased events from flood, bushfire or extreme heat risk.*
- *Describe any hazardous materials and dangerous chemicals to be used or stored on site during construction and operation.*
- *Outline management procedures to be followed should critical infrastructure failure occur.*
- *Provide assessment and mitigation measures against the requirements of the “National Airport Safeguarding Framework (NASF)” and airport operations including “Guideline C Managing the Risk of Wildlife Strikes in the Vicinity of Airports” and “Guideline E Lighting and Pilot Distraction”.*
- *Provide a Wildlife Management Program in accordance with the NASF Guidelines.*

8.2.13. Heritage

- *Include an expert assessment of the potential for Hume Site 1 to extend into the proposed development area, by a geomorphologist or other suitably qualified specialist.*
- *Include an expert assessment of the potential environmental impacts to Hume Site 1 arising from the proposal, such as but not limited to water quality, hydrology, erosion and vibration.*
- *Provide a Cultural Heritage Assessment (CHA) of the potential Aboriginal heritage impacts of the proposal.*
- *If testing or archaeological excavation is required to assess the extent of Hume Site 1, and/or to assess the Aboriginal heritage significance of the subject area, this investigation must be undertaken to inform the EIS.*
- *If the above assessment actions identify that the proposal may have detrimental heritage effects, all alternatives to heritage impacts must be considered and adopted where reasonably practicable. Where alternatives are not reasonably practicable, measures to minimise heritage impacts must also be considered and adopted.*
- *The EIS must redact information on some heritage places and objects as:*
 - *It is an offence under Section 55 of the Heritage Act 2004 to make information on Hume Site 1 publicly available; and*
 - *Information on Aboriginal places and objects is culturally sensitive, and should not be made public in accordance with Traditional Custodians views. It is also an offence under Section 55 of the Heritage Act 2004 to make information on some Aboriginal places at Hume publicly available.*

8.3 Entity requirements

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

9. Community and stakeholder consultation

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

9.1. Consultation must be undertaken with:

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

9.2. Provide a consultation report that includes:

- A description of the methodology and criteria for identifying stakeholders and how they were identified. Details and plans must be provided showing potential impacts on the local and wider community to justify how stakeholders were identified.
- An outline of the communication methods used. A variety of communication methods must be adopted to ensure all stakeholders are engaged appropriately, such as face to face, email/letters, community meetings and information sessions and website notifications.
- Details on the information provided during the community consultation process. Note: A plain English statement explaining the proposal and conceptual drawings must be made available to the community and stakeholders.
- A summary of the responses and the main comments raised. Evidence must be provided demonstrating that consultation has been undertaken with each relevant group/person 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.

Attachment A

ENTITY REQUIREMENTS

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

A1. ACT Emergency Services Agency

This proposal is located within the bushfire prone area. A bushfire risk assessment prepared by a qualified practitioner is required.

A2. ACT Health Protection Service

The HPS supports the implementation of standard mitigation measures, controls and studies in table 5.5 of the EIS scoping document. This includes controls to minimise pest harbourage, Soil contamination and for an air quality impact assessment to be conducted.

The applicant is advised that the design and construction of any Bioretention pond 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.

A3. ACT Heritage Council

The Council does not support the heritage content of the scoping application, as set out in the 'Environmental Impact Statement Scoping Document' (GHD, March 2022); as it does not identify the presence of a significant palaeontological site, recorded as 'Hume Site 1', adjacent to the proposed development.

Hume Site 1 is registered on the ACT Heritage Register and is subject to Heritage Act 2004 provisions. Hume Site 1 is of high heritage significance and conservation value, and impacts to Hume Site 1 from construction or related changes in water quality, erosion and hydrology would be significant adverse impacts.

A recent assessment of Hume Site 1, by Navin Officer Heritage Consultants (in prep), has also identified that significant features of the place may extend beyond the registered boundary; and the potential for significant deposits to occur within Block 10 Section 25 Hume must be assessed by the EIS for the proposal.

The Council notes that it previously provided advice to Purdon Planning on 12 May 2020, who were assisting ACT No Waste on the subject proposal, of the presence of Hume Site 1 as a consideration for the proposal.

Information on Hume Site 1 has been declared as restricted and is not publicly available. However, this information can be provided by the Council to the applicant on request, following submission of a Section 57 application form, which is found online at:
<https://www.legislation.act.gov.au/af/2017-2/default.asp>

Additionally, the Council advises that previous archaeological studies of landforms along Dog Trap Creek have found Aboriginal subsurface deposits of heritage significance and conservation value at a number of locations. Review of Council records indicates that parts of Blocks 6 and 10 Section 25 Hume were identified as a 'sensitive area' by Barber (2000), which was named 'PAD1' by Navin Officer Heritage Consultants (2001) and subsequently subject to

surface investigation by Australian Archaeological Survey Consultants (2003) with one subsurface Aboriginal object recovered.

Advice:

In this context, the Council identifies the following heritage assessment requirements required to inform the EIS for the proposed development:

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

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

- *It is an offence under Section 55 of the Heritage Act 2004 to make information on Hume Site 1 publicly available; and*
- *Information on Aboriginal places and objects is culturally sensitive, and should not be made public in accordance with Traditional Custodians views. It is also an offence under Section 55 of the Heritage Act 2004 to make information on some Aboriginal places at Hume publicly available.*

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

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

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

A4. Canberra Airport

We acknowledge the application document references the NASF Guidelines, but there is no undertaking to have a Bird and Wildlife Assessment (Guideline C). We request this occurs and we are happy to provide contact details of preferred consultants if required. The site is just over 9km away from the airport and so it lies between the Area B and Area C of the NASF Guideline C, this details a Mitigate and Monitor action plan for dealing with birds and wildlife. A thorough investigation is required by the proponent.

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

We would also require a copy of the environmental management documentation for our records and comment once the document is prepared.

A5. Conservator of Flora and Fauna

There are several concerns which have been identified and are required to be included in the Scoping Document and addressed in the EIS process. The specific items for inclusion are:

1. **Potential presence of Striped Legless Lizard (*Delma impar*)**

As indicated in the scoping document the vegetation on this site is heavily degraded and unlikely to support threatened communities such as Natural Temperate Grassland or Box Gum Woodland. However, the vegetation structure and landscape position is still suitable for Striped Legless Lizard (SLL). A recent survey further down Dog Trap Creek located a population of SLL and this population has continuous

habitat linking it to the referral site. Therefore, a SLL survey should be undertaken in spring of 2022 to determine if the species is present on this site.

2. Impacts associated with water quality and freshwater ecology

Consideration of potential impacts to water quality and aquatic habitat are required to be included in the EIS. The EIS should include:

- a. A description of likely annual wastewater volumes generated on site under maximum operational capacity;*
- b. A description about suitable sizing/treatment of the proposed bioretention pond system, to give confidence about the ability of the proposed bioretention pond system to manage volume and quality of wastewater under maximum operational capacity;*
- c. The potential for impacts associated with wastewater generation and any other on-site activity, on water quality, aquatic ecosystem and erosion within Dog Trap Creek (which flows to Jerrabomberra Creek and Lake Burley Griffin);*
- d. Mitigation measures to prevent potential water quality, aquatic ecosystem and erosion impacts to Dog Trap Creek and further downstream;*
- e. Demonstration of compliance with the 'Waterways: Water Sensitive Urban Design General Code' made under the Territory Plan; and*
- f. Consideration of any feasible options to divert wastewater away from Dog Trap Creek.*

3. Bushfire management

While there are no concerns with the potential of the development to contribute to bushfire hazard for adjacent lands, it may be worthwhile for the EIS to consider how the development will limit the storage of flammable materials on-site during the bushfire danger period. Flammable recyclables including paper, cardboard and plastics may be impacted by fire and embers from fires off-site and if ignited will contribute significantly to the suppression effort required and to the potential spread of fire to other sites.

A6. Environment Protection Authority (EPA)

The Environment Protection Authority supports and recognises the importance of investment into waste management and recycling which is consistent with the objects of the Environment Protection Act, 1997 and provides the following advice on the documentation as circulated:

- Section 4.1.5 of the scoping document does not reflect the contamination status of the block as recorded by the EPA. While contamination matters will be resolved through the DA process, the EIS should accurately reflect the contamination status.*
- The document also does not sufficiently reference EPA requirements (including the requirement for an Environmental Authorisation) or EPA guidelines such as for the management of stockpiles etc. Similarly, it does not indicate the need for an Approval to Discharge Non-Domestic Liquid Trade Waste to Sewer.*
- The EIS should refer to relevant EPA policies and guidelines for air, noise and odour emissions, discuss the management of materials stockpiled on the site, Environmental Protection Guidelines for Construction and Land Development in the ACT and demonstrate proposed measures and strategies to prevent impacts to the surrounding environment.*

- *Several environmental protection matters have been assessed as of low or very low significance in the EPA scoping document. However the EPA considers that these ratings may be understated, and that there may be potential for material environmental harm in the absence of controls being applied. They include potential impacts of odour and on the waterway described as a 'degraded' 'erosion gully'.*

The document could also outline how materials accepted at the site will be processed to ensure the highest order uses economically achievable.

A7. Environment, Planning and Sustainable Development Directorate

Sustainability Policy:

It is not clear from the information provided whether the proposed development will be a significant emitter of greenhouse gas emissions (e.g., methane). Climate Change and Energy Division recommends that the proponent is required to document likely sources of greenhouse gas emissions during operation and assess whether the proposed development has the potential to be a significant emitter. Note that construction emissions are not a concern.

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

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

If the proponent is assessing flood, bushfire or extreme heat risk, the Division advises that the impacts of climate change also need to be considered in the EIS, ideally through a climate change risk assessment. The Division encourages the use of NARClm regional downscaled climate projections for any reference to the ACT's future climate. More information can be found here: <https://www.climatechange.environment.nsw.gov.au/climate-projections-used-adaptnew?elqTrackId=f72f9814d12b4d16ba7df19f02bf31e5&elqaid=83&elqat=2>.

Strategic Planning:

No comments.

A8. Icon Water

Development Services

Developer Services team has no comment on the EIS scoping Document. The block is currently being serviced by existing water and sewer tie. The developer should contact the team if they want to make changes to the location/size of water and sewer tie.

Liquid Trade Waste

All connections to sewer that are classified as Liquid Trade Waste (any non-domestic sewage) must apply to Icon Water's Liquid Trade Waste team for approval before connection to sewer.

Further information on acceptance requirements for liquid trade waste can be found on the Icon Water website www.iconwater.con.au/tradewaste .

In this circumstance at a minimum the Hume Materials Recovery Facility will need a current Icon Water Approval to discharge to sewer. If the works include a change to their processes, trade waste pre-treatment, the volume, or the chemical characteristics of the waste water they are discharging, a new trade waste application must be submitted. A consultation may be required to ascertain the likely discharge and discuss any pre-treatment requirements or if some waste must be collected for off-site disposal.

Environment

No comments.

A9. National Capital Authority

The NCA's requirements and interests have been adequately addressed in the Environmental Impact Statement Scoping Document. The proposal is not inconsistent with the National Capital Plan. The future development application must be consistent with Site Development Control Plan 171/09/0001.

The NCA has no additional comments or concerns.

A10. Queanbeyan-Palerang Regional Council

The lands adjoining the ACT border immediately adjacent to Hume was identified for residential uses under the Queanbeyan Residential and Economic Strategy 2031. The land known as 'South Tralee' as well as the land known as 'South Jerrabomberra' is zoned for residential purposes and is currently being developed as such. In addition, residential development exists at Jerrabomberra, which may also be impacted by the proposed development.

Accordingly, QPRC requests that any EIS recognise across border impacts and addresses the potential impacts of noise, odour as well as increased traffic on land identified for residential purposes in NSW as well as make recommendations on how these might be ameliorated.

QPRC would request to be consulted on the draft EIS, as well as on any subsequent development application for the site to further assess the likely impact of the proposed facility on land in NSW.

A11. Transport Canberra and City Services (TCCS)

TCCS supports the application.

A12. Utilities Technical Regulator (UTR)

UTR request the following information be obtained via the EIS:

- *Details of the existing dam / pond – height of the dam wall from toe to crest in metres and volume of the dam in ML.*
- *Details of the proposed dam / pond – height of the dam wall from toe to crest in metres and volume of the dam in ML.*

Details of the existing dam will be used to confirm that the dam should not be regulated

under the Utilities (Technical Regulation) Act 2014 and that Utilities Technical Regulation should not provide further advice on the decommissioning of the dam.

Details of the proposed dam can be used by UTR to determine if the dam is eligible for regulation under the Utilities (Technical Regulation) Act 2014. Should the dam reach the thresholds to be a registrable dam in Section 57 of the Act, further details of the dam will be required as detailed in Part 8 of the Act and the dam may require an Operating Certificate Under Part 6 of the Act and / or be subject to the Utilities (Technical Regulation) (ACT Dam Safety Code) Approval 2018.

A13. Evoenergy Electricity

No comments provided at this stage.

A14. Jemena

No comments provided at this stage.

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.