



Inner South Canberra Community Council

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ISCCC Submission: Canberra Brickworks Redevelopment: Environmental Impact Statement (EIS) Application No. EIS201900047

The Inner South Canberra Community Council has been an active member of the Canberra Brickworks Precinct Community Panel since October 2015, along with the Yarralumla Residents Association and other stakeholders. The Community Panel has worked constructively with the ACT Government in setting out key objectives for the site that were the basis for the Request for Tender, and that were used by the Government to help assess tenders. Since the Government selected Doma as the preferred tenderer, the Community Panel has worked constructively with Doma on planning for the precinct to realise those objectives (see the objectives at:

https://suburbanland.act.gov.au/uploads/ckfinder/files/pdf/3_Commercial/Canberra_Brickworks/Site_Report2016/CANBERRA%20BRICKWORKS%20PRECINCT%20OBJECTIVES%20MAR%202016.pdf).

This EIS process provides an important opportunity to review the extent to which the planning for the precinct to date meets important Commonwealth and ACT Government requirements, specifically:

- Commonwealth - in relation to protection of the critically endangered Golden Sunmoth
- ACT Government - wide range of issues outlined in the Scoping Document.

The ISCCC will comment on the following specific aspects of the EIS rather than address every issue.

[1. Heritage \(section 16 of EIS\)](#)

The proposed development appears to protect and adaptively reuse all significant heritage on the site. We look forward to seeing more specific details of the adaptive reuse of the heritage buildings, quarry and railway remnants in the Estate Development Plan and the Development Applications. We will expect that Plan and the Development Applications to adhere to the heritage policies and guidance within the Conservation Management Plan. The EIS indicates that training of all construction personnel will be undertaken before construction begins to ensure they are aware of the heritage sites to be protected, and that if vibration or other construction work threatens to cause damage the relevant machinery will be stopped and alternative equipment used. We understand that the Geological Society of Australia has no objection to a section of the quarry being filled (for residential development) in terms of its impact on geological heritage.

[2. Landscape and Visual Impacts \(section 9 of EIS\)](#)

A key issue is the impact of the proposed development on the vistas from surrounding areas into the Brickworks precinct. The most obvious impact will be on the vista from Dunrossil Drive towards the precinct, in particular towards the terraces that will be built in the south west of the site near Dunrossil Drive. We understand that the Governor General's office will require a fence and hedge at the boundary with the Brickworks precinct.

View diagrams provided as part of the EIS suggest that there will be not be major concerns with vistas towards the Brickworks from Cotter Road or Yarra Glen. Any impacts on the vista towards the Brickworks from Dudley Street will depend on maintenance of the mature forest between Dudley Street and the southern boundary of the Brickworks precinct which is on a ridge line. One of the key objectives of the Brickworks Community Panel required that the plan:

- "Ensure the development minimises visible impact from the south or west of the ridge line that runs from Denman Street to Dunrossil Drive."

There is an area of forest to the south of the ridge line, outside the Brickworks Precinct, which appears from the Tree Assessment Report at Appendix F10 to consist mostly of high quality regulated trees.

Consequently, Doma's landscape plans for the precinct, and the ACT Government's plans for management of the forest between the precinct and Dudley Street, must ensure there continues to be a visual wooded buffer between the ridge line and the view corridors from the south and the west. It should be possible to achieve this while meeting the requirements of the bushfire management plan for the area.

In the Brickworks precinct as a whole, the proponent plans to remove several hundred trees. The ISCCC understands that many trees need to be removed because they are located on the building footprint, are in an area of proposed cut and fill, or are senescent. However, we would like to see quality specimens retained in other areas of the site to provide visual amenity, protect landscape qualities, and maintain a cooling effect in summer, especially as it may take several years for new trees to grow. We could see no reference in the Tree Assessment Report that some of the trees in the Brickworks precinct are part of the heritage-listed Westbourne Woods, yet the heritage listing for the Westbourne Woods indicates the woods extend from the lake through the Forestry precinct and the Golf Course to the Brickworks.

[3. Bushfire management \(section 14\)](#)

The ISCCC understands that even though Doma is planning for an Inner Asset Protection Zone at the southern boundary of the Brickworks site, there may also be a need for a 10 metre Outer Asset Protection Zone on adjacent public land. As noted above, we are concerned about the extent to which the development of the Precinct will impact on adjacent lands, public amenity particularly in relation to the forest and windbreak and sound break provided by the trees to the South and West of the CBP and the frequently used trail located on ACT government land between the CBP and the Royal Canberra Golf Course fence.

[4.Matters of National Environmental Significance \(sections 15.2.1, 15.3.1\)](#)

We note that some Golden Sunmoth habitat will be affected by the proposed development, but that an offset arrangement has been agreed with the Wandiyali Restoration Trust in Googong. The ISCCC is aware that a much larger area of Golden Sunmoth habitat exists to the south, south east and south west of the Brickworks development and trusts that it will remain protected.

[5.Traffic and Transport \(section 7 of EIS\)](#)

The ISCCC is pleased that the Brickworks precinct has been designed so as to prevent rat-running from Cotter Road through the precinct to the rest of Yarralumla.

The ACT Government's upgrading of Dudley Street and construction of Quarry Drive into the Brickworks site are well under way. Given rapid population growth in Molonglo and increased traffic from Cotter Road into Dudley Street and Adelaide Avenue, a long term solution is needed to better integrate transport along these corridors, specifically an interchange. It is ludicrous that many thousands of vehicle movements per week are being channelled along Dudley Street in Yarralumla when many of these drivers are heading to commercial premises in West Deakin and other parts of the inner south.

The EIS identifies the impact of public access to the Brickworks precinct on traffic congestion and parking as a residual risk. We do not believe that this risk has been fully dealt with.

We understand that Transport Canberra knocked back a request for buses to be allowed to enter the Canberra Brickworks Precinct (CBP). We do not believe the provision of a new bus stop on Dudley Street fulfils the objective for public transport to be the most attractive form of local transport. We are concerned about the provision of adequate car parking given the likely pressure on surrounding streets if there is insufficient public transport, public parking or if the cost of the proposed paid parking deters workers and visitors from parking within the precinct. The calculation of car parking requirements does not include any car parks for visitors to the Quarry Park or Railway Remnants Park.

There is also a need to ensure adequate active travel connections, including that the proposed shared path along Denman Street be designed in a way to meet the needs of both path users and visitors to the Uniting Church and church hall on that street.

[6.Climate Change mitigation and adaptation \(section 12\)](#)

Doma's consultant Bloc has produced a Climate Adaptation Plan to spell out how Doma will address climate change mitigation and adaptation. The ISCCC will monitor the extent to which the proposed actions are reflected in the Estate Development Plan and Development Applications.

For example, Doma is targeting a Five Star Green Star Community rating, as foreshadowed in the Precinct Objectives in the tender process for the Brickworks redevelopment. It is not clear yet exactly what measures will be taken to achieve the requisite scores to rate as a Five Star Green Star Community. There is a reference to solar passive orientation and canopy cover, possible installation of solar panels, and reuse of stormwater for irrigation. However, there is no reference to double-glazed windows and the proponents plan to connect the houses, townhouses/terraces and

commercial buildings on site to the gas network, despite the ACT Government commitment to phase out gas.

As noted in the section on Landscape and Visual Impacts, hundreds of mature trees will be removed, which is not consistent with the ACT Government's Living Infrastructure strategy. We understand the proponent has made a commitment to plant many new trees in the precinct, but we have not seen a landscaping plan yet, which is needed if we are to have confidence that the new urban forest will be better than what is there now.

[7. Utilities \(section 6\)](#)

We note the proposal to connect gas to houses/townhouses, commercial cooking and fireplaces where no viable alternative exists. The stated intention to connect gas is contrary to ACT Government policy to phase out gas use. The proponent has indicated the Government made connection to the gas network a requirement in the tender process. If that is so, the Government should reconsider this requirement, to take into account the change in Government policy.

[8. Water Quality and Hydrology \(section 10\)](#)

It is pleasing to see in the EIS that the proposed lake in the quarry and other tanks on site will meet the majority of the irrigation needs of the precinct.

We understand that surface water samples indicated that zinc was present in quantities that exceeded the NEPM (2013) screening criteria for fresh water. Testing to date has indicated there is also cadmium, nickel and zinc in the groundwater, and it is not clear whether that is naturally occurring or results from industrial activity on the site. Further testing is needed to assess groundwater contamination. Given that Doma's plan includes plans for gardens to supply both households and restaurants on site, remediation may be required to ensure that any produce grown on site is guaranteed safe for human consumption. Groundwater in core parts of the Brickworks site flows under the Royal Canberra Golf Course to Lake Burley Griffin, and so it is essential that an assessment is made of whether site disturbance will increase contaminated run-off to the Lake.

We note the recommendation (Appendix F14 – Stormwater Treatment Systems) not to connect water tanks to toilets due to very low reliability but given the availability of technology to switch from tank water to mains water, all tanks should also be connected for toilet flushing in order to conserve water. Indeed, we understand that the ACT Government provides for water tanks to be connected to at least "toilet, laundry cold water, all external uses" (See [Water efficiency - Build, buy or renovate \(act.gov.au\)](#)). High capacity water tanks connected to the maximum number of roofs would help the precinct get closest to water self-sufficiency.

[9. Socioeconomic and Health \(section 11\)](#)

As noted by the YRA in its submission, the 33% increase in Yarralumla's population arising from the Brickworks precinct development will undeniably put additional pressure on the Yarralumla shops, the Yarralumla Primary School and the Yarralumla Surgery, to name just a few of the amenities of the suburb that are already stretched. It should also be noted that if the development of Forestry Place, adjacent to the CBP, proceeds as currently planned, the two projects combined will increase Yarralumla's population by 75%.

10. Community and stakeholder consultation (section 19)

While the Community Panel has functioned as a way to alert Doma and the SLA to issues that the community is likely to have issue with in relation to aspects of the proposal, giving Doma and the SLA an opportunity to amend or work out solid justification before going to the broader community, it has been disappointing that TCCS has not had a seat at the table since so many of the issues that have been raised rely on input/response from TCCS.

The impact on the Curtin shops and access via McCulloch Street, Curtin appears to have been given very scant attention in the community consultation process, despite the Curtin Shops being the most convenient shopping location for most residents of the Brickworks precinct.

11. Contamination, Soils and Geology (sections 17 and 18)

This EIS is non-compliant with the Scoping Document requirement to detail, describe, and provide information to ACTPLA for notification on Soils and Geology that would fully inform public representation to this process at this time.

A Sampling, Analysis and Quality Plan (SAQP), scheduled to be undertaken in late 2020, is needed to assess the ten Areas of Environmental Concern (AEC). Data collected in the SAQP inform the Remedial Action Plan (RAP) and the Environmental Management Plan (EMP).

ACTPLA has advised at 20 July 2021 that that the RAP and EMP will be developed prior to the DA stage in accordance with EPA guidelines. However, these guidelines do not require documentation until that time or following approval prior to construction. Consequently, the EIS Assessment Review (EISAR) will be prepared and the Minister's decision will be taken without reference to essential information and mitigation measures on contamination and soils at the site. Many questions remain unanswered.

In order that transparency and accountability of government process be maintained throughout this assessment of environmental impact at the site, ISCCC requests that the final environmental assessment documents in regard to Soils and Geology be submitted to this process and that the public be allowed opportunity for comment. Apart from addressing contamination issues, such reports will also enable an assessment of whether the fill material to be used will be suitable for construction purposes.

ACT Worksafe must also be included as an Entity to be consulted in relation to this EIS.

See Attachment 1 for a detailed analysis of issues with respect to contamination and soils.

The ISCCC requests that all the issues raised in this submission are addressed so that the Canberra Brickworks Precinct will meet environmental and other requirements laid out in the relevant ACT and Commonwealth legislation, and meet community expectations for a quality urban renewal precinct in the 21st century.



Gary Kent
Chair

Contamination and Soils and Geology (section 8.2.5)

EIS201900047 is inadequate as it fails to provide sufficient information to meet the requirements of the ACTPLA Scoping Document.

Within this process it is not possible to put informed representation with regard to **Soils and Geology**, Scoping Document reference **8.2.5**. Throughout the EIS there are documents which detail contamination at the site, provide information on geological features and which contain soil analysis and proposed management of fill. However, in the absence of detailed contamination assessment of the 10 Areas of Environmental Concern (AEC) and the Remediation Action Plan (RAP), both itemized in the Scoping Document, environmental impact of the statement cannot be decided.

The proposed development site is listed on the ACT Contaminated sites Register as it is a former brickworks dump area. Block 1 is **ID.545** and also **ID. 6438** and Block 20 is **ID.547**. Such listings are triggered when a Contaminated Site Audit is required.

In the Interim Audit Advice (IAA#07), (at F41 of the EIS), commissioned by the former Land Development Agency (LDA) and dated 7 November 2016, the Auditor reviewed the SMEC Holdings Limited 2016a report (Reference 3002523, Rev.2) dated 31 October 2016 and the SMEC 2016b report (ref. 3002523 – Groundwater Addendum Report, Rev. 2), dated 3 November 2016. The Sampling, Analysis and Quality Plan (SAQP) (F42) conducted in 2017 by Arcadis did not inform the IAA#07. Additionally, the Auditor advised that *'this letter does not constitute a Site Audit Report or Site Audit Statement and does not pre-empt the conclusion that may be made at the end of the audit process'* (see page 1).

Comments from the Auditor's letter include;

- *The geotechnical suitability of the fill material for construction purposes falls outside the scope of the site auditor scheme, and does not form part of the "site suitability" considerations of the site audit (page 3);*
- *The auditor notes that the "asbestos dump" area at the western margin of the site was intentionally excluded from this stage of investigation. This area is the subject of a separate body of investigation reports, management plans and a Section B Site Audit Statement for an interim "cap and contain" management strategy".*
- *Uncertainties remain at the site, and unexpected contamination issues may still exist...."*
- *Any Remediation Action Plans prepared to address contamination issues at the site must also be submitted to ACT EPA for review and approval, following the Auditor's review and endorsement.*

There are 12 Areas of Environmental Concern (AEC) identified in the later Arcadis (2017) Sampling, Analysis and Quality Plan (SAQP) and further assessment is recommended. On 26/06/2017 this document, commissioned by BLOC on behalf of DOMA, was submitted to the site Auditor for Review. No further Auditor's report has been notified in this EIS.

The EIS document at **2.6.3** (see page 19), advises; *'At this stage, contaminants that cannot be adequately treated (e.g., asbestos) are proposed to be contained within a sealed container, buried, and capped on site. This is subject to further assessment, with a Remediation Action Plan (RAP) and Environmental Management Plan (EMP) to be developed.'* This assessment and plans are specific to asbestos at the site and are not included in the SAQP, RAP and other requirements of the Scoping Document advised at **8.2.5 Soils and Geology**.

EIS Non-compliance with Scoping Document NI2020-32

At 8.2.5 Soils and Geology: page 9, third dot point and sixth dot point

- *Undertake a detailed contamination assessment of the 10 Areas of Environmental Concern (AEC) identified and in accordance with EPA guidelines and*
- *Provide a Remediation Action Plan for the proposed remediation works in accordance with EPA guidelines.*

F43 - Agon Environmental Contamination Summary (May 2020) commits to assessment of an identified ten Areas of Environmental Concern (AEC) in a Sampling, Analysis and Quality Plan (SAQP) scheduled to occur in late 2020. As other 2020 supporting documentation has been submitted and notified in this EIS, it is unfortunate that the essential SAQP, if undertaken at all, has not been notified as required in this EIS.

The Remediation Action Plan (RAP) is dependent on the data collected in the promised SAQP. The RAP is also an essential document not notified in this EIS.

The Scoping Document notes under **Soils and Geology** at page 4: a potential risk is that the *'Widespread use of fill across the site results in the destabilisation/lack of density/compaction necessary for construction.'*

Under **8. Assessment of Risks** the Scoping Document states; *'Sufficient information is required to provide the Authority with an adequate understanding of the environmental impacts associated with the proposal.'*

Without the promised SAQP it is not possible for the EIS assessment team to make a decision concerning fill and most other dot points of the **8.2.5 Soils and Geology** requirements of the Scoping Document. Consider that a reasonable person would want the fill assessed with regard to structural safety for the proposed residential and commercial uses. This is not apparent in the EIS. In regard to the Auditor's comment above, who will be responsible for assessment of geotechnical suitability of the fill material for construction purposes?

Failing to meet these conditions of the EIS diminishes representation. It is an issue of concern to residents and should be of concern to any future potential buyer of residential or commercial property on the site. Information from the missing SAQP would describe the composition and source of all infill and provide details of any contaminants within the fill to be used at the site. The input of a suitably qualified environmental consultant and a further independent Auditor Review or full Report is part of the EPA requirements in the RAP, also missing from this EIS.

Asbestos Contamination

There is universal awareness that asbestos is a hazardous material that poses a risk to health by inhalation if the asbestos fibres become airborne and people are exposed to these airborne fibres. It is a hazard of great environmental impact raised as a potential risk in the Scoping Document at page 5, **Socio-Economic and Health**. *'Potential risks to residents and passive users of the site as a result of exposure to contaminants (particularly lead and asbestos)'*. There is no mention of workers. Worksafe ACT is not an Entity in this EIS.

It is concerning that this EIS process prior to notification has been agreed to exclude the assessment and effective management and control of the former asbestos dump, a surface area greater than 1 hectare of the site. There appears to have been no investigation of this site that assesses suitability for commercial and residential buildings to be constructed over contaminated land. IS-CCC notes that a process outside of this EIS is promised in regard to asbestos. We expect all documentation regarding asbestos to be notified for public representation at a future time. We ask that our questions below receive consideration in the preparation of documents and organisation at the site to achieve decontamination from asbestos.

Fig 18.1, (see page 179 of the EIS document) is a site map (Jan 2020), labelled **Areas of Environmental Concern**. On the map it is revealed that residential construction is intended over the area of the site that was the former asbestos dump.

Members of the public want to be fully informed when considering the redevelopment of this significant site. There is a need for answers to the following concerns;

- What is the extent of asbestos contamination from the former dump use onsite;
- To what extent is asbestos to be disturbed in order to achieve the encapsulation;
- What size is the sealed container;
- Where will the sealed container be buried;
- Following encapsulation on the site would that former contaminated land, an Area of Environmental Concern (AEC) be suitable for the residential/commercial uses proposed;
- How will underground car parking be achieved over the encapsulated asbestos;

The Arcadis Report (F42) prepared after the Interim Audit included reference to the asbestos dump. This is provided on page 182 of the EIS document.

Asbestos dump. *A potentially complete pathway for this material currently exists for:*

- *Direct exposure to construction workers, future site workers and residents.*
- *Potential for seepage water to enter basements.*
- *Potential for leaching to groundwater*

The Arcadis Report also makes reference to asbestos identified across the site in fill material.

It is critical this government does not repeat the asbestos experience at the Campbell Section 5 Remediation site on Constitution Ave and Anzac Pde where costs at a former asbestos dump site escalated to \$15million. This cost included infrastructure (roads, footpaths, sewerage system) but was more than 6 times the originally estimated volume of asbestos. In this case the asbestos was removed and only unknown low contaminated material, which could not be re-used on the site, was buried and sealed in a containment cell in the open space.

The community needs to be assured that once asbestos materials have been identified and assessed in an Asbestos Risk Assessment Audit, or a Hazardous Materials Audit, then effective and essential management and control of all asbestos containing materials will be undertaken. In the process of EIS201900047, in the absence of asbestos detail it is not possible to decide if the site is suitable for the proposed development. The Scoping Document contains EPA Entity advice that *'Prior to the area being used for other purposes the findings of the independent audit into the site's suitability for its proposed and permitted uses from a contamination perspective must be reviewed and endorsed by the EPA.'*

Request that requirements of the Scoping Document be met

Table 1 of the Scoping Document identifies impacts and requirements to be addressed in the EIS. Points concerning **Soil and Geology** are further detailed at **8.2.5**. There are 9 requirements, none of which has been addressed in this EIS. Previous investigations do not adequately provide sufficient information now required in this process.

The EIS document at **22.0** on page 208, claims the EIS has addressed the issues outlined within the Scoping Document. It has been brought to the attention of EIS assessors that this is not the case. The ISCCC expects the EIS process including the EISAR to fully address the concerns outlined. Without sufficient information provided in the EIS, proposed mitigation measures to be the focus of an approval DA process will not be able to be assessed.

ISCCC request that in the process of assessment of EIS201900047 the issues raised in this representation concerning EIS non-compliance with the ACTPLA Scoping Document be remedied to inform the EISAR and that the proponent be required to provide 8.2 Detailed Requirements at 8.2.5 – to include response to all 9 dot points.

ISCCC submit that ACT Worksafe be included as an Entity in this process.

From this EIS process have arisen many questions to be considered by decision makers, both within the supporting documentation and in the promised assessment and management of contamination at the site. Existing local residents and future leaseholders in this proposed upmarket and significant development require certainty that decontamination has been achieved and that residences and commercial premises are not built on residual contaminated soil or soil containing fill that is inherently unstable.

Figure 1
mental

**Areas of Environ-
Concern**

