



**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 2020-032

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	N/A
6. Processing time (in working days)	16
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

To  
FOI - Information Management Team  
Environment Planning and Sustainable Development Directorate  
GPO Box 158  
CANBERRA ACT 2601

Date  
14.02.2020

Subject  
**Request for Information**

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To Whom It May Concern

Lolita (ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd as tenants in common are the Crown lessees of described as Block 11 & 12 Section 38 Fyshwick (Volume 1633 Folio 98 Edition 21). This is an application for access to information and is made pursuant to Part 5 Division 5.1 Section 30 of the *Freedom of Information Act 2016*.

### **Background**

A Notice of Decision on Development Application DA 201935743 dated 21 October 2019 issued by Mr Richard Davies, a Delegate of the Planning and Land Authority states in Part A Conditions of Approval Environment Protection Authority (1)(i) that:

“EPA records indicate that potentially contaminating activities have been and are being undertaken at the site associated with past and current uses.”

In an email of Tuesday 28 January 2020 from Mr Mark Heckenberg, Manager Contaminated Sites EPA to Mr Lange Jorstad of Geosyntec Consultants Pty Ltd and Ms Alice Buck of Molonglo, Mr Heckenberg states that:

“Records provided to the Environment Protection Authority by the former Waste Management Section of the former Department of Urban Services indicate that historic municipal landfills, known as the Causeway Tips, were located within parts of Block 9 Section 30 Fyshwick, Blocks 11, 12 and 14 Section 38 Fyshwick, Blocks 6,7,8 and 9 Section 39 Fyshwick and Blocks 10 and 11 Section 47 Fyshwick. The Causeway Tips were operated for an undefined period with records indicating they were subject to the disposal of Household, Trade, Industrial and Builder’s waste”.

### **Request for Information**

The information requested includes:

1. All records held by the EPA and relied upon by the EPA in providing the advice included in Part A (1)(i) of the Notice of Decision on DA201935743 of 21 October 2020;
2. All records provided to the Environment Protection Authority by the former Waste Management Section of the former Department of Urban Services as referred to by Mr Heckenberg in his email of 28 January 2020; and
3. All records of communications and exchanges between the EPA, the EPSDD assessing officers and/or the Delegate of the Planning and Land Authority relating to DA 201935743 including reports, letters, electronic mail, meeting notes, file notes and post-it notes.



**Notices**

Any notices issued pursuant to this request may be sent to



Your earliest possible response is requested.

Yours sincerely





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Our ref: CMTEDDFOI 2020-032



## **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 27 February, in which you sought access to records from EPA relating to DA 201935743 for Block 11 & 12 Section 38 FYSHWICK.

On 16 March 2020 you clarified in a telephone conversation with Kelly-Jane Yule from this office that the document you are seeking access to is to a copy of a report referenced in an email of Tuesday 28 January 2020 from Mr Mark Henckenberg, Manager Contaminated Sites EPA to Mr Lange Jorstad of Geosyntec Consultants Pty Ltd and Ms Alice buck of Molonglo.

### **Authority**

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### **Timeframes**

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 23 March 2020.

### **Decision on access**

Searches were completed for relevant documents and one document was identified that falls within the scope of your request.

I have decided to grant full access to the relevant document. 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 that document.

The document released to you is provided as **Attachment B** to this letter.

## **Charges**

Processing charges are not applicable for this request because the number of pages being released to you is below the charging threshold of 50.

## **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 3 days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>

## **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 in 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 at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto: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](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely

A handwritten signature in grey ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

17 March 2020



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Report referred to in a report in an email from Mark Heckenberg dated 28 January 2020.	CMTEDDFOI2020-032

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Report	undated	Full release	N/A	Yes
<b>Total No of Docs</b>						
1						

IN CONFIDENCE  
TABLE OF FORMER WASTE DISPOSAL SITES

Number	Description	Waste Type						Approx coordinate s	Detailed Coords	Comments
		Household	Trade	Industrial	Builders	Farm	Note			

33 - 36	Causeway tip	Y	Y	Y	Y				
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Figure 1 - Environment Protection Authority - Geographic Information System Extract showing location and inferred extent of Causeway Tips based on Waste Management Section data