

1 December 2021

George Cilliers

A/ Executive Group Manager, Planning Delivery

Environment Planning and Sustainable Development Directorate

And Impact Assessment – Planning Delivery Division and Access Canberra and DA Gateway Team

By email and hard copy: brad.maxwell@act.gov.au, acepdcustomerservices@act.gov.au and daenquiries@act.gov.au
EPSDD Offices Dickson

Dear George,

RE: Submission of Concurrent Section 144 Amendment Application (DA202037541) and Final EIS (201900010) for Block 11 Section 21 HUME, Tuggeranong

We refer to your letter dated December 2020 titled “*Application 201900010 – Request for revised Environmental Impact Assessment (EIS)*” which outlined a number of amendments to the Draft EIS submitted to Environment Planning and Sustainable Development Directorate (EPSDD) on 16 September 2020. Canberra Town Planning (CTP) prepared and submitted the Draft EIS on behalf of Flexible Australia (the Lessee of Block 11 Section 21 Hume).

This letter, Attachment 1 and separately submitted EIS report and Annexures constitute the concurrent submission of the Final EIS and DA202037541 Section 144 amendment application in accordance with the provisions of section 221 of the *Planning and Development Act 2007 (the Act)*. Pursuant to these provisions, we request that the parallel assessment of the Final EIS and amended design and siting DA (202037541). The DA202037541 Section 144 amendment submission comprises of the following:

- Response to EPSDD letter (refer to **Attachment 1**);
- Sellick Consultants revised drawings including:
 - Drawing No. 401 Revision E Titled Stormwater and Subsoil Drainage Plan
 - Drawing No. 491 Revision D Titled Water Sensitive Urban Design Plan
 - Drawing No. 901 Revision F Titled Landscape Management and Protection Plan
 - Drawing No. 911 Revision F Titled Sediment Erosion Control Plan
 - Drawing No. 201 Revision E Titled Cut and Fill Volumes Plan
 - Drawing No. 501 Revision D Titled Sewer and Water Plan – Stamped with Icon Water Approval
- Waste and Recycling Management Plan prepared by Sellick Consultants
- Revised Bushfire Protection Assessment prepared by Eco Logical Australia.

Furthermore, we advise that two hard copies the Final EIS have been hand delivered to the Dickson Access Canberra shop front by Canberra Town Planning staff on 11 November 2021.

Should you have any questions or require anything further, please contact our office (02) 6262 5091 or my mobile 0411 425 797 or by email andrew@canberratownplanning.com.au.

Yours Sincerely,



per **Andrew Connor** RPIA
Manager – Senior Planner

List of Attachments

**Attachment 1 Application 201900010 – Request for revised Environmental Impact Statement (EIS)
Applicant Responses**

ATTACHMENT 1 – APPLICATION 201900010 – REQUEST FOR REVISED ENVIRONMENTAL IMPACT STATEMENT (EIS) APPLICANT REPONSES

REQUEST FOR REVISED EIS – MATTER	APPLICANT RESPONSE
<p>In accordance with section 221 of the <i>Planning and Development Act 2007</i>, you must revise the draft EIS. The revised EIS must address each matter raised in the scoping document and respond to any further information sought from EPSDD and raised in entity comments.</p>	
<p>Environment, Planning and Sustainable Development Directorate</p>	
<p>A summary, using simple language, must be provided when addressing each issue raised in entity comments. The summary must be written as if a direct response was being provided and include detail on how the comments have been addressed, including what measures have been adopted to address the matter, where applicable. The summary must provide a conclusion on how the matter has been addressed appropriately.</p>	<p>All entity comments are addressed, in accordance with these instructions, in the following responses. Please refer to Section 14 ACT Entity and External Referral Comments and Responses of the Final EIS.</p>
<p>Executive Summary</p>	
<p>Some sections of the Executive Summary, such as '2.5 Air Quality' and '2.13 Waste', do not provide a description of the impacts/risks, key findings or mitigation measures. Please revise the executive summary to provide this detail and to reflect any revisions, as required below.</p>	<p>The Final EIS Executive Summary has been amended to include all relevant information. Please refer to Section 2 Executive Summary of the Final EIS.</p>
<p>Project Description</p>	
<p>A clear description of all components of the proposal has not been provided. Details of the likely nature, source and quantities of all waste streams is required to determine the level of environmental impact for many of the themes outlined in sections 8 and 9 of the EIS.</p>	<p>The Final EIS includes tables extracted from the Facility Operational Manual (FOM) to provide details on proposed waste stream receivals, expected components parts, their fate, limitations and monitoring details. Please refer to Sections 8, Section 9 and Appendix P of the Final EIS.</p>
<p>Statutory Requirements</p>	
<p>Section 5.1.2 of the EIS does not address the requirements of s 50 of the <i>Planning and Development Regulation 2008</i>.</p>	<p>Section 5.1.2 of the Final EIS has been updated to address this comment.</p>
<p>Territory Plan</p>	
<p>Section 5.3.1 of the EIS states that the proposal is consistent with the zone objectives. The EIS must demonstrate that the proposal is consistent with the statement of strategic directions.</p>	<p>Please refer to Section 3.5.1 of the Final EIS which now includes an assessment of the proposal against the IZ1 Zone Objectives.</p>

REQUEST FOR REVISED EIS – MATTER	APPLICANT RESPONSE
Sustainable Development	
Section 5.3.8.2 of the EIS will need to provide a description of both the long-term and short-term economic consequences of the environmental impacts from the proposal, including those outlined in section 8.1 of the scoping document.	Section 5.3.8.2 of the Final EIS has been updated to include a discussion relating to the long-term and short-term economic consequences of the environmental impacts. Specific issues raised in Section 8.1 of the scoping document have been individually addressed in Section 8.8 of the Final EIS. .
Territory Plan – Statement of Strategic Directions	
The EIS does not describe how the proposal meets each of the relevant principles of the Statement of Strategic Directions in the Territory Plan (refer s5.3.8.3 of the EIS). Please address all relevant principles and clearly outline how the proposal meets these.	This comment is addressed by Section 5.3.8.3 and Section 8 of the Final EIS.
Risk Assessment	
The risk matrix (Table 6-2) of the draft EIS is not consistent with the risk matrix in Table 4 of the Proponent’s Guide To Environmental Impact Statements available on the ACT Planning website (https://www.planning.act.gov.au/). Please amend the risk matrix and risk ratings accordingly.	The risk matrix in Table 6.2 of the Final EIS has been amended to comply with the relevant guide and the risk ratings identified have been revised accordingly.
The EIS must describe whether the risk assessment is in accordance with AS/NZS ISO 3100:2009 <i>Risk management – Principles and guidelines</i> .	A Statement of Compliance has been included in the Final EIS at Section 6.4.3.
Materials and Waste	
Please provide a Waste and Recycle Management Plan (WRMP) in accordance with the TCCS Waste Code as requested by section 8.1.4 of the scoping document. It is noted the EIS (section 8.4.1) refers to a WRMP submitted with a previous development application DA201834694; however, a WRMP in accordance with the TCCS Waste Code is required to be provided as part of this application.	A Waste and Recycling Management Plan for the proposed development has been prepared by Sellick Consultants and is submitted with the design and siting Development Application (DA) 202037541.

REQUEST FOR REVISED EIS – MATTER	APPLICANT RESPONSE
<p>Please provide further details in section 8.4.5 of the EIS regarding how waste streams are to be assessed for contamination before being accepted and processed at the facility. In particular, please specify where and how waste will be stored during laboratory testing before acceptance of waste at the facility and how waste containing potentially hazardous contaminants will be managed during waste testing and how/where they will be disposed of if hazardous contaminants are detected.</p>	<p>It is noted that waste testing/sampling arrangements are yet to be decided in consultation with the EPA, pursuant to an authorisation application to operate the facility. Notwithstanding, Section 8.4.5 of the Final EIS has been elaborated upon and reflects waste classification details, testing and management of hazardous constituents.</p>
<p>Section 8.4.5 states that final products will be tested to ensure they meet the reuse criteria and that recovered material must meet fit for purpose assessment. Describe procedures for testing products recovered for beneficial reuse to confirm they are appropriate for reuse.</p>	<p>The waste testing regime is to be decided in consultation with the EPA. Section 8.4.5 of the Final EIS has been amended to include the tests to be performed on all recovered resources.</p>
<p>Section 8.4.8 describes that sludge cake residual waste will be taken to landfill immediately. As sludge cake residual waste will contain concentrated contaminants from waste processing, please provide details on how sludge cake will be managed, stored and disposed of.</p>	<p>Please refer to Section 8.4.8 of the Final EIS. The quality of the filter cake is dependent upon the quality of material being processed and will vary based on the concentration of the contaminants present in processed materials. Contaminant levels will dictate the fate of the material, in terms of meeting criteria for fit for purpose reuse or land fill disposal.</p>
<p>Insufficient information has been provided in relation to the source of all waste streams to be processed at the facility and where materials/residual waste will be going to. In particular, please clarify whether hydro excavation processing activities at the facility include processing drilling mud.</p>	<p>With reference to the response above, Sections 8 and 9 of the Final EIS have been updated to reflect the quantities and destination of materials and waste.</p>
<p>Please clarify emergency management procedures of the facility, including where waste will be taken if the facility is non-operational (for example, due to equipment failure).</p>	<p>Alternative arrangements have been nominated. Reference has been made to the Emergency Management Plan contained in the FOM. Please refer to Section 8.4.8.4 of the Final EIS.</p>
<p>Please provide clarification of anticipated resource recovery rates both overall and by waste stream for the proposal.</p>	<p>Please refer to Section 4.1.6.13 of the Final EIS which has been amended to reflect the destinations of materials.</p>

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Hydrology, Soils and Geology	
<p>The EIS (section 8.6.4, 8.6.5, 9.9 and 9.10) states that excess stormwater will be released to the Hume stormwater network when stormwater retention tanks reach their capacity. Describe how stormwater collected from hardstand areas will be treated before being released to the stormwater network, including how stormwater will be treated if retention and detention tanks reach their capacity.</p>	<p>Stormwater design is inclusive of a stormwater treatment device (SPEL Hydrosystem1000 or equivalent). Please refer to drawing DR-0411 where this device is shown as Pit SWN5-4 and is submitted with the design and siting Development Application (DA) 202037541.</p>
<p>The MUSIC water model and stormwater management system is described inconsistently. Please clarify the following:</p> <ul style="list-style-type: none"> • The outcome of the MUSIC model and whether the stormwater management system will contain and treat all stormwater flows. • Whether the stormwater management system will include both stormwater retention (long term storage and use) and detention (short term storage and gradual release). • How the single proposed Water Sensitive Urban Design water quality asset will be sufficient to achieve the water quality targets, given the potential volume of water the asset will need to manage. • How water will be re-used on site as this currently does not appear to be factored into the MUSIC model. 	<p>Per Territory requirements, stormwater arrangements are designed to treat 3-month flows. A bypass arrangement is incorporated for flows that exceed this level.</p> <p>Water reuse includes toilet flushing and irrigation, and such measures have been utilised to calculate the 40% reduction in mains water consumption required by the Waterways: Water Sensitive Urban Design General Code.</p> <p>Within the MUSIC model, 100kL per day reuse has been incorporated as part of the commercial hydro-excavation works.</p> <p>MUSIC model arrangements are reflected on drawing DR-0491 and is submitted with the design and siting Development Application (DA) 202037541.</p>
<p>Section 8.6.5 of the EIS describes the re-use of process water in the facility and that the facility will operate at a water budget deficiency. Provide more information on how excess water from the processing plant will be managed.</p>	<p>Section 8.6.5 of the Final EIS has been updated to explain process water deficiency and provide further details as to the management of excess water should this circumstance eventuate.</p>
<p>The EIS states excess process water will be reused for other operations on-site and off-site. Provide information on how process water will be treated, tested and classified to ensure it is an appropriate quality for these uses.</p>	<p>On and off-site options for process water on the basis of testing and classification have been included in Section 8.4 of the Final EIS.</p>

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<p>Climate Change and Air Quality</p> <p>Section 8.7.4 of the EIS states the proposed facility will reduce greenhouse gas (GHG) emissions primarily by reducing the amount of waste that goes to landfill and through the use of a mechanical wetting process. Please justify how these will reduce GHG emissions and meet the target for net zero emissions in the ACT by 2045. At a minimum, the EIS must:</p> <ul style="list-style-type: none"> • Estimate the amount of waste that will be diverted from landfill by the proposal and the estimated reduction in GHG emissions as a result. • Estimate the GHG emissions produced by operating the development. • Justify how using a mechanical wetting process to wash material will specifically reduce GHG emissions. 	<p>The proposed project does not have a liability under the <i>National Greenhouse and Energy Reporting Act 2007</i>, as facility and corporate emissions thresholds – of 25,000 and 50,000 tonnes or more of greenhouses gasses, respectively – will not be exceeded.</p> <p>Due to the limited time required for the construction phase of the project, it is unlikely to materially or directly be measured towards the 2045 target. It is further noted that operational activities are a very minor contributor to greenhouse gas emission.</p> <p>Notwithstanding, mitigation measures for both operational and construction activity emissions are proposed. A mechanical wetting process to wash material will not, in itself, substantiate a reduction in greenhouse gas emissions. However, this methodology will reduce the emissions of harmful greenhouse gasses as compared to a thermal process.</p> <p>By minimising the disposal of waste materials with degradable organic carbon content at landfill, future gas emissions from these sites are reduced accordingly.</p> <p>Other waste streams processed by the facility are classified as inert and, if used for daily cover purposes, are deducted from waste disposal reporting values for the purpose of estimating emissions from landfill. Otherwise, such materials contribute to total solid waste tonnages disposed of at landfill per year, albeit with 0.00 degradable organic carbon value.</p> <p>Consequently, carbon accounting assessment is not considered to be warranted. Please refer to Section 8.7.4 of the Final EIS.</p>
<p>Socio-economic and Health</p>	
<p>Please provide further details regarding mitigation measures to be put in place for the inherent exposure risks for the possible health hazards identified, in particular Legionella bacteria, from untreated waste and wastewater.</p>	<p>Please see Section 9.5 and Section 9.12 of the Final EIS. Mitigation measures responding to the possible health hazards identified have been included. These are to be read in conjunction with procedures outlined in the FOM.</p>
<p>Please provide further details regarding the storage and pest proofing of final products.</p>	<p>Extracts from the FOM pertaining to storage and pest management are included in the Final EIS refer to Section 9.12.</p>

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<p>It also does not appear as though the health impacts from the concentration of odour and emissions within the proposed building have been considered. Please consider the internal air quality impacts on human health and measures to mitigate these, as appropriate.</p>	<p>Based on the findings and conclusion of the Final EIS review assessment reports, particularly the intrinsic and residual risk assessment undertaken by Robson Environmental, there is a low risk of the construction and operation of the facility impacting upon the health of neighbouring businesses, or facility staff and visitors. Therefore, it is not believed that further investigations would substantially alter the information already known or the management responses outlined. Please see Section 9.13 of the Final EIS.</p>
<p>Recommendations</p>	
<p>Provide a summary of all commitments in the EIS to avoid, mitigate and offset the potential significant impacts associated with the proposal.</p>	<p>A list of recommendations has been added to Section 11 of the Final EIS.</p>
<p>Describe the monitoring parameters, monitoring points, frequency, data interpretation and reporting for the proposal.</p>	<p>Please refer to Attachment 1 of the Final EIS which includes details on monitoring parameters, points and frequency; data interpretation; and reporting protocols. This discussion should be read in conjunction with the FOM.</p>
<p>All mitigations measures referenced throughout the EIS, including those that are adopted in addressing the above and attached comments, must be incorporated into a summary in the recommendations section (section 11). For example, if on-site detention is proposed to manage stormwater then this is considered a commitment in the EIS and will need to be included in the summary.</p>	<p>This information has been included in Section 11 of the Final EIS.</p>