



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 21-061

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	n/a
5. Fees	waived
6. Processing time (in working days)	19 days
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a



ACT
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Transport Canberra and
City Services



Dear 

Freedom of Information Request - Reference 21-061

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 17 June 2021 under the *Freedom of Information Act 2016* (FOI Act) seeking documentation related to the June 2021 Fadden Hills Pond Cleaning, specifically:

*"- a copy of the environmental management plan for Fadden Pond cleaning that took place in June 2021;
- a copy of the waterways license 654 under which the above work was carried out."*

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the FOI Act.

A decision on your access application is due by 15 July 2021.

Decision on access

The documents that you are seeking have been identified. I have included a schedule of the documents at [Attachment A](#).

In accordance with section 17 of the Act, I have considered the public interest in relation to information within the records identified as relevant to your access application. In this instance, I have not identified any factors favouring non-disclosure, and therefore have decided to release the information to you in full.

My decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community; and
- Section 2.1(a) (xi) - reveal environmental or health risks or measures relating to public health and safety.

Factors favouring non-disclosure (Schedule 2, Section 2.2)

- No factors favouring non-disclosure were identified as relevant to this application.

I have considered the public interest in relation to the ACT Government's management of stormwater systems and waterways and find that the disclosure of the information enclosed with this notice is in the public interest to disclose in full.

Charges

No fee applies as the number of pages being released is in the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents will be published in the TCCS disclosure log from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cherie Hughes', written in a cursive style.

Cherie Hughes
Information Officer

14 July 2021

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government’s Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: https://www.tccs.act.gov.au/about-us/freedom_of_information/disclosure-log

File number		WHAT ARE THE PARAMETERS OF THE REQUEST				
FOI – 21-061		Environmental Management Plan – Fadden Pond				
Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1-8	Environmental Authorisation No. 0654	13 September 2016	Full access	N/A	Documents to be published
2	9-11	Fadden Pond – Environmental Management Plan	Final saved on 29 April 2021	Full access	N/A	



ACT
Government

Chief Minister, Treasury and
Economic Development

AUSTRALIAN CAPITAL TERRITORY

ENVIRONMENTAL AUTHORISATION UNDER THE ENVIRONMENT PROTECTION ACT 1997

Note: This is a variation of the original authorisation granted 19 December 2008 and includes the variation of 17 December 2010.

The Environment Protection Authority (the Authority), pursuant to section 49(1)(a) of the *Environment Protection Act 1997* (the Act), hereby authorises:

Name: Director, Roads ACT, Transport Canberra and City Services
Street: PO BOX 777
Suburb: FYSHWICK
City: ACT
Postcode: 2609

to conduct the following activity/activities:

The extraction of more than 100 cubic metres of material (other than water) from a waterway (but does not include the removal of silt and debris from gross pollutant traps)

On: leased and un-leased ACT land associated with public road infrastructure

subject to the conditions set out in **Schedules 1 and 2**, attached, for an unlimited period or until earlier surrendered by the Director, Roads ACT, Transport Canberra and City Services or cancelled or suspended by the Authority.

This is a **standard** environmental authorisation. This authorisation will be reviewed.

.....
Delegate, Environment Protection Authority

Dated this 13th day of September 2016

SCHEDULE 1: GENERAL CONDITIONS

Definitions

Site - leased and un-leased ACT land associated with public road infrastructure.

Operation:

1. Compliance with Environmental Authorisation

The Authorisation holder shall:

- (a) comply with any authorisation condition immediately where no time for compliance is stated;
- (b) notify the Authority in writing within 2 working days of becoming aware of:
 - i. any event that causes, or is likely to cause, any authorisation condition to be exceeded; or
 - ii. any monitoring data that show that a condition of the authorisation has been exceeded.

2 Activities must be carried out to protect the environment

- 2.1 All activities carried out on the site shall be carried out in such a manner that adverse impact on the environment is minimised.

3 Maintenance of plant and equipment

- 3.1 All plant and equipment installed or used in or on the site shall be maintained in a safe and good condition and in accordance with manufacturer's recommendations.
- 3.2 Records of all maintenance and repairs performed on pollution control equipment including drainage systems, interceptors, separators and infrastructure shall be kept on site for a period of 2 years and made available to the Authority on request.

“plant and equipment” includes drainage systems, infrastructure and pollution control equipment.

4 Environmental Practices

- 4.1 The Authorisation holder shall minimise emissions to the environment by:
 - (a) adopting the practises set out in **Schedule 2**.

5 Compliance with Australian Standards and Industry Codes of Practice

5.1 The Authorisation holder shall comply with the provisions of the following Australian Standards, Guidelines and Industry Codes of Practice provided such provisions are not in conflict with the conditions in this Authorisation, and the provisions of any policies made by the Authority.

- AS 1940 - The Storage and Handling of Flammable and Combustible Liquids, Standards Association of Australia.

6 Fuel Storage

N/A

7 Reporting of environmental harm

7.1 In the event that an incident has caused, is causing or is likely to cause material or serious environmental harm, whether the harm occurs on or off the site, the Authorisation holder, their employee or agent shall report the incident to the Authority immediately after it becomes known to the Authorisation holder or to their employee or agent in accordance with clause 7.2.

7.2 The incident shall be reported to the Authority by telephoning Access Canberra on 132281 during and outside business hours.

7.3 The Authorisation holder shall notify the Authority in accordance with clause 7.2 immediately after becoming aware that land is contaminated in such a way as to present, or to be likely to present –

- a) a significant risk of harm to human health: or
- b) a risk of material environmental harm or serious environmental harm

7.4 All incidents and /or contamination of land (including ground and surface waters) shall be reported in writing to the Authority within 2 working days of the Authorisation holder, their employee or agent becoming aware of any environmental harm in accordance with clause 7.2.

The report may be provided by email to environment.protection@act.gov.au

7.5 The Authorisation holder, their employee or agent is required to report an incident in writing and include:

- (a) incident or activity that has caused contamination or environmental harm;
- (b) nature of contamination and chemicals of concern;
- (c) area affected (on or off site);
- (d) aspects of the environment affected; and
- (e) any other relevant information.

8 Record of pollution complaints

8.1 The Authorisation holder shall keep a record of all complaints received by its employees or its agents, in relation to pollution from, or on, the site. This record is to be provided, on request, to the Authority.

9 Record of activity levels

N/A

10 Records to be maintained

10.1 The following records will be maintained and kept by the Authorisation holder for a period of five years:

- a) field sampling record sheets and chain-of-custody forms;
- b) results of monitoring of soils and groundwater
- c) reconciliation records for all fuels, oils and hazardous materials and wastes utilised and stored on site;
- d) waste disposal certificates for any hazardous wastes disposed off-site; and
- e) keep a legible record of all complaints received by its employees or by its agents in relation to pollution associated with the activities.

11 Responsible employees

11.1 The Authorisation holder shall authorise at least two senior employees or agents:

- a) to speak on behalf of the Authorisation holder; and
- b) to provide any information or document required under this Authorisation.

11.2 The Authorisation holder shall inform the Authority of the names and telephone numbers (including after hours numbers) of those persons within five (5) working days of this Authorisation coming into force. The details may be provided by email to environment.protection@act.gov.au

11.3 The Authorisation holder shall inform the Authority of any change in the information provided under this condition within five (5) working days of the change. The details may be provided by email to environment.protection@act.gov.au.

11.4 Any person nominated by the Authorisation holder to meet the requirements of this condition shall be readily contactable on the person's nominated telephone numbers.

12 Authorisation shall be kept at the site

12.1 A copy of this Authorisation shall be kept by the Authorisation holder and shall be available for inspection by any employee or agent of the Authorisation holder working at the site.

13 Waste

13.1 No waste material is to be incinerated on site.

13.2 The Authorisation holder shall use licensed waste transporters to transport “controlled/regulated wastes” as defined in the *Environment Protection Act 1997* and the *Environment Protection Regulation 2005*. Information on Controlled Waste handling and transport can be obtained from the Authority on 132281.

14 Hazardous Materials

14.1 The Authorisation holder shall store and manage hazardous materials in a manner that prevents adverse impacts on the environment. The handling and storage of hazardous materials should be addressed in the Environment Management Plan required under section 17 of this schedule.

15 Discharge of stormwater

15.1 There should be no dry weather discharges to the stormwater system from the site.

16 New designs and innovations

16.1 The provisions of this Authorisation are not intended to limit the appropriate use of alternative materials, equipment, designs, or methods because they are not included.

17 Environment Management Plan

17.1 The Authorisation holder shall prepare and submit an Environment Management Plan (EMP) acceptable to the Authority for each site before any works are carried out.

17.2 The EMP should identify all activities that may have an adverse impact on the environment or the potential to cause environmental harm, and detail the mechanisms employed to prevent or minimise the impact of these activities. If required, the ways in which the conduct of the activity will be altered to minimise or reduce the adverse environmental impact of the activity is to be detailed including a timetable for implementation.

17.3 The EMP, once accepted by the Authority is to be implemented. It will also form the basis for future authorisation conditions and environmental improvements.

17.4 Where the mechanisms employed to prevent or minimise the adverse environmental impacts of the activity or the way in which the activity is carried out varies substantially from that detailed in the endorsed EMP, a revised EMP must be submitted within 3 months of the variation for review and endorsement by the Authority.

18 Monitoring Requirements

18.1 Surface Water Monitoring

- a) Water quality within the work area shall be monitored during extraction of material for the parameters, frequencies and criteria set out in Schedule 2, Table 2.
- b) Records of monitoring must be maintained and produced on request by the Authority.

19 Water Quality Standards

19.1 Water quality of any discharge from the work area shall be managed with the object of being within the limits for the parameters listed at Schedule 2, Table 4.

20 Reporting Requirements

20.1 Where there is a deviation between the monitoring points as set out in Schedule 2, Table 2, the Authority is to be notified as detailed in Section 7.

21 Sampling Requirements

21.1 All sample collection, analysis and associated paperwork under this Authorisation shall be conducted in accordance with Australian Standard/New Zealand Standard 5667.1:1998, *“Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples”*, and with the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation *Standard Methods for the Examination of Water and Wastewater*, 18th Edition, 1989, or other standards and methods agreed to by the Authority.

21.2 The sample collection shall be undertaken and documented by a suitably qualified person in accordance with clause 21.1. All required documentation shall be countersigned by a person authorised under clause 11.1 and shall be made available for inspection by the Authority. Sample analysis of parameters shall be conducted by a person employed as an analyst in any of the following organisations:

- (a) a Government laboratory;
- (b) an Australian university;
- (c) a laboratory where Authorisation parameters are accredited by the National Association of Testing Authorities; or
- (d) a laboratory approved by the Environment Protection Authority.

22 Land Custodian

- 22.1 Where the Authorisation holder is not the lessee of land on which the activity is being conducted, or proposed to be conducted, the Authorisation holder is to obtain written consent from-
- (a) if the land is leased-the lessee; or
 - (b) if the land is unleased territory land-the Territory; or
 - (c) if the land is unleased national land-the Commonwealth.
- 22.2 The Authorisation holder shall provide a copy of the consent to the Authority prior to undertaking the activity.

SCHEDULE 2

TABLE 1: AIR POLLUTION

Requirement
Measures must be in place and operational to minimise dust emissions in accordance with the approved Environmental Management Plan relating to general management of the site.

TABLE 2: WATER POLLUTION

The Authorisation holder shall manage the water catchment on the site in accordance with the approved Environment Management Plan.
Temporary measures such as silt fencing must remain in place until the results of seeding are apparent and exposed earth has been stabilised.
a) A water sample is to be taken daily when undertaking extraction of material from the waterway. The water sample is to be taken from two locations; <ul style="list-style-type: none"> 1) Upstream approximately 50 metres 2) Downstream approximately 50 metres. <p>Both samples are to be analysed for suspended solids. A Turbidity Tube may be used and the Nephelometric Turbidity Units (NTU's) are to be recorded.</p>
b) All machinery entering the waterway is to be cleaned and checked for leaks. Where leaks are identified they are to be repaired prior to the machinery entering the waterway.

TABLE 3: NOISE POLLUTION

Requirement				
The permitted hours of operation are as follows: <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 40px;">Monday – Saturday</td> <td>7 am – 6 pm</td> </tr> <tr> <td>Sundays and Public Holidays</td> <td>The noise is not to exceed the Zone Noise Standard.</td> </tr> </table>	Monday – Saturday	7 am – 6 pm	Sundays and Public Holidays	The noise is not to exceed the Zone Noise Standard.
Monday – Saturday	7 am – 6 pm			
Sundays and Public Holidays	The noise is not to exceed the Zone Noise Standard.			

TABLE 4: SURFACE WATER PARAMETERS

Parameter - Water	Criteria
Suspended solids	60mg/L (50 NTU's)
pH	6.5-8.5

Background

Stormwater Maintenance Unit of the Environmental Services branch, TCCS is a custodian of stormwater systems and waterways in the ACT. To ensure good environmental outcomes, TCCS implements stormwater management plans to remove sediment and to reduce total pollutant loads.

The Fadden Pond is located on part of Block 20 Section 400 Fadden. The site context is shown below. The Pond is located on the south side of the block at the intersection of the Bugden Avenue from the south/east and Nicklin Crescent from the west.

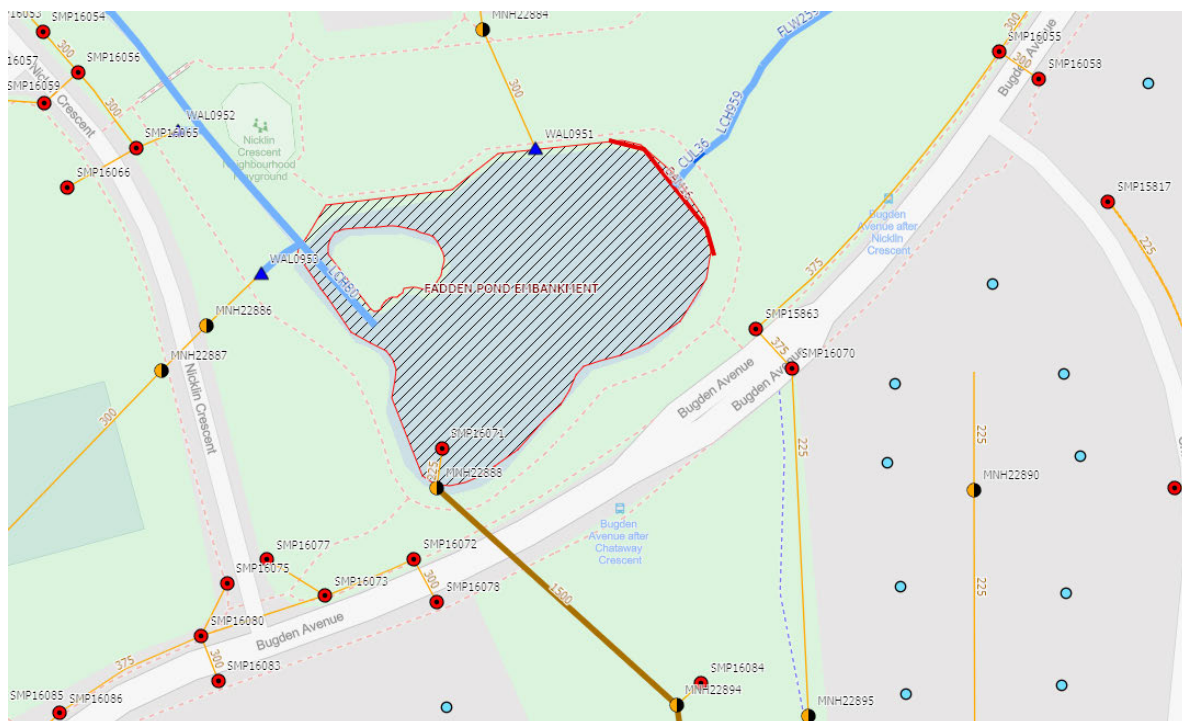


Figure 1 - SITE LOCATION

The pond is fed from a drainage channel collecting stormwater from the upper Fadden area. From the south and west, the pond is surrounded by trees which all are going to be retained.

The purpose of planned maintenance works is to remove sediment and some of the vegetation including shrubs and rushes to increase the depth of the pond and improve the hydraulic capacity and amenity value of the pond.

Below maintenance plan is to be read in conjunction with the Environmental Protection Plan for waterways prepared by the Flexible Pty Ltd.

Description of works

Maintenance works are planned for May this year with commencement approximately 10th of May 2021, weather permitting, to ensure period of dry weather for approximately 14 days after completion of works. The works will be carried out Monday to Friday between hours 7am and 5pm.

FADDEN POND - ENVIRONMENTAL MANAGEMENT PLAN

The Temporary Traffic Management Plan will be implemented and pedestrian footpaths to the area will be closed.

The water level of the pond will be lowered to the depth of approximately 30 cm. The water will be pumped out through the overflow inlet structure and through Fadden Hills underground stormwater network fed to Isabella Plain GPT.

The following actions will be completed as part of the maintenance works:

Removal of fish

Once water level in the pond has been lowered, the fish will be removed by contractors managed by the Aquatic and Riparian unit of Environment, Water and Emissions Reduction Branch of EPSDD.

Removal of debris:

Any litter including shopping trollies, scrap and other waste, will be removed and disposed at Mugga Lane Resource Management centre

Removal of silt and vegetation:

Once water level in the pond has been lowered and fish and waste removed, an excavator will be used to remove the silt and vegetation from the area on the south and west part of the pond. The truck and the excavator will access the site via Site Access 2. The material will be transported by truck, on road and drained on a silt drying pad as shown below (Figure 3 – site plan). The location of the drying pad has been confirmed



by the Environmental Protection Officer, Timothy Gibb. The drying pad will be approximately 8 x 8m rectangular shape, and it will consist of a temporary fence panels and geotextile fabric around the pad to allow for the water to flow down back to the pond. When dry, silt will be removed as a contaminated waste at Mugga Lane Resource Management Centre.



Figure 2 - SITE PLAN

Overflow inlet structure:



Figure 3 – Overflow inlet structure

The silt, vegetation and debris will be removed from around the structure to expose the valve. Once the valve has been exposed it will either be serviced, or if required, replaced.

Site clean up

Upon completion of works, the site will be re-grassed and reinstated to the original or better condition.