



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 2018-0066

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)	34
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: [Access Canberra Government Business & Coordination](#)
To: [CMTEDD FOI](#)
Subject: FW: FOI Request [SEC=UNCLASSIFIED]
Date: Tuesday, 20 March 2018 2:42:39 PM
Attachments: [image001.png](#)

Good Afternoon

Please see below FOI request received for your review.

Kind regards

Cath Matthews | A/g Manager, Government Business & Coordination

Phone: 02 6205 3464 | Email: catherine.matthews@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Lvl 5 Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



From: [REDACTED]
Sent: Tuesday, 20 March 2018 2:40 PM
To: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: FOI Request

Freedom of Information Officer
ACT EPA
March 20th 2018

Dear Sir,

This is a request under Part 2 s.7 of the Freedom of Information Act 2016 for a copy of the documents set out below relating to the contaminated site covering Blocks 9 and 11 section 8 Fyshwick.

Part 2 s.9 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."

The Documents requested are:

1. A copy of the advice offered by the EPA to ACTPLA in response to ACTPLA's request for comment on The Direct Sale of Land Eligibility Application dated 15/10/15 for Block 11 and the advice offered for DA201630668.
2. A copy of ECS (March 2017) Site Validation Report , Former Shell Canberra Depot 16 Ipswich Street, Fyshwick ACT

3 A copy of the May 2017 Site Validation Addendum Report Former Shell Canberra Depot 16 Ipswich street Fyshwick ACT

4. Site Audit Report (3 July 2017) 16 Ipswich Street Fyshwick

5. ECS (June 2017) Environment Management Plan 16 Ipswich Street Fyshwick ACT

6 All correspondence or emails relating to blocks 11 and 9 Section 8 Fyshwick with attachments from December 1st 2017 to March 20th 2018

These are government information (s14 (a)).held by an agency or Minister

Some of these documents were refused under s,43(1)(c), in an earlier request FOI AC 170418 dated 11th December 2017 but I am advised I can make a new request under the new legislation.

In support of my application I have had reference to Section 6 of the Act which sets out the Objects and important concepts of the legislation and conclude that (a) through to (g) apply in this case.

I further argue that the documents in question relate to the audit, assessment, rehabilitation and monitoring of a contaminated site, the old Shell Depot at 16 Ipswich Street Fyshwick, which was previously assessed in 2008-9 and revealed, in places, very high levels in the soil and groundwater of BTEX some of which are known carcinogens. The 2017 assessment data, the subject of this application is the only other data presently available to measure the condition of the site against its previous status and available to be used to determine its fitness for reuse for another purpose. Schedule 2 of the FOI legislation 2016 recognises as a factor favouring disclosure in the public interest 2(1)(a)(x) that disclosure of the information could reasonably be expected to contribute to the protection of the environment and 2(1)(a)(xi) reveal environmental or health risks or measures relating to public health and safety. Schedule 2 also recognises that being able to reveal that information is incorrect or out of date, or comprehensive or reliable are factors favouring disclosure 2(1)(a)(ix). It is important regarding this site that the public is in possession of all up-to-date information to be able to make meaningful judgements on the Audit results and to understand the background or contextual information that might inform a government decision on this site (Schedule 2 (1)(a) (vii)).

That the documents 2,3,4,and 5 relate to the fitness of the site in its present condition for its present purpose cannot be a valid reasons to refuse disclosure as the raw data and assessment would be relevant to any future assessment just as the previous data is relevant for scientific comparison as would be any assessment data or audit conducted in the future..

The documents requested are largely of a scientific nature and would not be likely to fall under Schedule 2.2 (xi) where the information might be likely to "prejudice trade secrets, business affairs, or research of an agency or person." Access Recycling is a scrap metal dealership and not a business involved in Chemical Remediation or other activities likely to have trade secrets associated with the site;

nor is its proprietor (to my knowledge) a student or academic involved in research. It is difficult to foresee how any business affairs would be revealed if the documents were released, however, if applicable, that part of them could be redacted.

Therefore disclosure of these documents is considered in the public interest and on balance cannot be seen as contrary to the public interest under S,17.or Schedule 1 2.2

I politely request that if any of the documents are withheld the Officer justify the reasons for the decision for non disclosure by providing me with information that clearly and accurately sets out

- the practical reason that a redaction cannot be undertaken and
- the percentage of each document which is of commercial, financial or personal nature and
- the reasons, that after redaction, a reasonable person would reasonably consider that the third party's interest would be prejudiced by their release including the precise nature of the harm that would be suffered and
- the justification of any conclusion that release would not be in the public interest or that the public interest is outweighed by the harm done to the third party.and
- the legislative basis on which my contention that documents 2,3,4,and 5 are by other policy and legislation viz the Environment Protection Act 1997 and the EPA EPP Contaminated Sites, required to be made available to me is not supported in this instance and by this Act s11(a) and (b).

I request that all application and processing fees be waived, as they were for AC 1704-18, under s107 (1) (b); s.107 (3) (b) and Schedule 2 of the Act in the public interest as the contaminated condition of the land and its potential risk to the environment generally and to human health and safety. There is a wide public interest in general, in the disclosure of public information which could reasonably be expected to promote open discussion of public affairs, enhance Government accountability and contribute to positive and informed debate on issues of public importance. Section 6 of the Act recognises the importance of public access to government information for the proper working of representative democracy; enabling the public to participate more effectively in government processes and to promote improved decision-making within government; and government accountability, Section 6 also sets out as an important concept that to the fullest extent possible, government information is freely and publicly available to everyone at the lowest reasonable cost.

If you concur with my arguments in this request then I expect these documents to be provided in a timely manner.

A large black rectangular redaction box covering the signature area of the document.



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0066



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 20 March 2018, in which you sought access to:

1. A copy of the advice offered by the EPA to ACTPLA in response to ACTPLA's request for comment on The Direct Sale of Land Eligibility Application dated 15/10/15 for Block 11 and the advice offered for DA201630668.
2. A copy of ECS (March 2017) Site Validation Report , Former Shell Canberra Depot 16 Ipswich Street, Fyshwick ACT.
3. A copy of the May 2017 Site Validation Addendum Report Former Shell Canberra Depot 16 Ipswich street Fyshwick ACT.
4. Site Audit Report (3 July 2017) 16 Ipswich Street Fyshwick .
5. ECS (June 2017) Environment Management Plan 16 Ipswich Street Fyshwick ACT.
6. All correspondence or emails relating to blocks 11 and 9 Section 8 Fyshwick with attachments from December 1st 2017 to March 20th 2018.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD 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 was required to provide a decision on your access application by 19 April 2018. However, as a result of third party consultation, this deadline was extended by 15 working days. The new deadline is 11 May 2018.

Decision on access

Searches were completed for relevant documents and 30 documents were identified that fall within the scope of your request.

Please note that the search of CMTEDD records has failed to identify the requested document you specified at points 2-5 in relation to your request. These documents were referenced by an external company but not provided to Access Canberra.

I have decided to grant full access to 28 documents and partial access to 2 documents. The information redacted in the documents I consider to be information that would, on balance, be 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 letter a 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;
- your views on the public interest in disclosing the government information applied for (as per section 37 of the Act); and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and 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 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)

- promote open discussion of public affairs and enhance the government's accountability; and
- contribute to positive and informed debate on important issues or matters of public interest.

Factors favouring non-disclosure (Schedule 2.2)

- Prejudice the protection of an individual's right to privacy or other right under the *Human Rights Act 2004*.

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; promote open discussion of public affairs and enhance the government's accountability by allowing you to have a more complete record of the interactions between Capital Recycling Solutions Pty Ltd and the ACT Government during the planning stages of a proposed development in Fyshwick.

However, when considering this finding against the factor 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 as the parties involved have provided their personal information for the purposes of meeting obligations under relevant legislation which, 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. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved.

I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (contacts names, email addresses and mobile phone numbers) could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal 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 11, 15 and 58 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.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of folio's 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 as I am satisfied that the information you have requested is information which is of special benefit to the public.

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 16 May 2018. 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>.

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.

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: ombudsman@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,



Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

10 May 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	<p>A copy of the documents set out below relating to the contaminated site covering Blocks 9 and 11 section 8 Fyshwick. The Documents requested are:</p> <ol style="list-style-type: none"> 1. A copy of the advice offered by the EPA to ACTPLA in response to ACTPLA's request for comment on The Direct Sale of Land Eligibility Application dated 15/10/15 for Block 11 and the advice offered for DA201630668. 2. A copy of ECS (March 2017) Site Validation Report , Former Shell Canberra Depot 16 Ipswich Street, Fyshwick ACT 3 A copy of the May 2017 Site Validation Addendum Report Former Shell Canberra Depot 16 Ipswich street Fyshwick ACT 4. Site Audit Report (3 July 2017) 16 Ipswich Street Fyshwick 5. ECS (June 2017) Environment Management Plan 16 Ipswich Street Fyshwick ACT 6 All correspondence or emails relating to blocks 11 and 9 Section 8 Fyshwick with attachments from December 1st 2017 to March 20th 2018 	CMTEDDFOI 2018-0066

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	Email chain	26 May 2017	Full	N/A	Yes
2	5-6	Email chain	4 Dec 2017	Full	N/A	Yes
3	7	Email	5 Dec 2017	Full	N/A	Yes
4	8-9	Email	5 Dec 2017	Full	N/A	Yes
5	10-16	Attachment to Email – Request for Scoping Document	5 Dec 2017	Partial	Schedule 2 Section 2(a)(ii)	Yes
6	17-52	Attachment to Email – Scoping Application	5 Dec 2017	Full	N/A	Yes
7	53	Email Chain	6 Dec 2017	Full	N/A	Yes
8	54-55	Email Chain	7 Dec 2017	Full	N/A	Yes

9	56	Email Chain	21 Dec 2017	Full	N/A	Yes
10	57-60	Email Chain	21 Dec 2017	Partial	Schedule 2 Section 2(a)(ii)	Yes
11	61	Email Chain	21 Dec 2017	Full	N/A	Yes
12	62	Email Chain	21 Dec 2017	Full	N/A	Yes
13	63-64	Email Chain	21 Dec 2017	Full	N/A	Yes
14	65-66	Email Chain	2 Jan 2018	Full	N/A	Yes
15	67-68	Email Chain	3 Jan 2018	Full	N/A	Yes
16	69-70	Email Chain	3 Jan 2018	Full	N/A	Yes
17	71-72	Email Chain	3 Jan 2018	Full	N/A	Yes
18	73-75	Email Chain	8 Jan 2018	Full	N/A	Yes
19	76-78	Email Chain	8 Jan 2018	Full	N/A	Yes
20	79-82	Email Chain	8 Jan 2018	Full	N/A	Yes
21	83-85	Email Chain	8 Jan 2018	Full	N/A	Yes
22	86	Email	12 Jan 2018	Full	N/A	Yes
23	87	Email	15 Feb 2018	Full	N/A	Yes
24	88-89	Email Chain	15 Feb 2018	Full	N/A	Yes
25	90-91	Email Chain	15 Feb 2018	Full	N/A	Yes
26	92	Email	15 Feb 2018	Full	N/A	Yes
27	93-95	Email Chain	19 Mar 2018	Full	N/A	Yes

28	96-97	Email Chain	19 Mar 2018	Full	N/A	Yes
29	98	Email Chain	19 Mar 2018	Full	N/A	Yes
30	100-103	Email Chain	20 Mar 2018	Full	N/A	Yes
Total No of Docs						
30						

From: [Heckenberg, Mark](#)
To: [EPAPlanningLiaison](#)
Cc: [Power, David](#); [Dix, Rodney](#); [Clayton, Des](#)
Subject: RE: REFERRAL - EPA - Request for EIS Scoping Document – Proposed recycling and thermal electricity generation facility (waste to energy) [SEC=UNCLASSIFIED]
Date: Friday, 26 May 2017 7:31:00 AM

Hi Irfan,

Environmental Quality would recommend that the Environment Protection Authority support the EIS exception for the site (Blocks 9 and 11 Section 8 Fyshwick) provided contamination issues at the site are managed through the DA process in accordance with the following conditions:

Contaminated Sites Conditions:

Demolition:

- all tanks (and related infrastructure) including those previously abandoned on site must be removed in accordance with WorkSafe ACT requirements;
- the whole site and any off-site impacted areas (including groundwater) are to be assessed and remediated (as required) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 and EPA endorsed guidelines by a suitably qualified environmental consultant;
- the above assessment and remedial works must be independently audited in accordance with the EPA Contaminated Sites Environment Protection Policy 2009 by an EPA approved contaminated land auditor;
- the Remedial Action Plan (RAP) must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the Environment Protection Authority prior to the commencement of remedial works;

Prior to commencement of site redevelopment:

- New construction works are not to commence at the site until the EPA has endorsed the final site audit statement or appropriate interim advice from the independent auditor for the site including that the proposed works will not impact on the on-going assessment and audit of the site;

Prior to Occupation:

- a copy of the Auditor's draft site audit report and site audit statement (and draft on-going management plan if required) are to be submitted to the Environment Protection Authority (EPA) for review and comment prior to finalisation of these documents;
- Prior to occupation of the site a copy of the Auditor's site audit report and site audit statement (and final on-going management plan if required) into site suitability must be reviewed and endorsed by the Environment Protection Authority;

General conditions:

- Sediment and leachate control measures must be incorporated for any stockpiled material to prevent contaminants entering the stormwater system or existing the site.
- Dust and odour suppression measures must be incorporated as required during the

- works to minimise impacts on surrounding blocks;
- any contaminated soil landfarmed on site must be approved by EPA prior to landfarming commencing;
- any soil disposed of from the site must be in accordance with the requirements of the EPA as detailed in EPA Information Sheet 4;
- No soil is to be removed from site without EPA approval.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: Yousaf, Irfan **On Behalf Of** EPAPlanningLiaison
Sent: Thursday, 25 May 2017 5:07 PM
To: Dix, Rodney <Rodney.Dix@act.gov.au>; Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Cc: Power, David <DAVID.POWER@act.gov.au>
Subject: FW: REFERRAL - EPA - Request for EIS Scoping Document – Proposed recycling and thermal electricity generation facility (waste to energy) [SEC=UNCLASSIFIED]

Hi Guys

Please provide comments by 08.6.2017

Regards
Irfan

From: Riches, Dominic
Sent: Tuesday, 23 May 2017 4:22 PM
To: EPAPlanningLiaison
Subject: REFERRAL - EPA - Request for EIS Scoping Document – Proposed recycling and thermal electricity generation facility (waste to energy) [SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed recycling and thermal electricity generation facility (waste to energy)

Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the

Planning and Development Regulation 2008 the application is being referred to you for review and comment. Referral entity comments are due on **14 June 2017**.

The application form and supporting documentation is attached.

Preparation of referral comments:

When formulating your response it is important to remember that the EIS process is not an approval process. The purpose of an EIS required by the *Planning and Development Act 2007* is to identify the potential impacts that may result from the development proposal and put forward options for mitigating such impacts.

Completion of the EIS process does not equate to approval of the development. Once an EIS is completed, the proponent is then required to lodge a Development Application (DA) in the Impact track, at which stage you will again be referred the application to ensure any issues identified during the EIS stage have been incorporated into the DA and apply any further relevant conditions or comments.

As your comments will be used to develop the scoping document, which determines the content of the EIS, please ensure you consider the following when providing comments:

- *Has the proponent identified all impacts that are relevant to my area of expertise? If not, what areas require attention?*
- *Has the proponent determined an appropriate level of unmitigated risk for the impacts identified?*
- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*
- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
- *Are the comments directly related to the development proposal?*

Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB **14 June 2017**.

Should you require clarification or further information on this matter please contact the Assessment Officer, Dominic Riches on (02) 62051834 or email dominic.riches@act.gov.au.

Regards

Dominic Riches | Development Assessment Officer

Phone 02 6205 1834 | Fax 02 6207 1856

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

From: [Power, David](#)
To: [REDACTED]
Subject: FW: Shell site Fyshwick [SEC=UNCLASSIFIED]
Date: Monday, 4 December 2017 11:18:00 AM
Attachments: [image002.jpg](#)

Dear [REDACTED]

I apologise for the delay in responding to your e-mail below.

The development application for the decommissioning of existing facilities and the proposed redevelopment of this site is yet to be forwarded to the Environment Protection Authority (EPA) for review and comment by the ACT Planning and Land Authority. It is my understanding that the proposal will need to undergo a formal environmental impact assessment. Please refer to the ACTPLA website. The triggers for an EIS are set out in Part 4.2 of the Planning Development Act 2007. The Act can be found here <http://www.legislation.act.gov.au/a/2007-24/default.asp>.

The EPA will require through the site's development consent conditions that it be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The auditor's findings into the site's suitability from a contamination perspective for its proposed and permitted uses under the Territory Plan must then be reviewed and endorsed by the EPA prior to the site being used for other purpose.

At the completion of the assessment, remediation and audit process (required above) the audit documents will be publically available.

Whilst the EPA can provide a summary of its current contamination records for the site through its response to a contaminated land search request (<https://form.act.gov.au/smartforms/landing.htm?formCode=1019>) specific reports on contamination at the site are held commercial in confidence at this time and can only be released with the written permission of Shell Australia.

It is important to note that EPA does not undertake investigations of contaminated sites, that is the responsibility of the appropriate person as define in the Environment Protection Authority's Contaminated Sites Environment Protection Policy 2009.

Regards

David

David Power | Manager Environmental Quality
Phone: 02 62075311 | Email: david.power@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

Access Canberra logo



From: [REDACTED]
Sent: Monday, 20 November 2017 4:46 PM
To: Environment Protection <Environment.Protection@act.gov.au>
Subject: Shell site Fyshwick

To the Director
ACT EPA

Dear Sir,

I am interested in the proposed development for Block 9 section 8 Fyshwick for a MRF/ Rail Hub and incinerator on the old Shell site Block 9 Section 8 Fyshwick.

I understand this was a contaminated site and that some rehabilitation has been done.
Can you please provide me with the information to answer the following questions.

What investigation of the site has been concluded by the EPA?

What was the nature of the contamination found?

How was it remediated?

Did it include soil contamination and if so was testing done to see how far it had travelled?

How extensive was any contamination?

What remediation work has been carried out other than cleaning the tanks?

What further work is required?

Were there any underground tanks?

If so where were they situated and what was required to be done with them?

I thank you in anticipation.

Sincerely,

[REDACTED]

From: EPAPanningLiaison
To: Heckenberg, Mark; Power, David; Dix, Rodney; Clayton, Des
Cc: Sargent, Narelle
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Tuesday, 5 December 2017 4:52:00 PM
Attachments: EIS 201700053-REQUEST FOR SCOPING DOCUMENT-01.pdf
SUPP-201700053-REQUEST FOR SCOPING DOCUMENT-REPORT-01.pdf

17231	5 12 2017	EIS	EIS Scoping Request-B9&11S8-FYSHWICK-Proposed Materials Recovery Facility-Capital Recycling Solutions P/L
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Comments please 19 12 2017

Regards,

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

From: English, Terri-Ann
Sent: Tuesday, 5 December 2017 3:21 PM
To: EPD Impact <EPDImpact@act.gov.au>
Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the *Planning and Development Regulation 2008* the application is being referred to you for review and comment. Referral entity comments are due on **3 January 2018**.

The application form and supporting documentation is attached.

Preparation of referral comments:

When formulating your response it is important to remember that the EIS process is not an approval process. The purpose of an EIS required by the *Planning and Development Act 2007* is to identify the potential impacts that may result from the development proposal and put forward options for mitigating such impacts.

Completion of the EIS process does not equate to approval of the development. Once an EIS is completed, the proponent is then required to lodge a Development Application (DA) in the impact track, at which stage you will again be referred the application to ensure any issues identified during the EIS stage have been incorporated into the DA and apply any further relevant conditions or comments.

As your comments will be used to develop the scoping document, which determines the content of the EIS, please ensure you consider the following when providing comments:

- *Has the proponent identified all impacts that are relevant to my area of expertise? If not, what areas require attention?*
- *Has the proponent determined an appropriate level of unmitigated risk for the impacts identified?*
- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*
- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
- *Are the comments directly related to the development proposal?*

Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB **3 January 2018**.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards
Terri

Terri-Ann English
0262071780
Impact Assessment | Environment Planning and Sustainable Development Directorate | ACT Government
Level 1 South Building Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [English, Terri-Ann](#)
To: [EPD Impact](#)
Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Tuesday, 5 December 2017 3:20:53 PM
Attachments: [EIS 201700053-REQUEST FOR SCOPING DOCUMENT-01.pdf](#)
[SUPP-201700053-REQUEST FOR SCOPING DOCUMENT-REPORT-01.pdf](#)

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the *Planning and Development Regulation 2008* the application is being referred to you for review and comment. Referral entity comments are due on **3 January 2018**.

The application form and supporting documentation is attached.

Preparation of referral comments:

When formulating your response it is important to remember that the EIS process is not an approval process. The purpose of an EIS required by the *Planning and Development Act 2007* is to identify the potential impacts that may result from the development proposal and put forward options for mitigating such impacts.

Completion of the EIS process does not equate to approval of the development. Once an EIS is completed, the proponent is then required to lodge a Development Application (DA) in the Impact track, at which stage you will again be referred the application to ensure any issues identified during the EIS stage have been incorporated into the DA and apply any further relevant conditions or comments.

As your comments will be used to develop the scoping document, which determines the content of the EIS, please ensure you consider the following when providing comments:

- *Has the proponent identified all impacts that are relevant to my area of expertise? If not, what areas require attention?*
- *Has the proponent determined an appropriate level of unmitigated risk for the impacts identified?*
- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*
- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
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Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB

3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English
0262071780

Impact Assessment | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 1, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



**APPLICATION FOR:
SCOPING DOCUMENT
ENVIRONMENTAL SIGNIFICANCE OPINION S211
EXEMPTION FROM EIS
Form 1M**

1. Type of Application

Request for Scoping Document **OR**

Application for Environmental Significance Opinion
Section 138AA Planning and Development Act 2007 **OR**

Request for Exemption to Provide Environmental Impact Statement
Section 211 Planning and Development Act 2007 **OR**

Additional Information as requested by the planning and land
authority for any application for Scoping, EIS, or ESO

If you attended a pre-application meeting or written pre-application advice in relation to the proposal that is the subject of this application please provide proposal number **Proposal Number 20** _____

Project Name: Capital Recycling Solutions P/L - Fyshwick

Project Description: To receive and process for recycling some 300,000 tonnes of current and future ACT's waste streams that is going directly to landfill. The receipt and processing will occur inside newly constructed Materials Recovery facility. The proposal involves associated container handling and storage and the use of the adjacent rail facility and south shunt for transporting recyclables, waste residues and general freight.

2. Lease/Site Details *Please Print*

Provide the following details for each lease/site:

Site 1

Block: 9 Section: 8 Suburb: Fyshwick

Street Address (if applicable): 16 Ipswich Street

Land Use Zone/s applicable to this site: IZ2 Industrial Mixed Use

Site 2

Block: 11 Section: 8 Suburb: Fyshwick

Street Address (if applicable): Lithgow Street

Land Use Zone/s applicable to this site: IZ2 Industrial Mixed Use

Site 3

Block: Section: Suburb:

Street Address (if applicable):

Land Use Zone/s applicable to:

this site

If more than three sites please provide details on separate page

3. Applicant Details *Please Print*

Surname	<input type="text" value="Sch 2 s2(a)(ii)"/>	First Name	<input type="text" value="Sch 2 s2(a)(ii)"/>		
Name of Company/Department/ Government Agency	<input type="text" value="Capital Recycling Solutions P/L"/>				
Position held in Company/Department/ Government Agency	<input type="text" value="Project Manager"/>				
Australian Company/Business Number (ACN/ABN)	<input type="text" value="ACN 169 054 353"/>				
Postal Address	<input type="text" value="PO Box 431"/>				
Suburb	<input type="text" value="Frenchs Forest"/>	State	<input type="text" value="NSW"/>	Postcode	<input type="text" value="1640"/>
Phone Number Business Hours	<input type="text" value="1800 334 696"/>	Mobile	<input type="text" value="Sch 2 s2(a)(ii)"/>		
EMAIL ADDRESS	<input type="text" value="Sch 2 s2(a)(ii)@benedict.com.au"/>				

4. Lessee (Property Owners) or Government Land Custodian Details *Please Print*

SITE 1

1st Lessee or Land Custodian Details

Full Name:	<input type="text" value="Sch 2 s2(a)(ii)"/>
Company Name:	<input type="text" value="Capital Recycling Solutions P/L"/>
Position Held in Company:	<input type="text" value="Director"/>
ACN Number:	<input type="text" value="169054353"/>
Postal Address:	<input type="text" value="PO Box 431
Frenchs Forest
NSW 1640"/>
Telephone BH:	<input type="text" value="02 9986 3500"/>
Mobile:	<input type="text" value="Sch 2 s2(a)(ii)"/>
Email Address:	<input type="text" value="Sch 2 s2(a)(ii)@benedict.com.au"/>

2nd Lessee or Land Custodian Details

Full Name:	<input type="text"/>
Company Name:	<input type="text"/>
Position Held in Company:	<input type="text"/>
ACN Number:	<input type="text"/>
Postal Address:	<input type="text"/>
Telephone BH:	<input type="text"/>
Mobile:	<input type="text"/>
Email Address:	<input type="text"/>

SITE 2

1st Lessee or Land Custodian Details

2nd Lessee or Land Custodian Details

Full Name:

Company Name:

Position Held in Company:

ACN Number:

Postal Address:

Telephone BH:

Mobile:

Email Address:

Full Name:

Company Name:

Position Held In Company:

ACN Number:

Postal Address:

Telephone BH:

Mobile:

Email Address:

SITE 3

1st Lessee or Land Custodian Details

2nd Lessee or Land Custodian Details

Full Name:

Company Name:

Position Held In Company:

ACN Number:

Postal Address:

Telephone BH:

Mobile:

Email Address:

Full Name:

Company Name:

Position Held In Company:

ACN Number:

Postal Address:

Telephone BH:

Mobile:

Email Address:

All lessees must sign authorising the lodgement of this application. In doing so the lessee gives authority to the applicant to negotiate any dealings in relation to the application through to its determination. If there are more than two lessees please ensure that the details and authorisation are attached to the application.

If a lessee signature can not be obtained and either a land acquisition or lease withdrawal is underway to facilitate the project to which the EIS Scope relates then the applicant must submit documentary evidence that such land acquisition or lease withdrawal is occurring and that the lessee is aware of the project to which the EIS Scope relates.

5. EIS Requirements – complete this part for Application for Scoping Document ONLY

Please identify why your proposal requires an Environmental Impact Statement and include applicable references to the *Planning and Development Act 2007 (P&D Act)*.

- The proposal is a type listed under schedule 4 of the P&D Act. Please list item numbers: 4.2 (item10)
- The proposal is not an EXEMPT, CODE, or MERIT track development where the development is allowed under an existing lease
- The proposal is permissible under the National Capital Plan but listed as prohibited in the relevant development table
- The proposal has been declared under section 124 and section 125 of the P&D Act
- The proposal is not listed anywhere in the relevant development table (in-nominate use)

6. Complete this part for Application for Environmental Significance Opinion ONLY
S138AA Planning and Development Act 2007

Are you seeking an Environmental Significance Opinion? YES NO

IF YES - identify the item(s) for opinion under Schedule 4 of the *Planning and Development Act 2007*

- | | | |
|---|---|---|
| <input type="checkbox"/> Section 4.2 Item 3 (c) | <input type="checkbox"/> Section 4.2 Item 3 (d) | <input type="checkbox"/> Section 4.3 Item 1 |
| <input type="checkbox"/> Section 4.3 Item 2 (a) | <input type="checkbox"/> Section 4.3 Item 2 (b) | <input type="checkbox"/> Section 4.3 Item 3 |
| <input type="checkbox"/> Section 4.3 Item 6 | | |

Note: Applications for Environmental Significance Opinion from the ACT Heritage Council must be accompanied by a Statement of Heritage Effects prepared by a suitably qualified heritage professional regarding the potential impacts of the proposal.

7. Complete this part for Request for Exemption to Provide Environmental Impact Statement ONLY
S.211 Planning & Development Act 2007

The Minister may exempt a development proposal from a requirement to include an EIS if satisfied that the expected environmental impact of the development proposal has already been sufficiently addressed by another study, whether or not the study relates to the particular development proposal.

If the proposal is a type listed under Schedule 4 of the P&D Act, please list the item numbers: _____

Please supply supporting documentation to justify s211 consideration and a statement as to how the supporting documentation satisfies the requirement of s.211 and s50A of the P&D Regulation. Documentation Attached

8. Environment Protection and Biodiversity Conservation Act 1999

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal? NO YES

IF YES - attach copies of the Commonwealth Department of the Environment "Notification of Referral Decision" and "Decision on Assessment Approach"

NOTE: Copies of these documents must be attached to this application form before it can be accepted for processing by the planning and land authority.

IF NO - Have you had meetings/discussions with the Department of the Environment? NO YES

IF YES - Please provide the contact details of the Department of the Environment officer

Name: _____ Contact No. _____

9. Your Proposal – Required for ALL application types

Please attach to this application form a document that provides sufficient detail to enable prescribed entities to obtain an understanding of the full extent of your proposal and any associated works, including:

1. a statement outlining the objectives of the project and why it is needed;
2. a description of the nature/type of project proposed by providing location map(s) of the project site(s), preliminary design drawings and satellite/aerial photographs;
3. a preliminary risk assessment (PRA) based on the guidance document attached to this form (not required for an ESO application);
4. a description of the natural conservation values of the site based on the considerations listed in the "Preparation of an application for scoping and preparation of an ESO" guideline available from the EPD website;
5. a description of measures within the proposal that seek to avoid and minimise (and as a last resort offset) impact on identified conservation values (for ESO and Section 211 applications only);
6. any decision made under the EPBC Act in relation to this proposal.
7. For s211 applications only, the following additional information is required:
 - details of qualifications, expertise and experience of the person(s) who conducted previous studies supporting the application;
 - details of public consultation undertaken, as part of statutory requirement, for projects or previous studies included as supporting documentation undertaken. Details of public consultation not required for a statutory process should also be included;
 - verification from a qualified person that the information in the previous studies supporting the application is still current.

10. Prescribed Entities

Have you had any meetings/discussions with relevant prescribed entities?

NO
 YES

IF YOU ANSWERED YES TO THE QUESTION – please complete the following table and provide meeting minutes:

ENTITY (please tick)	DATE/s OF MEETING/s	ENTITY CONTACT
<input checked="" type="checkbox"/> ACTEW Corporation Ltd		Steve Skourakis, Dean Ward
<input type="checkbox"/> ACTEWAGL Distribution		
<input type="checkbox"/> Conservator Flora & Fauna		
<input type="checkbox"/> Emergency Services		
<input checked="" type="checkbox"/> Environment Protection		David Power, Des Clayton
<input type="checkbox"/> Heritage Council		
<input type="checkbox"/> Health Policy		
Territories & Municipal Services		
<input type="checkbox"/> Custodian of the Land		
<input checked="" type="checkbox"/> Queanbeyan –Palerang Council		Peter Tegart
<input checked="" type="checkbox"/> Environment & Planning		Jonathan Teasdale/Tegan Liston

11. Conflict of Interest Declaration

Does the applicant or lessee have any association with EPD staff?

NO
 YES

If YES please provide details:

NOTE: There are penalties for deliberately giving false and misleading information. The planning and land authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation.

12. Other Application Requirements

DOCUMENTATION AND PLANS

All required documentation must be provided in an electronic format on compact disc/DVD or via email and meet the following requirements (Form can be submitted in hardcopy if lodged over the counter)

- Each document must be saved as a PDF and named in accordance with the naming convention as detailed on the EPD website.
- All plans must be to scale.
- All plans must be rotated to the correct orientation i.e. they are the right way up when opened
- All plans are to be clear and concise and generally consistent with Australian Standard 1100.301 - 1985 and Australian Standard 1100.301 supplementary - as updated from time to time.
- The documentation provided on CD/DVD either over the counter or via an electronic lodgment process (email or internet) will be considered to be the relevant documentation associated with this application.

HARDCOPY DOCUMENTATION REQUIREMENTS FOR ALL APPLICATION TYPES

In addition to the documentation being provided on CD/DVD **one bound and one unbound hard copy must also be provided.**

13. Applicant and Lessee Declaration

I/we the undersigned, declare that this application is accompanied by all of the required information and or documents and understand that the documentation provided on CD/DVD or via electronic lodgment process (email or internet) will be considered to be the relevant documentation associated with this application; and understand that the information submitted with this application form will undergo a documentation check. I/we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we hereby authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal;

I/we the undersigned (lessee) appoint the applicant whose name and signature appear below to act on my/our behalf in relation to this application. This authorises the applicant to pay for all application fees, bonds, and securities, liaise with the planning and land authority when required, alter amend or provide further information as necessary and receive any communications relating to this application;

I/we declare that all the information given on this form and its attachments is true and complete;

If signing on behalf of a company, organisation or Government agency

I/we the undersigned, declare I/we **Sch 2 s2(a)(ii)** behalf of the company, organisation or Government agency.

Applicant Signature (s) **Sch 2 s2(a)(ii)** Date

SITE 1

1st Lessee Signature **Sch 2 s2(a)(ii)** Date

2nd Lessee Signature Date


Govt Land Custodian Signature (unleased land only) Date

Delegate of the planning and land authority (unleased land only) Date

SITE 2

1st Lessee Signature Date

2nd Lessee Signature Date

Govt Land Custodian Signature (unleased land only)		Date	24 NOV. 2017
Delegate of the planning and land authority (unleased land only)		Date	
SITE 3			
1st Lessee Signature		Date	
2nd Lessee Signature		Date	
Govt Land Custodian Signature (unleased land only)		Date	
Delegate of the planning and land authority (unleased land only)		Date	

Privacy Notice
The personal information on this form is provided to the Environment and Planning Directorate (EPD) to enable the processing of your application. The collection of personal information is authorised by the *Planning and Development Act 2007*. If all or some of the personal information is not collected EPD cannot process your application. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD Information Privacy Policy can be found at www.environment@act.gov.au

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?
The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the *Planning and Development Act 2007*. For information about the EPBC, including the referral process and when a referral should be made, contact the Commonwealth Department of the Environment www.environment.gov.au

Contact Details:
Environment and Planning Directorate
Customer Service Centres
GPO Box 158, Canberra City 2601
8 Darling Street Mitchell, ACT 2911
16 Challis Street Dickson ACT 2602
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)
Phone: (02) 6207 1923 TTY: (02) 6207 2622
Email: epdcustomerservices@act.gov.au Website: www.environment@act.gov.au



Capital
Recycling Solutions



ADVANCED WASTE MANAGEMENT FOR THE ACT

CAPITAL RECYCLING SOLUTIONS P/L
SCOPING APPLICATION
NOV 2017

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1. INTRODUCTION

1.1 PURPOSE

Capital Recycling Solutions Pty Ltd (CRS) has prepared this Scoping Application in accordance with the requirements of the ACT Planning and Environment ACT, 2007 and is associated to the previous Application number 201700023 – Materials recovery facility and waste to energy (WtE) thermal conversion and emission control equipment.

This request for a separate EIS scoping document comes after extensive community consultation as part of the process for application number 201700023, which has influenced our approach to split the original proposal into its key components.

1. The Materials Recovery Facility and Rail Freight Terminal (MRF)
2. The Waste to Energy facility (WtE)

We consider the WtE facility ancillary to the overall solution in that it is dealing with residues from the MRF and does not impact on its effectiveness or viability. As such, we are proposing to proceed with an EIS process for the MRF only, with a separate EIS process to be undertaken for the WtE component at a later date. This approach has a number of advantages which include:

- Enable the Advanced MRF to be assessed on its own merit, enabling the waste recycling and recovery solution to be brought online sooner. This proposal means a vast improvement on current waste management here in the ACT with waste diverted from the Mugga Landfill, processed for recycling and recovery and then sending the residues to the purpose-built facility at Woodlawn. This will extend Mugga Lanes life and reduce the requirement of an imminent expansion into the next valley.
- Allow greater consultation with the community on the WtE component, without delaying immediate improvements to Waste management

CRS are committed to implementing a fully funded waste management system to receive, sort, separate and leverage the ACT's waste that is currently going to landfill. CRS intends to process these waste streams (MSW, C&I, Light residues from C&D and other wastes) potentially totalling in excess of 300,000 tonnes to assist in achieve a greater than 90% landfill diversion rate for the ACT.

The proposal will also re-establish a rail freight siding, called the “south shunt”, as well as build and use the associated rail siding for the purpose of general rail container handling. The rail terminal will be able to operate 24/7 dependant on track access windows. This will also serve the purposes of growing rail freight opportunities as well as transferring recyclables to export markets and waste residues to the Woodlawn Bioreactor at Tarago.

The proposed recycling system will utilise sorting and separation systems to generate commercially reusable products for export and reuse. This will be a modern and sophisticated solution that will assist in achieving the objectives of the ACT Government in controlling its own waste management solutions, recovering recyclables and resources as well as preserving the life of Mugga Lane landfill and foregoing the requirement for its imminent and ongoing expansion.

From a broader ACT Government Policy and community perspective, the development of this proposal will also benefit the ACT Government across a range of policy objectives including:

- Rejuvenating the ACT rail infrastructure and reducing traffic congestion on ACT roads given the close proximity of the proposed CRS site to the ACT railway corridor;
- Providing recycling solutions for waste management benefiting the wider Capital Region and immediate surrounding regional areas, an underlying theme of the ACT/NSW Memorandum of Understanding (MOU) for regional collaboration to promote economic development and improve resource management across borders;
- Promoting the ACT as a new innovative waste management recycling hub; and

- Provide a positive impact on the ACT economy by diversifying the economic base and creating some 48 fulltime jobs, and other part time jobs, through the development of a new, innovative and growing industry.

CRS believes that these above-mentioned benefits can only be crystallised in the ACT through the CRS contributed Fyshwick site, for which the planning is well progressed, and that CRS has the capability and experience to deliver the higher standards of waste management the ACT Government seeks.

The CRS proposed WtE Draft EIS will be the subject of separate and independent process after further extensive consultation with the local community in 2018. This EIS will focus on thermal conversion of waste residues as opposed to transport to the purpose-built Woodlawn facility in NSW.

1.2 CAPITAL RECYCLING SOLUTIONS PTY LTD (THE PROPONENT)

CRS is a joint venture formed between Benedict Industries Pty Ltd (Benedict) and Access Trading Company Pty Ltd (Access Recycling). Combined, these two companies employ over 300 people and have annual revenues in excess of \$180 million.

Benedict Industries

Benedict is a Sydney-based and family owned quarrying, resources and recycling company. The Company has been operating for some 50 years and has numerous quarries and recycling facilities throughout NSW. Benedict continues to expand into surrounding areas to further develop its core markets and opportunities. Benedict currently produces, markets, and/or recycles more than 2 million tonnes of products per annum. To find out more on Benedict, please go to www.benedict.com.au.

Access Recycling

Access Recycling is a leading supplier of metal recycling services to mining, rail and other heavy industries for 30 years. The company is well established in the eastern states of Australia, including NSW, ACT and South Australia; processing and exporting in excess of 100,000 tonnes of metal per annum. To find out more on Access Recycling, please go to www.accessrecycling.com.au.

2 BACKGROUND

The ACT Government has recognised waste management as an integral part of delivering a more sustainable ACT. To address this, the direction of waste policy objectives in the ACT has shifted from a focus purely on protecting population health and the environment, to also achieving sustainability through resource recovery. This progressive approach requires a transformation to the way the ACT currently manages waste.

2.1 ACT WASTE MANAGEMENT STRATEGY

The ACT Government has recently implemented the ACT Waste Management Strategy 2011-2025 (Strategy). The Strategy sets the management direction of waste in the ACT towards 2025. The goal of this Strategy is to ensure that the ACT leads innovation to achieve full resource recovery and a carbon neutral waste sector. This goal is supported by four key Outcomes (and 29 strategies) that will enable the achievement of those Outcomes:

1. Less waste generated	2. Full resource recovery
3. A clean environment	4. A carbon neutral waste sector

The problem that the ACT is now encountering is high levels of waste production per capita, growing by 2% per annum, as well as levels of recycling not matching this growing creation of waste. This is not a new phenomenon. Worldwide, this issue has been intensely scrutinized, particularly over the last 15 years, where the total environmental outcome is now being prioritised.

To achieve all four Outcomes (above), the solution will need to involve a sophisticated and proven level of recycling and waste processing technologies working in combination to achieve the Strategy 2025 outcome of 90% waste diversion from Landfill. Included in section 9 of our response is an outline of how our proposal addresses each of these four Strategy Outcomes.

2.2 ACT WASTE FEASIBILITY STUDY

The ACT Waste Feasibility Study was established in mid-2015 to investigate how best to reduce waste generation, maximise resource recovery, minimise littering and illegal dumping, and achieve a carbon-neutral waste sector. The ACT Government, reportedly, will consider the ACT Waste Feasibility Study's recommendations in early 2017.

Drivers of the ACT Waste Feasibility Study include taking a regional approach to waste management, forming partnerships with relevant stakeholders, investing in waste management, research and technology, ongoing communication and education with the public, collecting data regarding waste management, and managing appropriate legislation.

Our project has been developed with this Study's recommendations being central to the outcome.

2.3 ACT GOVERNMENT'S MARKET SOUNDING

On 20 February 2017, the ACT Government released a Market Sounding.

The objective of the Market Sounding is to enable the Territory to set higher standards for resource management and remain a leader in resource recycling and recovery. Specifically, the Territory is wishing to consider waste solutions that:

- a) Increase resource recovery and reduce waste to landfill (Outcomes 1 and 2 of the Strategy);
- b) Minimise environmental impacts and greenhouse gas emissions (Outcomes 3 and 4 of the Strategy);

- c) Improve social outcomes; and
- d) Represent value for money.

The scope of the Market Sounding comprised four parts:

- a) Collection;
- b) Processing;
- c) Excavated Material; and
- d) Advisory Services;

With suppliers invited to respond to any or all of them. CRS has already made a project submission for a total management solution in April 2017 in response to the Market Sounding request. The focus of that submission was in relation to “Part B – Processing”, which aligns with CRS’s core capability and experience.

To date there has been no decision on the 32 submissions to that process or how the Government intends to proceed.

2.4 MUGGA LANE RESOURCE MANAGEMENT CENTRE

The Mugga Lane Resource Management Centre at Hume currently receives virtually all of Canberra’s landfilled waste. Data also suggests as much as 30,000 Tonnes of ACT’s waste is being tipped across the border in NSW. The future of the Mugga Lane site will be problematic for the ACT as it has a very limited life (unless it is allowed to continue to spread across the adjoining valley), is expensive to operate, provides little in the way of recycling opportunities and is commonly the subject of complaints from the community regarding odours and litter management. The landfilling of over 30% of the ACT’s total waste currently represents a missed opportunity for higher order uses for MSW, C&I as well as “light” fractions of C&D waste recycling.

At the stated current landfilling rate (in excess of 309,000 Tonnes per annum in 2015) the estimated life of the Mugga Lane facility in its current form is no more than a few years. Expansion of this facility would require significant capital expenditure, clearing of significant adjoining bush land and will continue to create issues for the residential suburbs that now surround this facility. Expanding the landfill facility will not help facilitate the achievement of the Strategy’s outcomes nor encourage an innovative solution to waste management in the ACT. Notwithstanding this, there will always be a requirement for landfill for complicated wastes such as medical incinerator residues, CCA timbers, contaminated soils and asbestos. The benefit to the ACT of our proposal is that Mugga Lane can remain open as a facility with significant longevity to deal with the small amounts of the aforementioned wastes that require this disposal outcome.

The current recycling and drop-off activities for the general public would not change – the only change would be the waste residues would be transferred to Fyshwick for processing and disposal via the rail network.

The yellow-lid bin kerbside co-mingled recyclables MRF would not be impacted by this proposal as the CRS MRF is targeting the red lid bin waste and commercial wastes from shops and businesses. The proposed facility can be adapted internally to cater for changes to the MSW and C&I waste streams and the recycling/reuse markets.

3 THE PROPOSAL

CRS are committed to implementing a fully funded, Best-practice waste management system to receive, sort, separate and leverage the ACT's unprocessed waste that is not currently being recycled and going directly to Mugga Lane landfill. This will assist in diverting potentially 90% of the MSW and C&I waste streams going directly to Mugga Lane landfill for recycling processing. The proposed system will utilise sorting and recycling systems to generate greater than 20% commercially reusable recycled products for reuse and export.

The CRS proposal includes one of the best located sites for this type of project in the Territory. Importantly, CRS has already purchased the land and reached agreements to lease the adjacent rail siding. The development of the MRF and Rail Freight Facility is in accordance with the Territory Plan land use zoning for the Site with no planning/zoning exemptions required.

3.1 EXISTING WASTE ECOSYSTEM

Under the CRS proposal there is no significant change in ACT infrastructure or commercial waste handling arrangements required. It is then a matter of redirecting, via government policy and financial levers, the waste collection trucks that are collecting MSW and C&I wastes away from the Mugga Lane landfill and, instead, to the proposed CRS MRF in Fyshwick.

The CRS facility will have a positive and convenient impact on the existing waste operators and initial discussions with them have been encouraging. The existing operators are predominately collectors and transporters, an activity that CRS will not be undertaking. Instead, CRS sees this section of the waste industry as potential customers.

Importantly, the CRS proposal does not impose a change to the way households and businesses dispose of their waste. CRS contends that imposing further burdens on the users of the waste disposal system opens the system up to error. An example stated previously is the addition of kitchen waste to the green bin trial. As seen in the European example, errors can result in compost which is unsuitable for its intended use. CRS believes that the better option is to sort this waste at the proposed MRF rather than relying on all individuals to use a new system correctly.

CRS is not proposing to challenge or participate in the existing yellow bin recycling process other than to seek the residues from the existing yellow bin recycling process, that are currently landfilled at Mugga Lane.

3.2 REGIONAL SOLUTION

The CRS proposal has been entirely developed with a regional focus. By ensuring that the processing capability of the MRF is some 300,000tonnes per annum in 2020, CRS is offering a long-term regional MSW and C&I waste solution. CRS's capacity to export recyclables and export waste residues using the site's rail freight capability. Large volumes of waste material and recyclables can be moved in and out of the site without adding to road congestion.

Bringing this proven recycling and rail freight terminal to the ACT would diversify the economic base and create some 48 fulltime jobs and other part time jobs. The proposal will also promote innovation, research, curriculum opportunities and development activities in the ACT with local business and education bodies.

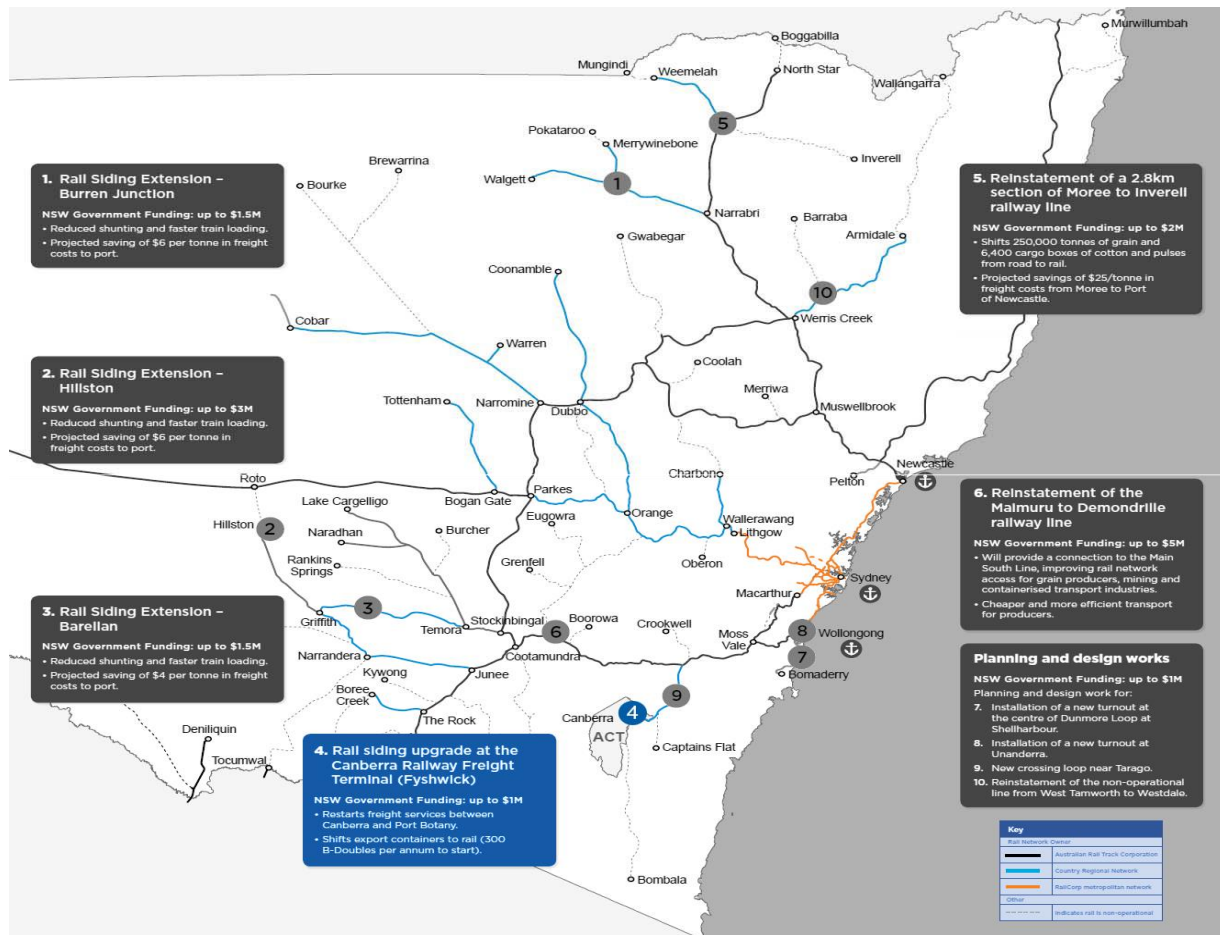
3.3 RAILWAY FREIGHT

The proximity of the subject site to the ACT railway corridor is a key component of the CRS proposal. A 2,800m long siding called the 'south shunt' runs parallel to the main railway line and connects to the subject site. CRS proposes to upgrade and rebuild the siding and utilise the railway to export recycled materials and waste residues to the Woodlawn Bioreactor from the site. A development application has already been approved for these siding works and block consolidation and purchase is due for completion in early 2018.

CRS is proposing to use the rail access for the purpose of exporting waste residues and exporting recycled products from the recycling process via rail containers as an efficient and predictable method to find markets for the recycled products. Once sorted CRS will seek local, regional and international markets as required. These activities can be readily scheduled with no disruption to the existing 3 commuter train services daily.

The location of this facility at our Fyshwick site, with the adjacent rail access, provides an opportunity to rejuvenate the ACT rail infrastructure and reduce traffic on ACT roads, a benefit that is exclusive to this location. A further benefit is to provide cross border solutions for waste management that benefits regional areas by using this rail infrastructure.

Figure 1 - NSW Government Grants for improvements to Regional Rail Freight



An essential component of establishing a viable railway freight service is to have viable volumes of continuous freight. The proposal does this with the export of recyclable items and export of residual waste and recycling streams. CRS will also establish a commercial scale intermodal freight terminal and provide a regular, competitively priced, railway freight service to and from the Eastern Seaboard ports. This will allow importers and exporters to move containerised goods in and out of Canberra, more efficiently and at lower costs, with obvious economic benefits. CRS has already had several parties express interest in the commercialisation of the intermodal facility. It would be envisaged that there could be some 50 containers leaving and 50 returning each week which is a significant volume of truck movements off the regional road network.

CRS (through Access Recycling) has received a \$1 million grant from the NSW State Government to reinstate the South Shunt that runs alongside the site (see Figure 1). The reinstated line will bring modern rail freight capabilities to the ACT.

3.4 COMMUNITY ENGAGEMENT

The CRS proposal has already been the subject of more than six months of various community interactions that have included the following: -

- CRS Website has been operating since March 2017 that has included regular updates, contact capacity for resident, project and other news, FAQ's and operational information. This has been continuously kept up to date and currently reflects the format of the proposal contained in this Scoping Application;
- CRS conducted Focus group work in February 2017. Extracts from the Executive Summary are contained in section 8;
- CRS has conducted numerous door knocks in its vicinity;
- CRS has done over 6000 letter drops in two campaigns;
- CRS has participated and presented at a "Town Hall" meeting attended by over 200 residents and stakeholders;
- CRS has conducted its own workshop for this MRF proposal attended by representative of stakeholders and resident groups (some 30 people attended);
- CRS has attended many face to face meeting with Politicians, Stakeholders, Interest groups, resident action groups, business community leaders, neighbours, local schools, markets, child cares, doctor's surgeries and nearest resident; and
- CRS has engaged with media outlets including the newspaper, websites, radio and TV.

All these activities will continue through the Scoping request phase and Draft EIS assessment. Furthermore, CRS expects to embark on an ongoing community education/visitation program once the facility is in operation.

3.5 INVESTMENT AND WORKFORCE

The total investment will approach \$50 million of private equity investment.

There are significant employment opportunities under the CRS proposal. More than 48 fulltime jobs, and at least 10 part-time jobs, will be created in the two MRFs, container and rail handling, facility management, the research and education center and associated activities (cleaners, gardeners etc.). All of this is new employment, not a displacement of jobs from the current landfilling activities. A diverse range of skills will be required, with training programs offered to fill technology positions not currently available within the Territory. CRS are willing to commit to several real employment positions for disadvantaged community members and social enterprise as a key part of the proposal.

4 REQUIREMENT FOR AN EIS

The ACT Planning and Development Act 2007 (PDA) and ACT Planning and Development Regulations 2008 (PDR) provide the statutory framework for the preparation of an Environmental Impact Statement (EIS) in the Act. CRS has determined that by virtue of the following references contained in Part 4 of the PDA that an EIS will be required for its proposal.

Part 4.2 of the PDA

Provision	Relevance
<p><i>Schedule 4, Part 4.2 item 10</i></p> <p><i>proposal for a waste transfer station or recycling facility that sorts, consolidates or temporarily stores solid waste (including municipal waste) for transfer to another site for disposal, storage, reprocessing, recycling, use or reuse, if the transfer station—</i></p> <p><i>(a) is intended to handle more than 30kt of waste each year; or</i></p> <p><i>(b) will be less than 1km from the boundary of a residential block or unit in a residential or commercial zone; but</i></p> <p><i>(c) is not a small-scale waste management facility, on or near a residential block or near a residential unit, consisting of wheelie bins, small hoppers, or other small waste management bins or enclosures for the use of people living on the residential block or in the residential unit</i></p>	<p>CRS propose to construct a recycling facility which will transfer recyclable materials.</p> <p>The facility will have design capacity for some 300,000 Tonnes of waste per annum.</p> <p>The facility is within 1km of residential blocks.</p> <p>The proposal is not a small-scale waste management facility.</p>

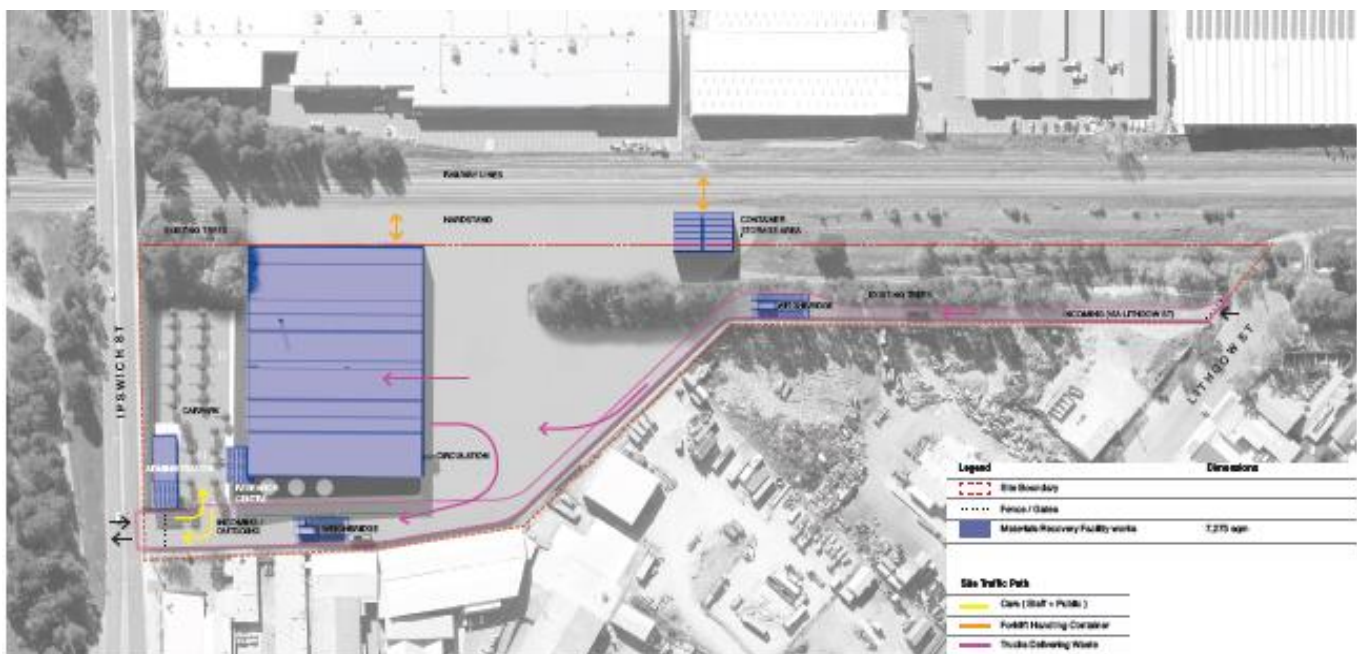
5 PROPOSED FACILITY

5.1 GENERAL DESCRIPTION

CRS propose a recycling solution using modern recycling systems that would significantly contribute to achieving the goals set out in the Strategy. The proposal includes the following features:

- Facility design-capacity to process some 300,000 tonnes per annum of mixed wastes;
- A MRF for processing separately MSW and C&I wastes;
- Capacity for the baling and export of commercially recyclable materials and the containerization of waste residues for rail delivery to Woodlawn Bioreactor; and
- Separate road ingress for trucks via Lithgow Street and egress via Ipswich Street. Car traffic to ingress and egress via Ipswich Street

Figure 2 - Proposed Site Layout with indicative vehicle access and paths of motion



CRS proposes to give significant attention to aesthetics and community amenity in the exterior design of the facility. Consistent with many new constructions in the Fyshwick area and others nearby such as the Canberra airport, CRS intends to create a building that is modern but in keeping with surrounding structures.

CRS proposes a building of some 7250m² and it has a height of some 12metres. Within this building will be all the waste receive, processing, baling and containerization activities. The only outdoor activities will be waste delivery trucks arriving and leaving, weighbridge operations, container storage, handling and train loading.

It should be noted that all the waste activities and receive doors have been designed to be internally facing (east)

thereby screening them acoustically and visually from surrounding premises as much as possible and from the direction of residences. CRS will also be installing fast opening and closing doors to assist in creating a negative pressure environment within the buildings to ensure that fugitive odours are not an issue to our neighbours.

Figure 3 - Concept Perspective - Birdseye view from the North



5.2 CONSTRUCTION & COMMISSIONING REQUIREMENTS/TIMELINES

As shown in Figure 2 - several new structures are required. These include:

➤ Weighbridges and Weighbridge Offices	➤ Waste receipt and processing building
➤ Weighbridges, Offices, Parking	➤ Intermodal loading facilities

Administration will be housed in an existing building facing adjacent the site entry off Ipswich Street. On-site light vehicle parking will be provided. The facility is expected to take approximately 18 months to construct and commission following receipt of all necessary planning approvals. The facility is consistent with applicable codes of the Territory Plan.

CRS has a deep understanding of and commitment to the ACT waste market having actively explored opportunities since early 2015. Over this period CRS has been in discussions with the ACT Government about their waste problems and possible solutions, and participated in the ACT waste forums and discussion groups.

To give the ACT Government comfort in relation to the planning process as at November 2017, CRS had completed or commenced the following planning related activities:

- Created a Joint Venture between Access Recycling (local ACT business) and Benedict Industries;
- Purchased 2 ha of land at Fyshwick (former fuel storage and handling site);
- Entered into a licence arrangement with Rail Corp (John Holland as agents) for railway siding access;
- Gained development approval in mid-April 2017 for the consolidation of land, creation of a freight siding on the leased land and upgrade of the "South Shunt" railway siding for the purpose of rail container handling and intermodal activities which has been supported by the NSW Government through a \$1 million development grant

for rail corridor works;

- Remediation of the Fyshwick site has been completed and audited for the existing structures still on site ;
- In addition to the proposed site there is the potential for further processing on the adjacent Access Recycling site in the future;
- Undertaken some independent preliminary research on Canberra's community sentiment towards waste management in the ACT. This has then formed the basis of broader community consultation process that commenced in July 2017. This preliminary research included focus groups that contained both local ACT residents and businesses. A strategic communications and stakeholder engagement firm has been engaged since February to advise on the most effective community consultation strategy;
- Commenced discussions with some regional councils in the broader Capital Region regarding waste management solutions that this proposal would provide utilising existing rail infrastructure.
- Opened dialogue with local university and Commonwealth Government research and development bodies to support the proposed waste management solution.

5.3 CRS MRF CONCEPT

5.3.1 Materials Recovery Facility

The facility will provide a processing capacity of some 300,000 Tonnes per annum of unrecycled material and residues from recyclables. This capacity will provide for a regional solution for MSW and C&I (including C&D "lights") waste by providing a potential diversion from the Mugga Lane landfill of some 90% of the MSW and C&I waste stream material for processing. The residues from the recycling process will then be railed to Woodlawn Bioreactor for disposal.

Wastes will be delivered via a security controlled gateway from Ipswich Street. Vehicles will be weighed upon entry and then proceed into an odour controlled building. Vehicles will unload and pass through a wheel wash after exiting the building and leave the site via Lithgow Street spreading truck traffic and minimising flow conflicts. All waste will be immediately fed into the MRF after receipt.

The MRF's separates and removes commercially recyclable materials such as paper, cardboard, certain plastics and metals. Inert and non-combustible materials such as glass, soil, aggregates are also separated out and exported from site. Plastics #1 (HDPE), #2 (PET) and #3 (PVC), metals, clean paper and other extracted recyclables are intended to be baled, containerised and ideally shipped via rail from the site for sale into the appropriate recycling commodities market

Bailing and packaging into containers of recyclable materials will be done onsite, inside the shed and will utilise the adjacent railway siding and train line to transport some of these materials interstate

Figure 4 - Concept Perspective - from South West above Ipswich St



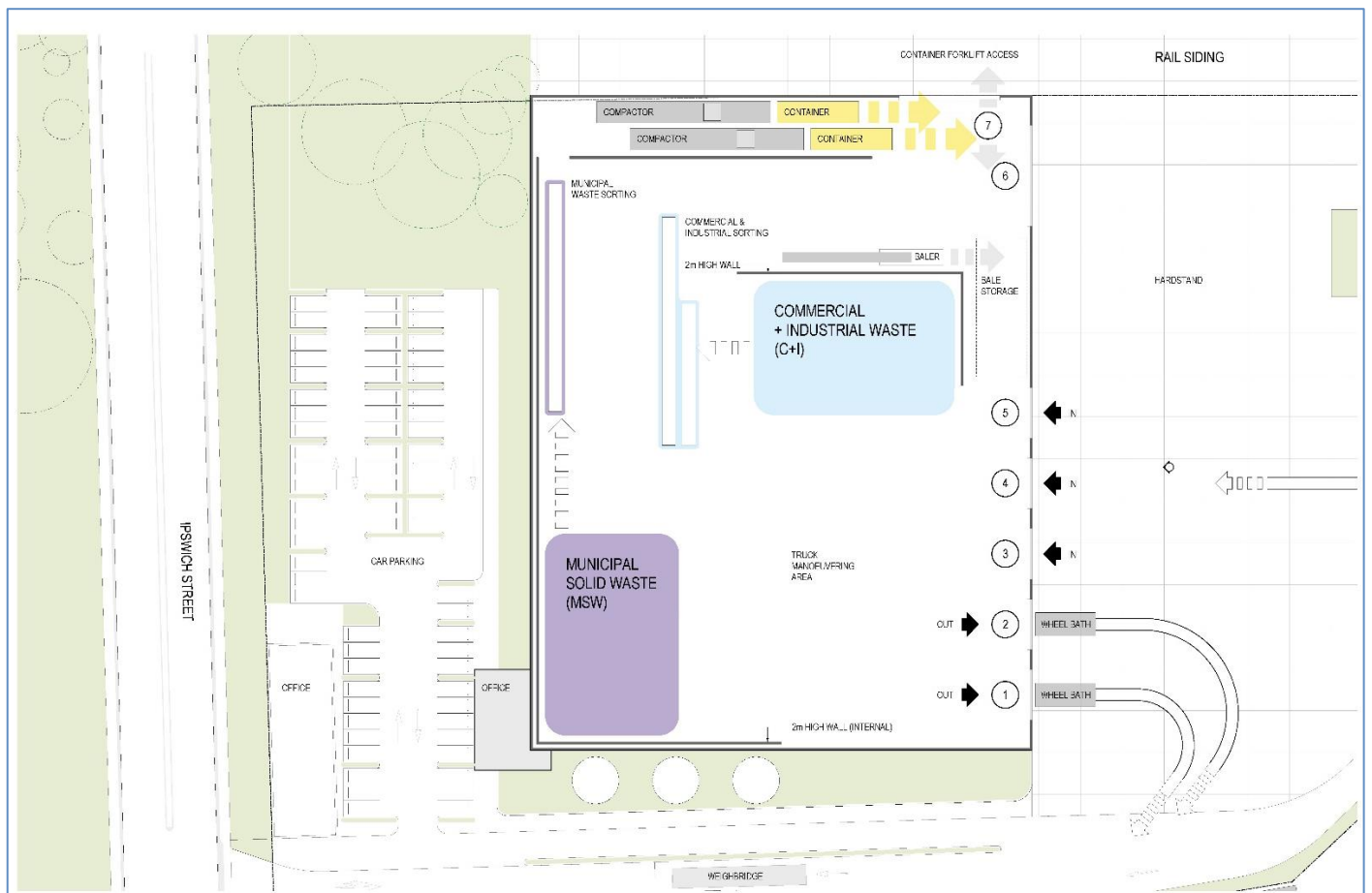
Figure 5 - Concept Perspective - Railway siding from the North



Figure 6 - Concept Perspective - from South East above Lithgow St



Figure 7 – Internal Shed Operational Concept Layout



5.3.3 Dust and Odour Controls

Proven odour control methods and systems will be employed in the MRF building. By keeping the MRF building under “negative air pressure” and using rapid opening and closing doorways.

CRS will install a proven air extraction system to manage odour. The system, used in other larger MSW waste handling facilities, will create the negative air pressure environment. The system will extract, filter and treat the air within the MRF building. The air will be vented through the roof vent stack and the objective is to circulate and replace the air in the building some 5 times very hour. The building will be designed such that fugitive emissions will managed at floor. Wall and roof joins.

CRS will ensure that this will not be an operating concern for our neighbours.

5.3.5 Traffic Generation

Traffic generation has already been considered in the initial design phase. The site intentionally has two separate road entry and exit points, at opposite ends of the site, for trucks. This achieves a one-way heavy vehicle movement flow. This is another attractive feature of the site’s location and layout and has the benefit of spreading vehicle movements across the local road network rather than focusing all movements to a single access/exit point. It will also allow for the further development of tailored disposal facilities specific to different waste streams.

The Draft EIS process will include a comprehensive traffic study and recommendations. It should be noted that in its former life as a fuel storage and distribution facility, the site handled multiple heavy truck movements daily and by virtue of its size, zoning and proximity to the rail line dealing with numerous truck movements would always be the case.

The Draft EIS methodology will deal with the following aspects: -

Waste delivery truck types, tonnages and collection days and how that relates to peak traffic flow in the surrounding streets and intersections

General freight delivery trucks and their volume and relationship to peak flows and existing traffic flows

Recyclable export vehicles for local reuse of separated materials

Staff and visitor car parking in relation to shift changeovers and operational requirements

Ingress and Egress design to ensure safe transitions of vehicles to and from the facility

5.3.6 Hours of Operation

The MRF facility will receive waste for resource recovery 7 days per week.

Waste deliveries to the facility will be between the hours of 6.00am and 10.00pm Mon – Sat and 8.00am -2.00pm Sun.

The Rail Freight Terminal will operate 7.00 – 10.00pm. Train arrival and departures will be dependent on track access windows and train timetables.

6 SITE CHARACTERISTICS

6.1 LOCATION

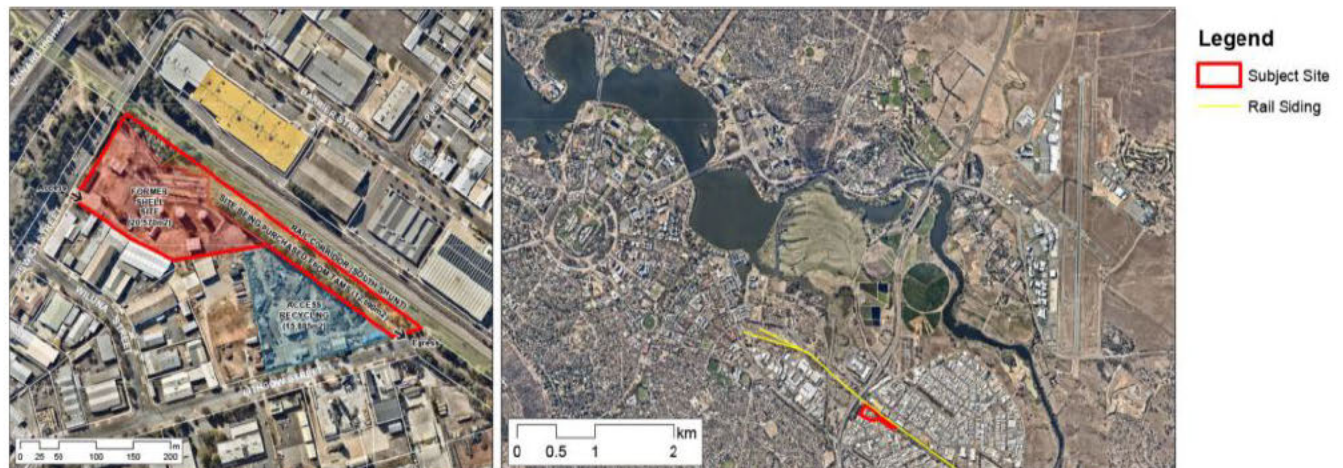
The proposed facility will be situated on the site of the former petroleum wholesaling facility (that had dedicated rail delivery tracks) at 16 Ipswich Street, Fyshwick. The subject site is divided over two blocks covering approximately 3.26ha. The block areas are as follows:

Shell Site	Block 9 Section 8 (20,572m ²)	Owned by CRS
Lithgow St Access Site	Part Block 11 Section 8 (12,090m ²)	Being acquired by CRS (due for completion early 2018)

The site is located approximately 6km south-east of Canberra CBD, and 7km north of the Mugga Lane facility. Currently road access to the Former Shell Site is via Ipswich Street. Part Block 11 Section 8 is accessible from Lithgow Street. The site is approximately 350m from the south-bound connection to the Monaro Highway via Ipswich Street, and approximately 750m from the north-bound connection via Ipswich and Newcastle streets.

Rail access is also provided through the 'south shunt' which connects directly to the site along the northern border (see Figure 1). The 'south shunt' is asset managed by John Holland Rail on behalf of the NSW Government, the owner of the shunt and John Holland Rail has agreed to lease the entire 'south shunt' to CRS.

Figure 8 - Ariel view and Site overview



6.2 LAND USE AND SITE CONDITIONS

The subject site has been unused since 1995 when the Fuel facility shut down; the built components of this facility remain on site. Development of this project will see the existing dormant infrastructure (large storage tanks, pumping facilities and ancillary sheds) demolished except for utilities including a high capacity firefighting system and some administration buildings.

6.3 PLANNING CONTEXT

6.3.1 National Capital Plan

The National Capital Plan is the strategy and blueprint giving effect to the Commonwealth's interests and intentions for planning, designing and developing Canberra and the Territory. The subject site is located outside of the areas that require specific consideration under the National Capital Plan, however there are references in the Statement of Planning Principles and Land Use Controls Policies within the plan that have some relevance to this proposal: -

2.2.1 Objective one – Infrastructure and employment

Ensure that infrastructure supports the development of Canberra's National Capital functions.

2.2.2 Principles for Objective one – Infrastructure and employment

- a. Infrastructure must support the effective functioning of Canberra with proper consideration of the environmental and visual impact and be integrated with land use decisions.*
- b. Infrastructure must be planned and provided in an integrated and timely manner to facilitate the development of Canberra and the Territory and ensure safety and security of supply and operation.*
- c. Energy and water supply and security issues will be given due consideration in the planning and development of any new infrastructure.*
- d. The infrastructure of Canberra and the Territory must be planned and provided to:*
 - » ensure that public utilities infrastructure is available and maintained for Commonwealth and ACT Government needs and activities.*
 - » minimise the visual impact of electricity and telecommunication facilities, particularly along major vistas, corridors and major open space.*
 - » give due consideration to energy and water, supply and security issues.*
 - » ensure safety and security of supply and operation.*

The proposed site is in a dedicated industrial area of the ACT/Canberra. CRS proposes to give significant attention to aesthetics and community amenity in the exterior design of the facility. Consistent with many new constructions in the Fyshwick area and others nearby such as the Canberra airport, CRS intends to create a building that achieves environmental outcomes and clean, modern appearance.

2.2.3 Objective two – Infrastructure and employment

Ensure that the location of employment supports the local economy and Canberra's National Capital role.

2.2.4 Principles for Objective two – Infrastructure and employment

- a. The location of employment in Canberra and the Territory should enhance rather than detract from the city's role as the National Capital.*
- b. Major employment generating land uses will be located within Defined Activity Centres. Major employment location proposals must be determined with regard to their transportation and environmental impacts*

There are significant employment opportunities with this proposal. More than 48 fulltime jobs, and at least 10 part-time jobs, will be created in the MRF, rail freight terminal, facility management, the research and education centre and associated activities (cleaners, gardeners etc.). Much of this is new employment, not a displacement of jobs from the current Mugga Lane landfilling activities. A diverse range of skills will be required, with training programs offered to fill technology positions not currently available within the Territory.

Further Section 3.3 Urban Areas makes a number of statements in relation to design and land use considerations

"Canberra's secondary and service industries have been accommodated in industrial estates at Fyshwick, Mitchell, Hume and Bruce and in the area immediately west of Oaks Estate. The location of industry within estates, the placement of these estates where they contribute to overall transport efficiency, and the avoidance of haphazard industrial location throughout the Urban Areas, have contributed to the structure and character of Canberra's development. The National Capital Authority supports the development of further industrial estates as a means of increasing the industrial base of Canberra's economy, and in doing so provide a greater diversity of employment opportunities"

3.5.3 Policies for employment location

a. Major employment generating land use should be located with the Defined Activity Centres as indicated... and listed below:

- » Barton and Forrest
- » Belconnen Town Centre
- » Bruce
- » City
- » Canberra International Airport
- » **Fyshwick industrial area**
- » Gungahlin Town Centre
- » Hume industrial area
- » Mitchell industrial area
- » Parkes
- » Russell
- » Tuggeranong Town Centre
- » West Deakin
- » Woden Town Centre.

b. Any new major employment generating land uses should consider the transportation and environmental impacts of the location...

d. Industrial development should be located in the main industrial areas of Fyshwick, Mitchell and Hume and in the Fern Hill Technology Park at Bruce. The National Capital Authority will co-operate with the Territory planning authority to investigate and define appropriate areas for new industrial development.

6.3.2 Territory Plan

6.3.2.1 Land Use:

The subject site is zoned IZ2 Industrial Mixed Use under the Territory Plan. The immediate vicinity of the subject site is also zoned IZ2 except for the railway easement, which is zoned TSZ2 Transport and Services – Services. The table below shows the type of waste processing activities proposed for the subject site are considered appropriate in this zoning subject to a development application.

IZ2 – Industrial Mixed-Use Zone Development Table

<p>EXEMPT DEVELOPMENT Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease.</p>
<p>Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008)</p>
<p>ASSESSABLE DEVELOPMENT Development application required. On leased land, development must be authorised by a lease.</p>
<p>MINIMUM ASSESSMENT TRACK CODE</p>
<p>Development listed below requires a development application and is assessed in the code track</p>
<p>Development</p>
<p>Varying a lease to do one or more of the following:</p> <ol style="list-style-type: none"> 1. express or change the number of approved or lawfully erected units 2. remove, relocate or change easements.
<p>MINIMUM ASSESSMENT TRACK MERIT</p>
<p>Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map.</p>
<p>Development</p>

ancillary use	minor road
bulk landscape supplies	minor use
bulky goods retailing	municipal depot
car park	NON-RETAIL COMMERCIAL USE
caretaker's residence	outdoor recreation facility
club	parkland
communications facility	pedestrian plaza
COMMUNITY USE	plant and equipment hire establishment
consolidation	public transport facility
craft workshop	recyclable materials collection
defence installation	recycling facility
demolition	restaurant
development in a location and of a type identified in a precinct map as additional merit track development	scientific research establishment
drink establishment	service station
emergency services facility	SHOP
freight transport facility	sign
funeral parlour	store
general industry	subdivision
indoor entertainment facility	temporary use
indoor recreation facility	transport depot
industrial trades	varying a lease (where not prohibited, code track or impact track assessable)
light industry	vehicle sales
liquid fuel depot	veterinary hospital
major road	warehouse
MAJOR UTILITY INSTALLATION	waste transfer station

6.3.2.2 Fyshwick Precinct Code:

The subject site is located within RC2 of the Fyshwick Precinct Code. This code provides additional rules and criteria limiting SHOP floor area in the industrial mixed-use zone. There are no provisions under the Fyshwick Precinct Code relevant to the subject site.

6.3.2.3 Industrial Zones Development Code:

The Industrial Zones Development Code applies to the subject site. There are several applicable rules and design criteria that will need to be addressed during the Development Application phase of the proposal. The proposal will be consistent to the Industrial Zones Development Code subject to detailed design.

6.4 EXISTING CONDITIONS

6.4.1 Natural Conservation Value

The site is in a dedicated industrial area of the ACT/Canberra. This part of Fyshwick is unlikely to be important in maintaining existing processes or natural systems of the ACT; does not exhibit unusual richness of diversity of flora, fauna or landscapes, or endangered species; and does not contribute to a wider understanding of the ACT's natural history.

There are several mature non-native pine trees within the subject site; particularly along the railway. A small number of native trees and shrubs also appear to be located within the extent of the proposed facility. The rail siding is overgrown with weeds and grasses. The natural environment is considered highly modified and degraded.

As this site is already completely disturbed and largely sealed it is highly unlikely that there will be any accessible

aboriginal relics.

6.4.2 Topography

The subject site is predominately flat. There is a slight slope of approximately 4m from the east to the west of the site. The slope of the site has largely been mitigated with the concrete coverage of the site. A man-made drainage line runs parallel to the railway line. The drainage line will be augmented by a box culvert arrangement along the length of the approved rail siding.

6.4.3 Contamination

The publicly-available ACT Contaminated Sites Register currently does not list the subject site as contaminated. Given the previous use of the site as a petroleum facility CRS have already completed minor remediation activities under the supervision of a Site Auditor.

6.5 NEIGHBOURS

Adjacent neighbours include a variety of retail stores, timber recycling yard and Access Recycling's scrap metal facility on Lithgow Street.

The subject site is adjoined by a scrap metal management facility operated by Access Recycling (1.58ha). It is intended to possibly use part of the Access site for ancillary recycling activities in conjunction with the proposal. This would be for the further processing of, fines, metals, aggregates and glass wastes. The Access site has several retailers and other light industry neighbours adjoining to and in the precinct. The Access site is amidst a Mixed Industrial IZ2 classification and the proposal is permissible subject to consent.

The nearest residential suburbs of Narrabundah and North Symonston are to the south of the subject site and their proximity has been considered in the noise and odour modelling. In terms of lineal distance, the distance from the shed building to the nearest residence at the Canberra South Motor Park in North Symonston is approximately 580 metres. The nearest house in the suburb of Narrabundah is in Matina Street, approximately 670 metres from the shed building. In addition, odour control technology will be installed in the facility to eliminate odours escaping from the buildings to ensure this will not be a concern for neighbours.

7 PRELIMINARY RISK ASSESSMENTS

The potential impact on the environment from this proposal is considered in two key phases, Construction and Operation. CRS has tabulated and assessed the environmental risks in the tables below for the purpose of EIS development.

CRS has predicted the risk analysis of any potential environmental impact assessments and included some indications of mitigation measures to be included in our EIS detail.

It should be noted that in assessing the proposal, CRS has considered its former use as an old petroleum and distribution site which would have had its own environmental risks, hazards and traffic generation capacity. The site has required some remediation which has already commenced. The proposed industrial activity is to be located in an established industrial precinct that is zoned specifically for these types of activities. There is some existing hardstand, kerb and gutter and sealed roads to and from the site. The railway sidings associated with this proposal have already been the subject of separate development application approval (DA201630668), on 7 April 2017, such that the environmental aspect of the intermodal component of the proposal has already been considered and approved.

ID	Potential Impact	Project Phase	Description	Unmitigated Likelihood	Unmitigated Consequence				Risk Level/ Significance	Design/actions/studies to be conducted for mitigation
					Magnitude	Temporal	Ecological	Social		
1	Increase waste to landfill	Construction	Waste from construction and demolition of the old fuel facility structures. Environmental hazards associated with the disposal of some hazardous or contaminated materials	Likely	1ha	Minor	Previously disturbed area	Minimal	Low	The site is not registered on the ACT Contaminated sites register. Some remedial work has already been undertaken – extent of remaining issues and methodology to be included in the EIS as there are remaining fuel handling structures to be demolished.
2	Construction Noise, Dust, Traffic and stormwater runoff	Construction	Noise, Construction traffic and stormwater management parameters and procedures	Almost certain	2ha	Minor	N/A	Minor	Medium	Construction planning, traffic management and hours of construction noise permissible will be agreed and enforced
3	Odour from the waste delivered and processed on site	Operational	Odours emanating from vehicles delivering waste to site and from recycling, processing activities	Possible	Minor	Minor	N/A	Moderate	Medium	Onsite fugitive odours will be captured through good building design. All tipping and processing activities taking place inside new building. Use of rapid opening and closing doors and a negative air pressure environment inside new buildings. The odour of arriving vehicles from kerbside collections is the greatest risk
4	Untreated storm and waste water egressing from the site	Operational	In the event of a major weather disturbance would there be a chance that egress of stormwater to the environment occur.	Possible	Minor	Minor	N/A	Minor	Low	Site waste & stormwater Management system installed and hardstand designed to contain runoff. Water treatment plant, including first flush system, also installed. Waste materials stored and processed inside buildings not affected by weather. Wheel wash all vehicles before leaving site and capture residues

ID	Potential Impact	Project Phase	Description	Unmitigated Likelihood	Unmitigated Consequence				Risk Level/ Significance	Design/actions/studies to be conducted for mitigation
					Magnitude	Temporal	Ecological	Social		
5	Plant based or spontaneous combustion fire impacting on surrounding land uses	Operational	Possibility of some type of fire at the proposed facility that could affect or spread to neighbouring properties	Possible	Minor	Minor	Low	Moderate	Medium	Design to incorporate details including: - - Site has some latent fire related infrastructure from the previous fuel facility use. - Automated fire deluge systems - Active human involvement systems - Fire extinguishers and hoses strategically located - Plant fire procedures in place - Emergency shutdown procedures in place - Fire services liaison and rail operator procedures - Building locations are as far as possible from adjoining buildings, large deluge tanks incorporated in the design. Site buffered to the East by recycling yards and to the North by the railway easement.
6	Noise from the operation of the facility and vehicle movements	Operational	Noise emanating from vehicles delivering waste and the operation of fixed and mobile plant	Possible	Minor	Minor	Minimal	Minor	Low	Waste arriving to site by truck between 6.00am and 10.00pm Mon to Sat, 8.00am – 2.00pm Sun Waste unloading and processing activities are within enclosed buildings and structures. Industrial zoned activities are the adjacent neighbours – Nearest residence is some 580m away from the shed building and is screened by neighbouring industrial structures Analysis of any possible noise generating sources will be the subject of EIS analysis

ID	Potential Impact	Project Phase	Description	Unmitigated Likelihood	Unmitigated Consequence				Risk Level/ Significance	Design/actions/studies to be conducted for mitigation
					Magnitude	Temporal	Ecological	Social		
7	Increased traffic from waste deliveries	Operational	Cars and trucks coming and going from the site will add to the local and regional traffic volume	Almost certain	Moderate	Major	N/A	High	High	Detailed traffic analysis to be completed as part of EIS process. The site was a former fuel distribution facility and has had significant truck movement activities in the past. Design incorporates separate access and egress point to distribute street loads and reduce conflict points.
8	Visual Impact of the facility on the surrounding streetscape	Operational	Unscreened facility may create eyesore if not designed with architectural merits considered	Unlikely	Low	Minor	N/A	Minimal	Low	Significant interest in the urban streetscape setting and the use of architects in the design process has already occurred. Integration is a critical part of the design
9	Generation of processed waste	Operational	Processed waste may pose a risk to the environment or human health if not managed correctly	Possible	Minor	Minor	Minimal	Minor	Low	Waste processing methodology will be part of the EIS. The method and time frames for storage and removal of materials from the site will be outlined.
10	Vermin and Pest control	Operational	Storage of feedstock would have the potential to attract vermin and pest animals if not managed	Possible	Minor	Minor	N/A	Minor	Low	Fully contained building with doors will assist in the management. Other processes will also be considered as part of ongoing management

ID	Potential Impact	Project Phase	Description	Unmitigated Likelihood	Unmitigated Consequence				Risk Level/ Significance	Design/actions/studies to be conducted for mitigation
					Magnitude	Temporal	Ecological	Social		
12	MRF Vent Plume	Operational	Potential for vent to impact on aircraft in terms of turbulence	Remote	Minimal	Specific Event only	N/A	Minor	Negligible	Ambient shed ventilation stack and their relationship with the operating envelopes for aircraft are subject to specific application to CASA and verified by survey. This application has been made although preliminary investigations and modelling are that there are no issues. This will be confirmed in the EIS. Vent height and dimensions will be confirmed in the final design.
13	Risk from Bushfire	Operational	Potential to be impacted by bushfire event	Remote	Minimal	Specific Event only	No bush and significant buffers	Minor	Negligible	Urban Industrial location with other buildings surrounding and no significant bush environment
14	Risk to Jerrabomberra Creek and Wetlands	Construction and Operation	Construction and Operation activities having any impact on the Jerrabomberra water systems	Remote	Minimal	Minimal	Minimal	Minimal	Negligible	Existing Industrial site with hardstand and stormwater and sewer connections. Site is buffered from the wetlands by the rail easement, Ipswich Street and the Monaro Highway which are both elevated above the site.

8 COMMUNITY FEEDBACK ACTIVITIES TO DATE

The following section outlines the extensive community consultation which has been run to date. It should be noted that the project team intend to continue community consultation as part of the second stage of the development with regard to the Waste to Energy component.

8.1 FOCUS GROUP RESEARCH

Four focus groups were conducted in the ACT between Monday 27th February and Tuesday 28th February 2017, with 34 participants in total.

Three residential groups were conducted, segmented by location and including a good mix of participants by gender, age and life stage. One group was conducted with owners and managers of small and medium sized enterprises, this included a mix of sizes, locations and industries. The table below provides the segmentation details.

GROUP NO.	SEGMENT	SUBURBS INCLUDED	NO. OF PARTICIPANTS
Group 1	North of the lake	Residents in suburbs	9 north of Parkes Way
Group 2	South of the lake	Residents in suburbs	9 south of Parkes Way
Group 3	Local residents	Narrabundah, Griffith	8 Kingston, Pialligo
Group 4	Businesses	Mix of industries across	8 Canberra
TOTAL			34

8.3 COMMUNITY CONSULTATION TO DATE

In June 2017 Capital Recycling Solutions (CRS) and ActewAGL Retail announced a proposal for an Advanced recycling resource recovery and renewable energy centre. This included the MRF and Rail Freight Terminal, the subject of this scoping application. The community and stakeholders were engaged for this original proposal during July, August and September 2017.

Capital Recycling Solutions (CRS) and ActewAGL Retail announced on 16 October 2017 they are separating the original project into two distinct Environmental Impact Statements (EIS) and development application processes:

- ◆ **The first Draft EIS being for the recycling and rail freight terminal, called a Materials Recovery Facility; and**
- ◆ The second for the renewable energy Waste to Energy facility, which will be the subject of ongoing consultation with the community in 2018.

This scoping application includes the consultation process and consultation activities undertaken to date for the proposed Fyshwick Recycling and Freight Rail facilities.

The approaches to engagement included:

- ◆ Providing information to residents, businesses, stakeholder and community groups;
- ◆ Two-way interaction on a range of issues relating to the project; and
- ◆ Receiving community and stakeholder feedback for consideration as part of the environmental impact assessment studies.

All issues and comments raised during consultation by the community, government agencies, and interest or stakeholder groups have been recorded on a database. Various issues raised have influenced the specialist investigations and the ongoing design of the proposal. CRS has been listening to the community and adapting its proposal for the last 5 months.

CRS operates and updates a project website regularly so that it contains up-to-date project details, project news, FAQ's and key documentation. There is also contact details and a mechanism for the community for interaction with CRS and also for job applicants, of which there have been a number.

There have been two community newsletters campaigns that have seen the distribution of over 6000 newsletters.

We have doorknocked the nearest residential areas and businesses

We have had a free 1800 number in operation since June 2017

We have released a number of media statements as to the projects status and been available to TV, print and radio outlets to answer project questions.

A workshop was conducted in November with representative stakeholders to discuss separation of the project into two EIS's and to discuss in more detail the aspects of the MRF and Rail Terminal EIS.

This consultation has included issues relating to the:

- ◆ Transport of municipal waste to the facility;
- ◆ Extraction of material for recycling;
- ◆ Transfer of recyclable materials off site; and
- ◆ Waste materials requiring disposal off site.

Some of the issues raised by stakeholders to date have related to:

- ◆ The source of waste to come to the centre;
- ◆ Traffic impacts on the adjoining road networks;
- ◆ Noise impact and management;
- ◆ A lack of information in the consultation process, to date;
- ◆ Approvals and governance arrangements for the site;
- ◆ Odour impact and management, dust impact and management;
- ◆ Managing waste volumes now and in the future for municipal, commercial and industrial waste; and
- ◆ Fire risk management and the safe storage of waste.

Figure 9 Indicative stakeholder groups consulted in July, August and September 2017

Type of stakeholder	Stakeholders	Communication to date
ACT Ministers		<ul style="list-style-type: none"> ◆ One on one meeting ◆ Telephone and email communications
ACT Greens		<ul style="list-style-type: none"> ◆ Telephone communications
Scientific community	<ul style="list-style-type: none"> ◆ Prominent academics at University of Canberra ◆ at Crawford school of public policy and Research associate, centre for climate economics and policy ◆ Australian National University 	<ul style="list-style-type: none"> ◆ One on one meetings ◆ Briefings ◆ Telephone and email communications
Rail stakeholders – ACT	<ul style="list-style-type: none"> ◆ Australasian Rail - Freight and industry programs 	<ul style="list-style-type: none"> ◆ One on one meeting
Residents/Community Associations	<ul style="list-style-type: none"> ◆ Narrabundah residents Association ◆ Southside Village residential park ◆ Old Narrabundah Community Council ◆ The Inner South Canberra Community Council ◆ Canberra for Power Station Relocation (CPR) Inc ◆ North Canberra Community Council ◆ The Griffith Narrabundah Community Association ◆ Southside Community Council ◆ Tuggeranong Community Council ◆ Residents who attended a community meeting on 23 August 2017 	<ul style="list-style-type: none"> ◆ One on one meetings ◆ Briefings ◆ Telephone and email communications ◆ Town Hall Meeting ◆ Workshop
Nearby Businesses	<ul style="list-style-type: none"> ◆ Fyshwick businesses surrounding the proposed site ◆ The Molonglo Group ◆ Holcim Concrete ◆ Narrabundah Medical Centre ◆ Fyshwick Fresh Food markets ◆ Pialligo Winery 	<ul style="list-style-type: none"> ◆ One on one meetings ◆ Telephone and email communications
Schools/Colleges	<ul style="list-style-type: none"> ◆ St Benedict's Primary School ◆ Narrabundah College ◆ Narrabundah Early Childhood School ◆ Narrabundah College P&C and Board 	<ul style="list-style-type: none"> ◆ One on one meetings ◆ Telephone and email communications

Environment Groups	<ul style="list-style-type: none"> ◆ The Conservation Council ◆ Canberra Power Relocation ◆ Friends of Jerrabomberra Wetlands 	<ul style="list-style-type: none"> ◆ One on one meetings ◆ Telephone and email communications
Unions	<ul style="list-style-type: none"> ◆ Unions ACT 	<ul style="list-style-type: none"> ◆ One on one meeting

9 PROPOSAL OUTCOMES

9.1 OUTCOME 1: “Less Waste Generated”

Education is the key to achieving this. CRS will house an onsite education centre/classroom with a coordinator. The coordinator’s role will be to take neighbours, interested parties, schools and community groups for tours through the MRFs and terminal activities. The education centre will have a strong focus on the waste hierarchy, educating the visitors in ‘reduce and reuse’ before recycling, as well as showcasing the other technologies employed there. The learning programs will be appropriately developed to show that many of the materials received in the MRF could have been reduced or reused by households and businesses before being discarded. The core message will be that recycling begins at home and so, educating the young will truly bring about positive change.

CRS does not see MSW waste volume reduction due to increased household separation as a threat; rather, it will then create an opportunity to utilise the plant to provide recycling solutions for a wider regional area.

9.2 OUTCOME 2: “Full Resource Recovery”

The CRS proposal can accelerate the diversion rate from Mugga Lane landfill to some 90%.

A significant element of the project will be to build the C&I and MSW MRF and associated infrastructure. It should be noted that the processed recycling of MSW waste is not widely done in Australia but CRS recognises that the composition of the waste streams and the advances in recycling technology will make this worthwhile. CRS is proposing to process and sort this waste stream and this is a unique effort to maximise the recycling and reuse. The sophisticated sorting equipment available today will utilise the latest in sorting and mechanical separation to achieve the best outcomes as well as create jobs.

CRS supports quality green-waste and timber recycling and does not seek to influence that market, which is already functioning well in Canberra. It should be noted that 25,000tonnes of timber currently still goes to the Mugga Lane landfill (TCCS data). Some of this material may have recycling and reuse potential.

The advanced C&I and MSW MRFs will engage Best-practice sorting technology to ensure that all commonly recyclable materials are recovered. For this reason, CRS have chosen to construct two separate and different processing lines within the MRF, specifically designed to cater for the respective C&I and MSW waste streams simultaneously but separately.

A key factor in determining whether a particular commodity is commercially recyclable is cost. CRS will achieve economies of scale with the proposed MRF systems. Supporting this will be onsite baling and waste containerisation equipment to enable direct-to-market exports without the need for further processing by others. To reduce the cost of doing so, rail freight direct to eastern seaboard ports and reuse markets.

9.3 OUTCOME 3: “A Clean Environment”

CRS’s proposed MRF technology is low risk, simple and proven approach to environmental management. There are many MRF systems already in Australia and the advanced versions that CRS proposes are being operated around the world as the recovery of resources has been a sophisticated endeavour for the last 30 years. Targeting waste streams that go direct to landfill is a logical way to ensure that valuable resources are not discarded. This is complimentary to source separation and will ensure maximum recovery. It must be remembered that recycling gets more complicated by the time waste is in the back of a truck and effective separation will require a combination of proven technology and manpower to capture useful resources and ensure that only non-recyclable waste residues are landfilled.

The transfer of waste residues to the Woodlawn Bioreactor will ensure that the waste that is landfilled will be deposited into a fully engineered landfill (old quarry) that was engineered and leachate lined from its inception. This will ensure the capture and containment of any leachate as well as contribute to the production of landfill gas powered electricity.

The creation of a rail terminal will enable container transport via rail for Canberra which has been difficult to achieve to date. The opportunity to remove diesel trucks from the regional road network will assist in improving the environment by negating their impact.

9.4 OUTCOME 4: “Carbon Neutral Waste Sector”

The reduction of GHG is a benefit of the CRS proposal as it is expected that there will be more than 20% recovery which will assist in reducing Landfill GHG emissions. The proposed recycling process is targeting the unrecycled proportion of ACT’s waste stream that goes directly to landfill.

The second direct benefit is the reduction in heavy truck transport on the road by the increased use of rail.

CRS is investigating the inclusion of Solar PV and battery technology on the roof of the facility to further reduce GHG and promote renewable energy in the ACT.

9.5 IMPROVED SOCIAL OUTCOMES

The facility will create direct employment for more than 48 fulltime jobs and at least 10 part-time jobs with a commitment by CRS to provide several positions to disadvantaged community members.

The increased use of rail for freight purposes minimises road congestion, its associated GHG emissions as well as providing a freight service to the Canberra business community.

9.6 VALUE FOR MONEY

As an entirely privately funded project, the proposal represents strong value for money. The only commitment, apart from some regulatory changes by the ACT Government, would be for waste collection trucks to be redirected to the proposed site at Fyshwick rather than the Mugga Lane landfill.

Of the proposal’s approximate construction value of some \$50 million, a significant portion will flow into the local economy during the construction period, while the operations of the facility will provide ongoing employment opportunities. In addition, the Proposal establishes a commercial rail freight terminal, enabling waste management opportunities beyond the ACT borders and creates a platform for waste innovation.

10 UNIQUE OPPORTUNITIES FOR THE ACT GOVERNMENT

10.1 INDEPENDENTLY OWNED, WELL LOCATED SITE

The site CRS has selected is centrally located and ideal for the proposal. Fyshwick is the only potential site that can integrate rail and waste management as well as provide a regional solution without increasing traffic on the greater road network. CRS does not require the ACT Government to surrender land to facilitate a solution as CRS is already the owner of this land.

10.2 REJUVNATION OF RAILWAY FREIGHT CAPABILITY

Access Recycling operates Canberra's largest metal recycling facility, adjacent to the CRS site.

Running along one side of both sites is the disused 'south shunt' railway siding. In November 2014 Access signed a license agreement with John Holland Rail and Transport for NSW to lease the Kingston Rail Terminal (Canberra's only railway freight terminal) for a two-year period. In March 2015 Access began operating a weekly rail freight service from Canberra to Port Botany.

It was the first container freight train to operate out of the ACT in 30 years, and thus Access Recycling removed some 25 trucks from the roads each week that were transferring containers to Goulburn to be put on the train. The rail service continued every week, carrying between 25 and 30 shipping containers of recycled metal to Port Botany, from where it was exported to steel mills in South East Asia. In March, this year the service was suspended, due to ongoing problems with the condition of the hardstand at the Kingston Terminal.

Kingston was not originally constructed for this purpose and could not support the weight of modern container-handling forklifts. Ahead of suspending the service, work began to relocate the freight terminal to Fyshwick and resume the weekly rail service. An application was made through the Direct-Sale of Land process to purchase a disused parcel of land between the Access Recycling depot and the rail corridor. The application has received Ministerial Approval to proceed, subject as it was to a development application which has since been approved. It is expected that Access Recycling/CRS will again have an operational rail terminal and then the Port Botany rail service will resume by the end of 2018.

10.4 FURTHER REDUCED LANDFILL DEPENDANCE

Finally, should the mooted waste levy in combination with a mixed waste landfill ban be enacted, it will no doubt have a significant impact on Canberra's resource recovery rates of C&I waste. However, it is important to note that even in regions where landfill/levy costs are the high (for example, in Sydney), virtually all C&I residues are still deposited to landfill. Preliminary analysis of Mugga Lane waste audits suggest that recover of more than 25% of the C&I waste stream is achievable and there is opportunity to target more than 20 % of the MSW waste stream.

The markets for recyclables fluctuate on a worldwide basis and the design of the CRS facility is such that we will be able to respond to those needs and opportunities.

The ACT Government, at the time of writing this scoping application, had not revealed the outcome of their March 2017 Market Sounding for Waste Management. CRS was one of the 32 respondents with a total waste management proposal to that process. The lack of knowledge on the Governments intentions in achieving 90% landfill avoidance by 2025, is countered by the flexibility in design within the CRS building such that it can modify the processes to match reuse markets and changes to Government policy, if needs be. Should there be a desire by Government, for instance, to separate food waste in the future for activities like composting, then this can be readily accommodated in our MRF.

10.6 COMMITTED COMMUNITY PARTNER

CRS have undertaken some independent preliminary research on Canberra community sentiment about waste management in the ACT. This research included focus groups that contained both local ACT residents and businesses. Newgate Communications, a strategic communications and stakeholder engagement firm, has been engaged to date to advise on the most effective community consultation.

CRS propose to conduct ongoing meetings, site tours and information sessions to explain to the surrounding community and other relevant groups, the benefits and advanced technology proposed in the MRF and rail terminal proposal.

CRS has now developed an information website that describes the project. The website is also a portal for community feedback on an ongoing basis and allows anyone to communicate directly with representatives of CRS. See us at: www.capitalrecyclingsolutions.com.au

11 CONCLUSION

Through adherence to the guiding principles of the ACT Waste Feasibility Study, and by meeting the strategic objectives set out in the ACT Waste Management Strategy 2011-2025 CRS contends that its proposal is in the public interest. The investment in the project will ultimately exceed some \$50 million dollars and provide some 48 new fulltime jobs and 10-part time jobs at the facility. Furthermore, the CRS proposal will contribute to the diversification of the ACT's economic base and increase the ACT's self-reliance for waste management. This proposal will have a sustained, positive impact on the Canberra Community, the environment and the economy, as well as neighbouring regional areas through providing the potential for cross border solutions to waste management practices utilising the rail infrastructure.

We have identified a number of technical areas in our preliminary environmental risk which we will address fully in our EIS document. These and the primary focus group feedback has already given us direction to further develop our proposal and the detail of our EIS response.

The CRS proposal removes the need for ongoing capital expenditure by the ACT Government to provide for MSW and C&I disposal, and will not entail additional costs to that already committed under the current waste management regime. The development of the facility will be privately funded and use of this private capital expenditure will ameliorate financial risk for the Territory. Given the above benefits to the ACT community, the environment and achievement of the ACT Waste Management Strategy 2011-2025 targets, with no additional cost to that already committed by the ACT Government for waste management, it is contended that the CRS proposal represents value for money to the Territory.

CRS offers this Scoping application as the first step in the EIS process. We consider this proposal to be an integral and well considered solution to a number of the environmental (waste and energy) opportunities the ACT has identified. CRS will expect to lodge the Draft EIS for the first stage soon after receipt of the scoping document. Stage Two (WtE) will be lodged in mid-late 2018 after further extensive community engagement and site planning and design.

APPENDIX 1 – ABBREVIATIONS

Act Planning & Development Act 2007	PDA
ACT Planning & Development Regulations 2008	PRD
Capital Recycling Solutions Pty Ltd	CRS
Construction & Demolition Waste	C&D
Commercial and Industrial Waste	C&I
Environmental Impact Study	EIS
Greenhouse Gas	GHG
Material Recovery Facility	MRF
Medical and Clinical Waste	M&C
Municipal Solid Waste	MSW
Queanbeyan-Palerang Regional Council	QPRC
Refuse Derived Fuel	RDF
Transport Canberra and City Services	TCCS
Plastic #1: Polyethylene Terephthalate	PET
Plastic #2: High Density Polyethylene	HDPE
Plastic #3: Polyvinyl Chloride	PVC
Plastic #4: Low Density Polyethylene	LPPE
Plastic #5: Polypropylene	PP
Plastic #6: Polystyrene	PS

From: [Heckenberg, Mark](#)
To: [EPAPlanningLiaison](#)
Subject: RE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Wednesday, 6 December 2017 7:34:18 AM

Hi Robin,

Environment Protection Authority (EPA) records indicate that the sites were formerly occupied by the Shell Canberra depot and associated raiing siding and contained extensive fuel storage facilities

The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the ACT Contaminated Sites Environment Protection Policy, November 2009 list fuel storage facilities as activities associated with land contamination

EPA records indicate that hydrocarbon related impacts to soil and groundwater have been identified at the sites

The sites must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The auditor's findings into the site's suitability from a contamination perspective for its proposed and permitted uses under the Territory Plan must then be reviewed and endorsed by the EPA prior to the commencement of development works and prior to the site being used for other purposes.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark_heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: EPAPlanningLiaison
Sent: Tuesday, 5 December 2017 4:52 PM
To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Cc: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

17231	5 12 2017	EIS	EIS Scoping Request-B9&11S8-FYSHWICK-Proposed Materials Recovery Facility-Capital Recycling Solutions P/L
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Comments please 19 12 2017

Regards,

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

From: English, Terri-Ann
Sent: Tuesday, 5 December 2017 3:21 PM
To: EPD Impact <EPDImpact@act.gov.au>
Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the *Planning and Development Regulation 2008* the application is being referred to you for review and comment. Referral entity comments are due on **3 January 2018**.

The application form and supporting documentation is attached.

Preparation of referral comments:

When formulating your response it is important to remember that the EIS process is not an approval process. The purpose of an EIS required by the *Planning and Development Act 2007* is to identify the potential impacts that may result from the development proposal and put forward options for mitigating such impacts.

Completion of the EIS process does not equate to approval of the development. Once an EIS is completed, the proponent is then required to lodge a Development Application (DA) in the impact track, at which stage you will again be referred the application to ensure any issues identified during the EIS stage have been incorporated into the DA and apply any further relevant conditions or comments.

As your comments will be used to develop the scoping document, which determines the content of the EIS, please ensure you consider the following when providing comments:

- *Has the proponent identified all impacts that are relevant to my area of expertise? If not, what areas require attention?*
- *Has the proponent determined an appropriate level of unmitigated risk for the impacts identified?*
- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*

From: [Dix, Rodney](#)
To: [Gibb, Timothy](#)
Cc: [EPAPlanningLiaison](#)
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Thursday, 7 December 2017 9:40:20 AM
Attachments: [EIS 201700053-REQUEST FOR SCOPING DOCUMENT-01.pdf](#)
[SUPP-201700053-REQUEST FOR SCOPING DOCUMENT-REPORT-01.pdf](#)
[image001.jpg](#)

Tim

Have a quick review but will mainly be Daves area

Thanks

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
Ground Floor – TransACT House | 470 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 |



From: EPAPlanningLiaison
Sent: Tuesday, 5 December 2017 4:52 PM
To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Cc: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

17231	5 12 2017	EIS	EIS Scoping Request-B9&1158-FYSHWICK-Proposed Materials Recovery Facility-Capital Recycling Solutions P/L
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Comments please 19 12 2017

Regards,

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

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- *Has the proponent determined an appropriate level of unmitigated risk for the impacts identified?*
- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*
- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
-

Are the comments directly related to the development proposal?

Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB

3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English

0262071780

Impact Assessment | Environment Planning and Sustainable Development Directorate | ACT Government

Level 1 South Building Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [EPAPlanningLiaison](#)
To: [Heckenberg, Mark](#); [Clayton, Des](#)
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Date: Thursday, 21 December 2017 11:17:18 AM
Attachments: [plans#2.cbr](#)
[supporting docs#2.cbr](#)
[image001.jpg](#)

17245	21 12 2017	DA	DA201630668-B11S8-FYSHWICK-PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure
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Comments please 8 1 2018

Regards,

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

From: EPD, Customer Services
Sent: Tuesday, 28 February 2017 1 54 PM
To: EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201630668
BLOCK: 11 **SECTION:** 8 **DIVISION:** FYSHWICK

Description - PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice (**22/3/2017**).

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

Kind 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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www.planning.act.gov.au | EPDcustomerservices@act.gov.au



From: [Heckenberg, Mark](#)
To: [Power, David](#)
Cc: [EPAPanningLiaison](#)
Subject: FW: LRAC Circulation - Access Recycling - direct sale of Block 11 Section 8 Fyshwick - 27 October 2015
Date: Thursday, 21 December 2017 3:43:00 PM
Attachments: [image002.jpg](#)
[image003.jpg](#)

FYI

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: Heckenberg, Mark
Sent: Wednesday, 2 December 2015 9:46 AM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: RE: LRAC Circulation - Access Recycling - direct sale of Block 11 Section 8 Fyshwick - 27 October 2015

Robin,

EPA records indicate that Block 11 Section 8 Fyshwick was previously used as a rail siding and is adjacent to the current ACT/NSW rail line. Records also indicate that the site is adjacent to a fuel storage depot and an operational metal recycling/scrap yard.

The ANZECC 1992 Guidelines for the Assessment and Management of Contaminated Sites and the EPA's Contaminated Sites Environment Protection Policy 2009 list fuel storage, scrap yards and railway yards as activities associated in the past with land contamination which may present a risk to human health or the environment.

An environmental assessment of the site must be undertaken by a suitably qualified environmental consultant and the findings of the assessment into the site's suitability for the proposed and permitted uses endorsed by the EPA prior to it being used for other purposes.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: EPAPanningLiaison
Sent: Tuesday, 1 December 2015 3:45 PM
To: Heckenberg, Mark; Clayton, Des
Subject: FW: LRAC Circulation - Access Recycling - direct sale of Block 11 Section 8 Fyshwick - 27 October 2015

Gentlemen,

Can you please provide comments in relation to the request for direct sale of block 11 section 8 Fyshwick to Access Recycling.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environment Protection Branch | Access Canberra | ACT Government

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



From: Harding, Barbara (ACTPLA)

Sent: Tuesday, 27 October 2015 2:29 PM

To: McNamara, Damien; Uddin, Kamal; EmergencyManagement; Sch 2 s2(a)(ii); Sch 2 s2(a)(ii)

Cc: Luchetti, Christine; Sparke, Chris; Hicks, Katherine; Cannon, Rebecca; Jenkins, Kylie (TAMS L&C); Gerrard, Darren; TAMS_L&C_Land Use; EPAPanningLiaison; McLellan, Karen;

Sch 2 s2(a)(ii); ESD, LRAC

Subject: LRAC Circulation - Access Recycling - direct sale of Block 11 Section 8 Fyshwick - 27 October 2015

Comments Due by Tuesday, 10 November 2015

EPD – Planning Policy – Nyah Donaldson

EPD – Heritage – Fiona Moore

EPD - Conservator Liaison – Helen McKeown

EPD – Infrastructure Planning – James Cox

EPD - Transport Planning – Tim Wyatt

EPD – Merit Assessment South – Rumana Jamaly

EPD – Lease Administration – Monica Saad

EPD – Office of the Surveyor-General – René Dekieft

CMTEDD - Environment Protection Agency Planning Liaison Officer - Robin Brown

CMTEDD – Land Development Agency – Damien McNamara

TAMS - Asset Acceptance Group – Kamal Uddin

JACS – EmergencyManagement

Sch 2 s2(a)(ii)

[Redacted]

(CC)

EPD – Planning – Alison Moore, Mike Quirk

EPD – Leasing – Sue Messer, Sam Zeller

EPD – Impact & Estates – Teagan

Liston

CMTEDD – Direct Sales – Christine Luchetti, Chris Sparke, Katherine Hicks

CMTEDD – Property Group – Rebecca Cannon

TAMS - Licensing & Compliance – Kylie Jenkins, Darren Gerrard,

TAMS_L&C_Land Use

CMTEDD - Access Canberra - EPAPanningliaison

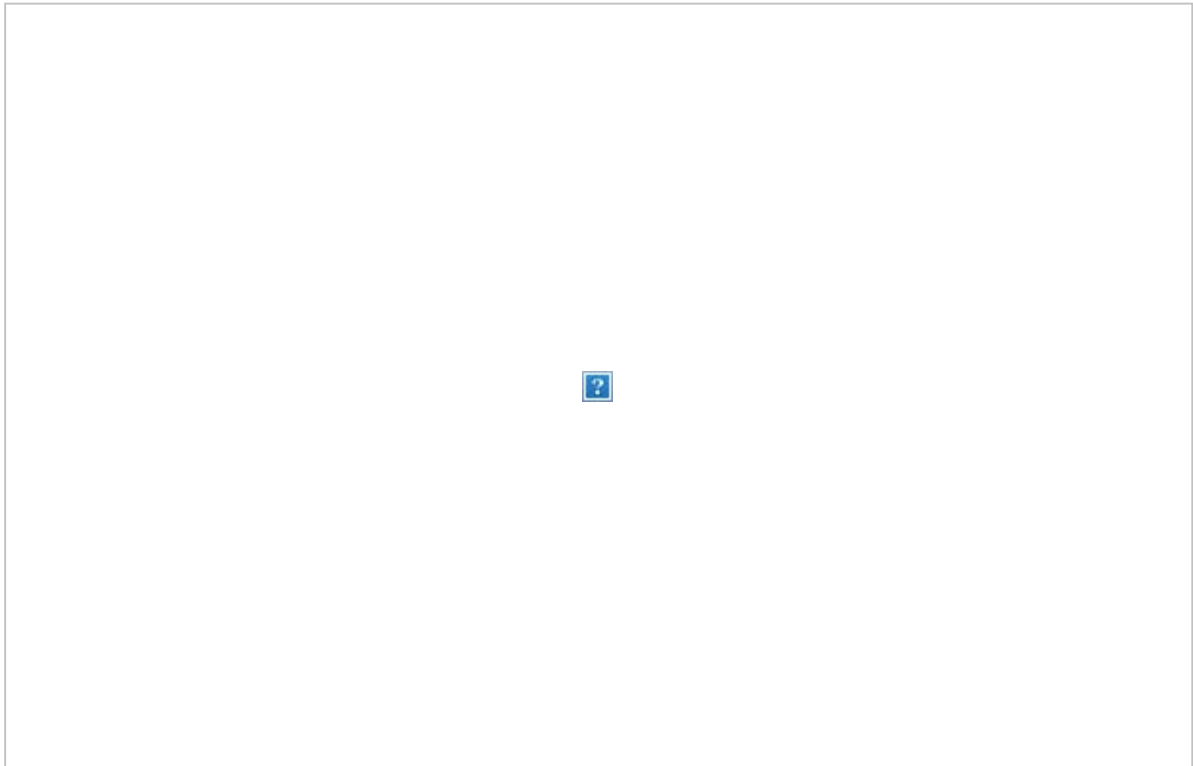
JACS – Emergency Services Agency - Karen McLelland

Icon Water – sourcewater@actewagl.com.au

Actew Electrical – enworks@actewagl.com.au

Dear All,

CMTEDD Direct Sales advise “Access Recycling Services” are seeking the direct sale of Block 11 Section 8 Fyshwick to allow construction of a railway siding needed for the operations of their freight business.



Access Recycling are in the process of purchasing Block 9 Section 8 from the Shell company. They already rent adjacent Block 13 Section 8, which is where they currently operate from. At the moment they truck containers of scrap metal from this site (Block 13) to the Kingston Railway area for loading onto trains. Due to issues with the weight of the containers causing damage there, Access Recycling propose to construct a long siding on Block 11 where they can load directly from their site/s onto a train. This would have the added benefit of not needing to have trucks moving between Fyshwick and Kingston. They propose to operate from both Block 9 and Block 13. The sale would be the whole of Block 11, to be added into the Block 9 lease.

Please email your comments to the Land Requests Advisory Committee (LRAC) inbox ESDLRAC@act.gov.au by Tuesday, 10 November 2015.

Thank you

Barbara Harding

LRAC Chair

Forward Policy & Research

Strategic Planning Division

Environment and Planning Directorate

Queries to LRAC Secretariat

p 6207 1665 | e esdlrac@act.gov.au

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: [Heckenberg, Mark](#)
To: [EPAPanningLiaison](#)
Cc: [Power, David](#)
Subject: RE: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Date: Thursday, 21 December 2017 3:55:17 PM
Attachments: [image007.jpg](#)

Hi Robin,

Contaminated sites:

The site must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The findings of the independent audit into the site's suitability for its proposed and permitted uses or appropriate auditor interim advice where acceptable to the EPA must be reviewed and endorsed by the EPA prior to the commencement of development works.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: EPAPanningLiaison
Sent: Thursday, 21 December 2017 11:17 AM
To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

17245	21 12 2017	DA	DA201630668-B11S8-FYSHWICK-PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure
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Comments please 8 1 2018

Regards,

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

From: EPD, Customer Services
Sent: Tuesday, 28 February 2017 1 54 PM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201630668
BLOCK: 11 **SECTION:** 8 **DIVISION:** FYSHWICK

Description - PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice (**22/3/2017**).

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 SuburbXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923
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From: Clayton_Des
To: EPAPanningLiaison
Subject: RE: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Date: Thursday, 21 December 2017 11:28:15 AM
Attachments: image007.jpg

Robin,

Standard response

Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site

Des

Des Clayton | Environment Protection Officer
Phone: **02 6207 1819** | Email: des.clayton@act.gov.au
Construction, Environment and Workplace Protection Division | Access Canberra | ACT Government
Ground Floor Transact House 470 Northbourne Ave Dickson 2602 ACT | GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: EPAPanningLiaison
Sent: Thursday, 21 December 2017 11:17 AM
To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

17245	21 12 2017	DA	DA201630668-B11S8-FYSHWICK-PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure
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Comments please 8 1 2018

Regards,

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

From: EPD, Customer Services
Sent: Tuesday, 28 February 2017 1 54 PM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201630668
BLOCK: 11 **SECTION:** 8 **DIVISION:** FYSHWICK

Description - PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice (**22/3/2017**).

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Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

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www.planning.act.gov.au | EPDcustomerservices@act.gov.au



From: [Power, David](#)
To: [REDACTED]
Subject: RE: SECTION 8 BLOCK 11 FYSHWICK [SEC=UNOFFICIAL]
Date: Thursday, 21 December 2017 3:48:00 PM

[REDACTED]

As previously advised information on the contamination status of a block can be obtained by undertaking a contaminated land search <https://form.act.gov.au/smartforms/landing.htm?formCode=1019>

In relation to all development applications we provided standard comments regarding contamination assessment for industrial sites. This advice was provided for the direct sale of the site but unfortunately due to an oversight it appears that this has not been reiterated in relation to the DA. We have spoken to ACTPLA today and it has been agreed to correct the NoD early in the New Year to have this requirement included. Thank you for bringing this to our attention.

This requirement will also be placed on any DA which is lodged for the former depot site (Block 9 Section 8)

Regards

David

From: [REDACTED]
Sent: Wednesday, 20 December 2017 5:58 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: SECTION 8 BLOCK 11 FYSHWICK

Dear David,

My email of 20th November related to Section 8 Block 9 at Fyshwick relating to its contaminated status. It has occurred to me that Block 11 adjacent the rail loading area for bulk fuel might be similarly contaminated. Can you confirm if there has been any testing on this site and explain why the EPA failed to respond to DA No 201630668. Was it correct that the failure to respond was a tacit approval of the development? If there was any potential contamination surely and some Impact Assessment should have been done.

Sincerely,

[REDACTED]

- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
- *Are the comments directly related to the development proposal?*

Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB

3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English
0262071780

Impact Assessment | Environment Planning and Sustainable Development Directorate | ACT Government
Level 1 South Building Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [Power, David](#)
To: [REDACTED]
Subject: RE: Block 11 Section 8 Fyshwick [SEC=UNOFFICIAL]
Date: Tuesday, 2 January 2018 1:00:00 PM

[REDACTED]

As way of background to how we formulate our comments here is a link to the recently revised Contaminated Sites Environment Protection Policy.

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1564/~contaminated-sites

Regards

David

From: [REDACTED]
Sent: Tuesday, 2 January 2018 12:08 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Re: Block 11 Section 8 Fyshwick [SEC=UNOFFICIAL]

David,
Your assistance is very much appreciated. Have a Happy New Year.
Regards.

[REDACTED]

On 2 Jan 2018, at 11:56 am, Power, David <DAVID.POWER@act.gov.au> wrote:

[REDACTED]

With staff on leave this won't happen for a little while. Once the DA is amended I'll get our EPA Planning liaison officer to let you know.

Regards

David

From: [REDACTED]
Sent: Sunday, 31 December 2017 1:02 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Block 11 Section 8 Fyshwick

Dear David
Apologies for being a nuisance and thanks for your reply of 21st December. In response to that could you please forward to me a copy of the advice you gave ACTPLA regarding Block 11 Section 8 Fyshwick and a copy of the amended Notice of Decision for the

DA201630668. It is of interest to me in commenting on future DAs relating to that site so that I can see if compliance with EPA requirements was a condition of consent and so that I can see if the proponent has in fact complied.

Happy New Year



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From: [Heckenberg, Mark](#)
To: [Walters, Daniel](#); [Clayton, Des](#)
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Wednesday, 3 January 2018 2:51:00 PM

FYI

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: Heckenberg, Mark
Sent: Wednesday, 6 December 2017 7:34 AM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: RE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Hi Robin,

Environment Protection Authority (EPA) records indicate that the sites were formerly occupied by the Shell Canberra depot and associated raiiling siding and contained extensive fuel storage facilities

The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the ACT Contaminated Sites Environment Protection Policy, November 2009 list fuel storage facilities as activities associated with land contamination

EPA records indicate that hydrocarbon related impacts to soil and groundwater have been identified at the sites

The sites must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The auditor's findings into the site's suitability from a contamination perspective for its proposed and permitted uses under the Territory Plan must then be reviewed and endorsed by the EPA prior to the commencement of development works and prior to the site being used for other purposes.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: EPAPanningLiaison
Sent: Tuesday, 5 December 2017 4:52 PM
To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Cc: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

17231	5 12 2017	EIS	EIS Scoping Request-B9&11S8-FYSHWICK-Proposed Materials Recovery Facility-Capital Recycling Solutions P/L
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Comments please 19 12 2017

Regards,

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

From: English, Terri-Ann
Sent: Tuesday, 5 December 2017 3:21 PM
To: EPD Impact <EPDImpact@act.gov.au>
Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the *Planning and Development Regulation 2008* the application is being referred to you for review and comment. Referral entity comments are due on **3 January 2018**.

The application form and supporting documentation is attached.

Preparation of referral comments:

When formulating your response it is important to remember that the EIS process is not an approval process. The purpose of an EIS required by the *Planning and Development Act 2007* is to identify the potential impacts that may result from the development proposal and put forward options for mitigating such impacts.

Completion of the EIS process does not equate to approval of the development. Once an EIS is completed, the proponent is then required to lodge a Development Application (DA) in the impact track, at which stage you will again be referred the application to ensure any issues identified during the EIS stage

have been incorporated into the DA and apply any further relevant conditions or comments.

As your comments will be used to develop the scoping document, which determines the content of the EIS, please ensure you consider the following when providing comments:

- *Has the proponent identified all impacts that are relevant to my area of expertise? If not, what areas require attention?*
- *Has the proponent determined an appropriate level of unmitigated risk for the impacts identified?*
- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*
- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
- *Are the comments directly related to the development proposal?*

Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB

3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English
0262071780

Impact Assessment | Environment Planning and Sustainable Development Directorate | ACT Government
Level 1 South Building Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [Ferson, Brodie](#)
To: [Brown, Robin](#)
Cc: [EPAPanningLiaison](#)
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Wednesday, 3 January 2018 10:31:11 AM
Attachments: [EIS 201700053-REQUEST FOR SCOPING DOCUMENT-01.pdf](#)
[SUPP-201700053-REQUEST FOR SCOPING DOCUMENT-REPORT-01.pdf](#)

Hi Robin

Comments are due on this one today. Please note you provided comments on a similar proposal previously (a waste to energy & recycling facility). This proposal is just for a MRF.

Happy to discuss,

Brodie Ferson | Impact Assessment
Phone: 6205 4615
Planning Delivery

From: English, Terri-Ann
Sent: Tuesday, 5 December 2017 3:21 PM
To: EPD Impact <EPDImpact@act.gov.au>
Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

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The application form and supporting documentation is attached.

Preparation of referral comments:

When formulating your response it is important to remember that the EIS process is not an approval process. The purpose of an EIS required by the *Planning and Development Act 2007* is to identify the potential impacts that may result from the development proposal and put forward options for mitigating such impacts.

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In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

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Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB

3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English
0262071780

Impact Assessment | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 1, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [Heckenberg, Mark](#)
To: [Power, David](#)
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Wednesday, 3 January 2018 3:06:00 PM
Attachments: [RE: REFERRAL - EPA - Request for EIS Scoping Document Proposed recycling and thermal electricity generation facility \(waste to energy\) SECUNCLASSIFIED.msg](#)

Hi Dave,

Below are the comments I made on the December submission I have attached the comments from May – I incorrectly thought it was for an EIS exemption not EIS scoping but the comments would have been the same

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: Heckenberg, Mark
Sent: Wednesday, 6 December 2017 7:34 AM
To: EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>
Subject: RE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Hi Robin,

Environment Protection Authority (EPA) records indicate that the sites were formerly occupied by the Shell Canberra depot and associated raiing siding and contained extensive fuel storage facilities

The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the ACT Contaminated Sites Environment Protection Policy, November 2009 list fuel storage facilities as activities associated with land contamination

EPA records indicate that hydrocarbon related impacts to soil and groundwater have been identified at the sites

The sites must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The auditor's findings into the site's suitability from a contamination perspective for its proposed and permitted uses under the Territory Plan must then be reviewed and endorsed by the EPA prior to the commencement of development works and prior to the site being used for other purposes.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: EPAPlanningLiaison
Sent: Tuesday, 5 December 2017 4:52 PM
To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Power, David <DAVID_POWER@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>; Clayton, Des <Des.Clayton@act.gov.au>
Cc: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

17231	5 12 2017	EIS	EIS Scoping Request-B9&11S8-FYSHWICK-Proposed Materials Recovery Facility-Capital Recycling Solutions P/L
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Comments please 19 12 2017

Regards,

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

From: English, Terri-Ann
Sent: Tuesday, 5 December 2017 3:21 PM
To: EPD Impact <EPDImpact@act.gov.au>
Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the *Planning and Development Regulation 2008* the application is being referred to you for review and comment. Referral entity comments are due on **3 January 2018**.

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3 January 2018.

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Regards

Terri

Terri-Ann English
0262071780

Impact Assessment | Environment Planning and Sustainable Development Directorate | ACT Government
Level 1 South Building Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [Sargent, Narelle](#)
To: [EPD, Customer Services](#)
Cc: [Ferson, Brodie](#); [English, Terri-Ann](#); [EPAPanningLiaison](#)
Subject: EPA RESPONSE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Monday, 8 January 2018 3:21:05 PM
Attachments: [image001.jpg](#)

Environment, Planning and Sustainable Development Directorate,

Thank you for the opportunity to provide scoping advice for the proposed development.

The EPA would require the following matters to be considered in the EIS:

Land contamination - Environment Protection Authority (EPA) records indicate that the sites were formerly occupied by the Shell Canberra depot and associated raiing siding and contained extensive fuel storage facilities and EPA records indicate that hydrocarbon related impacts to soil and groundwater have been identified at the sites. This issue must be included in the EIS.

Please note that as part of the Development Application process, the subject site must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The auditor’s findings into the site’s suitability from a contamination perspective for its proposed and permitted uses under the Territory Plan must then be reviewed and endorsed by the EPA prior to the commencement of development works and prior to the site being used for other purposes.

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Noise impacts – An acoustic impact assessment must be completed by a suitably qualified acoustic consultant.

Water quality impacts – The potential for water quality impacts must be assessed in the EIS.

Preliminary Risk Screening – A preliminary risk screening must be undertaken in accordance with NSW Governments “State Environment Planning Policy 33 - Hazardous and Offensive Development Application Guidelines” (SEPP 33). If the screening finds the development is potentially hazardous, a Preliminary Hazard Analysis (PHA) will be required to be prepared in accordance with the NSW Governments “Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis”.

Regards

Narelle Sargent | Environment Protection Authority
Phone: 02 6207 5782 | Mobile 0466 510 033 | Email: narelle.sargent@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

Access Canberra logo



From: English, Terri-Ann

Sent: Tuesday, 5 December 2017 3:21 PM

To: EPD Impact <EPDImpact@act.gov.au>

Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility
[SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

The planning and land authority within the Environment, Planning and Sustainable Development Directorate (EPSDD) has received an application for scoping document for an environmental impact statement (EIS) for the above proposal.

In accordance with s212 of the *Planning and Development Act 2007* and s26 and s51 of the *Planning and Development Regulation 2008* the application is being referred to you for review and comment. Referral entity comments are due on **3 January 2018**.

The application form and supporting documentation is attached.

Preparation of referral comments:

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In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

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3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English
0262071780

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Level 1, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [EPAPanningLiaison](#)
To: [Power, David](#)
Subject: RE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Monday, 8 January 2018 2:39:00 PM

Hi David,

Can you please clear this for me.

Environment, Planning and Sustainable Development Directorate,

Thank you for the opportunity to provide scoping advice for the proposed development.

The EPA would require the following matters to be considered in the EIS:

Land contamination - Environment Protection Authority (EPA) records indicate that the sites were formerly occupied by the Shell Canberra depot and associated railing siding and contained extensive fuel storage facilities and EPA records indicate that hydrocarbon related impacts to soil and groundwater have been identified at the sites.

The sites must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The auditor's findings into the site's suitability from a contamination perspective for its proposed and permitted uses under the Territory Plan must then be reviewed and endorsed by the EPA prior to the commencement of development works and prior to the site being used for other purposes.

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Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

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

GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: English, Terri-Ann

Sent: Tuesday, 5 December 2017 3:21 PM

To: EPD Impact <EPDImpact@act.gov.au>

Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility
[SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility
Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

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Regards

Terri

Terri-Ann English
0262071780

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Level 1, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [Power, David](#)
To: [EPAPanningLiaison](#)
Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Monday, 8 January 2018 10:58:53 AM
Attachments: [image001.jpg](#)

From: Walters, Daniel
Sent: Wednesday, 3 January 2018 4:55 PM
To: Ferson, Brodie <Brodie.Ferson@act.gov.au>; EPD Impact <EPDImpact@act.gov.au>
Cc: English, Terri-Ann <Terri-Ann.English@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>
Subject: RE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]

Dear EPD Impact

Thank you for the opportunity to comment on the EIS Scoping Document for the proposed Materials Recovery Facility in Fyshwick.

Environment Protection Policy has reviewed the scoping document and provides the following comments.

The proposed site was a former Shell fuel depot with associated rail infrastructure. Fuel depots and rail activities are associated with potential land contamination and in accordance with the Contaminated Sites Environment Protection Policy 2017 made under the *Environment Protection Act 1997* which regulated potentially contaminated sites, the site should be assessed, remediated (if required) and independently audited as suitable for the proposed use.

The *Environment Protection Act 1997* (the Act) also regulates activities that have the potential to cause significant environmental harm with certain activities required to hold an environmental authorisation (EA) under the Act. Schedule 1 of the Act details activities requiring an EA including the operation of a waste transfer station receiving 30 000t or more of waste each year.

The Act also regulates emissions and an assessment of the noise emission from the proposed facility and associated activities at the site should be undertaken to demonstrate compliance with the applicable industrial land use noise zone standard as detailed in the Environment Protection Regulation 2005.

The scoping documents indicates the facility will emit odours. In accordance with the general environment duty under the Act, which details that a person must take the steps that are practicable and reasonable to prevent or minimise environmental harm or environmental nuisance caused, or likely to be caused, by an activity conducted by that person, the proponent should undertake an odour air quality assessment to demonstrate the facility will not adversely affect neighbouring sites and any sensitive receptors nearby i.e. residential uses.

Due to the nature of the waste activities at the site details of the waste water treatment systems to manage waste water discharges from the site should also be included in the EIS

assessment to ensure discharges to stormwater are appropriately managed and meet the water quality criteria detailed in the Environment Protection Regulation 2005.

EPP has also been involved in discussion with the owners of the DAS Fleet site located diagonally across the Monaro Highway. It is understood the owners of the site are current considering submitting a Territory Plan variation to permit residential use at the site. The close proximity of the DAS Fleet site should residential be permitted may need to be considered as part of any air emissions studies undertaken.

Regards

Daniel Walters

Senior Manager | Environment Protection Policy

Environment, Planning and Sustainable Development Directorate | ACT Government

☎ *Ph:* (02) 6207 6334

☎ *Fax:* (02) 6207 6084

✉ *email:* daniel.walters@act.gov.au

🌐 *http://*www.environment.act.gov.au/

Please consider our environment before printing this e-mail.

H2OK-Social-Tile-Construction



From: Ferson, Brodie

Sent: Tuesday, 2 January 2018 12:14 PM

To: EPD Impact <EPDImpact@act.gov.au>

Cc: English, Terri-Ann <Terri-Ann.English@act.gov.au>

Subject: FW: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility
[SEC=UNCLASSIFIED]

Good morning all

Just a reminder that entity comments are due back on this proposal **tomorrow, 3 January 2018.**

Please feel free to give me a call to discuss if you're having any difficulties.

If your agency has already provided comments on this referral, thank you and please disregard this email.

Brodie Ferson | Impact Assessment

Phone: 6205 4615

Planning Delivery

From: English, Terri-Ann

Sent: Tuesday, 5 December 2017 3:21 PM

To: EPD Impact <EPDImpact@act.gov.au>

Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility
[SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility

Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

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3 January 2018.

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Regards

Terri

Terri-Ann English
0262071780

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Level 1, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [EPAPanningLiaison](#)
To: [Sargent, Narelle](#)
Cc: [Power, David](#); [Dix, Rodney](#); [Ryan, Peter](#)
Subject: RE: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility [SEC=UNCLASSIFIED]
Date: Monday, 8 January 2018 3:10:00 PM

Hi Narelle,

Following consultation with Rodney and David's teams, I have prepared the following for submission to the Environment Planning & Sustainable Development Directorate responding to a request for scoping advice.

Can you please review and forward the following wording.

I have already advised this one would be returned following my return to work this week.

Please cc Brodie.Ferson@act.gov.au and Terri-Ann.English@act.gov.au.

Thank you.

Robin Brown

Environment, Planning and Sustainable Development Directorate,

Thank you for the opportunity to provide scoping advice for the proposed development.

The EPA would require the following matters to be considered in the EIS:

Land contamination - Environment Protection Authority (EPA) records indicate that the sites were formerly occupied by the Shell Canberra depot and associated raiiling siding and contained extensive fuel storage facilities and EPA records indicate that hydrocarbon related impacts to soil and groundwater have been identified at the sites. This issue must be included in the EIS.

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Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

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

GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: English, Terri-Ann

Sent: Tuesday, 5 December 2017 3:21 PM

To: EPD Impact <EPDImpact@act.gov.au>

Subject: Referral Request for EIS Scoping Document – Proposed Materials Recovery Facility
[SEC=UNCLASSIFIED]

Good afternoon

Request for EIS Scoping Document – Proposed Materials Recovery Facility

Proponent: Capital Recycling Solutions P/L – Site: 9 & 11/8 FYSHWICK

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- *If further research is required on a particular issue, describe the extent of study or research required.*

In response to your comments on this Application for Scoping, the proponent is responsible for identifying mitigation options for the potential impacts in the draft EIS. As such please ensure your response considers the following:

- *What aspects of the development proposal are within your organisation's jurisdiction?*
- *What aspects of the development proposal can be dealt with at the development application stage and therefore should not be included in this process?*
- *Are the comments limited to identifying potential impacts and not mitigation measures?*
- *Are the comments directly related to the development proposal?*

Sign off on any referral comments from your agency must be at the Senior Executive level. Where the comments are being provided from a statutory position, e.g. Conservator of Flora and Fauna, the sign off must be by the holder of the statutory position, or a Senior Executive officer with appropriate delegation.

Please provide your comments to the ESDD Customer Services Centre via email, esddcustomerservices@act.gov.au by COB

3 January 2018.

Should you require clarification or further information on this matter please contact the Assessment Officer, Terri English on (02) 62071780 or email Terri.English@act.gov.au

Regards

Terri

Terri-Ann English
0262071780

Impact Assessment | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 1, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [Power, David](#)
To: [REDACTED]
Subject: Water Bores [SEC=UNCLASSIFIED]
Date: Friday, 12 January 2018 3:40:00 PM
Attachments: [image001.jpg](#)

[REDACTED]

Go into the basic map on ACTMapi and expand the water features layer and turn on water bores.

Please note that this is only water abstraction bores and not monitoring bores that would be put in as part of a site assessment as they are exempt from approval as they are for scientific purposes. However as outlined in our Contaminated Sites EPP groundwater monitoring is necessary as part of any assessment for a facility like the former fuel depot.

Regards

David

David Power | Manager Environmental Quality
Phone: 02 62075311 | Email: david.power@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

Access Canberra logo



From: [Power, David](#)
To: [REDACTED]
Subject: RE: Corrected Notice of Decision
Date: Thursday, 15 February 2018 1:16:00 PM

[REDACTED]

No contaminated land audits for either block have been completed.

Regards

David

From: [REDACTED]
Sent: Thursday, 15 February 2018 1:08 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Corrected Notice of Decision

Dear David,

In earlier emails we discussed my receiving a copy of the Corrected Notice of Decision for DA 201630668 (the rail terminal on Block 11 section 8 Fyshwick). It was proposed to be available early in January and your EPA Liaison officer would let me know. I have heard nothing. Do you know if it has been corrected and if not when it will be by checking with ACTPLA?

I am sorry for being a nuisance but it is of utmost public interest that the decisions of the ACT government be as transparent as possible.

At a recent site visit the proponent advised that the remediation and audit for the Blocks (11 and 9?) have been completed. You advised me in an earlier email that the audit report would become publicly available. When can I expect to see that?

I thank you in advance for any efforts you make in this matter.

Regards

[REDACTED]

From: [Power, David](#)
To: [REDACTED]
Cc: [EPAPanningLiaison](#)
Subject: RE: Corrected Notice of Decision
Date: Thursday, 15 February 2018 1:58:03 PM

[REDACTED]

You'll have to ask the proponent for the answers to your first three questions. In relation to the NoD we have sent our revised input to ACTPLA but I have asked our Planning Liaison Officer to chase up.

Regards

David

From: [REDACTED]
Sent: Thursday, 15 February 2018 1:23 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Re: Corrected Notice of Decision

David,
Why did the proponent say they had been? What would he have been referring to? We could see signs of soil having been removed and replaced??

And David what about the Corrected Notice of Decision?
Regards

[REDACTED]

On 15 Feb 2018, at 1:16 pm, Power, David <DAVID.POWER@act.gov.au> wrote:

[REDACTED]

No contaminated land audits for either block have been completed.

Regards

David

From: [REDACTED]
Sent: Thursday, 15 February 2018 1:08 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Corrected Notice of Decision

Dear David,

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I thank you in advance for any efforts you make in this matter.

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: [EPAPanningLiaison](#)
To: [Gell, Chris](#)
Subject: FW: Corrected Notice of Decision [SEC=UNCLASSIFIED]
Date: Thursday, 15 February 2018 2:02:00 PM

Hi Chris,

Can you please see below and advise where the request to correct the decision is at.

Regards,

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

From: Power, David
Sent: Thursday, 15 February 2018 1:58 PM
To: [REDACTED]
Cc: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: RE: Corrected Notice of Decision

[REDACTED]

You'll have to ask the proponent for the answers to your first three questions. In relation to the NoD we have sent our revised input to ACTPLA but I have asked our Planning Liaison Officer to chase up.

Regards

David

From: [REDACTED]
Sent: Thursday, 15 February 2018 1:23 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Re: Corrected Notice of Decision

David,
Why did the proponent say they had been? What would he have been referring to? We could see signs of soil having been removed and replaced??

And David what about the Corrected Notice of Decision?

Regards

[REDACTED]

On 15 Feb 2018, at 1:16 pm, Power, David <DAVID.POWER@act.gov.au> wrote:

[REDACTED]

No contaminated land audits for either block have been completed.

Regards

David

From: [REDACTED]
Sent: Thursday, 15 February 2018 1:08 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Corrected Notice of Decision

Dear David,

In earlier emails we discussed my receiving a copy of the Corrected Notice of Decision for DA 201630668 (the rail terminal on Block 11 section 8 Fyshwick). It was proposed to be available early in January and your EPA Liaison officer would let me know. I have heard nothing. Do you know if it has been corrected and if not when it will be by checking with ACTPLA?

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At a recent site visit the proponent advised that the remediation and audit for the Blocks (11 and 9?) have been completed. You advised me in an earlier email that the audit report would become publicly available. When can I expect to see that?

I thank you in advance for any efforts you make in this matter.

Regards

[REDACTED]

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From: [Power, David](#)
To: [EPAPlanningLiaison](#)
Subject: FW: Corrected Notice of Decision
Date: Thursday, 15 February 2018 1:10:23 PM

Robin

We need to get this DA amended ASAP.

Dave

From: [REDACTED]
Sent: Thursday, 15 February 2018 1:08 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: Corrected Notice of Decision

Dear David,

In earlier emails we discussed my receiving a copy of the Corrected Notice of Decision for DA 201630668 (the rail terminal on Block 11 section 8 Fyshwick). It was proposed to be available early in January and your EPA Liaison officer would let me know. I have heard nothing. Do you know if it has been corrected and if not when it will be by checking with ACTPLA?

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I thank you in advance for any efforts you make in this matter.

Regards

[REDACTED]

From: [Power, David](#)
To: [EPAPlanningLiaison](#)
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Date: Monday, 19 March 2018 9:42:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
Importance: High

FYI and please save with other correspondence

From: Power, David
Sent: Monday, 19 March 2018 9:41 AM
To: Gell, Chris <Chris.Gell@act.gov.au>
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Importance: High

Chris

How are you going with amending the NoD as previously agreed as we have been contacted again by [REDACTED] ?

Regards

David

David Power | Manager Environmental Quality
Phone: 02 62075311 | Email: david.power@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

Access Canberra logo



From: EPAPlanningLiaison
Sent: Monday, 19 March 2018 9:37 AM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

Hi David,

As discussed.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

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

GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: EPAPanningLiaison

Sent: Wednesday, 10 January 2018 2:54 PM

To: Gell, Chris <Chris.Gell@act.gov.au>

Subject: RE: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01
[SEC=UNCLASSIFIED]

Hi Chris,

As discussed, this DA was missed (my apologies for the oversight) and consequently I am requesting a correction to the Notice of Decision be made to include the following conditions:

- The site must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The findings of the independent audit into the site's suitability for its proposed and permitted uses or appropriate auditor interim advice where acceptable to the EPA must be reviewed and endorsed by the EPA prior to the commencement of development works.
- Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

Again, my apologies for the oversight and thank you for assisting to make this correction.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

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

GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: EPD, Customer Services

Sent: Tuesday, 28 February 2017 1:54 PM

To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>

Subject: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01
[SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201630668

BLOCK: 11 **SECTION:** 8 **DIVISION:** FYSHWICK

Description - PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice (**22/3/2017**).

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

Kind 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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From: [EPAPanningLiaison](#)
To: [Power, David](#)
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Date: Monday, 19 March 2018 9:36:00 AM
Attachments: [image001.jpg](#)

Hi David,

As discussed.

Regards,

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

From: EPAPanningLiaison
Sent: Wednesday, 10 January 2018 2:54 PM
To: Gell, Chris <Chris.Gell@act.gov.au>
Subject: RE: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

Hi Chris,

As discussed, this DA was missed (my apologies for the oversight) and consequently I am requesting a correction to the Notice of Decision be made to include the following conditions:

- The site must be assessed and remediated by a suitably qualified environmental consultant and these works independently audited by an EPA approved contaminated land auditor prior to any change of use. The findings of the independent audit into the site's suitability for its proposed and permitted uses or appropriate auditor interim advice where acceptable to the EPA must be reviewed and endorsed by the EPA prior to the commencement of development works.
- Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

Again, my apologies for the oversight and thank you for assisting to make this correction.

Regards,

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

From: EPD, Customer Services

Sent: Tuesday, 28 February 2017 1:54 PM

To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>

Subject: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01
[SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201630668

BLOCK: 11 **SECTION:** 8 **DIVISION:** FYSHWICK

Description - PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL DEVELOPMENT - construction of a hardstand structure.

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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

Kind Regards

Customer Services

Phone 02 6207 1923

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From: [Heckenberg, Mark](#)
To: [EPAPlanningLiaison](#)
Subject: FW: SECTION 8 BLOCK 11 FYSHWICK [SEC=UNOFFICIAL]
Date: Monday, 19 March 2018 8:39:34 AM

Please discuss with Dave.

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality
Phone: 02 6207 2151 | Email: mark.heckenberg@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Ground Floor TransACT House, 470 Northbourne Avenue, Dickson 2602
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

From: Power, David
Sent: Thursday, 21 December 2017 3:48 PM
To: [REDACTED]
Subject: RE: SECTION 8 BLOCK 11 FYSHWICK [SEC=UNOFFICIAL]

[REDACTED]

As previously advised information on the contamination status of a block can be obtained by undertaking a contaminated land search <https://form.act.gov.au/smartforms/landing.htm?formCode=1019>

In relation to all development applications we provided standard comments regarding contamination assessment for industrial sites. This advice was provided for the direct sale of the site but unfortunately due to an oversight it appears that this has not been reiterated in relation to the DA. We have spoken to ACTPLA today and it has been agreed to correct the NoD early in the New Year to have this requirement included. Thank you for bringing this to our attention.

This requirement will also be placed on any DA which is lodged for the former depot site (Block 9 Section 8)

Regards

David

From: [REDACTED]
Sent: Wednesday, 20 December 2017 5:58 PM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: SECTION 8 BLOCK 11 FYSHWICK

Dear David,

My email of 20th November related to Section 8 Block 9 at Fyshwick relating to its contaminated status. It has occurred to me that Block 11 adjacent the rail loading area for bulk fuel might be similarly contaminated. Can you confirm if there has been any testing on this site and explain why the EPA failed to respond to DA No

201630668. Was it correct that the failure to respond was a tacit approval of the development? If there was any potential contamination surely and some Impact Assessment should have been done.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

From: [Power, David](#)
To: [EPAPanningLiaison](#)
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Date: Tuesday, 20 March 2018 1:28:57 PM
Attachments: [image002.jpg](#)
[image003.jpg](#)

FYI

From: Gell, Chris
Sent: Tuesday, 20 March 2018 12:22 PM
To: Power, David <DAVID.POWER@act.gov.au>
Cc: Cilliers, George <George.Cilliers@act.gov.au>
Subject: RE: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

Hi David

As requested, this email is to cover what we discussed yesterday.
The approval of DA 201630668-11/8 Fyshwick, is currently under review. In this case we are unable to provide the requested correction to the Notice of Decision until the review is finalised.

Happy to discuss further.

Regards

Chris Gell
Manager Commercial Development Assessment
Planning Delivery Division - Environment Planning and Sustainable Development Directorate
P. 02 62072642 e. chris.gell@act.gov.au

From: Power, David
Sent: Monday, 19 March 2018 9:41 AM
To: Gell, Chris <Chris.Gell@act.gov.au>
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]
Importance: High

Chris

How are you going with amending the NoD as previously agreed as we have been contacted again by [REDACTED]?

Regards

David

David Power | Manager Environmental Quality
Phone: 02 62075311 | Email: david.power@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

Access Canberra logo



From: EPAPanningLiaison
Sent: Monday, 19 March 2018 9:37 AM
To: Power, David <DAVID.POWER@act.gov.au>
Subject: FW: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

Hi David,

As discussed.

Regards,

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

From: EPAPanningLiaison
Sent: Wednesday, 10 January 2018 2:54 PM
To: Gell, Chris <Chris.Gell@act.gov.au>
Subject: RE: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01 [SEC=UNCLASSIFIED]

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Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

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

GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: EPD, Customer Services

Sent: Tuesday, 28 February 2017 1:54 PM

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

Subject: REFERRAL-EPA-EROSION-HAZARDOUS MATERIAL-201630668-11/8 FYSHWICK-01
[SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201630668

BLOCK: 11 **SECTION:** 8 **DIVISION:** FYSHWICK

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Kind Regards

Customer Services

Phone 02 6207 1923

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