



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2023-202

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	30
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

From: [CMTEDD.FOI](#)
To: [EPSDFOI](#)
Cc: [CMTEDD.FOI](#)
Subject: RE: 141 Freshford Road Paddys River CMTEDDFOI 2023 202
Date: Tuesday, 6 June 2023 7:19:40 PM

OFFICIAL

Good evening Team,

CMTEDD accepts full transfer of this request.

Kind Regards

Freedom of Information Coordinator | Information Access Team Ph: 6207 7754 |

Email: CMTEDDFOI@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

From: EPSDFOI <EPSDFOI@act.gov.au>
Sent: Tuesday, 6 June 2023 11:23 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: FW: 141 Freshford Road Paddys River

OFFICIAL

Good Morning

EPSDD received the below email yesterday afternoon but it appears that this relates to Environmental Authorisations that are managed by the Environment Protection Authority within Access Canberra. Would CMTEDD be able to take carriage of this request?

Kind regards,

Raffaele Mallamace | Freedom of Information Coordinator

Phone: 6207 2383 | Email: Raffaele.Mallamace@act.gov.au

Governance, Compliance and Legal | Corporate Services and Operations

Environment, Planning and Sustainable Development Directorate | ACT Government

480 Northbourne Avenue, Dickson | GPO Box 158, Canberra ACT 2601 | www.act.gov.au

From: [REDACTED]
Sent: Monday, 5 June 2023 4:31 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: 141 Freshford Road Paddys River

You don't often get email from [REDACTED]

[Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

To whom it may concern,

I have been able to find a variation to an approval to transfer fill to this property on the public register, but not the original approval from 8 September 2016. The authorisation No. Is 1098.

Can you please provide the original document please.

Kind regards



Sent from [Mail](#) for Windows



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2023-202



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 6 June 2023, Specifically, you sought:

“141 Freshford Road Paddys River. I have been able to find a variation to an approval to transfer fill to this property on the public register, but not the original approval from 8 September 2016. The authorisation No. Is 1098. Can you please provide the original document please.”

Authority

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.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 19 July 2023.

Decision on access

Searches were completed for relevant information and one document was found that falls within the scope of your request. I have decided to grant full access to that document and attachments. The information being released to you, is provided as **Attachment A**.

Statement of reasons

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

- the Act
- the content of the documents that fall within the scope of your request.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it [public interest] appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (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.*

I have placed substantial weight on the above factors favouring disclosure. The release of this information can reasonably be expected to provide information that will inform the community and increase their understanding of government operations. The release of this information provides some insight into the forward planning and decision-making undertaken by the Environmental Protection Authority.

I did not identify any factor favouring non-release and have decided to release this information to you in full.

Charges

Processing charges are not applicable for this request because the documents being released to you are less than 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

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 Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

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(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
18 July 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
I have been able to find a variation to an approval to transfer fill to this property on the public register, but not the original approval from 8 September 2016. The authorisation No. is 1098.	CMTEDD 2023-202

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-8	EA 1098 Signed EA - Freshford Equestrian Centre 2016	8 September 2016	Full release		Yes
Total No of Docs						
1						



ACT
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Chief Minister, Treasury and
Economic Development

Authorisation No. 1098

AUSTRALIAN CAPITAL TERRITORY

ENVIRONMENTAL AUTHORISATION UNDER THE
ENVIRONMENT PROTECTION ACT 1997

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

Name:	Freshford Equestrian Centre Canberra
ABN	26 226 475 572
Street:	141 Freshford Road
District:	Paddys River
Postcode:	ACT 2620

to conduct the following activity/activities:

- the acceptance by a lessee or occupier of land that is in an area identified in—
 - (i) the Territory Plan as 1 of the following:
Broadacre; Rural; Hills, Ridges and Buffer Areas; River Corridors; Mountains and Bushlands; Plantation Forestry; or
 - (ii) the National Capital Plan as 1 of the following:
Broadacre Areas; Rural Areas; Hills, Ridges and Buffer Spaces; River Corridors; Mountains and Bushland;
- of more than 100m³ of soil for placement on that land;

On:

Rural Block:	291
District:	Paddys River

subject to the conditions set out in **Schedules 1 and 2**, attached, for an unlimited period or until earlier surrendered by Freshford Equestrian Centre or cancelled or suspended by the Authority.

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



.....
Delegate, Environment Protection Authority

Dated this 8th day of September 2016

SCHEDULE 1: GENERAL CONDITIONS

Definitions

Site: Rural Block: 291 District: Paddys River

Virgin Excavated Natural Material (VENM): means excavated natural material (e.g. clay, gravel, sand, soil and rock) that is not mixed with any other waste and that;

- (a) has been excavated from areas that are not contaminated, as a result of industrial, commercial, mining or agricultural activities, with manufactured chemicals and that does not contain sulphidic ores or soils; or
- (b) consist of excavated natural materials that may be approved by the Authority.

Waterway: means—

- (1)
 - (a) a river, creek, stream or other natural channel in which water flows (whether continuously or intermittently); or
 - (b) the stormwater system or any other channel formed (whether completely or partly) by altering or relocating a waterway mentioned in paragraph (a); or
 - (c) a lake, pond, lagoon or marsh (whether formed by geomorphic processes or by works) in which water collects (whether continuously or intermittently).
- (2) **Waterway** includes—
 - (a) the bed that the water in the waterway normally flows over or is covered by; and
 - (b) the banks that the water in the waterway normally flows between or is contained by.

1. Compliance with Environmental Authorisation

1.1 The Authorisation holder must:

- (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 must 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 must 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 must be kept 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 must minimise emissions to the environment by adopting the practises set out in Schedule 1 and 2 of this authorisation:
- (a) For the acceptance of more than 100m³ of soil for placement on land by a lessee or occupier of the land.

5 Compliance with Australian Standards, Industry Codes of Practice and Policies

- 5.1 The Authorisation holder must comply with the provisions of the following Australian Standards, Guidelines, Industry Codes of Practice and policies 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.
 - AS/NZS 5667.1-1998 Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples.
 - Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011.
 - Environment Protection Policies prepared under the *Environment Protection Act 1997*.

6 Petroleum Product Storage

- 6.1 Where there are petroleum product storage tanks on the site the Authorisation holder must ensure the tanks and associated pipe work are maintained in good condition. The proposed method of demonstrating the integrity of the tanks and associated pipe should be incorporated into the Authorisation holders Environment Management Plan required under section 17 of this Schedule.
- 6.2 Further to the provisions of clause 6.1, special requirements are applied to the abandonment of any aboveground or underground tanks and should the need arise, the Authorisation holder agrees to contact the Authority and:

Access Canberra**Environment and Dangerous Substances Licensing**

Telephone: 13 22 81

Email: dangeroussubstances@act.gov.au

Dame Pattie Menzies House

16 Challis Street

DICKSON ACT 2602

(GPO Box 158, CANBERRA ACT 2601)

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 must 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 must be reported to the Authority by telephoning Canberra Connect on 132281 during and outside business hours.
- 7.3 The Authorisation holder must 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 The Authorisation holder must keep a record of all other incidents in relation to pollution from, or on, the site. These records are to be provided, on request, to the Authority
- 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 must keep a record of all complaints received by its employees or its agents, in relation to pollution from, or on, the site.

9 Record of activity levels

N/A

Records to be maintained

10.1 As detailed in Table 1 and Table 2 in Schedule 2.

11 Responsible employees

11.1 The Authorisation holder must 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 must 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 must inform the Authority of any change in the information provided under clause 11.2 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 clause 11.2 must be readily contactable on the person's nominated telephone numbers.

12 Authorisation must be kept on site

12.1 A copy of this Authorisation must be kept at the site and must 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.

14 Hazardous Materials

N/A

15 Discharge of stormwater

N/A

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

N/A.

18 Monitoring Requirements

N/A

19 Water Quality Standards

N/A

20 Reporting Requirements

N/A

21 Sampling Requirements

N/A

22 Commencement of Works

N/A

23 Provision of records

23.1 The Authorisation holder must provide any records required to be maintained under this Authorisation to the Authority upon request.

SCHEDULE 2

TABLE 1: AIR POLLUTION

Requirement	
1	The Authorisation holder must manage the air emission on the site in accordance with an approved Environmental Management Plan (EMP).
2	A water cart or alternative methods as approved by the Authority must be used on site to suppress dust.
3	Water or alternative methods as approved by the Authority must be applied to stock piles, work areas and unsealed roads.
4	Water application rates must be aligned with the prevailing climatic conditions, particularly temperature, rainfall and wind speed/direction.
5	Disturbed areas must be stabilised and revegetated as soon as possible to minimise exposure times of bare earth.
6	All sealed roads must be swept of dust at regular intervals, including public roads where there is evidence of material deposition related to the works.
7	Working in extremely dry windy conditions must be avoided. Where wind speed is >10m/s over a 10 minute period, dust generating activities are to cease.
8	Visual monitoring of dust and exhausts must be undertaken at all times.
9	The transportation of all materials and substances used to carry out the activity must be covered during movements to and from the site.
10	The Authorisation holder shall take practicable measures to ensure fuel tank vapour vents are not blocked and venting vapours do not impact adjoining sites.
11	The Authorisation holder shall take practicable measures to ensure vapour recovery equipment is fitted and operated during fuel deliveries.

TABLE 2: SOIL PLACEMENT

Requirement	
1	All material used is to be Virgin Excavated Natural Material (VENM) or other material approved by the Authority.
2	If signs of contamination are detected in the VENM the Authorisation holder must cease accepting the VENM immediately and notify the Authority.
3	The supplier of material is to provide written certification that the material is VENM or has been approved for placement on the site by the Authority, prior to acceptance by the Authorisation holder.
4	Records of all fill obtained must be kept by the Authorisation holder for a period of 2 years and made available to the Authority on request. These records are to include: <ul style="list-style-type: none"> a) Source of material b) Type of material c) Quantity of material d) Who delivered the material; e) Certification of the material; f) EPA approval number where applicable.
5	For other material approved by the Authority, the Authorisation holder must ensure that the conditions of the approval are met.

TABLE 3: MOVEMENT OF SOIL

Requirement	
1	No spoil from identified areas of concern or areas of unexpected finds identified for contamination shall be removed from the site or re-used within the site without approval from the Authority.

TABLE 4: REMEDIATION

Requirement	
1	The Authorisation holder must restore any disturbed areas by re-vegetating as soon as practicable.
2	Sediment and erosion control measures shall remain in place until 100% of the disturbed area is stabilised.