



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 2019-042

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)	17
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: [EPSDFOI](#)
To: [CMTEDD FOI](#)
Subject: RE: Documents regarding Section 28 Greenway
Date: Monday, 25 February 2019 8:33:03 AM
Attachments: [Freedom of Information application.msg](#)

Good morning Kelly

Please find attached the application, a partial transfer is preferred.
Thank you for your assistance.

Kind Regards

Angelina Aloisi | Freedom of Information and Records Officer

Environment, Planning and Sustainable Development Directorate | ACT Government
Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au
Level 2, Dame Pattie Menzies House South Building | GPO Box 158 Canberra ACT 2601 |
www.environment.act.gov.au | www.planning.act.gov.au

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From: Yule, Kelly-Jane **On Behalf Of** CMTEDD FOI
Sent: Monday, 25 February 2019 8:26 AM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: RE: Documents regarding Section 28 Greenway

Hi Angelina,

Access Canberra does hold documents (a significant number). Please advise if you would like to do a partial transfer.

Regards,

Kelly

From: EPSDFOI
Sent: Thursday, 21 February 2019 10:25 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: Documents regarding Section 28 Greenway

Good morning CMTEDD FOI team,

Could we please be advised if CMTEDD holds any documents within the scope of the request below:

Dear Sir/Madam,

I act for [REDACTED].

On behalf of my client I make a Freedom of Information Application requesting the following:

Date Range: 1985 to date.

Land: Section 28 Greenway in the Australian Capital Territory.

I request documents in relation to the Land within the Date Range evidencing:

- 1. Complaints, investigations, reports, minutes of meetings, drafts of documents and correspondence, that concern construction rubble, asbestos fragments, dirt, building fragments, mound, uncontrolled fill and the like.*
- 2. Information and documents concerning investigation of the Land and the surrounding area as well as documents evidencing discussions with the public about construction of public housing within the land, in or around the years 2015 and 2016.*

If possible, could we please receive a response by 6 March 2019. If documents are held I am happy to discuss if CMTEDD would prefer to transfer these to be included in EPSDD's response or to respond directly to the applicant.

Thank you

Kind Regards

Angelina Aloisi | Freedom of Information and Records Officer

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au

Level 2, Dame Pattie Menzies House South Building | GPO Box 158 Canberra ACT 2601 |

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From: [REDACTED]
To: [EPSDFOI](#)
Subject: Freedom of Information application
Date: Tuesday, 19 February 2019 6:01:13 PM
Attachments: [untitled](#)

Dear Sir/Madam,

I act for [REDACTED].

On behalf of my client I make a Freedom of Information Application requesting the following:

Date Range: 1985 to date.

Land: Section 28 Greenway in the Australian Capital Territory.

I request documents in relation to the Land within the Date Range evidencing:

1. Complaints, investigations, reports, minutes of meetings, drafts of documents and correspondence, that concern construction rubble, asbestos fragments, dirt, building fragments, mound, uncontrolled fill and the like.
2. Information and documents concerning investigation of the Land and the surrounding area as well as documents evidencing discussions with the public about construction of public housing within the land, in or around the years 2015 and 2016.

Please contact me if you have any questions.

Regards,





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-042

[REDACTED]
Manuka ACT 2603

via email: [REDACTED]

Dear [REDACTED],

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 25 February 2019, in which you are seeking:

“...documents in relation to the Land within the Date Range evidencing:

1. Complaints, investigations, reports, minutes of meetings, drafts of documents and correspondence, that concern construction rubble, asbestos fragments, dirt, building fragments, mound, uncontrolled fill and the like.
2. Information and documents concerning investigation of the Land and the surrounding area as well as documents evidencing discussions with the public about construction of public housing within the land, in or around the years 2015 and 2016.

Date Range: 1985 to date.

Land: Section 28 Greenway in the Australian Capital Territory.”

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 26 March 2019.

Decision on access

Searches were completed for relevant documents and 28 documents were identified that fall within the scope of your request.

I have decided to grant access in full to 7 documents and partial access to 21 documents relevant to your request. The information redacted in the documents is 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 included as **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 those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and factors favouring 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 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 (Schedule 2.1)

- Sch 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

Factors favouring non-disclosure (Schedule 2.2)

- Sch 2.2(a)(ii) prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*;
- Sch 2.2(a)(xi) prejudice trade secrets, business affairs or research of an agency or person.

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to positive and informed debate on important issues or matters of public interest by allowing you to have a record of the documents associated with section 28 Greenway.

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual’s right to privacy, especially in the course of

assisting in a line of enquiry with a government agency, is a significant factor. The parties involved have provided their personal information for the purposes of communicating with government agencies and this in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

I therefore weight the factors for non-disclosure more highly than the factor in favour of release in this instance. Having applied the test outlined in section 17 of the Act and deciding that release of personal and business information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Folios 1-8,10-12, 14,19-23, 25-26, 30-31, 39-40, 48-51 and 53-54 of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Publicly released information can also be found at <https://www.environment.act.gov.au/about/access-government-information/disclosure-log/disclosure-logs/epsdd-1828456>

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 27 March 2019. Your personal contact details will not be published.

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

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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD 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 by the Ombudsman under section 82(1), 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,



Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

21 March 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	Documents for the land at section 28, Greenway from 1985 to date.	2019-042

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Email chain	11-Oct-2012	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	3	Email chain	11-Oct-2012	Partial release		
3	4-5	Email chain	03-Oct-2012	Partial release		
4	6	Letter	30-Apr-2012	Partial release		
5	7	Contaminated Land Search Tax Invoice	11-Sep-2015	Partial release		
6	8-9	Email chain	15-Mar-2015	Partial release		
7	10	Email	13-Mar-2015	Partial release		
8	11	Letter	05-Mar-2015	Partial release		
9	12-13	Email chain	18-Feb-2015	Partial release		
10	14	Letter	15-Jan-2015	Partial release		
11	15-17	Email chain	31-Aug-2017	Full release	N/A	
12	18	Email chain	07-Aug-2017	Full release	N/A	
13	19-21	Email chain	08-May-2017	Partial release		
14	22-24	Email chain	07-May-2017	Partial release		

15	25-29	Email chain	02-May-2017	Partial release		
16	30	Email	21-Dec-2018	Partial release		
17	31-32	Letter as attachment to above email	21-Dec-2018	Partial release		
18	33-34	Email chain	18-Dec-2018	Full release	N/A	
19	35	Email chain	29-Nov-2018	Full release	N/A	
20	36-37	Email chain	22-Oct-2018	Full release	N/A	
21	38	Email chain	26-Sep-2018	Full release	N/A	
22	39-40	Email chain	14-Mar-2018	Partial release		
23	41-46	Email	05-Mar-2019	Full release	N/A	
24	47	Email	05-Mar-2019	Partial release		
25	48-49	Email chain	04-Mar-2019	Partial release		
26	50	Email	28-Feb-2019	Partial release		
27	51-52	Letter as attachment to above email	28-Feb-2019	Partial release		
28	53-56	Email chain	18-Jan-2019	Partial release		
Total No of Docs						
28						

From: "EPAPlanningLiaison"

Sent: 11/10/2012 4:51 AM

To: "Walters, Daniel" <Daniel.WALTERS@act.gov.au>

Subject: RE: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

Daniel,

Response below.

Territory Plan,

The Environment Protection Authority (EPA) have reviewed the draft planning report for the rezoning of Block 2 Section 28 Greenway from CZ6 to RZ4. No areas of concern have been identified and the EPA support the proposal.

Regards,

Robin Brown | Environment Protection Authority Liaison Officer

Phone: 02 6207 5642 | Fax: 02 6207 6084 | email: robin.brown@act.gov.au

Environment Protection | Environment and Sustainable Development Directorate | ACT Government

Level 3 Annexe Macarthur House | 12 Wattle Street Lyneham | GPO BOX 158 | CANBERRA ACT 2601 |

www.environment.act.gov.au

From: Terrplan

Sent: Tuesday, 2 October 2012 11:13 AM

To: Dixon, Brook; Stewart, Tracy (DET); Collett, David; McRae, Adrienne; MACC; Joseph, Gabriel; Ware, Chris;

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

EPAPlanningLiaison; Hubert, Pamela; McKeown,

Helen

Cc: Douglas, Ken; Ceramidas, Joshua; Halestrap, Terry; Kuypers, Shonel; Sch 2.2(a)(ii)

Walters,

Daniel

Subject: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

Dear all

The planning and land authority within the Environment and Sustainable Development Directorate (ESDD) has received a draft planning report from the strategic city planning and design branch in ESDD and the Economic Development Directorate (EDD) to inform a proposed draft variation to the Territory Plan for a land in Greenway.

The subject site is section 28 block 2 Greenway. The land is currently unleased vacant land under TAMS custodianship and it is zoned CZ6 leisure and accommodation. It is proposed to be rezoned to RZ4 medium density residential to allow residential use to support the ACT Government's accelerated infill program.

Input is being sought from agencies to inform ESDD's decision whether or not the background documents provide sufficient information to prepare a draft variation to the Territory Plan. The background documents include all of the following

- draft planning report (document title: *20120816_-_ESDD_Greenway_Draft_Report_V2_130812_opt.pdf*)
- a tree assessment report in three parts and
- site investigation report (document title: *B2_S28_Greenway_Draft_2_Submission_13_07_12.pdf*).

To assist you quickly find relevant information the table of contents from each document are *attached* to this email

The documents are available until the closing date for comments (see below) via the following link for your consideration

[http://www.actpla.act.gov.au/e-circulations/e-circulation of draft planning report for greenway section 28 block 2/](http://www.actpla.act.gov.au/e-circulations/e-circulation%20of%20draft%20planning%20report%20for%20greenway%20section%2028%20block%202/)

Username: Sch 2.2(a)(xi)

Password: [note: *this password is case sensitive and access for all users will be blocked if the incorrect password is used on three occasions*]

Please note this is the first circulation of this proposal; it was not circulated for scoping advice and has not gone through formal scoping process for a planning report. Nonetheless, the draft reports have been jointly prepared by ESDD and EDD. ESDD's standard template for the *Scope of a Planning Report* is attached for your information to assist with the identification of additional matters that require investigation before a decision is made on the preparation of a draft variation. Changes to the standard scoping template and suggestions of extra matters triggered by either the proposal or characteristics of the site are welcome.

Comments are NOT being sought on the Site Investigation Report (SIR) as it will be circulated separately by EDD at the relevant time. It is provided at this stage to assist entities (in particular) with the identification of matters that would need to be investigated in the planning report.

The closing date for agency comments is **COB Friday 26 October 2012**. Comments can be sent to terrplan@act.gov.au. If no comments have been received from your agency by this date and no request for an extension of time has been received then it will be considered that you agency has nil comments on the proposal.

This is an e-circulation. If you require hard copies or have any questions feel free to contact the Territory Plan Variation Unit via reply email or contact Justin McEvoy a/g Manager Territory Plan Variation Unit on 620 59468.

Kind regards

Territory Plan Variation Unit
Planning Delivery
Environment and Sustainable Development Directorate

From: "Clayton, Des" <Des.Clayton@act.gov.au>

Sent: 11/10/2012 1:49 PM

To: "EPAPlanningLiaison" <EPAPlanningLiaison@act.gov.au>

Subject: RE: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

Robin,

No contamination issues with the site.

Des

From: EPAPlanningLiaison

Sent: Wednesday, 3 October 2012 11:53 AM

To: Peek, Rohan; Clayton, Des; Chester, Heath

Subject: FW: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

26	2.10.2012	Territory Plan Variation	Draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4
----	-----------	--------------------------	---

Comments due 17.10.2012. Please ensure you don't miss the website link highlighted below.

Regards,

Robin Brown | Environment Protection Authority Liaison Officer

Phone: 02 6207 5642 | Fax: 02 6207 6084 | email: robin.brown@act.gov.au

Environment Protection | Environment and Sustainable Development Directorate | ACT Government

Level 3 Annexe Macarthur House | 12 Wattle Street Lyneham | GPO BOX 158 | CANBERRA ACT 2601 |

www.environment.act.gov.au

From: Terrplan

Sent: Tuesday, 2 October 2012 11:13 AM

To: Dixon, Brook; Stewart, Tracy (DET); Collett, David; McRae, Adrienne; MACC; Joseph, Gabriel; Ware, Chris; Sch 2.2(a)(ii)

'€ EPAPlanningLiaison; Hubert, Pamela; McKeown,

Helen

Cc: Douglas, Ken; Ceramidas, Joshua; Halestrap, Terry; Kuypers, Shonel; Sch 2.2(a)(ii) Walters, Daniel

Subject: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

Dear all

The planning and land authority within the Environment and Sustainable Development Directorate (ESDD) has received a draft planning report from the strategic city planning and design branch in ESDD and the Economic Development Directorate (EDD) to inform a proposed draft variation to the Territory Plan for a land in Greenway.

From:"EPAPlanningLiaison"

Sent:03/10/2012 1:52 AM

To:"Peek , Rohan" <Rohan.PEEK@act.gov.au>;"Clayton, Des" <Des.Clayton@act.gov.au>;"Chester, Heath" <Heath.Chester@act.gov.au>

Subject:FW: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

Attachments:TOC Greenway Draft Report.pdf, TOC Greenway SIR.pdf, Generic scoping document for new planning reports.docx

26	2.10.2012	Territory Plan Variation	Draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4
----	-----------	--------------------------	---

Comments due 17.10.2012. Please ensure you don't miss the website link highlighted below.

Regards,

Robin Brown | Environment Protection Authority Liaison Officer

Phone: 02 6207 5642 | Fax: 02 6207 6084 | email: robin.brown@act.gov.au

Environment Protection | Environment and Sustainable Development Directorate | ACT Government

Level 3 Annexe Macarthur House | 12 Wattle Street Lyneham | GPO BOX 158 | CANBERRA ACT 2601 |

www.environment.act.gov.au

From: Terrplan

Sent: Tuesday, 2 October 2012 11:13 AM

To: Dixon, Brook; Stewart, Tracy (DET); Collett, David; McRae, Adrienne; MACC; Joseph, Gabriel; Ware, Chris; Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

EPAPlanningLiaison; Hubert, Pamela; McKeown,

Helen

Cc: Douglas, Ken; Ceramidas, Joshua; Halestrap, Terry; Kuypers, Shonel; Sch 2.2(a)(ii); Walters, Daniel

Subject: E-circulation of initial draft planning report for rezoning of Greenway section 28 block 2 from CZ6 to RZ4

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- site investigation report (document title: *B2_S28_Greenway_Draft_2_Submission_13_07_12.pdf*).

To assist you quickly find relevant information the table of contents from each document are *attached* to this email

The documents are available until the closing date for comments (see below) via the following link for your consideration

<http://www.actpla.act.gov.au/e-circulations/e-circulation-of-draft-planning-report-for-greenway-section-28-block-2/>

Username: Sch 2.2(a)(xi)

Password: _____ [note: *this password is case sensitive and access for all users will be blocked if the incorrect password is used on three occasions*]

Please note this is the first circulation of this proposal; it was not circulated for scoping advice and has not gone through formal scoping process for a planning report. Nonetheless, the draft reports have been jointly prepared by ESDD and EDD. ESDD's standard template for the *Scope of a Planning Report* is attached for your information to assist with the identification of additional matters that require investigation before a decision is made on the preparation of a draft variation. Changes to the standard scoping template and suggestions of extra matters triggered by either the proposal or characteristics of the site are welcome.

Comments are NOT being sought on the Site Investigation Report (SIR) as it will be circulated separately by EDD at the relevant time. It is provided at this stage to assist entities (in particular) with the identification of matters that would need to be investigated in the planning report.

The closing date for agency comments is **COB Friday 26 October 2012**. Comments can be sent to terrplan@act.gov.au. If no comments have been received from your agency by this date and no request for an extension of time has been received then it will be considered that you agency has nil comments on the proposal.

This is an e-circulation. If you require hard copies or have any questions feel free to contact the Territory Plan Variation Unit via reply email or contact Justin McEvoy a/g Manager Territory Plan Variation Unit on 620 59468.

Kind regards

Territory Plan Variation Unit
Planning Delivery
Environment and Sustainable Development Directorate



ACT
Government

Environment and
Sustainable Development

Sent 30/4/12
CF

File Ref: 97/5256

Sch 2.2(a)(ii)

RE: CONTAMINATED LAND SEARCH

Dear Sch 2.2(a)(ii)

Thank you for your search form request of 23/04/2012 enquiring about:

Block 2 Section 28 Greenway Tuggeranong

Records held by the Environment Protection Authority (EPA) for the above block(s) indicate the following:

The block is not recorded on the EPA's contaminated sites management database or geographic information system.

The EPA has not issued any environment protection orders under sections 91C (1), 91D (1) or 125 (4) of the Environment Protection Act 1997 (the Act) over the site and as a result the site is not recorded on the Register of contaminated sites under section 21(A) of the Act.

At present the EPA has no information on contamination of the above block(s). However, this does not absolutely rule out the possibility of contamination and should not be interpreted as a warranty that there is no contamination.

I appreciate that this does not absolutely rule out the existence of contamination of the soils. If you or your clients wish to be completely sure, you, or they, should arrange to conduct independent tests.

Yours sincerely

Mark Heckenberg
Project Officer
Environment Protection and Water Regulation

30/04/2012

From:"Heckenberg, Mark"

Sent:15/03/2015 11:06 PM

To:Sch 2.2(a)(ii)

Subject:RE: Block 2, Section 28 greenway, ACT - Phase 1/2 contamination assessment report_E03

Hi Sch 2.2(a)(ii)

The condition included in the endorsement letter is standard for these types of assessments. A CEMP is required as it is to manage both unexpected finds and the disposal/reuse of soil from the site. Given the relatively minor nature of the condition in this instance the responsibility for production and implementation of the CEMP can be passed on to the developer.

Regards

Mark Heckenberg

Contaminated Sites | **Environmental Standards** | Environment Protection & Water Regulation | Environment and Planning | **ACT Government**

ACT Environment Protection Authority

Phone: +61 2 6207 2151 | **Fax:** +61 2 6207 6084 | **email:** mark.heckenberg@act.gov.au

Level 2 North - Dame Pattie Menzies House | 16 Challis Street Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.act.gov.au

From: Sch 2.2(a)(ii)

Sent: Friday, 13 March 2015 5:33 PM

To: Heckenberg, Mark

Subject: Block 2, Section 28 greenway, ACT - Phase 1/2 contamination assessment report_E03

Hi Mark

I have a query about an endorsement letter for a contamination assessment report undertaken at Block 2, Section 28, Greenway ACT for LDA.

We recommended in our report that an Unexpected Fines Protocol is prepared, whereas the attached endorsement letter recommends a Construction and Environmental Management Plan (CEMP).

I believe a CEMP is unnecessary as there has been no identified contamination requiring management. Also, as details of the proposed development is preliminary at this stage, it would be difficult to undertake a site specific CEMP. Can an unexpected fines protocol be undertaken instead? If so, would this be the responsibility of LDA, or the purchaser/developer?

Thanks for the EPA for providing the endorsement letter quickly – we had some issues with Australia Post getting the hard copy report to you.

Kind Regards

Sch 2.2(a)(ii)

Senior Environmental Scientist

118 Auburn Street
Wollongong, NSW 2500, Australia

Sch 2.2(a)(ii)

t: +61 2 4201 1400 (office)

Sch 2.2(a)(ii)



Best Provider to the
Construction and
Infrastructure Sector

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CILDISCL0005

From:Sch 2.2(a)(ii)

Sent:13/03/2015 5:32 PM

To:"Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>

Subject:Block 2, Section 28 greenway, ACT - Phase 1/2 contamination assessment report_E03

Attachments:ACT EPU letter of endorsement.pdf

Hi Mark

I have a query about an endorsement letter for a contamination assessment report undertaken at Block 2, Section 28, Greenway ACT for LDA.

We recommended in our report that an Unexpected Fines Protocol is prepared, whereas the attached endorsement letter recommends a Construction and Environmental Management Plan (CEMP).

I believe a CEMP is unnecessary as there has been no identified contamination requiring management. Also, as details of the proposed development is preliminary at this stage, it would be difficult to undertake a site specific CEMP. Can an unexpected fines protocol be undertaken instead? If so, would this be the responsibility of LDA, or the purchaser/developer?

Thanks for the EPA for providing the endorsement letter quickly – we had some issues with Australia Post getting the hard copy report to you.

Kind Regards

Sch 2.2(a)(ii)

Senior Environmental Scientist

118 Auburn Street
Wollongong, NSW 2500, Australia

Sch 2.2(a)(ii)

t: +61 2 4201 1400 (office)

Sch 2.2(a)(ii)



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CILDISCL0005



ACT
Government

Environment and Planning

File Ref: New File

Sch 2.2(a)(ii)

Dear Sch 2.2(a)(ii)

ENDORSEMENT OF PHASE 1 AND 2 ENVIRONMENTAL SITE ASSESSMENT REPORT - BLOCK 2 SECTION 28 GREENWAY TUGGERANONG

The Environment Protection Authority (EPA) has reviewed the report titled "Phase 1 and 2 Contamination Assessment Block 2, Section 28, Greenway, ACT" dated 18 February 2015 by Coffey Environments Australia Pty Ltd.

The EPA has assessed the report and supports the consultant's findings "that the site is suitable for rezoning for a proposed residential landuse" subject to the following condition:

- a site specific construction environmental management plan (CEMP) must be developed by a suitably qualified environmental consultant prior the commencement of development activities at the site. The CEMP must detail, amongst other things, the management of any unexpected finds identified during development works and the assessment and reuse of excavated materials at the site.

The works have been generally undertaken to the satisfaction of the EPA in accordance with the Contaminated Sites Environment Protection Policy 2009 and associated guidelines.

This letter of endorsement must be read in conjunction with the above report.

This should not be taken as a warranty by the Environment Protection Authority or the Territory that the land is fit for any particular purpose.

Yours sincerely

Christopher Collier
Environment Protection Authority

5 March 2015

From: "Heckenberg, Mark"

Sent: 18/02/2015 8:23 PM

To: 'Sch 2.2(a)(ii)

Subject: RE: EB01326AA - Block 2 Section 28 Greenway - P1/P2 contamination assessment - for ACT EPA endorsement

Hi Sch 2.2(a)(ii)

Please forward a signed hardcopy of the report to the address below with a letter indicating the action you require from the EPA.

Regards

Mark Heckenberg

Contaminated Sites | **Environmental Standards** | Environment Protection & Water Regulation | Environment and Planning | **ACT Government**

ACT Environment Protection Authority

Phone: +61 2 6207 2151 | **Fax:** +61 2 6207 6084 | **email:** mark.heckenberg@act.gov.au

Level 2 North - Dame Pattie Menzies House | 16 Challis Street Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.act.gov.au

From: Sch 2.2(a)(ii)

Sent: Wednesday, 18 February 2015 10:46 AM

To: Heckenberg, Mark

Cc: Walker, Graeme

Subject: EB01326AA - Block 2 Section 28 Greenway - P1/P2 contamination assessment - for ACT EPA endorsement

Hi Mark

Please find attached a Phase 1 and Phase 2 contamination assessment undertaken at Block 2, Section 28, Greenway for ACT EPA endorsement. This assessment is being undertaken on behalf of the ACT Land Development Agency.

If you have any questions or comments, please don't hesitate to call.

Kind Regards

Sch 2.2(a)(ii)

Senior Environmental Scientist

118 Auburn Street
Wollongong, NSW 2500, Australia

Sch 2.2(a)(ii)

t: +61 2 4201 1400 (office)

Sch 2.2(a)(ii)



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CILDISCL0005



Sch 2.2(a)(ii)

RE: CONTAMINATED LAND SEARCH

Dear Sch 2.2(a)(ii)

Thank you for your search form request of 15/01/2015 enquiring about:

Block 2 Section 28 Greenway Tuggeranong

Records held by the Environment Protection Authority (EPA) for the above block(s) indicate the following:

The block is not recorded on the EPA's contaminated sites management database or geographic information system.

The site is currently occupied by public open space adjacent to Lake Tuggeranong. Whilst there is no recorded information on potential site contamination similar sites have in the past been associated with site contamination due to the application of certain chemicals for the control of weeds and pests and the placement of uncontrolled fill during the establishment of the open space areas.

The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the ACT Contaminated Sites Environment Protection Policy, November 2009 list landfilling and pest control activities as activities associated with land contamination.

The EPA has not issued any environment protection orders under sections 91C (1), 91D (1) or 125 (4) of the *Environment Protection Act 1997* (the Act) over the sites and as a result the sites are not recorded on the Register of contaminated sites under section 21(A) of the Act.

The information detailed above only relates to records held by the EPA and may not represent the actual condition of the site.

At present EPA has no information on contamination of the above block(s) and adjacent roadways other than as detailed above. However, this does not absolutely rule out the possibility of contamination and should not be interpreted as a warranty that there is no contamination.

From:"EPAPlanningLiaison"

Sent:31/08/2017 5:16 AM

To:"EPD, Customer Services" <EPDCustomerServices@act.gov.au>

Subject:RE: REFERRAL-EPA-EROSION & SEDIMENT-201732193-5/28 GREENWAY-01 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Environment Planning & Sustainable Development Directorate,

DA 201732193

BLOCK: 5	SECTION: 28	DIVISION: GREENWAY
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This DA has been assessed by the following:

Contaminated Lands	X
Hazardous Materials	X
Sediment and Erosion Control	X
Noise	X
Air quality	X
Water Regulation	X

And EPA provide the following:

No comments	
Recommend Conditions of Approval	X
Advice for the applicant	X
Recommend Lease Conditions	
Recommend Not Supported	
Further Information/amendments Required	

Conditions:

Construction and development works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling 132281.

As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity PRIOR TO WORKS COMMENCING.

An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing.

Noise from equipment which may be installed or used at the site, including air conditioning units, must comply with the noise standard as per the Environment Protection Regulation 2005. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer that the unit will comply with the noise zone standards as per the Environment Protection Regulations, 2005. Fines apply where breaches of the noise zone standards occur.

Advice:

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

1. No discharge from dam, all stormwater must be pumped out and disposed in at an approved location.
2. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

For further information please contact the Environment Protection Authority Planning Liaison on 02 6207 5642.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: Evatt, Ebony **On Behalf Of** EPD, Customer Services

Sent: Monday, 7 August 2017 10:09 AM

To: EPAPanningLiaison

Cc: McKeown, Helen

Subject: REFERRAL-EPA-EROSION & SEDIMENT-201732193-5/28 GREENWAY-01

DEVELOPMENT APPLICATION NO: 201732193

BLOCK: 5 SECTION: 28 DIVISION: GREENWAY

Description: PROPOSAL FOR MULTI UNIT DEVELOPMENT - construction of 25 new two storey dwellings, undercover parking, landscaping and associated works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**28/08/2017**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services – EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:
COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01
Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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Land titles and revenue services are moving to Dame Pattie Menzies House, 16 Challis Street, Dickson and will be co-located with the Access Canberra Environment, Planning and Land Shopfront. These services will be available at this new location from 1 December 2016. For more information visit www.act.gov.au/accessCBR



From: [EPAPanningLiaison](#)
To: [Ryan, Peter](#)
Subject: FW: REFERRAL-EPA-EROSION & SEDIMENT-201732193-5/28 GREENWAY-01 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Monday, 7 August 2017 10:48:00 AM
Attachments: [image001.jpg](#)
[plans.cbr](#)
[supporting docs.cbr](#)

17141	7 8 2017	DA	DA201732193-B5S28-GREENWAY-PROPOSAL FOR MULTI UNIT DEVELOPMENT-construction of 25 new two storey dwellings, undercover parking, landscaping and associated works
-------	----------	----	--

Comments please 21.8.2017

Regards,

Robin Brown | Environment Protection Authority Planning Liaison
Phone 02 6207 5642
Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**
Dame Pattie Menzies House Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: Evatt, Ebony **On Behalf Of** EPD, Customer Services
Sent: Monday, 7 August 2017 10:09 AM
To: EPAPanningLiaison
Cc: McKeown, Helen
Subject: REFERRAL-EPA-EROSION & SEDIMENT-201732193-5/28 GREENWAY-01

DEVELOPMENT APPLICATION NO: 201732193

BLOCK: 5 SECTION: 28 DIVISION: GREENWAY

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COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXX-01
Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

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From: "Heckenberg, Mark"

Sent: 08/05/2017 5:26 AM

To: 'Sch 2.2(a)(ii)

"Dix, Rodney" <Rodney.Dix@act.gov.au>; Sch 2.2(a)(ii)

Cc: "Power, David" <DAVID.POWER@act.gov.au>; "EPAPlanningLiaison" <EPAPlanningLiaison@act.gov.au>

Subject: RE: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]

Hi ^{Sch 2.2(a)(ii)}

On the basis of the report's findings the following conditions would be forwarded to the ACTPLA for inclusion in the DA's notice of decision:

- the site must be managed in accordance with a site specific unexpected finds protocol (UFP). The UFP must be prepared by a suitably qualified environmental consultant and implemented throughout development of the site;
- No soil is to be removed from site without EPA approval.

Regards Mark

From: Sch 2.2(a)(ii)

Sent: Monday 8 May 2017 09:38

To: Heckenberg, Mark; Dix, Rodney; Sch 2.2(a)(ii)

Cc: Power, David; EPAPlanningLiaison

Subject: RE: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]

Hi Mark.

There was a contamination assessment undertaken on the site previously which I have attached for your information. The project is currently going through the DA process so the EPA should have, or will shortly receive the package for the design for comment.

If you do have any other concerns, please let us know. There is a bit of pressure to get this project out to construction and delivered so we would be happy to address any concerns to avoid any delays during the DA and constructions stages.

Regards,

Sch 2.2(a)(ii)

SENIOR DESIGN ENGINEER

CARDNO



Phone +61 2 6112 4500 Direct **Sch 2.2(a)(ii)**

Address Level 2, 14 Wormald Street, Symonston, Australian Capital Territory 2609 Australia

Postal PO Box 40 Fyshwick ACT 2609

Email **Sch 2.2(a)(ii)**

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From: Heckenberg, Mark [mailto:Mark.Heckenberg@act.gov.au]

Sent: Monday, 8 May 2017 8:00 AM

To: Dix, Rodney <Rodney.Dix@act.gov.au>; **Sch 2.2(a)(ii)**

Cc: **Sch 2.2(a)(ii)**

Power, David <DAVID.POWER@act.gov.au>; EPAPlanningLiaison

<EPAPlanningLiaison@act.gov.au>

Subject: RE: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]

Dear Mr Jewell,

The following comments would apply with respect to the management of soil from the site:

- All soil must be assessed in accordance with Environment Protection Authority (EPA) Information Sheet 4;
- No soil is to be removed from site without EPA approval.

Regards
Mark Heckenberg
02 6207 2151

From: Dix, Rodney
Sent: Wednesday 3 May 2017 12:02
To: Heckenberg, Mark; Sch 2.2(a)(ii)
Cc: Sch 2.2(a)(ii) Power, David; EPAPlanningLiaison
Subject: RE: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]

Dear Sch 2.2(a)(ii)

Thank you for providing the plans for works at S28 B3, 4 & 5 Greenway.

I have reviewed the plans and before I could provide comments I require the following:

- 1) What odour assessment/analysis was undertaken to determine the six metre stack was appropriate and will mitigate odour impact on existing and future residential areas,
- 2) Assessment/analysis undertaken to determine appropriate size of overflow tank.

If you wish to discuss this further please call me on the number below.

Regards

Rodney Dix | Manager

Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au

Environment Protection | Access Canberra | ACT Government

Level 2 North - Dame Pattie Menzies House | 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au

From: Heckenberg, Mark
Sent: Tuesday, 2 May 2017 9:36 AM
To: Sch 2.2(a)(ii)
Cc: Dix, Rodney
Subject: RE: Sewer Pump Station - Section 28 Greenway

Hi ^{Sch 2.2(a)(ii)}

I am currently out of the office and don't have access to all of the EPA's resources in order to make a informed decision/comment with respect to potential contamination issues in the area. Please note that I can only comment on potential contamination constraints with the project.

I have forwarded your email to the Manager of Environment Regulation and Protection, Mr Rodney Dix, so that he can have his staff review the documentation and provide comment as appropriate.

I will forward my comments when I return to the office.

Regards

Mark Heckenberg

From: Sch 2.2(a)(ii)
Sent: Tuesday 2 May 2017 09:20
To: Heckenberg, Mark
Cc: Sch 2.2(a)(ii)
Subject: Sewer Pump Station - Section 28 Greenway

Hi Mark,

We are currently undertaking a site servicing project to Section 28, Blocks 3, 4 and 5, Greenway.

Under this project we require to install at sewer pumping station to the west of Mortimer Lewis Drive to service Blocks 4 and 5 (refer attached PDF's)

Given the location of the pump station to Lake Tuggeranong and the ICON Water requirement of an overflow relief structure from the Emergency storage tank we require input from the EPA on the suitability of location and any constraints for the overflow relief structure prior to completing the design.

Could you please review the attached drawings and provide comment on behalf of the EPA.

I have attached

- A site plan with aerial photo
- Detail plan of the pump station
- General sketch showing the location of the pump station with survey

Cheers

Sch 2.2(a)(ii)

DESIGN DRAFTER CIVIL
CARDNO







Phone +61 2 6112 4500 Direct **Sch 2.2(a)(ii)**

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Postal PO Box 40 Fyshwick ACT 2609

Email **Sch 2.2(a)(ii)** Web www.cardno.com

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From: Sch 2.2(a)(ii)

Sent: 07/05/2017 11:38 PM

To: "Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>; "Dix, Rodney" <Rodney.Dix@act.gov.au>; Sch 2.2(a)(ii) <

Cc: "Power, David" <DAVID.POWER@act.gov.au>; "EPAPlanningLiaison" <EPAPlanningLiaison@act.gov.au>

Subject: RE: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]

Attachments: Pages from SIR B2 S28 Greenway - V1 2016_08_03-Contamination .pdf

Hi Mark.

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If you do have any other concerns, please let us know. There is a bit of pressure to get this project out to construction and delivered so we would be happy to address any concerns to avoid any delays during the DA and constructions stages.

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Sch 2.2(a)(ii)

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From: Heckenberg, Mark [mailto:Mark.Heckenberg@act.gov.au]

Sent: Monday, 8 May 2017 8:00 AM

To: Dix, Rodney <Rodney.Dix@act.gov.au>; Sch 2.2(a)(ii)

cc: Sch 2.2(a)(ii) Power, David <DAVID.POWER@act.gov.au>; EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>

Subject: RE: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]

Dear Sch 2.2(a)(ii)

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Regards

Mark Heckenberg

02 6207 2151

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Sent: Wednesday 3 May 2017 12:02

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www.environment.act.gov.au

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Sent: Tuesday, 2 May 2017 9:36 AM

To: Sch 2.2(a)(ii)

Cc: Dix, Rodney

Subject: RE: Sewer Pump Station - Section 28 Greenway

Hi^{Sch 2.2(a)(ii)}

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Mark Heckenberg

From: Sch 2.2(a)(ii)

Sent: Tuesday 2 May 2017 09:20

To: Heckenberg, Mark

Cc: Sch 2.2(a)(ii)

Subject: Sewer Pump Station - Section 28 Greenway

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I have attached

- A site plan with aerial photo
- Detail plan of the pump station
- General sketch showing the location of the pump station with survey

Cheers

Sch 2.2(a)(ii)

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From: "Dix, Rodney" <Rodney.Dix@act.gov.au>
Sent: 02/05/2017 3:22 PM
To: "Chester, Heath" <Heath.Chester@act.gov.au>; "Power, David" <DAVID.POWER@act.gov.au>
Cc: "Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>
Subject: FW: Sewer Pump Station - Section 28 Greenway [SEC=UNCLASSIFIED]
Attachments: X-Base-Model.pdf, 50517027-C-1003.pdf, Pumpwell_PlanView.pdf

Dave/Heath

Can you please have a look at these plans for a proposed sewer pump station in Greenway.

Couple of things i noted. 6m high sewer vent stack. – do we need further info on odour management?

104kl overflow storage tank, is there anything which stipulates size of tank or does this rest with Icon to risk assess size?

Cheers

Rodney Dix | Manager
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au
Environment Protection | Access Canberra | ACT Government
Level 2 North - Dame Pattie Menzies House | 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 |
www.environment.act.gov.au

From: Heckenberg, Mark
Sent: Tuesday, 2 May 2017 9:35 AM
To: Dix, Rodney
Subject: FW: Sewer Pump Station - Section 28 Greenway

Hi Rodney,

Can you please have one of your team review Sch 2.2(a)(ii) request and provide comment as appropriate?

Thanks Mark

From: Sch 2.2(a)(ii)
Sent: Tuesday 2 May 2017 09:20
To: Heckenberg, Mark
Cc: Sch 2.2(a)(ii)
Subject: Sewer Pump Station - Section 28 Greenway

Hi Mark,

We are currently undertaking a site servicing project to Section 28, Blocks 3, 4 and 5, Greenway.

Under this project we require to install at sewer pumping station to the west of Mortimer Lewis Drive to service Blocks 4 and 5 (refer attached PDF's)

Given the location of the pump station to Lake Tuggeranong and the ICON Water requirement of an overflow relief structure from the Emergency storage tank we require input from the EPA on the suitability of location and any constraints for the overflow relief structure prior to completing the design.

Could you please review the attached drawings and provide comment on behalf of the EPA.

I have attached

- A site plan with aerial photo
- Detail plan of the pump station
- General sketch showing the location of the pump station with survey

Cheers

Sch 2.2(a)(ii)

DESIGN DRAFTER CIVIL
CARDNO



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