FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: TCCSFOI 19-027

<table>
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<tr>
<th>Information to be published</th>
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<tbody>
<tr>
<td>1. Access application</td>
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<td>2. Decision notice and schedule</td>
<td>Published</td>
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<td>3. Documents</td>
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<td>4. Additional information identified</td>
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<td>5. Fees</td>
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<td>6. Processing time (in working days)</td>
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<td>7. Decision made by Ombudsman</td>
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<td>8. Additional information identified by Ombudsman</td>
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<td>9. Decision made by ACAT</td>
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<td>10. Additional information identified by ACAT</td>
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</table>
Dear Sir,

Please accept this application under the Freedom of Information Act 2016 for a copy of the following documents relating to two blocks of unleased Territory Land being Block 11 Section 8 and Block 11 section 47 Fyshwick.

1. All emails with attachments, letters, memos, meeting records, applications, authorisations, consents, leases or licenses between all relevant sections of TCCS and each of CRS (Capital Recycling Solutions); Access Recycling; Adam Perry or Purdon Planning relating to block 11 section 8 and block 11 section 47 Fyshwick. up to the date of the receipt of this request.

This request is made under Part 2 s.7 of the FOI Act 2016. Part 2 s.9. Government policy open government promoting access to government information states "It is the intention of the Legislative Assembly that this Act be administered with a pro-disclosure bias and discretions given under it be exercised as far as possible in favour of disclosing government information."

In view of the considerable public interest in the proposed developments on three blocks; Block 9 section 8 and Block 11 section 8 and Block 11 section 47 for a Waste Materials Facility and Railway Freight Terminal across two blocks of unleased public land I request that all application and processing fees be waived under s107 of the Act as this information is of special benefit to a substantial section of the public.

Since this information should be in active files I do not consider retrieval from archives to be necessary and that processing of this request should be simple and expeditious as per the objectives of the Act. The objects of the FOI Act are to:

• provide a right of access to government information unless access to the recognition the importance of public access to government information for the proper working of representative democracy

• enable the public to participate more effectively in government processes and to promote improved decision-making within government

• make the people and bodies that are responsible for governing the ACT more accountable to the public

• ensure that, to the fullest extent possible, government information is freely and publicly available to everyone

• facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of the maximum amount of government information, and

The Factors favouring disclosure in the public interest in Schedule 2 of the Act relevant to this application include
(a)(i) promote open discussion of public affairs and enhance the government’s accountability;

(ii) contribute to positive and informed debate on important issues or matters of public interest;

(iii) inform the community of the government’s operations,
(viii) reveal the reason for a government decision and any background or contextual information that informs their decisions;

I appreciate your timely consideration of this matter.

Faithfully,

[Signature]
Hi Emma

Please use the dates in your email below.

Thank you

From: TCCS_FreedomOfInformation [mailto:TCCS.FOI@act.gov.au]
Sent: Wednesday, 10 April 2019 2:32 PM
To: [Redacted]
Subject: RE: Freedom of information request - Block 11 Section 8 and block 11 section 47 Fyshwick

UNCLASSIFIED Sensitive

Good Afternoon,

In relation to your Freedom of information request below, we note that you have not stated a start and end date for this information. We have received a similar request where previous searches have been completed for this information for the time period of 1 October 2016 to the present day. Can you please confirm if you would be satisfied for us to provide the information you have requested below for the time period 1 October to the present?

Kind Regards

Emma

Emma Devine-Smith | Business Support Officer
Phone: 02 620 79765 | Email: Emma.Devine@act.gov.au
Legal and Contracts | Transport Canberra and City Services Directorate | ACT Government
496 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [Redacted]
Sent: Tuesday, 19 March 2019 1:04 PM
To: TCCS_FreedomOfInformation <TCCS.FOI@act.gov.au>
Subject: Freedom of information request

Freedom of Information Officer,
Transport Canberra and City Services
GPO Box 158
Canberra City, ACT 2601
TCCS.FOI@act.gov.au
March 17th, 2019
Dear Sir,

Please accept this application under the Freedom of Information Act 2016 for a copy of the following documents relating to two blocks of unleased Territory Land being Block 11 Section 8 and Block 11 section 47 Fyshwick.

1. All emails with attachments, letters, memos, meeting records, applications, authorisations, consents, leases or licenses between all relevant sections of TCSS and each of CRS (Capital Recycling Solutions); Access Recycling; Adam Perry or Purdon Planning relating to block 11 section 8 and block 11 section 47 Fyshwick. up to the date of the receipt of this request.

This request is made under Part 2 s.7 of the FOI Act 2016 . Part 2 s.9. Government policy open government promoting access to government information states "It is the intention of the Legislative Assembly that this Act be administered with a pro-disclosure bias and discretions given under it be exercised as far as possible in favour of disclosing government information."

In view of the considerable public interest in the proposed developments on three blocks; Block 9 section 8 and Block 11 section 8 and Block 11 section 47 for a Waste Materials Facility and Railway Freight Terminal across two blocks of unleased public land I request that all application and processing fees be waived under s107 of the Act as this information is of special benefit to a substantial section of the public.

Since this information should be in active files I do not consider retrieval from archives to be necessary and that processing of this request should be simple and expeditious as per the objectives of the Act. The objects of the FOI Act are to:

• provide a right of access to government information unless access to the•recognise the importance of public access to government information for the proper working of representative democracy

• enable the public to participate more effectively in government processes and to promote improved decision-making within government

• make the people and bodies that are responsible for governing the ACT more accountable to the public

• ensure that, to the fullest extent possible, government information is freely and publicly available to everyone

• facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of the maximum amount of government information, and

The Factors favouring disclosure in the public interest in Schedule 2 of the Act relevant to this application include

(a)(i) promote open discussion of public affairs and enhance the government’s accountability;

(ii) contribute to positive and informed debate on important issues or matters of public interest;

(iii) inform the community of the government’s operations,

(viii) reveal the reason for a government decision and any background or contextual information that informs their decisions;

I appreciate your timely consideration of this matter.

Faithfully,

----------------------------------------------------------------------------------

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

----------------------------------------------------------------------------------
Dear [Name],

**Freedom of Information Request - Reference 19-027**

I refer to your application made under the *Freedom of Information Act 2016* (the Act), which was received by Transport Canberra and City Services Directorate (TCCS) on 19 March 2019, in which you sought access to the following documents relating to two blocks of unleased Territory Land being Block 11 Section 8 and Block 11 Section 47 Fyshwick, in particular:

- all emails with attachments, letters, memos, meeting records, applications, authorisations, consents, leases or licenses between all relevant sections of TCCS and each of CRS (Capital Recycling Solutions); Access Recycling; Adam Perry or Purdon Planning relating to Blk 11 Sect 8 and Blk 11 Sec 47 Fyshwick, up to the date of receipt of this request.

I note that you clarified on 12 April 2019 that the documents you are seeking are for the period 1 October 2016 until 19 March 2019.

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 Act.

TCCS was required to provide a decision on your access application by 18 April 2019.

**Decision on access**

I have identified seven documents that fall within the scope of your request amounting to 27 pages of information.

The documents contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to the documents with deletions applied to information that I consider would be contrary to the public interest to disclose.

I have included at Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of the documents.
Statement of Reasons

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

The Act, in particular:

Factors favouring disclosure

- Schedule 2.1 (a) (i) promote open discussion of public affairs and enhance the government’s accountability
- Schedule 2.1 (a) (ii) Contribute to positive and informed debate on important issues of matters of public interest
- Schedule 2.1 (a) (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring nondisclosure in the public interest

- Schedule 2.2(a) (i) prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004;
- Schedule 2.2 (a) (xi) prejudice trade secrets, business affairs or research of an agency or person;
- Schedule 2.2 (a) (xiii) prejudice the competitive commercial activities of an agency;
- Schedule 2.2 (a) (xv) prejudice the management function of an agency or the conduct of industrial relations by an agency;
- Schedule 2.2 (a) (xvi) prejudice the deliberative processes of government.

In the interests of pro-disclosure and open government (Section 9 of the FOI Act) I have decided to release these documents to you. I have redacted information that may prejudice the protection of an individual’s right to privacy. The information redacted covers contact name and contact details. Release of this information would prejudice an individual’s right to privacy.

Document 6 as referenced in the schedule at Attachment A, is a brief providing information to the Minister following a Canberra Times article on 21 July 2017 on a proposal by Capital Recycling Solutions (CRS) to develop a recycling and waste-to-energy plant at Fyshwick.

The document contains information about the business affairs of CRS that may be prejudicial to their business. There is also information contained in the brief which, if released, could prejudice the management function of NoWaste specifically its relationship with waste industry providers. I have decided that it would be contrary to the public interest to release such information.

I have also removed material which is highly speculative about possible future scenarios because it may prejudice deliberative processes of government and impact negatively on those processes if public servants could not be candid with a Minister.
Document 7 is a briefing to the Waste Manager about the Capital Recycling Solutions (CRS) draft Environmental Impact Statement (EIS). It seeks the Waste Manager’s signature to a letter making representations to the Chief Planning Executive. I have decided that the information contained in the Brief and attached letter are largely in the public interest to release. This includes information about the business affairs of CRS which I believe are on the public record such as applications for development that were open for public comment. I have however removed some information relating to CRS and a related company which is sensitive and not in the public interest to release as it may be prejudicial to the business affairs of these companies.

There is also information contained in the meeting notes and emails that, if released, could prejudice the management function of NoWaste specifically its relationship with waste industry providers. I have decided that it would be contrary to the public interest to release such information.

Information considered out of scope to your request in document referenced number 4 has been deleted. The information relates to a different company unrelated to this matter.

Charges
I have decided to waive fees as the matter at this time is of special benefit to the public.

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 released will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details will not be published.


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: actfol@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review
Under section 84 of the Act, if a decision is made under section 82(1) 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 questions concerning the directorate’s processing of your request, or would like further information, please contact the directorate’s FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely

[Signature]
Cherie Hughes
Information Officer

17 April 2019
FREEDOM OF INFORMATION 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: HTTP://WWW.TCCS.ACT.GOV.AU/ABOUT-US/FREEDOM_OF_INFORMATION

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<td>Brief — Capital Recycling Solutions and Waste to Energy Plant</td>
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<td>Brief — Waste Manager Representations to Capital Recycling Solutions Draft EIS</td>
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From: Gerrard, Darren
Sent: Tuesday, 26 February 2019 8:36 PM
To: Brown, Nicola
Subject: FW/DA for waste train to Woodlawn [SEC=UNCLASSIFIED]

FYI

Regards

Darren Gerrard | Assistant Director, L&C Licensing
P 02 6207 9988  | F 02 6207 9986
City Services | Transport Canberra and City Services Directorate | ACT Government
Level 2, 225E Canberra Avenue, Fyshwick ACT 2609 | EFO box 196 Canberra ACT 2601

From: Heraldson, Greg
Sent: Tuesday, 26 February 2019 8:31 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: FW/DA for waste train to Woodlawn [SEC=UNCLASSIFIED]

UNCLASSIFIED For-Official-Use-Only

From: [redacted]
Sent: Tuesday, 26 November 2019 3:15 PM
To: Trushell, Michael <Michael.Trushell@act.gov.au>
Heraldson, Greg <Greg.Heraldson@act.gov.au>
Subject: FW/DA for waste train to Woodlawn [SEC=UNCLASSIFIED]

Good morning Michael,

Thank you for your prompt reply to inform my response to DA201884686,

I would draw to your attention page 3 of the Schedule of DA201884686 prepared by Purdon Planning on behalf of CSQ. At the end of the first paragraph there is an ambiguous if not misleading claim in the second sentence:

The subject site is currently under the custodianship of the Territory (TCCS). TCCS consent has been submitted with this application.

As the site is unleased and there is no leases, what “consent” is required from TCCS as custodian to allow a DA to be lodged with lease authorisation details completed supposedly from TCCS? The following are the Form 4 - Letter of Authorisation - AUTHORIZATION-201848653-04.pdf and Letter of Authorisation - AUTHORIZATION-201848656-02.pdf. Does the custodian act as a lease and if, TCCS thus prevail all the fees that are ticked on both forms under LEASER AUTHORISATION? Could you please assist with clarification of this TCCS role or advise to whom I may address this question of “authority”, “ownership” and “permission” in regard to this unleased Territory land.

I appreciate your attention to this pressing issue,
Kind regards

From: Trushell, Michael [mailto:Michael.Trushell@act.gov.au]
Sent: Tuesday, 13 November 2018 5:27 AM
To: [Redacted]
Cc: [Redacted]
Subject: PW: DA for waste train to Woodlawn [SECURITY: UNCLASSIFIED]

Good morning [Redacted]

I acted in the role of Director, Roads ACT, for a short period of time recently. Roads ACT is identified as the custodian of unleased Territory land which is the subject of the development application. It was in this capacity that approval was given to Purdon and Associates to undertake certain processes. As the relevant form indicates this does not signal in-principle support or endorsement for the proposal.

The submission made by ACT NoWaste you refer to was in respect of the EIS for a previous CRIS waste management proposal, and included challenging the basis of many of the claims made within that proposal. The objections raised in ACT NoWaste’s submission did not relate to the establishment of rail transport infrastructure per se. I am not in a position to comment on the broader benefits to the Territory of establishing improved rail freight transport.

Regards,

Michael

Michael Trushell | Director
Phone 02 6207 2640 | Email: Michael.Trushell@act.gov.au | Mob 0419 877 695
ACT NoWaste | Transport Canberra and City Services Directorate | ACT Government
12 Wattle Street, Lyneham | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [Redacted]
Sent: Monday, 12 November 2018 10:34 PM
To: [Redacted]
Cc: [Redacted]
Subject: DA for waste train to Woodlawn

Hi Michael,

Our community has just noticed DA201884665 with submission date 26 October and closing for comment on 30 November 2018. The earlier reversed DA20163066 is for the same "hardstand" on Block 11, Section 8 as this development on Block 11, Section 8 was judged by George Gillies, Director Development Assessment, to be for rail use and thus a prohibited development. This ACTPLA reverse is to be considered on 19 December 2018 in the ACT Supreme Court and deliberations continue in ACAT from the end of January 2019.

This development Application proposes a road through the unleased Territory land Block 11 Section 8 Pythwick. On the application form under Lease Number 2 on page 8 of 15, you are named as the lessee responsible. As ACTCS is the land custodian over both Block 11, Section 8 and part Block 11 Section 47 (rail corridor) could you advise whether a lease is interchangeable with a custodian because both of these blocks are unleased Territory land. In the application form, Site Number 1 identified as Section 8 Block 11 (adjacent the rail corridor) does not correlate to the details for Lease Number 1. Transport for NSW does not own the block your name is linked to. That is the block which forms a buffer to the rail corridor Section 47 Block 11. Although ACTCS is also the custodian of the rail corridor, the applicant, Purdon Planning acting on behalf of CRIS, contends that Transport for NSW is the lessee/owner. TNSW has a licence to operate on the track.
I have attached a site plan which detail may have been slightly updated but identifies the blocks and clarifies the CAS proposed uses. The plans in the notified DA fail to show any platform on the rail corridor Block 14 Section 47.

I am concerned that this is still a plan which results in a waste train to Woodlawn. Given that TCCS NoWaste submitted a strong rebuttal of the waste to be the subject of a CAS waste transfer terminal I was hoping you would be an entity or agency involved in the current DA process. Also these are highly contaminated sites and the DA has been notified in the merit track. This is the wrong track because rail use in this instance, rail freight, is prohibited in this IZ2 location. As you would recall from the draft BIS information, 80% of the waste received on Block B Section 8 is to go on a waste train to Woodlawn. Obviously the road (it is not just any driveway) and hardstand proposed for Block 14 Section 8 will involve rail freight loading, unloading and storage of rail freight containers—that is rail use.

Given that the community has only until 30 November we would expect you to respond as a matter of urgency in order to inform the community submissions.

Regards

This email and any attachments may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.
From:  Adam Perry<redacted> @econrecycling.com.au>
Sent:  Tuesday, 19 June 2018 11:38 AM
To:  Hareldson, Greg
Cc:  Trushell, Michael
Subject:  Re: Kingston Rail - planning contact [SEC=UNCLASSIFIED, DIV=For-Official-Use-Only]

Thanks very much Greg, most appreciated.

Cheers
Adam

Adam Perry
Access Recycling

www.econrecycling.com.au

On 19 Jun 2018, at 11:05, Hareldson, Greg <Greg.Hareldson@act.gov.au> wrote:

Hi Adam,
I’ve asked around, and the most relevant person to discuss future plans for the Kingston Railway Station would be Brett Phillips, Executive Director of the Planning Delivery Division in EPSDD. His email address is brett.phillips@act.gov.au
If you send him an email you could arrange discussion with him or one of his team.
Regards,
Greg Hareldson | Senators Industry Development
Ph: 02 6202 6017 | Email: greg.hareldson@act.gov.au
ACT NoWaste | Transport Canberra and City Services Directorate | ACT Government
Level 2, 480 Northbourne Avenue, Dickson 2602 | PO Box 118 Canberra ACT 2601 | www.act.gov.au

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- Please notify the sender and delete all copies of this transmission along with any attachments immediately.

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Report this message as spam

Message protected by Partner IT MailGuard e-mail anti-virus, Anti-spam and Content filtering.
Thanks Greg, terrific.

Thanks again for our meeting last week also.

Cheers

Adam

From: Haraldson, Greg <Greg.Haraldson@act.gov.au>
Sent: Wednesday, June 13, 2018 9:02 AM
To: Adam Perry <adam.perry@accessrecycling.com.au>
Cc: Trushell, Michael <Michael.Trushell@act.gov.au>, Swincer, Sharon <Sharon.Swincer@act.gov.au>
Subject: Re: Meeting - Pyshwick proposal [SEC=UNCLASSIFIED]

Hi Adam

Further to our discussion on Thursday, you may wish to speak to [redacted] from [redacted] about the possibility of having your [redacted] through the [redacted]. He is Sydney based but frequently deals with the Canberra operations.

Regards

Greg
From: Adam Perry <adam.perry@accessrecycling.com.au>
Sent: Thursday, 5 April 2018 12:03 PM
To: Tui Heraldson, Greg <greg.heraldson@act.gov.au>
Cc: Tegan.Liston@act.gov.au, Trushell, Michael <michael.trushell@act.gov.au>
Subject: RE: Meeting - Fyshwick proposal [SEQ=UNCLASSIFIED]

Thanks very much Greg,
Adam

---

From: Tui Heraldson, Greg <greg.heraldson@act.gov.au>
Sent: Thursday, April 5, 2018 11:42 AM
To: Adam Perry <adam.perry@accessrecycling.com.au>
Cc: Tegan.Liston@act.gov.au, Trushell, Michael <michael.trushell@act.gov.au>
Subject: RE: Meeting - Fyshwick proposal [SEQ=UNCLASSIFIED]

Hi Adam

Thanks for the follow-up. I can't provide any further update on the Waste Feasibility Study report other than we expect it to be announced by the Minister shortly.

I'll ensure we arrange a meeting as soon as practicable after the report is made public.

Regards

Greg Heraldson | Manager, Industry Development
Phone: 02 6203 6087 | Email greg.heraldson@act.gov.au
ACT NoWaste | Transport Canberra and City Services Directorate | ACT Government
Level 2, 480 Northbourne Avenue, Dickson 2602 | PO Box 389 Canberra ACT 2601 | www.act.gov.au

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Hi Greg,

It has been a couple of weeks since we spoke, I was wondering if you had any updates on when we might be able to meet with your team and discuss our waste management proposal?

Kind regards

Adam

---

Hi Adam

I don't think we hived that, but I have been working on the Waste Feasibility Study final 'roadmap' report to government. Tegan passed-on your email to me for a response.

With regards to the reference to the Waste Feasibility Study in the green waste tender, I believe this was mentioned as background to potential tenders that involve processing of something that the Study had considered closely. Further information will be outlined in the Study's final outcomes once they are announced.

With regards to the Market Sounding, the attached letter from Emma Thomas, Director General of TCCS, was emailed to Market Sounding participants in September as an update and thanks for participation. The Market Sounding provides the Study a greater understanding of industry's capabilities and capacity to deliver.

We are expecting the outcomes of the Waste Feasibility Study to be announced by the Minister shortly and followed by a period of public and industry consultation to discuss how the study recommendations could be implemented.

As a previous member of the Study's reference groups, you should receive an email as soon the announcement is made. Until then, ACT NoWaste will not be in a position to discuss the matters in your email to Tegan in any meaningful way.

---

[Signature]
I've copied the Director of NoWaste, Michael Trischell, so he is aware of the matters you are interested in. Otherwise I look forward to speaking to you and the wider industry once the outcomes of the Study are announced.

Regards

Greg Hamilton | Manager, Industry Development
Phone 02 6209 6517 | Email greg.hamilton@act.gov.au
ACT NoWaste | Transport Canberra and City Services Directorates | ACT Government
Level 2, 480 Northbourne Avenue, Deakin 2600 | GPO Box 188 Canberra ACT 2601 | www.act.gov.au

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From: Liston, Tegan
Sent: Tuesday, 6 March 2018 12:51 PM
To: Hamilton, Greg <Greg.Hamilton@act.gov.au>
Subject: FW: Meeting - Fyshwick proposal [SEC=UNCLASSIFIED]

Hi Greg,

Would you be able to advise or contact Adam regarding discussions about the Waste Feasibility Study?

Thanks, Tegan

From: Adam Perry @accessrecycling.com.au
Sent: Monday, 5 March 2018 8:28 PM
To: Liston, Tegan <Tegan.Liston@act.gov.au>
Subject: RE: Meeting - Fyshwick proposal

Hi Tegan,

We have seen the greenwaste management tender come out, the tender documents discuss the waste feasibility study. Is this the announcement we were waiting on before resuming talks as per the email below?

Regards
Adam

Adam Perry
Director
Access Recycling

www.accessrecycling.com.au
From Adam Parry
Sent Thursday, February 16, 2018 6:28 PM
To Tegan, Tegan <tegan.liston@act.gov.au>

Subject Re: Meeting - Pyshmak proposal

Hi Tegan,

Yes I would be very grateful for that meeting, I will prepare the list and send it to you.

Many thanks

Adam

Adam Parry
Access Recycling

www.accessrecycling.com.au

On 15 Feb 2018, at 17:03, Liston, Tegan <tegan.liston@act.gov.au> wrote:

Hi Adam

I have checked availability with my executive. Are you available to meet at 9:30-10am on 22 February?

Also, if you could provide a brief summary of the key items you would like to discuss at the meeting that would be great.

Kind regards, Tegan

Tegan Liston
Phone 02 6203 8949
A/G Senior Manager - Impact Assessment and Business Improvement | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 3, South Building, Diana Pattle Membles House, 16 Flinders Street, Diplomat | GF2 610 | CSU Canberra ACT 2601
www.environment.act.gov.au

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Message protected by Partner IT MailGuard: e-mail anti-virus, Anti-spam and Content filtering.
From: Adam Perry
Sent: Friday, February 16, 2018 10:38 AM
To: Liston, Tegan <Tegan.Liston@act.gov.au>
Cc:
Subject: Meeting - Pyshwick proposal

Hi Tegan,

As requested, these are the items we would like to discuss:

1) Background
   a. Waste feasibility study
   b. Market sounding - update
   c. CRS sales approval — minister rules it out (in paper?)
2) CRS draft EIS pending — EIS specific
3) ACT waste levy?
4) MSW waste stream
5) Policy consequences — ACT waste residues to Woodstock
6) [Redacted]

Many thanks
Adam

Adam Perry
Director
Access Recycling
2 Mandalame Road
RAMMEDIAN 2608
Ph 02 6276 2000
M 0408 722206
www.accessrecycling.com.au
WASTE DISPOSAL & COMMUNITY VIEW RESEARCH

Mr. Budget Manager
- Report
- Letter
- Provided a list of 154 parcels
- We should get a map: an overview
- Waste Management System:
  - Santa Clarita
  - Stein & Ram
  - May 1997
  - Waste Land
  - What single figure on the City side?
  - What do we do without a contract?
  - General approval of the
  
  - Senior Consultant: 'potentially'

Chinese &
- $50,000 per week, present wasted goods
- Large social services: large
- Larger, an idea for our
  - New Age, Lowaffiliate

CDM Monetize
- New, not leader, so we can be regional
- Waste Land - access to board
  - We can里面有
  - Call, ask, empty
  - Elections: $70 - $100 can win the position
  - Further research + money

EM开发加速卡到的硬件

18-19计划

FEP

EM"技术沟通会议

EGD

EM加速硬件性产品

EM"加速硬件

EM加速硬件产品
MINISTERIAL BRIEF

Transport Canberra and City Services

UNCLASSIFIED

To:
Minister for Transport and City Services

From:
A/g Director-General, Transport Canberra and City Services

Subject:
Capital Recycling Solutions Recycling and Waste-to-Energy Plant

Critical Date:
21 July 2017

Critical Reason:
Immediate media and community interest

Purpose:
Today's Canberra Times has published a front page article on a proposal by Capital Recycling Solutions to develop a recycling and waste-to-energy plant at Pyrmont.

This brief provides some information and speaking points on this matter.

Recommendations:

That you note the information contained in this brief.

Meagan Fitzharris MLA

[Handwritten note]: 26/7/2017

Matters Office Feedback:
Please provide a status update on waste feasibility study progress as well as briefing on the market sounding exercise.

1. Capital Recycling Solutions Pty Ltd (CRS) has submitted a proposal for a recycling and waste-to-energy facility at 30 Ipsilon Street in Pyrmont. This is the site of the former fuel depot.

2. ACT Planning and Land Authority is about to commence an Environmental Impact Statement process for this proposal.

3. CRS is a joint venture formed by [Redacted]. The Canberra Times article notes CRS will partner with Adlaw Group through a [Redacted] joint venture, to deliver the waste-to-energy plant.

4. The proposal will seek both kerbside garbage (red-lid) bin waste as well as commercial garbage that currently goes to landfill.

UNCLASSIFIED
On 22 September 2017, in response to the number of unsolicited bids being received by the Territory, the Director-General of CBCS wrote to the Waste Industry adding of the intention to undertake a market sounding.

Regional Council expressed support for the proposal at a meeting with you in your office on 27 April 2017.

It is encouraging that the waste sector views the ACT as a good place to investment in new waste management infrastructure.

However caution should be exercised in providing an opinion publicly on the particular merit of the proposal whilst it is subject to an RFS process.

The ACT Waste Management Strategy 2011-2026 contains a strategy to "investigate new energy-from-waste technologies to generate energy".

The viability of the facility if approved would be subject to licence conditions imposed by the EPA and Waste Manager under the Waste Management and Resource Recovery Act 2010.
23. Opponents of waste-to-energy raise concerns about the lack of a waste-to-energy regulatory policy in the ACT, and point to the NSW EPA policy as an example of the type of policy the ACT should adopt. The NSW EPA regulatory policy is particularly restrictive, and there is no consistency in regulatory policy across jurisdictions.

24. The article incorrectly states that Mugga Lane is close to running out of space. This statement is not correct. Subject to provision of funding for future cells, Stage 8 of the Mugga Lane landfill has capacity for the foreseeable future. The 2017-18 Budget contains funding for cells 8 and 4, which will provide landfill capacity until 2025.

Speaking Points
24. The following speaking points will address key issues:
   a. The Territory is encouraged by the interest from the waste sector in investing in the ACT.
   b. The proposal is subject to a formal Territory environment impact and planning assessment processes. These processes provide for widespread community consultation.
   c. The FOY Group proposal was subject to Territory environmental impact and planning processes and was not endorsed.
   d. The Government will receive the Waste Feasibility Study's report in October this year, which will contain recommendations on future treatment of waste in the ACT.
   e. The WFS report is expected to provide recommendations on the development of appropriate regulatory policies, noting there is not a consistent approach across Australia.
   f. The Canberra Times article incorrectly states the ACT is running out of landfill capacity at Mugga Lane. There is enough space in Stage 8 of the Mugga Lane landfill to meet the ACT's needs for the foreseeable future, and waste going to the Mugga Lane landfill has plateaued.

Financial Implications
25. N/A

Consultation
26. N/A

Sensitivity/Confidentiality
27. As discussed above.

Media Implications
28. This matter is attracting media interest. EPA have issued a media release.

Attachment A:

Signatory Name: [Signature]
Phone: x78658
Action Officer: Michael Trushell - Director, ACT NOWaste
Phone: x72840

UNCLASSIFIED
From: Michael Trushell, Director, ACT NoWaste

Subject: Waste Manager representations to Capital Recycling Solutions draft EIS

Date: 20 May 2018

Environment, Planning and Sustainable Development Directorate have requested that representations on the draft EIS be submitted to the Chief Planning Executive by 26 May 2018.

Purpose:
For you, as Waste Manager under the Waste Management and Resource Recovery Act 2016, to make representations to the Chief Planning Executive regarding Capital Recycling Solutions draft EIS for a Material Recycling Facility in Fyshwick, ACT.

Recommendations:
That you:

1. Note the information contained in this brief and Attachment A and

2. Sign the letter at Attachment A making representations to the Chief Planning Executive.

Jim Corrigan, Deputy Director-General

Deputy Director-General's Feedback
Background

1. Capital Recycling Solutions (CRS) has proposed to construct a Material Recovery Facility (MRF) in Fyshwick, ACT.

2. In accordance with processes under the Planning and Development Act 2007 (Planning Act), a draft Environmental Impact Statement (EIS) has been developed for the proposal and is open for public comment.

3. The draft EIS outlines a proposal to process waste material originating in the ACT and surrounding region through a MRF, and to separate this material for recycling and disposal. The proposal indicates that inbound materials will be transported by road, with outbound recyclables and residual waste for disposal transported by road and rail.

4. Residual waste is proposed to be transported by rail to the Veolia Woodlawn Bioreactor for disposal.

5. The proposed facility will require a waste facility licence under the Waste Management and Resource Recovery Act 2016 (Waste Act). Additionally, all businesses transporting waste to and from the facility, by road or rail, will require registration under the Waste Act.

6. Due to recent engagement by the Waste Regulation Team in respect of a licence application for an adjacent facility (operated by a related company), CRS is aware of the requirement for licensing and registration under the Waste Act.

7. Through the above mentioned discussions, it is anticipated that CRS will be unlikely to make an application under the Waste Act until there is further progress with the Planning Act processes.

8. Should an application be made by CRS, the application will be assessed in accordance with policies and procedures and is consistent with the requirements of the Waste Act.

9. As compliance with the Waste Act is required in order for CRS's proposal to be viable, it is necessary for a representation by the Waste Manager to be made on the draft EIS.

10. It is recommended that you note the contents of this brief (Recommendation 1) and that you sign the letter at Attachment A making representations in regard of the draft EIS (Recommendation 2).

11. ACT NoWaste will also make a representation on the draft EIS in regard to the context of the ACT Waste Management Strategy and other relevant matters.

Issues

12. CRS previously proposed to use the Fyshwick site for a waste to energy facility (which would also require licensing under the Waste Act in order to operate). The proposal was withdrawn due to community concerns without an application for licensing under the Waste Act being made.

13. Although the draft EIS is for a different type of facility that does not include a Waste to Energy component, media reports suggest a high level of mistrust of CRS's long term
UNCLASSIFIED

Intention for the site including a component that waste to energy will be introduced at a later stage.

Financial Implications
34. Nil

Consultation

Internal
25. Nil

Cross Directorates
16. EPSDD in relation to procedures for the draft DCP.

External
37. Nil

Benefits/Drawbacks

18. It is important that a representation to the draft DCP is made by the Waste Manager, as Statutory Authority under the Waste Act. In doing so, the Waste Manager calls attention to the requirement of the Waste Act for DDS, as well as for other proponents who may be undertaking, or proposing to undertake, waste management activities in the ACT.

19. [Redacted]

Media Implications

20. The proposal is the subject of media attention in The Canberra Times, and has been the focus of social media campaigns by community groups.

Michael Trushell
Director, ACT NoWaste
1st May 2018

Ashley French
Manager, Waste Regulation
Phone: 6290 9458

Attachment: As representations from the Waste Manager
Mr Ben Ponton
Chief Planning Executive
Environment, Planning and Sustainable Development Directorate
GPO Box 158
Canberra ACT 2601

Dear Mr Ponton,

Materials Recovery Facility – Fyshwick – EIS Application 201700083

I write to make representations regarding draft Environmental Impact Statement (EIS) application 201700083; the proposal by Capital Recycling Solutions Pty Ltd (CRS) to develop a Materials Recovery Facility in Fyshwick, ACT.

On 1 July 2017, the Waste Management and Resource Recovery Act 2016 (Waste Act) came into effect in the Australian Capital Territory, providing a regulatory framework to support initiatives and interventions under the ACT Waste Management Strategy and Waste Feasibility Study.

The objects of the Waste Act are to minimise landfilling, maximise resource reuse and recovery, and to encourage investment, innovation and best practice in the waste industry. Under the Waste Act, all waste facilities, irrespective of size, are required to hold a licence in order to operate. Similarly, all businesses moving waste into, out of and within, the ACT are required to be registered as a waste transporter.

Businesses operating without a licence and/or registration may be subject to penalties of up to $375,000; Executive Officers may also be subject to criminal prosecution.

As a waste management business proposing to operate a waste facility in the ACT, CRS must obtain a licence under the Waste Act. To enable an efficient assessment process, CRS should make an application at a time when there is certainty over planning approval, and there is clarity on how the proposed facility will operate.

Any business transporting waste to and from the proposed facility, whether by road or rail, must hold a waste transporter registration. Applications for registration as a waste transporter can be made at any time, however that business cannot transport any waste in the ACT until registration has been approved.

GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.act.gov.au
I encourage CRS, and any businesses that intends to be involved in transport of waste to end from the proposed facility, to ensure that they are fully aware of their obligations under the Waste Act, timeframes involved in statutory decision making, and the expectations of the regulator in respect of waste management in the ACT.

Yours sincerely

[Signature]

Jim Corrigan
Deputy Director-General
Waste Manager
Transport Canberra and City Services

16 May 2018