




ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-395
Date of Application	3 December 2024
Date of Decision	18 February 2025
Processing time (in working days)	43
Fees	Waived
Decision on Access	Deferred decision
Information Requested (summary)	Information from the period of 2005 to the present on Block 3 Section 63 and Block 3 Section 45 and Block 2 Section 63.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: 
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-395 - FOI request use of unleased Territory land
Date: Tuesday, 3 December 2024 5:53:20 PM

CMTEDD Freedom of Information
cmteddfoi@act.gov.au

Dear CMTEDD FOI

Canberra Sand and Gravel (CSG) has a Crown lease over Block 2 Section 63 Fyshwick. CSG also seem to be operating on surrounding blocks (including Block 3 Section 63 and Block 3 Section 45). There is no Crown lease over this land. Parks and Conservation Services and TCCS City Presentation are identified as the custodians of the land on the ACTmapi Land Custodianship Map.

I request access under the Freedom of Information Act 2016 to documents that provide information from the period of 2005 to the present on:

Canberra Sand and Gravel (CSG) have a Crown lease over Block 2 Section 63 Fyshwick. CSG also seem to be operating on surrounding blocks (including Block 3 Section 63 and Block 3 Section 45). There is no Crown lease over this land. Parks and Conservation Services and TCCS City Presentation are identified as the custodians of the land on the ACTmapi Land Custodianship Map.

I request access under the Freedom of Information Act 2016 to documents that provide information from the period of 2005 to the present on:

Block 3 Section 63 and Block 3 Section 45

- Applications by Canberra Sand and Gravel for a licence to occupy and use the land
- Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the granting of a licence to CSG to occupy the land
- Inspections of the land
- Any licences issued to CSG to occupy the land
- How much CSG pays to occupy the land
- The issuing of any authorisations (including environmental) to allow CSG to carry out activities on the land
- Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation) including attachments on the occupation and

use of the land

Block 2 Section 63

- Correspondence/complaints received about the use of the land
- Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the use of the land
- Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation)
including attachments on the occupation and use of the land

If you have any questions on this request can you please contact my advisor Peter Johns on peterht.johns@parliament.acy.gov.au or on 62050109.

Thank you.





FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 3 December 2024.

Specifically, you have sought access to the following information:

"Canberra Sand and Gravel (CSG) have a Crown lease over Block 2 Section 63 Fyshwick. CSG also seem to be operating on surrounding blocks (including Block 3 Section 63 and Block 3 Section 45). There is no Crown lease over this land. Parks and Conservation Services and TCCS City Presentation are identified as the custodians of the land on the ACTmapi Land Custodianship Map. I request access under the Freedom of Information Act 2016 to documents that provide information from the period of 2005 to the present on:

1. *Block 3 Section 63 and Block 3 Section 45*

- Applications by Canberra Sand and Gravel for a licence to occupy and use the land*
- Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the granting of a licence to CSG to occupy the land*
- Inspections of the land*
- Any licences issued to CSG to occupy the land*
- How much CSG pays to occupy the land*
- The issuing of any authorisations (including environmental) to allow CSG to carry out activities on the land*
- Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation) including attachments on the occupation and use of the land*

2. *Block 2 Section 63*

- Correspondence/complaints received about the use of the land*
- Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the use of the land*

- *Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation including attachments on the occupation and use of the land."*

I note that you also sent this request to the Environment, Planning and Sustainable Development Directorate (EPSDD) and Transport Canberra and City Services Directorate (TCCS) directorates for processing.

EPSDD provided CMTEDD with all their material to include in this response to you, however TCCS will be responding separately to your request.

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act. A further three working day extension was granted by your office, therefore a decision is due by **18 February 2025**.

Decision on access

Under section 35(2) of the Act an access application may be dealt with in more than one way.

I have decided to give access to information within your requested scope under section 35(1)(a) of the Act.

I have decided to refuse to deal with any outstanding parts of your request, related to **Block 3, Section 63 and Block 3, Section 45**, under section 35(1)(e) of the Act. Please see the letter at **Appendix A** of this notice of decision, for more details.

The remainder of this decision notice relates to Block 2, Section 63.

Searches of CMTEDD records have identified 120 documents within the scope of your request.

- I have decided to grant **full access** to 24 documents.
- I have decided to grant **partial access** to 52 documents.
- I have decided to **refuse** access to 44 documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I note that the total number of documents listed excludes duplicate copies of documents.

Access to documents - deferred

The information being released to you is provided at **Attachment B**.

Pursuant to section 38(6)(b) of the Act, I have decided to **defer access** to the information identified as of concern to an affected third party. Third parties affected may apply for review of my release decision within 20 working days, or a longer period allowed by the

Ombudsman. I will write to you to advise when access is no longer deferred for this information.

Release of documents

The information being released to you is provided at **Attachment B**.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party views
- publicly available information
- *Human Rights Act 2004*
- ACT Ombudsman FOI Guidelines

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

Exemptions claimed

Schedule 1: Information taken to be contrary to the public interest.

My reasons for deciding not to grant access to the identified documents and/or components of these documents (refer the schedule at **Attachment A**) are based on the following provisions:

- Section 1.2 - Information subject to legal professional privilege.
- Section 1.14 - Law enforcement and public safety information.

Some of the information within your requested scope is exempt from release under section 1.2 of Schedule 1 of the Act as it is information that is deemed privileged under Legal Professional Privilege. The bulk of the information that this provision was applied to information relates to legal advice received and sought by the ACT Government in relation to this matter and it is not considered to be in the public interest to release. This information can only be released if the parties involved agree to waive that privilege. The parties have not waived privilege.

Other information that was considered contrary to the public interest to release relates to ongoing investigations into possible contraventions of the law under schedule 1, section 1.14(a) where investigations into the conduct of third parties has not concluded, and therefore it would be prejudicial to procedural fairness in which the process has not been concluded.

Public Interest Test

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

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it 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.

Schedule 2: Factors to be considered when deciding the public interest.

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 (Section 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(x) - contribute to the protection of the environment.*

I am satisfied that these factors favouring disclosure carry some weight. It is reasonable to assume that the use of this land and regulatory activity is to attract public interest. This information will also provide insight into the conservation considerations that are undertaken by government. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure (Sch 2, Section 2.2)

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

I have identified the above factors as relevant when deliberating on the release of information. I have placed significant weight on the sch 2, sections 2.2(a)(ii) and 2.2(a)(xi) factors and placed moderate weight on the other factors identified above.

Having reviewed the information, I consider that the protection of an individual’s right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual’s right to privacy. However, where mobile phone numbers may be used for home and work purposes or signatures that are used to sign documents, this information is redacted, as it could or would reasonably be expected to prejudice an individual’s right to privacy under the *Human Rights Act 2004*.

The details of complainants in this material relating to dust complaint has also been redacted under personal privacy, as to release their identifying information would be an unreasonable breach of their privacy. As has the direct contact details of third parties.

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

Businesses that provide information to government, even regulatory activity, do so with the knowledge that government held information may be subject to an access application made under Freedom of Information legislation. They must recognise that governments have to balance the commercial interests of businesses with the principles of openness and transparency, and that the weight of the public interest in protecting business information will depend on a variety of factors, including how commercially sensitive the information is, its age, its current relevance and the extent to which it has entered the public domain.

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 that the intent of the Act is met.

Charges



Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

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

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au


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
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 the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

18 February 2025



ACT
Government

Chief Minister, Treasury and
Economic Development

Appendix A - Consultation notice to applicant – refusal to deal

Our ref: CMTEDDFOI 2024-395



NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I am writing to advise you that I intend to refuse to deal with part of your access application made under the *Freedom of Information Act 2016 (FOI Act)* received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 3 December 2024. Specifically, you have sought access to the following information:

"Canberra Sand and Gravel (CSG) have a Crown lease over Block 2 Section 63 Fyshwick. CSG also seem to be operating on surrounding blocks (including Block 3 Section 63 and Block 3 Section 45). There is no Crown lease over this land. Parks and Conservation Services and TCCS City Presentation are identified as the custodians of the land on the ACTmapi Land Custodianship Map. I request access under the Freedom of Information Act 2016 to documents that provide information from the period of 2005 to the present on:

1. Block 3 Section 63 and Block 3 Section 45

- *Applications by Canberra Sand and Gravel for a licence to occupy and use the land*
- *Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the granting of a licence to CSG to occupy the land*
- *Inspections of the land*
- *Any licences issued to CSG to occupy the land*
- *How much CSG pays to occupy the land*
- *The issuing of any authorisations (including environmental) to allow CSG to carry out activities on the land*
- *Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation) including attachments on the occupation and use of the land*

2. Block 2 Section 63

- *Correspondence/complaints received about the use of the land*

- *Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the use of the land*
- *Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation including attachments on the occupation and use of the land."*

I have decided to not deal with **part 1** of your application, which requested access to the following:

1. Block 3 Section 63 and Block 3 Section 45

- *Applications by Canberra Sand and Gravel for a licence to occupy and use the land*
- *Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the granting of a licence to CSG to occupy the land*
- *Inspections of the land*
- *Any licences issued to CSG to occupy the land*
- *How much CSG pays to occupy the land*
- *The issuing of any authorisations (including environmental) to allow CSG to carry out activities on the land*
- *Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation) including attachments on the occupation and use of the land*

Authority

I am an Information Officer appointed by the CMTEEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Why I intend to refuse your request

I intend to refuse to deal with this portion of your access application, under section 43(1)(a), and section 44 of the Act, because:

It relates to ongoing investigations into possible contraventions of the law under schedule 1, section 1.14(a) where investigations into the conduct of third parties has not concluded, and therefore it would be prejudicial to procedural fairness in which the process has not been concluded.

My reasons for deciding not to grant access to the identified documents and components of these documents are because Access Canberra has advised that this matter is currently under active investigation. They have advised that the release of information, at this stage, could prejudice the ongoing investigation of this matter.

What happens next?

Before I make a decision, you have an opportunity to provide me with an amended application or any additional information relevant to your application that would address the concerns with your application outlined above.

If you do so, I recommend that you address my reasons outlined above for intending to refuse your application.

The consultation period as allowed under section 46(4)(a) of the Act is 10 working days. If you wish to submit a further scope revision, you will need to do so by **4 March 2025**.

Further assistance

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

Yours sincerely



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

18 February 2025



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

" Canberra Sand and Gravel (CSG) have a Crown lease over Block 2 Section 63 Fyshwick. CSG also seem to be operating on surrounding blocks (including Block 3 Section 63 and Block 3 Section 45). There is no Crown lease over this land. Parks and Conservation Services and TCCS City Presentation are identified as the custodians of the land on the ACTmapi Land Custodianship Map. I request access under the Freedom of Information Act 2016 to documents that provide information from the period of 2005 to the present on:

CMTEDDFOI 2024-395

1. Block 3 Section 63 and Block 3 Section 45

- *Applications by Canberra Sand and Gravel for a licence to occupy and use the land*
- *Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the granting of a licence to CSG to occupy the land*
- *Inspections of the land*
- *Any licences issued to CSG to occupy the land*
- *How much CSG pays to occupy the land*
- *The issuing of any authorisations (including environmental) to allow CSG to carry out activities on the land*
- *Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation) including attachments on the occupation and use of the land*

2. Block 2 Section 63

- *Correspondence/complaints received about the use of the land*
- *Comments/advice/correspondence provided to or from any agencies – including the Environment Protection Authority, TCCS, the Conservator of Flora and Fauna, Parks and Conservation and EPSDD/ACT Planning Authority on the use of the land*
- *Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services and Minister for Business and Better Regulation including attachments on the occupation and use of the land "*

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	RE: Canberra Sand and Gravel, Fyshwick	20 June 2025	Partial release	Sch 1, 1.14	Yes
2	3	RE: Block 2 Section 63 Fyshwick - Canberra Sand and Gravel	4 July 2005	Partial release	Sch 1, 1.14	Yes
3	4-5	RE: Block 2 Section 63 Fyshwick - Canberra Sand and Gravel	4 July 2005	Full release		Yes
4	6-7	FW: Canberra Sand and Gravel, Fyshwick	15 August 2005	Full release		Yes
5	8-9	RE: Canberra Sand and Gravel, Fyshwick	16 August 2005	Partial release	Sch 1, 1.14	Yes
6	10-11	FW: Canberra Sand and Gravel, Fyshwick	18 August 2005	Full release		Yes
7	12-13	CS&G	18 August 2005	Partial release	Sch 1, 1.14	Yes
8	14-31	Deferred Release (s38 (6))	Deferred Release (s38 (6))	Partial release	Sch 1, s 1.2 Sch 1, 1.14 Sch 2, s 2.2(a)(ii)	Yes
9		Deferred Release (s38 (6))	Deferred Release (s38 (6))	Full release		Yes
10		Deferred Release (s38 (6))		Full release		Yes
11		Deferred Release (s38 (6))		Full release		Yes
12		Deferred Release (s38 (6))		Full release		Yes
13		Deferred Release (s38 (6))		Full release		Yes
14		Deferred Release (s38 (6))		Full release		Yes
15	32-44	Lease for Block 875 Canberra City (block 2 section 63 Fyshwick)	8 February 2006	Full release		Yes
16	45-49	Alternative sites, opportunities for whog approach to management of spoil, jurisdiction	30 March 2006	Refuse	Sch 1, s 1.2	No

17	50-54	RE_ Blocks 2 and 3 Section 63 Fyshwick - Conservator's Powers	30 March 2006	Refuse	Sch 1, s 1.2	No
18	55-63	FW_ Canberra Sand and Gravel - scanned minute	2 November 2016	Partial release	Sch 1, s 1.2 Sch 1, 1.14 Sch 2, s 2.2(a)(ii)	Yes
19	64-69	FW_ Canberra Sand and Gravel Request for Legal Advice	25 May 2017	Partial release	Sch 2, s 2.2(a)(ii)	Yes
20	70-71	-RE_ Update - Legal Advice - Canberra Sand and Gravel	2 February 2018	Refuse	Sch 1, s 1.2	No
21	72-73	Canberra Sand and Gravel	5 April 2018	Partial release	Sch 2, s 2.2(a)(ii)	Yes
22	74	Canberra Sand and Gravel	4 June 2018	Partial release	Sch 2, s 2.2(a)(ii)	Yes
23	75-77	Query re licence or authorisation to use land	4 July 2018	Partial release	Sch 1, 1.14 Sch 2, s 2.2(a)(ii)	Yes
24	78-79	FW_ Mugga Quarry and Canberra Sand and Gravel	5 July 2018	Refuse	Sch 1, s 1.2	No
25	80	RE_ Advice Canberra Sand and Gravel Advice	23 August 2018	Refuse	Sch 1, s 1.2	No
26	81-126	FW_ Meeting - Non Compliances by Canberra Sand and Gravel	1 October 2018	Refuse	Sch 1, s 1.2	No
27	127-134	Meeting notes RE non compliances by CSG copy.	2 October 2018	Partial release	Sch 1, s 1.2	Yes
28	135-138	Summary of meeting and actions, advice re Crown lease	19 October 2018	Refuse	Sch 1, s 1.2	No
29	139-144	Progress - Non-Compliances by Canberra Sand and Gravel	30 October 2018	Partial release	Sch 1, s 1.2	Yes
30	145-147	FW: Progressing – CS&G	3 December 2018	Partial release	Sch 2, s 2.2(a)(ii)	Yes
31	148-162	Canberra Sand & Gravel Update email chain	11 February 2019	Partial release	Sch 1, 1.14 Sch 2, s 2.2(a)(ii)	Yes
32	163-164	Non Compliances by Canberra Sand and Gravel	11 February 2019	Refuse	Sch 1, s 1.2	No
33	165-171	Canberra Sand & Gravel Update email chain	12 February 2019	Partial release	Sch 1, s 1.2 Sch 1, 1.14	Yes

					Sch 2, s 2.2(a)(ii)	
34	172-174	FW_ Non Compliances by Canberra Sand and Gravel	12 February 2019	Refuse	Sch 1, s 1.2	No
35	175	Canberra Sand and Gravel	5 April 2019	Partial release	Sch 2, s 2.2(a)(ii)	Yes
36	176-177	Options to regularise the land b2 s63	10 April 2019	Refuse	Sch 1, s 1.2	No
37	178-184	Conservator _ Dix, McIntyre EPA - CSG overflow inspection including photos from 20190613	6 August 2019	Full release		Yes
38	185-186	RE_ Emails regarding Canberra Sand and Gravel	14 April 2024	Partial release	Sch 1, s 1.2 Sch 2, s 2.2(a)(ii)	Yes
39	187-224	SIGNED by Min Cheyne - Meeting Brief	17 May 2023	Partial release	Sch 1, 1.14 Sch 2, 2.2(a)(xi)	Yes
40	225-237	FW_ Advice_ CSG - proposed solution for the unauthorised use of Territory Land	27 November 2023	Refuse	Sch 1, s 1.2	No
41	238-239	case transfer to CPIT, EBM support	29 April 2024	Refuse	Sch 1, 1.14	No
42	240-241	Internal organising site inspection on 13 May	6 May 2024	Partial release	Sch 1, 1.14 Outside scope	No
43	242-259	FW: Update on Canberra Sand & Gravel investigation & TL file review - B2 S63 Fyshwick	10 May 2024	Refuse	Sch 1, 1.14	No
44	260-262	Meeting with CSG, review of lease, legislative options	15 May 2024	Refuse	Sch 1, 1.14	No
45	263-265	Internal advising of approved process for enforcement	17 May 2024	Refuse	Sch 1, 1.14	No
46	266	Confirming legislation and requesting legal advice on prohibition notice	23 May 2024	Refuse	Sch 1, 1.14	No
47	267-270	Possible approach for action copy	28 May 2024	Refuse	Sch 1, 1.14	No
48	271-274	Proposed plan regarding CSG activities, B2 S63, B3 S63 & B3S45 Fyshwick	31 May 024	Refuse	Sch 1, 1.14	No
49	275-347	Record of Inspection, B2 S63, B3 S63 & B3S45 Fyshwick (A46916150)	5 June 2024	Refuse	Sch 1, 1.14	No

50	348-360	FW Canberra sand and Gravel- Draft NOI	17 July 2024	Refuse	Sch 1, 1.14	No
51	361-401	Fw CSG	14 August 2024	Partial release	Sch 1, 1.14	Yes
52	402-412	95770 - Advice - Steel & Cheyne - Controlled Activity Ord	2 September 2024	Partial release	Sch 1, 1.14	Yes
53	413-414	Summary of meeting with CSG, consideration of extension to respond to SCN	29 October 2024	Refuse	Sch 1, 1.14	No
54	415-417	CSG Brief - COR copy	25 November 2024	Refuse	Sch 1, 1.14	No
55	418-420	Summary of meeting - CSG and Access Canberra	9 December 2024	Refuse	Sch 2, s 2.2(a)(xi)	No
56	421-442	Deferred Release (s38 (6))	Deferred Release (s38 (6))	Partial release	Sch 2, s 2.2(a)(ii)	Yes
57	443-492	Deferred Release (s38 (6))		Partial release	Sch 2, s 2.2(a)(ii)	Yes
58	493-502	Deferred Release (s38 (6))		Partial release	Sch 2, s 2.2(a)(ii)	Yes
59	503-512	Deferred Release (s38 (6))		Full release		Yes
60	513-530	Deferred Release (s38 (6))		Partial release	Sch 1, 1.14 Sch 2, 2.2(a)(ii)	Yes
61	531-550	Deferred Release (s38 (6))		Partial release	Sch 1, 1.14 Sch 2, 2.2(a)(ii)	Yes
62	551-568	Deferred Release (s38 (6))		Partial release	Sch 2, s 2.2(a)(ii)	Yes
63	569-582	Deferred Release (s38 (6))		Partial release	Sch 2, s 2.2(a)(ii)	Yes
64	583-602	Deferred Release (s38 (6))		Partial release	Sch 2, s 2.2(a)(ii)	Yes
65	603-604	CSG -Incident Report - June 2017	June 2017	Partial release	Sch 2, s 2.2(a)(ii)	Yes
66	605-606	Complaint regarding dust	August 2018	Partial release	Sch 2, s 2.2(a)(ii)	Yes

67	607-608	Complaint regarding dust	September 2020	Partial release	Sch 2, s 2.2(a)(ii)	Yes
68	609-610	Email Correspondence: 43222 - Case Investigation request email	20 March 2024	Refuse	Sch 1, 1.14	No
69	611-714	43222 - AC Internal investigations	20 March 2024	Refuse	Sch 1, 1.14	No
70	715	Email – CSG	02/08/2022	Full release		Yes
71	716-720	Draft – Brief Canberra Sand and Gravel Fyshwick	10/09/2019	Refuse	Sch 1, 1.14	No
72	721-723	Email - RE: CSG SLL	20/09/2022	Full release		Yes
73	724-728	Email - FOR COMMENT BY 27/9: Fyshwick CSG Maps	21/09/2022	Full release		Yes
74	729-735	Email - RE: FOR COMMENT BY 27/9: Fyshwick CSG Maps	23/09/2022	Full release		Yes
75	736-739	Email - RE: Fyshwick CSG Maps	03/10/2022	Full release		Yes
76	740	Email - EBSA conservation assessments in Fyshwick	19/10/2022	Full release		Yes
77	741	Attachment A - Ecological values in the vicinity of CSG site	Undated	Full release		Yes
78	742-745	Email - RE: CSG Map	20/10/2022	Refuse	Sch 2, s 2.2(a)(xi)	No
79	746-747	Email - RE: SLL in Fyshwick	24/10/2022	Partial release	Sch 2, s 2.2(a)(xi)	Yes
80	748-749	Email - RE: FOR INPUT BY 25/10: CSG Brief	25/10/2022	Partial release	Sch 2, s 2.2(a)(ii)	Yes
81	750	Email - CSG brief	10/11/2022	Full release		Yes
82	751-755	Ministerial Brief 22/110417 - unsigned	06/09/2022	Refuse	Sch 1, 1.14	No
83	756	ATTACHMENT A: ECOLOGICAL VALUES IN THE VICINITY OF THE FYSHWICK CSG SITE	Undated	Refuse	Sch 1, 1.14	No
84	757	Attachment B - Territory Plan Variation proposal to revise the River Corridor zone	Undated	Refuse	Sch 1, 1.14	No

85	758-760	Email - FW: CSG brief	16/11/2022	Partial release	Sch 1, 1.14 Sch 2, s 2.2(a)(ii) Sch 2, 2.2(a)(xi)	Yes
86	761-779	Ministerial Brief 22/110417 – signed Proposed approach - Canberra Sand and Gravel – Block 2, Section 63, Fyshwick <i>(Attachments are duplicates of items 14, 15 and 17)</i>	20/12/2022	Refuse	Sch 1, 1.14	No
87	768-798	Ministerial Brief 22/110417 – signed by Minister Cheyne Proposed approach - Canberra Sand and Gravel – Block 2, Section 63, Fyshwick <i>(Attachments are duplicates of items 14, 15 and 17)</i>	22/12/2022	Refuse	Sch 1, 1.14	No
88	775-778	Email - RE: Signed Brief - BBR - Canberra Sand and Gravel – Fyshwick	16/01/2023	Refuse	Sch 1, 1.14	No
89	779-780	Email - FW: CSG Molonglo River Matter	18/01/2023	Partial release	Sch 2, s 2.2(a)(ii)	Yes
90	781	Email - Canberra Sand and Gravel - potential TPV for part Block 3, Section 63 and part Block 3, Section 45 Fyshwick	09/02/2023	Refuse	Sch 1, 1.14	No
91	782-787	Email - RE: HAND OVER TO TERRITORY PLAN TEAM RE: Canberra Sand and Gravel - potential TPV for part Block 3, Section 63 and part Block 3, Section 45 Fyshwick	21/02/2023	Refuse	Sch 1, 1.14	No
92	788-794	Email - RE: Canberra Sand and Gravel - potential TPV for part Block 3, Section 63 and part Block 3, Section 45 Fyshwick	15/03/2023	Refuse	Sch 1, 1.14	No
93	795-796	Email - RE: CSG - NC Act application	07/06/2023	Refuse	Sch 1, 1.14	No
94	797	Email - Advice: CSG - proposed solution for the unauthorised use of Territory Land	24/11/2023	Refuse	Sch 1, 1.14	No
95	798-808	Advice - 24.11.2023 - CSG - proposed solution for the unauthorised use of Territory Land.pdf	24/11/2023	Refuse	Sch 1, s 1.2	No
96	809	Email - Fyshwick Sec 45 - Final Minutes of Meeting 8 March 2007	20/03/2007	Partial release	Sch 2, s 2.2(a)(ii)	Yes
97	810-811	DRAFT MINUTES OF MEETING PROJECT: FYSHWICK SECTION 45	20/03/2007	Partial release	Sch 1, 1.14 Sch 2, 2.2(a)(xi)	Yes

98	812	Canberra Sand & Gravel Lease/Licence History	Undated	Full release	Outside scope	Yes
99	813-815	Email - Canberra Sand and Gravel Fyshwick	21/11/2011	Partial release	Sch 1, 1.2 Sch 1, 1.14	Yes
100	816-817	Email – RE: Canberra Sand and Gravel Fyshwick	08/12/2011	Partial release	Sch 2, 2.2(a)(xi)	Yes
101	818-819	Email - FW: Canberra Sand and Gravel	13/12/2011	Partial release	Sch 1, 1.14	Yes
102	820-821	Email - RE: minutes of meeting on Canberra Sand and Gravel – Fyshwick	13/12/2011	Partial release	Sch 1, 1.14	Yes
103	822	Email - RE: Canberra Sand and Gravel	27/09/2018	Partial release	Sch 2, s 2.2(a)(ii)	Yes
104	823-826	Email - FW: Meeting - Non Compliances by Canberra Sand and Gravel	02/10/2018	Refuse	Sch 1, s 1.2	No
105	827-829	CSG – Background doc	Undated	Refuse	Sch 1, s 1.2	No
106	830-842	ACT GSO Advice	17/08/2018	Refuse	Sch 1, s 1.2	No
107	843-845	Email - RE: Meeting - Non Compliances by Canberra Sand and Gravel <i>(Attachment is item 17)</i>	04/10/2018	Refuse	Sch 1, s 1.2	No
108	846-847	Canberra Sand &Gravel - Action Tracker	01/11/2018	Full release		Yes
109	848-849	Email - FW: Draft Notes - Meeting about CS&G [SEC=UNCLASSIFIED]	06/02/2019	Partial release	Sch 2, s 2.2(a)(ii)	Yes
110	850-851	Email - Canberra Sand & Gravel Update	11/02/2019	Partial release	Sch 2, s 2.2(a)(ii) Sch 1, 1.14	Yes
111	852-853	Email - Canberra Sand & Gravel Update	21/03/2019	Full release		Yes
112	854-855	Email - RE: Canberra Sand & Gravel Site Inspection	04/04/2019	Partial release	Sch 2, s 2.2(a)(ii)	Yes
113	856-857	Email - RE: Canberra Sand & Gravel Site Inspection	09/04/2019	Partial release	Sch 2, s 2.2(a)(ii)	Yes
114	858-859	Email - RE: Canberra Sand and Gravel - Block 2 Section 63 Fyshwick [CU-Legal.FID811073]	10/04/2019	Refuse	Sch 1, s 1.2	No

115	860-862	Email - FW: Canberra Sand and Gravel	14/06/2019	Partial release	Sch 2, s 2.2(a)(ii)	Yes
116	863	Email - RE: CSG	14/06/2019	Full release		Yes
117	864-865	Email - RE: Canberra Sand and Gravel - Block 2 Section 63 Fyshwick (formerly Block 875 Canberra City)	01/08/2022	Partial release	Sch 1, s 1.2 Sch 2, s 2.2(a)(xi)	Yes
118	866-869	Email - RE: Query - Block 2 Section 63 Fyshwick	01/08/2022	Partial release	Sch 2, s 2.2(a)(xi)	Yes
119	870-873	Email - RE: Eastern Broadacre - Canberra Sand and Gravel	19/01/2023	Partial release	Sch 2, s 2.2(a)(xi)	Yes
120	874-875	RE: Canberra Sand and Gravel, Fyshwick - current lease payments Block 2 Section 63 (Originally Block 875)	16/05/2023	Partial release	Sch 2, s 2.2(a)(xi)	Yes
Total						
No						
of						
Docs						
120						

From: Mee, Chris
To: Thomas, Steve
Cc: McKeown, Helen; Kyburz, David; Simmons, Craig
Subject: RE: Canberra Sand and Gravel, Fyshwick
Date: Monday, 20 June 2005 12:21:55 PM

Steve

Sorry for the delay in responding, however, our new boss Craig Simmons has been looking at our work loads and the nature of jobs we have on hand. One of the things he has decided since arriving is that the Compliance Unit will only now deal with issues that are on leased land. Sch 1 1.14

The unleased land is owned by the Land Assets Unit at the Authority and as such comes under their jurisdiction. The lessee of 2/6 Fyshwick was granted a twelve month then quarterly lease in November 1970. Sch 1 1.14

David also advised Geoff that unless there was a clause in the lease that specifically prohibited the use off site then the Compliance Unit would not be dealing with this matter. David advised me that Geoff appeared happy with this.

If you need to get permission from an area for use of this land you should try Geoff in the first instance on 75454.

Regards

CHRISTOPHER MEE | A/G ASSISTANT PRINCIPAL OFFICER | COMPLIANCE UNIT | DEVELOPMENT & BUILDING
ADMINISTRATION BRANCH |
ACT PLANNING & LAND AUTHORITY | PH: (02) 6207 1638 | FAX: (02) 6207 1862 | EMAIL: CHRIS.MEE@ACT.GOV.AU

-----Original Message-----

From: Thomas, Steve
Sent: Wednesday, 15 June 2005 9:29
To: Mee, Chris
Cc: McKeown, Helen
Subject: Canberra Sand and Gravel, Fyshwick

Hi Chris,

I recently discussed with you my concerns regarding the lease of Canberra, Sand and Gravel, Tennant Street, Fyshwick and my concern that they carrying out their activity without an Environmental Authorisation, which they are required to have under the Environment Protection Act 1997.

Their lease expired some time ago, to the best of my knowledge, and they Sch 1 1.14

business over recent years and actually now occupy several leases. The problem is that to assess their application, if they are not the leaseholder, they require approval from the actual lease holder.

Are you able to provide details of their lease or information relating to the blocks they occupy so this confusion can be sorted out and the Authorisation application addressed.

For more information please contact me on 6207 2142.

Thanks

Steve

From: Wilden, Karen
To: Mee, Chris; Finlay, Jennifer; Sinclair, Hamish
Subject: RE: Block 2 Section 63 Fyshwick - Canberra Sand and Gravel
Date: Monday, 4 July 2005 5:05:27 PM
Attachments: Blank Bkgrd.gif

Jennifer/Hamish

We have a meeting with Env ACT on Thursday who as the EPA and the land managers clearly have a good deal of interest in your answers to the questions below. If there is anyway you could provide some information prior to our meeting, I would be most appreciative.

thanks

Karen Wilden
Principal Officer
Compliance
ph: 6207 1892 fax: 6207 1852

-----Original Message-----

From: Mee, Chris
Sent: Monday, 4 July 2005 4:18 PM
To: Finlay, Jennifer; Sinclair, Hamish
Cc: Wilden, Karen
Subject: Block 2 Section 63 Fyshwick - Canberra Sand and Gravel
Importance: High

Jennifer/Hamish

you may recall I spoke to you both last week in regard to the above mentioned block being used by CSG. The block in question was in the River Corridor, next to the Molonglo River and the lessee was using the site for an industrial use and in contravention of their lease purpose.

Can you please confirm for me that the use that we believed they were conducting (filtering dirt and soil) would be regarded as an industrial use and as such is not permitted by the Territory Plan or the National Capital Plan. Also, that for CSG to continue to operate on the site they would need to seek to amend the TP and NCP and then apply to LDA for a lease over the land that they have utilised that they currently do not have a lease for.

Would CSG be able to seek an overlay provision for the area that they are using or would this not be seen as appropriate??

Would the Authority support such an application for variation/overlay??

Thanks for your help

CHRISTOPHER MEE | A/G ASSISTANT PRINCIPAL OFFICER | COMPLIANCE UNIT | DEVELOPMENT & BUILDING
ADMINISTRATION BRANCH |

ACT PLANNING & LAND AUTHORITY | PH: (02) 6207 1638 | FAX: (02) 6207 1862 | EMAIL:
CHRIS.MEE@ACT.GOV.AU

From: Finlay, Jennifer
To: Mee, Chris
Cc: Sinclair, Hamish; Wilden, Karen; Rajasekaram, Joyce
Subject: RE: Block 2 Section 63 Fyshwick - Canberra Sand and Gravel
Date: Monday, 4 July 2005 5:53:04 PM
Attachments: Blank Bkgrd.gif

Chris

Yes. The site we discussed is subject to the River Corridors Land Use policies. The use of the site by CSG was best defined by the Territory Plan as being 'industry'. Industry is not a permissible use in the River Corridors LUP area. A lease cannot be granted for a use that is inconsistent with the Territory Plan. The only option for CSG to (continue) to operate lawfully on the site would be for the Territory Plan to be varied - to effectively make the use permissible - by either excluding the land from River Corridors LUP and including it into an appropriate land use policy area (such as Industrial LUP) or to apply an area specific policy (overlay) to the Rivers Corridors LUP that specifies specific land use controls for this site/ block/section.

A request to vary the Territory Plan would trigger a planning study to be undertaken. A variation to the Territory Plan that would change the land use policy from River Corridors would trigger a mandatory preliminary assessment (part 4 of land Act). The main interest in this case would be environmental impacts and rehabilitation.

A variation to the Territory Plan can be a lengthy exercise and a positive outcome is not guaranteed. It involves referral to the Planning & Land Council for advice, public notification and can be disallowed by the Legislative Assembly. So for these reasons it's not really possible/appropriate to give an indication of support or otherwise for such a proposal.

Applying an 'overlay provision' still equates to a variation to the Territory Plan.

Trust this helps for your meeting.

Jennifer Finlay
Territory Plan Coordination
71763

-----Original Message-----

From: Mee, Chris
Sent: Monday, 4 July 2005 4:18 PM
To: Finlay, Jennifer; Sinclair, Hamish
Cc: Wilden, Karen
Subject: Block 2 Section 63 Fyshwick - Canberra Sand and Gravel
Importance: High

Jennifer/Hamish

you may recall I spoke to you both last week in regard to the above mentioned block being used by CSG. The block in question was in the

River Corridor, next to the Molonglo River and the lessee was using the site for an industrial use and in contravention of their lease purpose.

Can you please confirm for me that the use that we believed they were conducting (filtering dirt and soil) would be regarded as an industrial use and as such is not permitted by the Territory Plan or the National Capital Plan. Also, that for CSG to continue to operate on the site they would need to seek to amend the TP and NCP and then apply to LDA for a lease over the land that they have utilised that they currently do not have a lease for.

Would CSG be able to seek an overlay provision for the area that they are using or would this not be seen as appropriate??

Would the Authority support such an application for variation/overlay??

Thanks for your help

CHRISTOPHER MEE | A/G ASSISTANT PRINCIPAL OFFICER | COMPLIANCE UNIT | DEVELOPMENT & BUILDING
ADMINISTRATION BRANCH |

ACT PLANNING & LAND AUTHORITY | PH: (02) 6207 1638 | FAX: (02) 6207 1862 | EMAIL:
CHRIS.MEE@ACT.GOV.AU

From: Neil, Robert
To: Wilden, Karen; Thomas, Steve
Subject: FW: Canberra Sand and Gravel, Fyshwick
Date: Tuesday, 16 August 2005 5:03:05 PM

Karen

latest on CS&G land area. I think if we look at the current area occupied it is less than this - and that is the maximum we should be looking at.

Steve can you ask Mark or Lu downstairs to check the aerial photos and get a more accurate size.
bob

-----Original Message-----

From: Thomas, Steve
Sent: Tuesday, 16 August 2005 12:06
To: Neil, Robert; Wilden, Karen
Subject: RE: Canberra Sand and Gravel, Fyshwick

Bob,

Checked with Wayne Gregory and he said he mistakenly thought it was 25 hectares but it was 25 acres. He said that anywhere between 12 and 14 hectares would suit. He said he was including half of the current pond (which he hopes to divide with an earthen barrier) and some area currently unused at the moment.

Cheers

Steve

-----Original Message-----

From: Neil, Robert
Sent: Tuesday, 16 August 2005 9:26
To: Wilden, Karen
Cc: Thomas, Steve
Subject: FW: Canberra Sand and Gravel, Fyshwick

Karen

I am a bit concerned that the size is unrealistic - a really rough estimate is less than 12 hectares. I have asked Steve to recheck

bob

-----Original Message-----

From: Thomas, Steve
Sent: Monday, 15 August 2005 3:41
To: Neil, Robert; McKeown, Helen
Subject: Canberra Sand and Gravel, Fyshwick

Bob / Helen

CS&G do not hold an environmental authorisation. They have put in an application but as they are tenants and not the leaseholder this application cannot be assessed or granted unless the leaseholder gives permission. There lies the problem. ACTPLA have been approached about the "lease" and they have some concerns.

The original lease boundaries have been encroached over time and the total used area takes

Sch 1 1.4

I visited Wayne Gregory at Canberra Sand and Gravel last Thursday 11 August 2005 and discussed his operations. He claims that the majority of work carried out at the site is 'recycling'. In reality he brings material onto the site for crushing and separating. This material is then stockpiled until there is enough quantity or enough demand to move from it from the site. He claims he does not dredge and has not done so for many years.

I explained to Mr Gregory that he is currently operating without an Environmental Authorisation which is required for his activity under the Environment Protection Act 1997. He said he understood this and over previous years have had discussions with ACTPLA (PALM at the time) but it appears there has not been any progress with sorting out their lease.

Mr Gregory said to operate his business he requires 25 hectares. I explained that I would forward this information on to ACTPLA in the hope that something can be sorted out quickly so I can then process his Authorisation application.

Helen could please forward the relevant information to ACTPLA so this matter can be dealt with ASAP.

Thanks

Steve Thomas
Environment Protection Officer
Environment Protection

From: Calnan, Garrick
To: Wilden, Karen
Cc: McKeown, Helen; Neil, Robert; Thomas, Steve; Pooley, Kathleen
Subject: RE: Canberra Sand and Gravel, Fyshwick
Date: Tuesday, 16 August 2005 10:30:51 AM

Karen

Based on the advice from Environment ACT, the use of the land would come under the definitions of 'bulk landscape supply' and 'recycling facility' in the Territory Plan. These uses are only permissible in areas subject to Precincts 'a' and 'b' of the Industrial Land Use Policy.

There are no areas in Precinct 'b' of the scale indicated by CS&G. There are also no real options in Fyshwick in Precinct 'a'. However, there are some areas in Hume Precinct 'a' which are potentially large enough, though each would have its own issues and constraints. Any other sites would be subject to a variation to the Territory Plan and possibly the NCP.

I think we, the government and LDA would have serious reservations about the option of placing such a large area of Industrial land under private lease. I think therefore the only way forward, if a suitable site could be identified, would be for the land to be occupied under licence. In my view such a licence arrangement in these circumstances should involve ACT NoWaste who would be responsible for its day to day supervision and management. The next step therefore may be to arrange discussions with ACT NoWaste to establish whether they would be willing to enter into such an arrangement.

Garrick

-----Original Message-----

From: Wilden, Karen
Sent: Tuesday, 16 August 2005 9:28 AM
To: Calnan, Garrick
Cc: McKeown, Helen; Neil, Robert; Thomas, Steve; Pooley, Kathleen
Subject: FW: Canberra Sand and Gravel, Fyshwick

Garrick

We have previously discussed this lease. Env ACT have provided information below on the operations and site requirements. I understand that access to a river is not required. Before we can brief the Planning and Environment Minister's on options to resolve this issue, it would be helpful if we could identify any possible sites to which CS&G could relocate. If your area and the LDA come to conclusion that there are no alternative sites, then the Minister's need to understand the implications of that.

Can you please advise a reasonable time in which you could provide preliminary advice on this matter. Env ACT are anxious for this matter to progress ASAP.

Happy to discuss

Karen Wilden
Principal Officer
Compliance
ph: 6207 1892 fax: 6207 1852

-----Original Message-----

From: McKeown, Helen
Sent: Tuesday, 16 August 2005 8:44 AM
To: Wilden, Karen; Pooley, Kathleen
Subject: FW: Canberra Sand and Gravel, Fyshwick

[See below](#)

Helen McKeown
Conservator Liaison and Environment Coordination
Environment ACT

phone: 6207 2247 fax: 6207 2316

-----Original Message-----

From: Thomas, Steve
Sent: Monday, 15 August 2005 3:41 PM
To: Neil, Robert; McKeown, Helen
Subject: Canberra Sand and Gravel, Fyshwick

Bob / Helen

CS&G do not hold an environmental authorisation. They have put in an application but as they are tenants and not the leaseholder this application cannot be assessed or granted unless the leaseholder gives permission. There lies the problem. ACTPLA have been approached about the "lease" and they have some concerns.

Sch 1 1.14

The site is adjacent to a pond which is used by CS&G to control their waste water and for reuse in their crushing plant. The pond is also used as a discharge pond for stormwater collected around Tenant Street, Fyshwick.

I visited Wayne Gregory at Canberra Sand and Gravel last Thursday 11 August 2005 and discussed his operations. He claims that the majority of work carried out at the site is 'recycling'. In reality he brings material onto the site for crushing and separating. This material is then stockpiled until there is enough quantity or enough demand to move from it from the site. He claims he does not dredge and has not done so for many years.

I explained to Mr Gregory that he is currently operating without an Environmental Authorisation which is required for his activity under the Environment Protection Act 1997. He said he understood this and over previous years have had discussions with ACTPLA (PALM at the time) but it appears there has not been any progress with sorting out their lease.

Mr Gregory said to operate his business he requires 25 hectares. I explained that I would forward this information on to ACTPLA in the hope that something can be sorted out quickly so I can then process his Authorisation application.

Helen could please forward the relevant information to ACTPLA so this matter can be dealt with ASAP.

Thanks

Steve Thomas
Environment Protection Officer
Environment Protection

From: Calnan, Garrick
To: Wilden, Karen
Cc: Pooley, Kathleen
Subject: FW: Canberra Sand and Gravel, Fyshwick
Date: Tuesday, 16 August 2005 9:22:38 AM

Karen

Are you doing anything in regards to briefing the Minister about this issue?

Garrick

-----Original Message-----

From: Pooley, Kathleen
Sent: Tuesday, 16 August 2005 9:00 AM
To: Calnan, Garrick
Subject: FW: Canberra Sand and Gravel, Fyshwick

Garrick

ACTPLA is not the land manager for this site - it is river corridor and therefore is EACT.

In relation to the need for 25 hectares I would suggest that Mr Gregory is a bit over zealous particularly as this activity is only using 15 ha at this stage and that this use is the same as all the other civil operators (Kenoss, Samarkos, Corkhills) have been seeking this type of large site for.

This recycling activity is more in line with Waste policy and they should be approached to place this activity into their recycling estate.

Kath Pooley
Land Strategy and Assets
Land Planning and Projects
Phone 6207 1666
Fax 6207 2560

-----Original Message-----

From: McKeown, Helen
Sent: Tuesday, 16 August 2005 8:44 AM
To: Wilden, Karen; Pooley, Kathleen
Subject: FW: Canberra Sand and Gravel, Fyshwick

See below

Helen McKeown
Conservator Liaison and Environment Coordination
Environment ACT

phone: 6207 2247 fax: 6207 2316

-----Original Message-----

From: Thomas, Steve
Sent: Monday, 15 August 2005 3:41 PM
To: Neil, Robert; McKeown, Helen

Subject: Canberra Sand and Gravel, Fyshwick

Bob / Helen

CS&G do not hold an environmental authorisation. They have put in an application but as they are tenants and not the leaseholder this application cannot be assessed or granted unless the leaseholder gives permission. There lies the problem. ACTPLA have been approached about the "lease" and they have some concerns.

Sch 1 1.14

. The site is adjacent to a pond which is used by CS&G to control their waste water and for reuse in their crushing plant. The pond is also used as a discharge pond for stormwater collected around Tenant Street, Fyshwick.

I visited Wayne Gregory at Canberra Sand and Gravel last Thursday 11 August 2005 and discussed his operations. He claims that the majority of work carried out at the site is 'recycling'. In reality he brings material onto the site for crushing and separating. This material is then stockpiled until there is enough quantity or enough demand to move from it from the site. He claims he does not dredge and has not done so for many years.

I explained to Mr Gregory that he is currently operating without an Environmental Authorisation which is required for his activity under the Environment Protection Act 1997. He said he understood this and over previous years have had discussions with ACTPLA (PALM at the time) but it appears there has not been any progress with sorting out their lease.

Mr Gregory said to operate his business he requires 25 hectares. I explained that I would forward this information on to ACTPLA in the hope that something can be sorted out quickly so I can then process his Authorisation application.

Helen could please forward the relevant information to ACTPLA so this matter can be dealt with ASAP.

Thanks

Steve Thomas
Environment Protection Officer
Environment Protection

From: Wilden, Karen
To: Neil, Robert
Subject: CS&G
Date: Tuesday, 16 August 2005 5:36:38 PM
Attachments: [L&BS Input 2005 08 17.doc](#)

Bob

As discussed, what we propose to send to the Minister is in the attached document.

cheers

Karen Wilden
Principal Officer
Compliance
ph: 6207 1892 fax: 6207 1852

CONFIDENTIAL**MINISTER FOR PLANNING – WEEKLY REPORT****17 August 2005****WHAT YOU NEED TO KNOW:****Canberra Sand and Gravel – Block 2 Section 63 Fyshwick**

The lessee was granted a twelve-month lease of block 2 in November 1970, which then became a quarterly lease. Since that time the lessee's activities have expanded beyond the block boundaries into the surrounding blocks. The lessee's primary activities on the block involve crushing and separating rocks and other materials and storing spoil. This activity is inconsistent with their lease, which is for the 'winning of and processing of bed load material from the Molonglo River'.

Sch 1 1.14

The Authority is working with Environment ACT to determine the options available for CS&G. This may also involve consultation with ACT ~~NoWaste~~. Once all issues have been identified a joint brief will be prepared for consideration by the ~~Planning Minister~~ and the Environment Minister.

SIGNIFICANT EVENTS/ISSUES IN COMING WEEKS:**ACHIEVEMENTS IN THE LAST WEEK:**

Neil Savery
Chief Planning Executive

July 2005

Contact Officer: Petar Djokovic Phone: 6207 1677

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

From: "Mee, Chris"
Sent: 08/02/2006 12:49 PM
To: "Wilden, Karen" <Karen.Wilden@act.gov.au>
Subject: Lease for Block 875 Canberra City
Attachments: SDOC4924.pdf

Karen

copy of lease attached

Christopher Mee | Inspector | Land Regulation Unit | Construction Occupations & Land Regulation Section | Statutory Planning & Development Services Branch
ACT Planning & Land Authority | Ph: (02) 6207 1638 | Fax: (02) 6207 1862 | Email: chris.mee@act.gov.au

-----Original Message-----

From: Chris Mee [<mailto:chris.mee@act.gov.au>]

Sent: Wednesday, 8 February 2006 3:35

To: Mee, Chris

Subject:

This E-mail includes attached file(s) sent from "Ricoh2035-CAIT" (Aficio 2035).

Scan Date: 02.08.2006 12:35:27 (+0800)

THE COMMONWEALTH OF AUSTRALIA
 AUSTRALIAN CAPITAL TERRITORY
 LEASES ORDINANCE 1918-1966

LEASE GRANTED pursuant to the Leases Ordinance 1918-1966 and the Regulations under that Ordinance on the *twenty sixth* day of *November* One thousand nine hundred and *seventy one* WHEREBY THE COMMONWEALTH OF AUSTRALIA (in this lease called the "Commonwealth") GRANTS to CANBERRA SAND AND GRAVEL PTY. LIMITED a Company incorporated under the laws of the Australian Capital Territory whose registered office is situated care of Olsson and Olsson 5th Floor M.L.C. Building London Circuit Canberra City in the said Territory (in this lease called the "Lessee") ALL THAT piece or parcel of land situate in the District of Canberra City in the Australian Capital Territory and known as Block Number 875 in the said District of Canberra City containing an area of about ~~—13—~~ acres ~~—2—~~ roods ~~—~~ perches and being the land shown by pink colour on the plan annexed hereto TO HOLD unto the lessee for a term of twelve months commencing on the eleventh day of November One thousand nine hundred and seventy and thereafter quarterly TO BE USED by the lessee only for the purposes set forth in sub-clause (i) of clause (1) YIELDING AND PAYING THEREFOR rent at the rate of Two thousand eight hundred dollars per annum payable quarterly in advance on the FIRST day of January the FIRST day of April the FIRST day of JULY and the FIRST day of October in each year during the continuance of the tenancy hereby created.

1. THE LESSEE COVENANTS WITH THE COMMONWEALTH

- (a) To pay to the Commonwealth at Canberra in the said Territory the rent hereby reserved in advance on the days and in the manner aforesaid without any deduction whatsoever;
- (b) To pay to the Commonwealth at Canberra aforesaid as an additional rent a sum calculated at the rate of Eight dollars per centum per annum on any quarterly payment or portion of a quarterly payment which remains unpaid for thirty days after the day appointed for the payment of that quarterly payment computed from the expiration of that thirty days to the date upon which the whole of that quarterly payment is paid the

P. C. G.

- 2 -

additional rent to be added to and paid with the quarterly payment;

- (c) To pay all taxes assessments and outgoings of every kind payable in respect of the said land (other than rates payable under the Rates Ordinance 1926-1967 or any amendment thereof or any Ordinance substituted therefor the amount of such rates being included in the rent hereinbefore provided);
- (d) At all times during the tenancy hereby created to keep the said land clean and tidy and free from debris dry herbage rubbish and other unsightly and offensive matter;
- (e) That the lessee will not erect or place any building or buildings on the said land or any part thereof without the prior consent in writing of the Commonwealth or the Minister on behalf of the Commonwealth and will erect any building in respect of the erection of which consent has been so given in accordance with plans and specifications thereof to be previously submitted to and approved in writing by the Commonwealth or the Minister on behalf of the Commonwealth and in accordance with every Statute Ordinance and Regulations applicable thereto;
- (f) That the lessee will not display or permit to be displayed on the said land any advertisement sign or hoarding without the previous consent in writing of the Minister;
- (g) That if requested in writing by the Commonwealth the lessee will within three months from the date of the request erect fencing together with necessary gates on the boundaries of the said land of a type approved by the Commonwealth and the Commonwealth shall not contribute to the cost of erection or maintenance of any fencing on the boundaries of the said land and any adjoining land belonging to the Commonwealth;
- (h) At all times during the said term to maintain repair and keep in repair all buildings fences and other erections on the said land all to the satisfaction of the Minister;
- (i) To use the said land only for the winning of and the processing of bed load material from the Molonglo River;
- (j) To permit the Commonwealth by its officers or servants duly authorised by the Minister in that behalf to enter upon the said land at all reasonable times and in any reasonable manner and inspect the land and any buildings erections and improvements thereon;
- (k) To pay for all electricity consumed on the said land at such rates as may be determined by the Minister from time to time;
- (l) Not to assign sub-let or part with the possession of the said land without the previous consent in writing of the Commonwealth or the Minister on behalf of the Commonwealth;



- (m) That if the lessee shall fail -
- (i) to keep all buildings fences and other erections on the said land in repair in accordance with the covenant in sub-clause (h) of this clause; or
 - (ii) to keep the said land clean and tidy and free from debris dry herbage rubbish and other unsightly and offensive matter in accordance with the covenant contained in sub-clause (d) of this clause;

the Minister on behalf of the Commonwealth or any person authorised by the Minister in that behalf without prejudice to any other right or remedy of the Commonwealth may but it shall not be obligatory so to do by notice in writing to the lessee require the lessee to effect the repairs he has so failed to effect or to make the land clean and tidy and free from debris dry herbage and other unsightly and offensive matter within a time specified in the notice;

- (n) That if after the time specified in the notice mentioned in sub-clause (m) of this clause or such longer time as the Minister on behalf of the Commonwealth or any person authorised by the Minister in that behalf may allow the lessee has not effected the repairs he has been required to effect or performed the work he has been required to perform the Minister on behalf of the Commonwealth shall be at liberty but it shall not be obligatory on the Commonwealth or the Minister without prejudice to any other right or remedy of the Commonwealth or the Minister hereunder or under the Leases Ordinance 1918-1966 or the Leases Regulations by its or his officers or servants or by any persons duly authorised in that behalf to enter upon the said land to effect the said repairs or perform the said work and the lessee shall pay to the Commonwealth on demand all expenses that shall be incurred by the Commonwealth or the Minister in pursuance of this sub-clause in so doing;
- (o) Not to store on the said land or any part thereof any bulk kerosene petrol or other materials of an explosive or inflammable nature without the consent in writing of the Minister and if such consent be given to comply in all respects with any directions from time to time given by the Minister with regard to the storage of any bulk kerosene petrol or other material. Any such consent may at any time be withdrawn by the Commonwealth or the Minister on behalf of the Commonwealth and thereupon the lessee shall forthwith remove from the said land any bulk kerosene petrol or other material of an explosive or inflammable nature stored thereon;
- (p) At all times during the tenancy hereby created to take all reasonable precautions against the outbreak or spread of fire on the said land and to comply in all respects with any directions in regard thereto given from time to time by the Commonwealth or the Minister on behalf of the Commonwealth or any person duly authorised in that behalf;
- (q) To comply with the laws in force in the said Territory relating to the business carried on by the lessee and

Handwritten signature

- 4 -

with the requirements of the authorities administering such laws.

2. THE COMMONWEALTH COVENANTS WITH THE LESSEE:

- (a) That the lessee paying the rent and observing and performing the covenants and stipulations on the part of the lessee to be observed and performed shall quietly enjoy the said land without interruption by the Commonwealth or any person lawfully claiming from or under or in trust for the Commonwealth;
- (b) That during the term of the lease the lessee will have the right to remove and dispose of bed load material from the part of the Molonglo River coloured blue on the plan annexed hereto in accordance with the method of operation requirements and conditions set out in the Schedule marked "A" annexed hereto.

3. IT IS MUTUALLY COVENANTED AND AGREED as follows:

- (a) That upon the expiration or sooner determination of the tenancy hereby created the lessee shall have the right to remove and carry away all buildings alterations additions fences partitions and fixtures and fittings set up erected or affixed in or on the said land by the lessee during the continuance of the tenancy within one calendar month from the day of such determination or within such longer time as the Minister may in writing allow but if such right of removal is not exercised within the time herein prescribed all the said buildings alterations additions fences partitions fixtures and fittings shall become the property of the Commonwealth absolutely. Provided that if the lessee shall exercise such right of removal the lessee shall thereupon fill in all holes made as a result of the removal and leave the land in a clean and tidy condition to the satisfaction of the Minister and in default of the lessee so doing the Minister or any person or persons duly authorised by the Minister in that behalf may enter upon the said land and place it in a clean and tidy condition and all expenses incurred by the Minister shall be paid by the lessee to the Minister on demand and from the date of such demand and until paid shall be a debt due by the lessee to the Minister and may be sued for in any court of competent jurisdiction;
- (b) That if any rent shall be thirty days in arrears (whether such rent shall have been legally demanded or not) or if the lessee shall fail to observe or perform any of the covenants herein contained and on the part of the lessee to be observed or performed the Minister on behalf of the Commonwealth may by notice in writing to the lessee determine the lease but without prejudice to any claim which the Commonwealth or the Minister may have against the lessee in respect of any breach of the covenants on the part of the lessee to be observed or performed;
- (c) That any notice requirement demand consent or other communication to be given to or served upon the lessee by the Commonwealth or the Minister under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Minister and delivered



to or sent in a prepaid letter addressed to the lessee at the said land or at the usual or last-known address of the lessee or affixed in a conspicuous position on the said land;

- (d) That if the lessee breaches or fails to carry out or comply with any requirement or condition set out in the Schedule marked "A" and annexed hereto the Commonwealth may serve on the lessee a Notice specifying the failure or breach and if the failure or breach can be remedied call upon the lessee to remedy the failure of breach within seven days from the date of the Notice. If the lessee fails to comply with the terms of the Notice or the failure or breach cannot be remedied the Commonwealth may determine the lease and thereupon shall serve Notice of the determination on the lessee;

4. In this lease -


- (a) "The Minister" means the Minister of State of the Commonwealth for the time being administering the Leases Ordinance 1918-1966 or any Statute or Ordinance substituted for that Ordinance or the member of the Executive Council of the Commonwealth for the time being performing the duties of the Minister and includes an authority or person for the time being authorized by the Minister or by law to exercise the powers and functions of the Minister under that Ordinance or any Statute or Ordinance substituted for that Ordinance;
- (b) If the lessee shall consist of one person the word "Lessee" shall where the context so admits or requires be deemed to include the executors administrators and permitted assigns of the lessee;
- (c) If the lessee shall consist of two or more persons the word "Lessee" shall where the context so admits or requires in the case of a tenancy in common be deemed to include the said persons and each of them and their and each of their executors administrators and permitted assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their permitted assigns and the executors administrators and permitted assigns of the survivor of them;
- (d) If the lessee shall be a corporation the word "Lessee" shall where the context so admits or requires be deemed to include the successors and permitted assigns of that corporation.

IN WITNESS whereof this lease has been executed in the name of the Commonwealth of Australia by the Minister and by the lessee.

SIGNED SEALED AND DELIVERED)
 by **ROY JAMES CORRIGAN**)
 delegate of the Minister of)
 State for the Interior of the)
 Commonwealth of Australia in)
 the presence of:-)

[Signature]
COMMISSIONER FOR DECLARATIONS

The Common Seal of Canberra)
 Sand and Gravel Pty. Limited)
 was hereunto affixed by)
 Resolution of the Directors)
 and in the presence of)

[Signature: R. Corrigan]

[Signature: J. Smith] Director
[Signature: J. Brown] Secretary

[Handwritten initials]

SCHEDULE 'A'

CONDITIONS GOVERNING OPERATIONS TO REMOVE BED
LOAD MATERIAL FROM THE PART OF THE MOLONGLO
RIVER LETTERED A-A to B-B AND SHOWN BY BLUE
COLOUR ON DRAWING MS 1057 ATTACHED

1. DESCRIPTION OF WORK

The work comprises the following:

- (a) The removal and disposal of bed load material from the Molonglo River from cross-section A-A to cross-section B-B on Drawing MS 1057. The removal of bed load shall be confined to material between the existing river banks at and below RL 1825, which is the normal water level in the backwater of Lake Burley Griffin.
- (b) Bed load material shall include all unconsolidated material, including gravel, sand, silt and loam. The bed load material shall also include consolidated gravel and sand, and silt and loam intermixed with consolidated gravel and sand, provided that the consolidated material contains not less than 80% sand and gravel and provided that the material can be readily excavated by a suction dredge. The operator may elect to remove consolidated gravel and sand material which contains less than 80% sand and gravel, subject to obtaining approval of the Engineer.
- (c) The removal and disposal of tree stumps, branches and debris of any kind present in the material being excavated in the river.
- (d) The removal of trees, tree stumps, tree growth and branches in the waterway below RL 1825.
- (e) The trimming of trees and the removal of the trimmed branches, where the branches overhang the waterway, interfering with dredging operations, or where tree branches overhanging the waterway are within 15 feet vertically of the river water level.
- (f) The battering of riverbanks to a grade not steeper than one vertical to three horizontal, where the banks have been disturbed or their stability adversely affected by the operations, the batter to extend both above and below water level. Below water level, the material shall be excavated to provide an underwater river bank not steeper than one vertical to three horizontal.
- (g) The removal of trees on the river banks leaning towards the river that are inclined at an angle from the vertical in excess of 30° and sufficiently close to the waterway that they would protrude into the waterway if they were to fall.
- (h) The seeding and fertilising of river banks, access and working areas, if any, where the operations have destroyed the vegetative cover, as soon as practicable after bank battering and other operations affecting the vegetative cover. Materials for seeding and fertilising shall be as directed at the time by the Engineer.

- (i) The width of the river at normal water level (RL 1825) is to remain unchanged, apart from locations where minor bank straightening appears desirable and is approved or directed by the Engineer.

Apart from operations on approved river bank straightening, the operator is not entitled to win or claim topsoil, sand and gravel naturally occurring in any strip of land along the river bank or forming any land outside the river channel that the operator is permitted to use as an access area, works area, stockpile area or for any purpose whatsoever.

2. INTERPRETATION OF TERMS

"Engineer" means the Director of the Commonwealth Department of Works, Australian Capital Territory, or the person appointed by him from time to time to supervise the operations.

"Operator" means the person or company holding the lease over Block Number 875 in the District of Canberra City.

3. ORDER OF WORK

Work shall commence at the downstream end of the river section, i.e. at cross-section A-A on Drawing MS 1057, and progress continuously in an upstream direction with final completion at cross-section B-B. The trimming of willow tree branches, removal of willow trees where necessary and bank battering where necessary shall be carried out prior to, during or immediately following the winning of bed load material from each section of the river.

The Commonwealth reserves the right to withdraw permission to remove the bed load material, if progress on the trimming of willows, removal of willows where necessary and bank battering works does not match progress on the removal of bed load material to the satisfaction of the Engineer.

4. CONTROL OF TURBIDITY

The turbidity increase in the river from any or all operations occurring at any time shall not exceed 5 turbidity (Jackson Candle standard) units, when measured by the Engineer upstream of Section B-B and downstream of Section A-A as located on Drawing No. MS 1057.

The Engineer reserves the right to suspend any operation or combination of operations which, in the opinion of the Engineer, causes a turbidity increase from Section B-B to Section A-A in excess of 5 turbidity units. In order to minimise any turbidity increase, the operator shall use a suction dredge for bed load removal operations in the river channel. The construction of levee banks to form settling lagoons in the river section between A-A and B-B is not permitted. The operator may make use of the existing settling lagoons downstream of Kallaroo Road for his settling pond requirements.

5. PERFORMANCE AND PROGRESS OF WORK

Starting at cross-section A-A, the operator may commence operations, e.g. bed load removal, tree pruning, removal of debris, seeding and fertilising (where required) in an order to suit his requirements and plant, subject to the approval of the Engineer. However, progress on tree pruning, removal of debris, seeding and fertilising shall proceed at a sufficient rate, so that the extraction of bed load material does not progress upstream and these operations by more than 700 feet, i.e. by approximately one third of the distance from A-A to B-B.

If debris removal, tree pruning and removal, and erosion protection works lag behind the extraction of commercially valuable bed load deposits in excess of 700 feet when measured along the length of the river, the Engineer may order the cessation of extraction of commercially valuable bed load deposits until adequate progress has been made, in the opinion of the Engineer, on the works other than the extraction of the commercially valuable bed-load material.

If, in the opinion of the Engineer, undue difficulties or delays are encountered by the operator in the removal of consolidated bed load material, then the extraction of these consolidated materials may be deferred until after any or all other works are completed, subject to approval of the Engineer.

6. OPERATIONS IN THE RIVER

The winning of bed load material shall be carried out by an approved suction dredge, pumping the bed load material into or adjacent to clarification ponds before return of the waste water to the river via the clarification ponds. The clarification ponds shall consist of not less than one primary settling pond and one secondary settling pond. The primary settling pond and the secondary settling pond may be of approximately the same volume. However, the primary settling pond volume shall not be less than 3 acre feet and the secondary settling pond volume shall not be less than 5 acre feet. At the commencement of the operation, the total volume of the ponds shall be not less than either of the following:

- (a) 10 acre feet, or
- (b) 5 acre feet plus the volume equivalent to the suction dredge pumping rate for thirty hours of continuous pumping.

(a) and (b) are based on an allowance of 5 acre feet for sediment deposition.

If the quantity of sediment deposited in the ponds during these operations commences to exceed 5 acre feet, then the Engineer reserves the right to require volumes referred to in (a) and (b) to be increased or the ponds to be partly dredged of sediment.

Settling ponds shall not be located between the high banks of the river upstream of Kallaroo Road.



- 4 -

Clarification ponds shall be partly or completely cleared of settled sediment as directed by the Engineer if:

- (a) either the total volume above the sediment level reduces the 5 acre feet, or
- (b) clarification in the ponds is adversely affected in the opinion of the Engineer by insufficient volume above the sediment level in the ponds.

The use of a dragline in the river is not permissible, except where special approval is obtained in writing from the Engineer for use of a dragline upstream of/and to supplement the suction dredge, if deposits of "clean" sand and gravel are encountered. Attention is drawn to Clause 4 which under normal circumstances precludes the use of any extraction method in the river other than by suction dredging followed by clarification ponds for the waste water.

7. ANCHORAGE OF EQUIPMENT

Anchorage of equipment in the river shall be to the approval of the Engineer.

The operator shall be responsible for and pay all damages due to the use of the suction dredge or other equipment in the river, including damage resulting from the dredge or other equipment breaking from or slipping anchorage in the event of a flood or due to any other causes whatsoever. Approval of the anchorage by the Engineer does not absolve the operator from responsibility for any loss or damage resulting from failure of the anchorage.

8. DISPOSAL OF BED LOAD MATERIAL

Gravel, sand, silt and loam of commercial value obtained from the Molonglo River between the existing river banks between sections A-A and B-B on Drawing MS 1057 shall become the property of the operator for sale or disposal by the operator during the period of this lease. Gravel, sand, silt and loam of commercial value shall not be stockpiled within the limits of the high river banks or below RL 1835 on the left bank flood plain between sections A-A and B-B. Gravel, sand, silt and loam of commercial value remaining in stockpile or other form in any works area upstream of Kallaroo Road at the expiry date of the lease shall revert to the ownership of the Commonwealth and the operator shall have no rights whatsoever to any claim on this material. Waste material such as non-commercially valuable silt and loam, other than suction dredging wastes contained in suction dredging waste water clarification ponds and waste wash waters in wash water ponds, shall not be disposed of within the limits of the high river banks between sections A-A and B-B or below RL 1835, but shall be disposed of by grading evenly over an approved area at the site of the works or by disposal outside the limits of the works area to the approval of the Engineer.

9. DISPOSAL OF DEBRIS AND TREE WASTES

Debris of any description and tree wastes of any description shall not be disposed of between the high banks of the river between sections A-A and B-B or below RL1835. These wastes shall be disposed of by burial or burning within the limits of the works area or by disposal outside the limits of the works area to the approval of the Engineer. Burning shall be carried out in accordance with the requirements of A.C.T. ordinances on the lighting and control of fires.

10. RIVER BANK SLOPES

Wherever the operator's operations have altered or affected the stability of the river bank above the water line, the operator shall batter the bank with approved consolidated material above the water line to a grade not steeper than one vertical to three horizontal, except where in the opinion of the Engineer, tree growth prevents mechanical grading operations and the tree growth provides adequate stability to the bank above the water line.

The operator shall not excavate below the water line in consolidated or unconsolidated material to cause a steeper bank gradient below the water line than one vertical to three horizontal.

11. PRESERVATION OF TREES

Trees along the river banks serve an erosion protection function and, except as provided in these clauses for the removal and/or trimming of trees in or overhanging the waterway, the operator shall not undermine or remove any trees without the approval of the Engineer.

12. RIGHT RIVER BANK STABILITY

The operator shall not carry out any operations which may interfere with or possibly reduce existing protection from erosion of the right-hand river bank (when viewed facing downstream) at or adjacent to bends in the river, which could lessen the stability of these banks during floods of either minor or major magnitude.

13. METHOD OF OPERATION

The operator shall obtain prior approval from the Engineer for his method of operation and for any changes in the method of operation. He shall submit for approval of the Engineer a sketch plan showing the proposed location of suction dredge pipeline locations, booster pump location if booster pumping is proposed, access and stockpile locations, washing and screening plant locations, other than the location of currently existing plant and facilities.

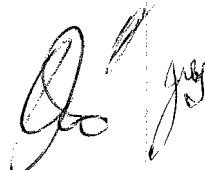
14. COINCIDENT WORKS

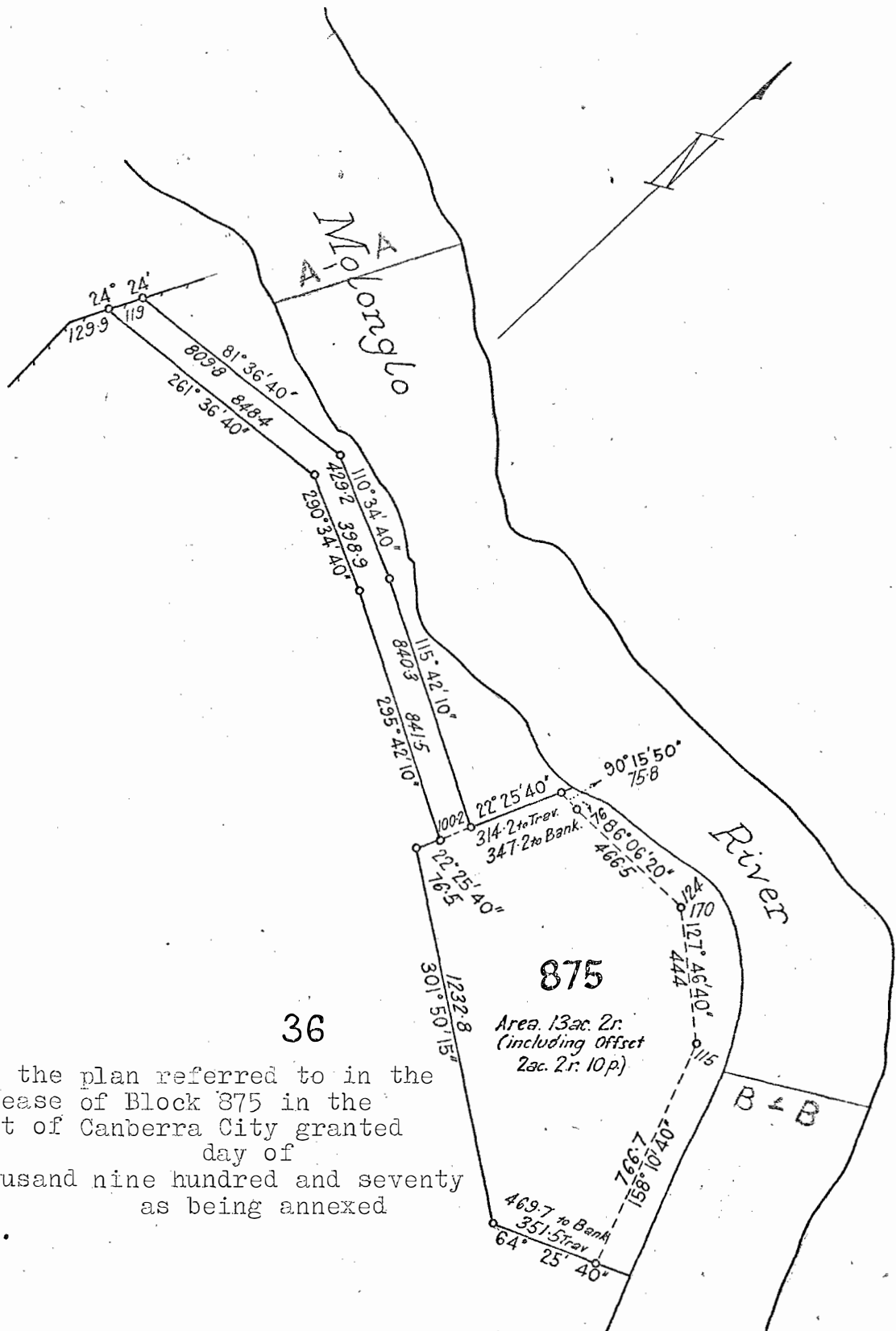
The operator shall not interfere with other Commonwealth operations in the area, including soil winning operations on the left bank by the Commonwealth or its agents.

15. BED LOAD TRAP STRUCTURE

During the period of the right covering the bed load removal operations between sections A-A and B-B, the Commonwealth may commence construction of a permanent bed load trap structure at the site of the existing settling lagoons immediately downstream of Kallaroo Road, at the location marked on Drawing MS 1057.

The operator shall not interfere with the work associated with the construction of this structure. This structure when completed will have a top level, for the full 600 feet width of the river, approximately 3 feet below normal lake level and the use of lagoons A, B and C as settling lagoons will have to be discontinued progressively as sections of the permanent bed load structure are completed.





36

875

Area 13ac. 2r.
(including Offset
2ac. 2r. 10p)

B = B

This is the plan referred to in the Crown Lease of Block 875 in the District of Canberra City granted on the _____ day of _____ One thousand nine hundred and seventy _____ as being annexed thereto.

Sessions
George

Drawn by <i>DWB</i>	Date 8-2-1971	BLOCK 875 CANBERRA CITY DISTRICT Australian Capital Territory Scale: 5 Ch to an Inch	Surveyed by <i>S. SESSIONS</i>
Traced „			Date of Survey <i>DEC. 1970</i>
Exam'd by			Azimuth <i>STROM MERIDIAN</i>
			Comput' Sheet.....
			F.B. <i>K5953</i>

MS 1057

From: "Dix, Rodney" <Rodney.Dix@act.gov.au>
Sent: 02/11/2016 11:37 AM
To: "Andric, Radmila" <Radmila.Andric@act.gov.au>
Cc: "McIntyre, Sara" <Sara.McIntyre@act.gov.au>
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]
Attachments: 20161011084257133.pdf

Hi Radmila

I have Greg's endorsement for referral for legal input but not sure if Dave has forwarded onto to. When you have time can you please review and provide advice as required.

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

From: Dix, Rodney
Sent: Wednesday, 19 October 2016 1:48 PM
To: Middlemiss, David
Cc: McIntyre, Sara
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Dave

Can you please refer this Radmila for her consideration and advice

Thank you

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

From: Jones, Greg
Sent: Wednesday, 19 October 2016 1:35 PM
To: Dix, Rodney; Middlemiss, David
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Rod

If you have the original then I have returned it to you for action so you can see whether I have agreed or not. I haven't sent it anywhere else.

Can you please forward to the Legal as indicated in the brief.

Thanks

Greg

From: Dix, Rodney
Sent: Wednesday, 19 October 2016 1:29 PM
To: Jones, Greg
Cc: Middlemiss, David
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Greg

In case you have missed this, this was originally a hard copy in your in tray. Have you referred this to legal unit for their consideration?

Rodney Dix | Manager

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

Environment Protection | Access Canberra | ACT Government

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

www.environment.act.gov.au

From: McIntyre, Sara
Sent: Tuesday, 11 October 2016 9:46 AM
To: Jones, Greg
Subject: Canberra Sand and Gravel - scanned minute

Hi Greg,

Please find attached a colour scanned copy of the minute and attachments relating to Canberra Sand and Gravel for referral to the Legal Unit.

Kind regards,

Sara McIntyre | Environment Protection Officer

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government

Level 2 North, Dame Pattie Menzies House | 16 Challis Street Dickson | GPO BOX 158 | CANBERRA ACT 2601 |

www.environment.act.gov.au

MINUTE



ACT
Government

Chief Minister, Treasury and
Economic Development

Date 22 September 2016

TRIM No:
File No: 201 Sch 2.2(a)(ii)

To Environment Protection Authority *Agreed* Sch 2.2(a)(ii) 30/9/2016
Senior Manager, Regulatory Compliance Sch 2.2(a)(ii) 30/9/16

From Manager, Environment Regulation and Protection Sch 2.2(a)(ii) 30/9/16

Subject Leasing issues with Canberra Sand and Gravel

Critical date and reason

1. Routine.

Background

2. Canberra Sand and Gravel holds a lease on Block 2 Section 63 Fyshwick. The lease for this site commenced on 11 November 1970 and was originally issued for the winning of and the processing of bed load material from the Molonglo River.
3. Over time, business operations have changed to the crushing and screening of materials (including sand, gravel, rock, minerals, slag, road base, concrete, bricks, tiles, asphalt, metal and timber) into various size fractions, the stockpiling of screened materials on site, and the loading, unloading and delivery of materials to the site. Associated activities also include the discharge of waste water to a settling dam, the aboveground storage of diesel and the underground storage of waste oil.

4. Sch 1 1.14

5. Sch 1 1.14

Sch 1 1.14

6. In October 2006, a second application for an environmental authorisation was received from Canberra Sand and Gravel to undertake an authorised activity on Block 2 Section 63. The Authorisation was issued on 19 December 2006 for the operation of a facility for the crushing, grinding or separating of materials (including sand, gravel, rock, minerals, slag, road base, concrete, bricks, tiles, asphaltic material, metal or timber) into different sizes, if the processing facility is designed to produce more than 10 000t of processed materials per year on Block 2 Section 63 Fyshwick.

7.

Sch 1 1.14

8.

9. In December 2011 a meeting was held with the Authority, Roads ACT, City Services, Lease Administration, Nature Conservation Policy, and Utilities Land and Lease Regulation Section to discuss agency concerns regarding the operation of Canberra Sand and Gravel (Attachment B). From the file, it appears that no further actions were undertaken as a result of this meeting.

Issues

10. A review of the Environmental Authorisation was completed on 17 August 2016. The review identified the following issues:

a.

Sch 1 1.14

b.

- c. Canberra Sand and Gravel has little control of the water volume and quality in the settling dam during rain events. During rain events the stormwater that enters the settling dam may circulate the sediments already there. During large storm events, the turbid water from the settling may overflow directly into the Molonglo River. This has occurred in the past.
11. Section 45(1) of the *Environment Protection Act 1997* states that a person must not contravene an environmental authorisation. However, because of the leasing issues, the authorisation cannot cover the activities being carried out in an enforceable manner should adverse environmental impacts occur.
 12. A meeting was held on 8 September 2016 with staff from Environment Regulation and Protection, Roads ACT, Direct Sales, and Conservation Research. The agreed outcome from this meeting was to refer the matter to the CEWP Enforcement and Litigation Team for further investigation.

Consultation

13. Various government departments have been involved in many discussions over the years regarding this issue. It has always been agreed that there needs to be a resolution to these issues, however there has not been a lead agency to take control of the investigation.

Financial

14. There are no financial implications expected at this time.

Risks/ Sensitivities

15. It should be noted that a variation to an Authorisation is a reviewable decision under Schedule 3 of the *Environment Protection Act 1997*. An application may be made to the ACT Civil and Administrative Tribunal.

Media

16. There is no media interest expected at this time.

Recommendations

That you:

- Note the above; and
- Refer this matter to the CEWP Legal Unit for further ^{advice} investigation.

Sch 2.2(a)(ii)
[Redacted]

Action Officer: Sara McIntyre

Phone: 6207 2144

Sch 2.2(a)(ii)
[Redacted]

Greg Jones.

...30/9/2016

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS



User Input Title

Notes:

1: 4,000



DISCLAIMER

The map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current or otherwise reliable.

14-Jul-2016

Page 1 of 1



ACT
Government



SUMMARY of concerns: Canberra Sand and Gravel

Meeting 11am, Monday 5 December 2011.
Level 7 Macarthur House

AGENDA

To discuss agency concerns regarding the operation of Canberra Sand and Gravel at Section 63 Fyshwick.

Present

Rodney Dix, Senior Manager, ENVIRONMENT PROTECTION
Ken Marshall, General Manager, ACT ROAD MAINTENANCE SERVICES
Ross Schofield, Project Officer, ACT ROAD MAINTENANCE SERVICES
Dulce Lander, Manager, LEASE ADMINISTRATION
Helen McKeown, Conservator Liaison Officer, NATURE CONSERVATION POLICY
Timo Boersma, Manager Land Use Unit, LICENSING AND COMPLIANCE
Jane Carder, Manager Place Management, CITY SERVICES
Reuben Gaze, UTILITIES, LAND AND LEASE REGULATION SECTION
Shelley Swain, Lakes and Special Projects, CITY SERVICES
Julie Garbode, Operations Manager, CITY SERVICES

Rodney Dix expressed concern that the stormwater overflow from the tailings dam was uncontrolled, allowing the overflow directly into the Molonglo river. He has granted an environmental authorisation in order to control some of the activities. Prior to the authorisation, CS&G was in breach of the Environment Protection Act and would be in breach of the authorisation if the overflow remained uncontrolled. RD suggested that CS&G will need to build a wall across the tailings dam in order to better control overland flow, but expressed concern that any encouragement on the part of the government for CS&G to undertake such significant investment would be perceived as an approval to occupy the site and consequently legitimise the use.

Ken Marshall indicated that Roads ACT would support the dam wall provided that there was no cost to Roads ACT. It was not expected that control of stormwater would require Roads to undertake works upstream. **Ros Schofield** indicated that the dam wall was unlikely to completely prevent the overflow. **Rodney Dix** indicated he would enforce the environmental authorisation and any breach would trigger a notice to stop operations.

Dulce Lander expressed concern that the original lease to CS&G over block 2 Section 63 Fyshwick had expired and that CS&G no longer used the land for the purpose of dredging the river as was originally approved. ACTPLA would check to see if quarterly license fees were still being paid. DL expressed concern that CS&G had encroached a great deal over unleased Territory land without any lease or license, and was therefore in breach of the Planning and Development Act.

Sch 1 1.2

should be relocated. HM suggested that it might be possible to shift the operations to the new industrial zone along the Fyshwick industrial estate, and suggested further that the matter should be discussed with the Director, Sustainable Land Strategy, Mr Ross McKay.

Sch 1 1.14

under the PDA or a lease under the PDA, TB agreed with HM that CS&G should not be allowed to remain in the river corridor.

Jane Carder expressed concern that the unauthorised structures were encouraging a significant amount of illegal dumping either by CS&G or others, and that in the absence of any boundaries her crews could be called upon to clean up the site. JC asked that CS&G be approached to clean up.

Reuben Gaze suggested that he could use City Rangers to enforce the original lease. TB indicated that he could also ask the City Rangers to enforce the Roads and Public Places Act for equipment but would not do so with regard to the buildings.

Shelley Swain expressed concern that the willows between the river banks and the tailings dam would gradually die and that the earth barrier between the two water bodies would be swept away. SS also expressed concern that willow removal further along would similarly remove any barrier between the CS&G operations and the river. A larger buffer between the CS&G operations and the river would enable willows removal and river remediation works and reduce the impact of the activities on water quality. SS supported the relocation of CS&G further from the river.

Julie Garbode suggested that any relocation would require remediation of the site and expressed the concern that City Services could be asked to undertake such remediation. TB indicated that CS&G would be required to undertake the remediation at its expense in addition to license or lease fees for the new location.

Helen McKeown pointed out that CS&G had not paid anything for the large areas of land it uses beyond its lease and suggested that the opportunity to make CS&G pay for a lease or for the use of the land would provide incentive for Sustainable Land Strategy to facilitate a resolution.

Timo Boersma indicated that CS&G had previously insisted it would require 25 hectares in order to relocate, this being nearly twice the 13 hectares currently occupied. HM recommended that the area being used by CS&G should be reduced instead of enlarged and it was generally agreed that CS&G should not be given more land than they needed, particularly in the case of a lease that might give CS&G the opportunity to subdivide the land in future.

ACTIONS PENDING

The group agreed that it would be better to deal with CS&G in a coordinated fashion rather than each agency approaching separately. It was agreed that, given the potential political ramifications, EDD, Sustainable Land Strategy would probably be in the best position to contain, coordinate and facilitate a relocation of CS&G operations. Timo Boersma agreed to discuss the role of EDD with Ross McKay in this regard.

From: Dix, Rodney
To: McIntyre, Sara
Subject: FW: Canberra Sand and Gravel Request for Legal Advice [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]
Date: Thursday, 25 May 2017 10:45:01 AM
Attachments: image001.jpg

FYI

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

From: Reed, ElizabethM
Sent: Thursday, 25 May 2017 10:25 AM
To: Dix, Rodney
Subject: FW: Canberra Sand and Gravel Request for Legal Advice [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Hello Rodney

I will look at this mid next week and discuss with you by the end of next week.

In the meantime if you want to discuss please call me.

Kind regards

Elizabeth Reed | Principal Solicitor - ACT Government Solicitor
02 6207 9092 | MOB [Sch 2.2\(a\)\(ii\)](#) | DX 5602 Canberra | + PO Box 260 Civic Square ACT 2608
www.actgs.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: Andric, Radmila
Sent: Tuesday, 23 May 2017 3:31 PM
To: Reed, ElizabethM
Cc: Dix, Rodney; Bieniek, Jo
Subject: Canberra Sand and Gravel Request for Legal Advice

Hi Rodney,

My sincere apologies for the lengthy timeframe the advice is taking in relation to this matter.

As you are no doubt aware the lessees have a long history of noncompliance in relation to various aspects. It has taken Jo Bieniek considerable time to go through the history of the issues and various correspondence.

As discussed today, I have asked Elizabeth Reed who is currently seconded from GSO to the Access Canberra Legal Team to assist you with your advice.

Elizabeth should be in contact with you shortly.

Kind regards,

Radmila

From: Dix, Rodney
Sent: Thursday, 18 May 2017 1:15 PM
To: Andric, Radmila <Radmila.Andric@act.gov.au>
Cc: McIntyre, Sara <Sara.McIntyre@act.gov.au>
Subject: RE: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Radmila

Do you have an update on the status of this matter.

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

From: Andric, Radmila
Sent: Tuesday, 21 March 2017 11:42 AM
To: Dix, Rodney
Cc: McIntyre, Sara
Subject: RE: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Rodney,

Jo Bieniek has assisted in some research and drafting.

I have a draft advice on my desk, which I need to go through.

I will do my best to get something over to you ASAP.

Kind regards,

Radmila Andric

Principal Solicitor /Manager | Legal Unit

Access Canberra | ACT Government

Phone: 02 6207 4988

Dame Pattie Menzies House, Challis St., Dickson, ACT, 2602 |

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au>

From: Dix, Rodney

Sent: Tuesday, 21 March 2017 11:21 AM

To: Andric, Radmila

Cc: McIntyre, Sara

Subject: RE: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Radmilla

Are you able to provide an update on how this is progressing.

Thank you

Rodney Dix | Manager

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

Environment Protection | Access Canberra | ACT Government

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

From: Andric, Radmila

Sent: Thursday, 24 November 2016 3:48 PM

To: Dix, Rodney

Cc: McIntyre, Sara

Subject: RE: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Thanks Rodney.

I'll need to have a close look at the Crown Lease and development approvals as well.

I will try to locate them on objective.

Kind regards,

Radmila Andric

Senior Solicitor | Legal Unit

Access Canberra | ACT Government

Phone: 02 6207 4988

Dame Pattie Menzies House, Challis St., Dickson, ACT, 2602 |

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au>

From: Dix, Rodney

Sent: Thursday, 24 November 2016 1:19 PM

To: Andric, Radmila

Cc: McIntyre, Sara

Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Radmila

The only docs we have are included in the attachment.

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

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

From: Dix, Rodney

Sent: Wednesday, 2 November 2016 11:37 AM

To: Andric, Radmila

Cc: McIntyre, Sara

Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Radmila

I have Greg's endorsement for referral for legal input but not sure if Dave has forwarded onto to. When you have time can you please review and provide advice as required.

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

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

From: Dix, Rodney

Sent: Wednesday, 19 October 2016 1:48 PM

To: Middlemiss, David
Cc: McIntyre, Sara
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Dave

Can you please refer this Radmila for her consideration and advice

Thank you

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

From: Jones, Greg
Sent: Wednesday, 19 October 2016 1:35 PM
To: Dix, Rodney; Middlemiss, David
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Rod

If you have the original then I have returned it to you for action so you can see whether I have agreed or not. I haven't sent it anywhere else.

Can you please forward to the Legal as indicated in the brief.

Thanks

Greg

From: Dix, Rodney
Sent: Wednesday, 19 October 2016 1:29 PM
To: Jones, Greg
Cc: Middlemiss, David
Subject: FW: Canberra Sand and Gravel - scanned minute [SEC=UNCLASSIFIED]

Hi Greg

In case you have missed this, this was originally a hard copy in your in tray. Have you referred this to legal unit for their consideration?

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

From: McIntyre, Sara
Sent: Tuesday, 11 October 2016 9:46 AM
To: Jones, Greg
Subject: Canberra Sand and Gravel - scanned minute

Hi Greg,

Please find attached a colour scanned copy of the minute and attachments relating to Canberra Sand and Gravel for referral to the Legal Unit.

Kind regards,

Sara McIntyre | Environment Protection Officer

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Level 2 North, Dame Pattie Menzies House | 16 Challis Street Dickson | GPO BOX 158 | CANBERRA ACT 2601 |
www.environment.act.gov.au

From: "Sargent, Narelle" <Narelle.Sargent@act.gov.au>
Sent: 05/04/2019 3:06 PM
To: "McIntyre, Sara" <Sara.McIntyre@act.gov.au>
Cc: "Dix, Rodney" <Rodney.Dix@act.gov.au>
Subject: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Sara

Can you please send a diary appointment as per Eliza's request below and as discussed previously please include me – I will attend if possible.

Thanks
Narelle

From: Larson, Eliza
Sent: Friday, 5 April 2019 3:03 PM
To: Sargent, Narelle
Cc: Glennon, Chris ; McIntyre, Sara
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Narelle,

Thanks for following up and apologies in the delay in getting back to you both.
I have forwarded this on to Michael Mulvaney who has organised to accompany Sara on a site visit in late April. I believe Chris may also be interested in attending – will a meeting invite be sent around?

Thanks,

Eliza Larson | Project Officer | Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Sargent, Narelle
Sent: Wednesday, 3 April 2019 12:42 PM
To: Glennon, Chris <Chris.Glennon@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>
Subject: Canberra Sand and Gravel

Hi Chris and Eliza

I am just following up on an email from Sara McIntyre on 21 March in regards to Canberra Sand and Gravel including the EMP.

Did you have any comments or concerns on the documents.

We are happy to organise a site inspection to address any concerns.

Warm regards
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



Supporting
a safe and vibrant city
Access Canberra.

For more info on
how we do this, **click here**

The banner features a purple background with a faint, stylized sunburst pattern. The text is white and black. A black button with a white mouse cursor icon is positioned to the right of the text.

From: "Sargent, Narelle"
Sent: 04/06/2018 4:27 PM
To: "Rutledge, Geoffrey" <Geoffrey.Rutledge@act.gov.au>
Cc: "Ives, Kieran" <Kieran.Ives@act.gov.au>; "Taylor, Alex" <Alex.Taylor@act.gov.au>
Subject: Canberra Sand and Gravel - sensitive
Attachments: 20161011084257133.pdf

Hi Geoffrey

I had a brief chat to Kieran about this matter which has about a 40 year history. Basically Canberra Sand and Gravel (CSG) are operating on unleased Territory Land.

Under the new *Waste Minimisation and Resource Recovery Act 2016* administered by No Waste TCSS, CSG require a licence. Hence in applying for a license the on-going issue has emerged as they require proof of approval from the DG EPSDD to operate on unleased Territory Land.

The owners of CSG – Wayne Gregory and/or Trevor Allen may be in contact to seek a meeting with you about this matter.

I have attached a Briefing Note which EPA did in 2016 seeking Legal Advice which we are still waiting on, but gives you the background.

Alex Taylor Manager Waste Regulation, ACT NoWaste and I would be keen to meet with you to seek a resolution to this matter.

Warm regards

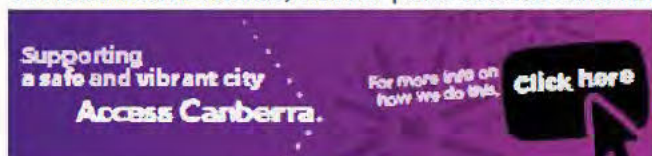
Narelle

Narelle Sargent | Deputy Director Environment Protection (*Environment Protection Authority*)

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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

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



From: "Rutledge, Geoffrey" <Geoffrey.Rutledge@act.gov.au>
Sent: 04/07/2018 10:32 AM
To: "Taylor, Alex" <Alex.Taylor@act.gov.au>; "Sargent, Narelle" <Narelle.Sargent@act.gov.au>
Subject: FW: Canberra Sand and Gravel - sensitive [SEC=UNCLASSIFIED]
Attachments: Waste Referral Comments Block 2 Section 63 Fyshwick.docx

Narelle and Alex,

I followed up on the CSG, and as I suggested, there is no broader licences.

So I think the best approach, if there are concerns, I think it would be best be an EPA driven education and enforcement.

Geoffrey

From: Phillips, Brett
Sent: Wednesday, 20 June 2018 5:17 PM
To: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>
Cc: Crowe, Lindsay <Lindsay.Crowe@act.gov.au>
Subject: RE: Canberra Sand and Gravel - sensitive [SEC=UNCLASSIFIED]

Sch 1 1.14

From: Rutledge, Geoffrey
Sent: Tuesday, 19 June 2018 9:25 AM
To: Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Crowe, Lindsay <Lindsay.Crowe@act.gov.au>
Subject: RE: Canberra Sand and Gravel - sensitive

Brett,

I had a meeting yesterday with Alex Taylor from NoWaste and Narelle Sargeant from the EPA.

Their concern is Canberra Sand and Gravel (Fyshwick) although **Outside Scope**

CSG are licensed to operate a waste facility, and have an environmental authorisation for Block 2 section 63.

Sch 1 1.14

Thanks

Geoffrey

From: Sargent, Narelle
Sent: Thursday, 7 June 2018 7:21 PM
To: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>
Cc: Ives, Kieran <Kieran.Ives@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>
Subject: RE: Canberra Sand and Gravel - sensitive

Hi Geoffrey

I am hoping we can arrange a meeting with yourself and Alex Taylor in the week commencing 18 June to progress a pathway for a solution in regards to Canberra Sand and Gravel (CSG) current operation as per recent email.

Warm regards
Narelle

From: Sargent, Narelle
Sent: Monday, 4 June 2018 4:28 PM
To: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>
Cc: Ives, Kieran <Kieran.Ives@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>
Subject: Canberra Sand and Gravel - sensitive

Hi Geoffrey

I had a brief chat to Kieran about this matter which has about a 40 year history. Basically Canberra Sand and Gravel (CSG) are operating on unleased Territory Land.

Under the new *Waste Minimisation and Resource Recovery Act 2016* administered by No Waste TCSS, CSG require a licence. Hence in applying for a license the on-going issue has emerged as they require proof of approval from the DG EPSDD to operate on unleased Territory Land.

The owners of CSG – Wayne Gregory and/or Trevor Allen may be in contact to seek a meeting with you about this matter.

I have attached a Briefing Note which EPA did in 2016 seeking Legal Advice which we are still waiting on, but gives you the background.

Alex Taylor Manager Waste Regulation, ACT NoWaste and I would be keen to meet with you to seek a resolution to this matter.

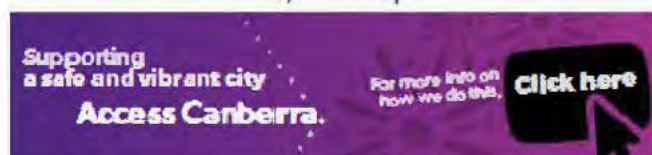
Warm regards
Narelle

Narelle Sargent | Deputy Director Environment Protection (*Environment Protection Authority*)

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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

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



Waste Referral Comments:

Good afternoon/morning

On behalf of Impact Assessment, Planning Delivery Division, EPSDD, I provide the following comments:

Block and Section Details:

- The Waste Licence application is for Block 2 Section 63 Fyshwick. The site is located in the NUZ4: River Corridor zone and located in the PD Special Purpose Reserve under the Territory Plan.
- Block 2 Section 63 is located on leased land, Sch 1 1.14

Sch 1 1.14

Lease Information:

- The leased area (Block 2 Section 63 Fyshwick), is registered as Block 875 Canberra City.
- For detailed information on leasing for the site please contact Jonathan Teasdale - Senior Manager of Leasing and ACAT Coordination (Jonathan.Teasdale@act.gov.au).
- Please note, as some of the land is unleased, any works would need to be authorised by a permit or licence. Further details on existing permits/licences can be obtained from the Government land custodian.

Breach of lease:

- It is noted that the subject site/operation has been investigated previously by Access Canberra, however, it is unclear from the records whether any of the investigations have been escalated further.
- Further details regarding previous investigations can be obtained from Megan Corrigan (megan.corrigan@act.gov.au) in the Compliance Team, Access Canberra.

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Meeting Thursday 1 November 2018

Present: David Snowden, Alex Taylor, Darren Gerard, Ben Green, Sean Sloan & Narelle Sargent

Discussion:

- Discussion about the outcome we are after, which is to have CS&G compliant.
- Seems that we need the endorsement of the Conservator to be in the River Corridor for this to be achieved.
- If the conservator agrees, EPSDD can endorse the use, then TCSS can issue a licence.
- NoWaste have extended time to finalise the WMRR Licence.
- Under the Public Unleased Land Act, TCSS can issues a licence (3 years) for unapproved use of Territory Land.

PRIORITY ACTION:

TCSS to organise a round table meeting with the Conservator. Meeting to include: Stephen Algeria, Jim Corrigan, Ben Green and Narelle Sargent.

Plan B:

Ben can issue Orders under the Planning and Development Act. Order to cease using unleased Territory land and rehabilitate land (brief four Ministers)

Table 1: Status of Actions

Agency Lead and Contact	Action	Progress
Brett Phillips - EPSDD <i>Planning and Development Act 2008</i> - Development applications, variations to crown lease.	Brett to speak to Monica Saad, Leasing area, EPSDD to look into the Crown Lease covenants and check whether any variations of the Crown Lease have occurred, possibility of variations to Crown lease, explore other options and provide advice to Ben Green regarding the current inconsistent use of the Crown Lease.	Canberra Sand and Gravel Pty Limited was granted a Crown lease under the <i>Leases Ordinance 1918-1966</i> on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River. The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of \$2,800 pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered. No lease variations have been sought. If a lease variation was sought the application would need to have regard to uses permitted within the relevant zone.

<p>Ben Green - Access Canberra- Planning and Development Act 2008 - Enforcement</p>	<p>Possible Controlled Activity Order Re breaches of Crown Lease and <i>Building Act 2004</i> regarding potential unapproved structures if require building approval. Ben will allocate an officer to work through issues and conduct investigations.</p>	<p>The block is located within the NUZ4: River Corridor zone of the Territory Plan, uses permitted in this zone include:</p> <ul style="list-style-type: none"> •Agriculture, farm tourism, land management facility, major road, major utility installation, minor road, minor use, nature conservation area, parkland and woodlot.
<p>Alex Taylor – TCCC - Waste Regulation <i>Waste Management and Resource Recovery Act (WMRR) 2016 -</i> Waste Facility Licence</p>	<p>To decide on Waste Facility Licence application received from CSG under s.18 Waste Management and Resource Recovery Act 2016. If the application is refused CSG must cease business. The licence cannot be issued if inconsistent with other laws. It may be possible to issue the licence with conditions for a year to transition from site over 12 months. Deadline to decide on application is next week.</p>	<p>Decision on the application for licensing as a Waste Facility under the <i>WMRR Act</i> has been extended to allow CSG to provide a response to request for information on evidence of the right to occupy the site.</p>
<p>Sean Sloan and Darren Gerrard - TCSS <i>Public Unleased Land Act 2013</i></p>	<p>To conduct further investigations regarding encroachments on to unleased land and explore potential ways of resolving and regulatory options.</p>	<p>Not able to do anything under PUL Act 2013 (prior conditions did not transition across to the new Act)</p>
<p>Narelle Sargent - EPA <i>Environment Protection Act 1997</i> – Environmental Authorisation</p>	<p>Granting of environmental authorisation and potential action for breaches of environmental authorisation may depend on action being taken in relation to breaches of the Crown lease, unleased Territory land, Waste Facility licence</p>	<p>Corridor is all EPSDD PUL Act 2013 The Land is EPSDD Land Progress subject to outcome of actions above.</p>

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

Canberra Sand & Gravel - Action Tracker – 30 October 2018

Agency Lead and Contact	Action	Progress
<p>Brett Phillips - EPSDD <i>Planning and Development Act 2008</i> - Development applications, variations to crown lease.</p>	<p>Brett to speak to Monica Saad, Leasing area, EPSDD to look into the Crown Lease covenants and check whether any variations of the Crown Lease have occurred, possibility of variations to Crown lease, explore other options and provide advice to Ben Green regarding the current inconsistent use of the Crown Lease.</p>	<p>Canberra Sand and Gravel Pty Limited was granted a Crown lease under the <i>Leases Ordinance 1918-1966</i> on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River.</p> <p>The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of \$2,800 pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered.</p> <p>No lease variations have been sought. If a lease variation was sought the application would need to have regard to uses permitted within the relevant zone.</p> <p>The block is located within the NUZ4: River Corridor zone of the Territory Plan, uses permitted in this zone include:</p> <ul style="list-style-type: none"> • Agriculture, farm tourism, land management facility, major road, major utility installation, minor road, minor use, nature conservation area, parkland and woodlot.
<p>Ben Green - Access Canberra- <i>Planning and Development Act 2008</i> - Enforcement</p>	<p>Possible Controlled Activity Order Re breaches of Crown Lease and <i>Building Act 2004</i> regarding potential unapproved structures if require building approval. Ben will allocate an officer to work through issues and conduct investigations.</p>	
<p>Alex Taylor – TCCC - Waste Regulation <i>Waste Management and Resource Recovery Act (WMRR) 2016</i> - Waste Facility Licence</p>	<p>To decide on Waste Facility Licence application received from CSG under s.18 Waste Management and Resource Recovery Act 2016. If the application is refused CSG must cease business. The licence</p>	<p>Decision on the application for licensing as a Waste Facility under the <i>WMRR Act</i> has been extended to allow CSG to provide a response to request for information on evidence of the right to occupy the site.</p>

Canberra Sand & Gravel - Action Tracker – 30 October 2018

	cannot be issued if inconsistent with other laws. It may be possible to issue the licence with conditions for a year to transition from site over 12 months. Deadline to decide on application is next week.	
Sean Sloan and Darren Gerrard - TCSS <i>Public Unleased Land Act 2013</i>	To conduct further investigations regarding encroachments on to unleased land and explore potential ways of resolving and regulatory options.	
Narelle Sargent - EPA <i>Environment Protection Act 1997</i> – Environmental Authorisation	Granting of environmental authorisation and potential action for breaches of environmental authorisation may depend on action being taken in relation to breaches of the Crown lease, unleased Territory land, Waste Facility licence	Progress subject to outcome of actions above.

From: Power, David
To: Dix, Rodney
Subject: FW: Progressing - CS&G
Date: Monday, 3 December 2018 1:13:23 PM
Attachments: image001.png
 image002.jpg
 image003.jpg

I think this should have gone to you.

From: Sargent, Narelle
Sent: Friday, 30 November 2018 10:58 AM
To: Gerrard, Darren
Cc: Power, David
Subject: RE: Progressing - CS&G

Hi Gerrard

One option is progress and gives us something to explore to move to a resolution. Do you know if a meeting with Ben has been organised?

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
 Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) Email: narelle.sargent@act.gov.au
 470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
 cid:image007.png@01D3AFF2.FEECBAF0

From: Gerrard, Darren
Sent: Friday, 30 November 2018 10:53 AM
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Cc: Sloan, Sean <Sean.Sloan@act.gov.au>; Goodwin, Daniel <Daniel.Goodwin@act.gov.au>
Subject: RE: Progressing - CS&G

Hi Narelle

Since our last meeting I have been looking into options moving forward. I have only identified one possible option so far.

It may be possible to issue a temporary permit under the *Public Unleased Land Act 2013* for a period of up to 3 years. Before issuing a permit within a reserve, the DG must consult with the conservator, however the approval of the permit is not reliant on the conservator's approval. It is interesting that although the Territory Plan identifies the area as special purpose reserve, I can't find any reference to this area being an actual reserve under the *Nature Conservation Act 2014*, so the conservator may not need to have input into this matter. I am putting the issue to Helen McKeown for further consideration.

This approach would allow time for the Territory plan to be changed, moving the river corridor boundary closure to the actual river and then rezoning the majority the existing CSG site to a "General Industrial Zone", a longer term licence would then be possible. EPSDD would need to be consulted on how the appropriate changes would be made to the Territory Plan, I can arrange the temporary permit and longer term licence.

Additionally, a decision will need to be made on the existing CSG lease, whether they are allowed to keep it. My understanding, is the lease was originally for dredging works which has clearly not happen for some time. We will also need further input from EPA regarding the sediment pond

before we can determine how that fit into any future arrangement.
Suggested rezoning area Suggested licence area

Regards

Darren Gerrard | Manager L&C Licensing

P 02 62057245 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

Level 1, 255 Canberra Avenue, Fyshwick ACT 2609 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au

From: Sargent, Narelle

Sent: Thursday, 29 November 2018 3:18 PM

To: Gerrard, Darren <Darren.Gerrard@act.gov.au>

Cc: Taylor, Alex <Alex.Taylor@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>

Subject: FW: Progressing - CS&G

Hi Darren

Just following up on my request below.

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAFO

From: Sargent, Narelle
Sent: Monday, 19 November 2018 9:07 AM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>
Cc: Taylor, Alex <Alex.Taylor@act.gov.au>; Snowden, David <David.Snowden@act.gov.au>
Subject: Progressing - CS&G

Hi Darren

Just checking on progress in arranging meeting with Ben Ponton to progress. As you are aware, NoWaste has a pending application for licensing as a Waste Facility under the WMRR Act which needs to be determined.

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAFO

From: Sargent, Narelle
Sent: Thursday, 8 November 2018 4:48 AM
To: Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Green, Ben (ACTPLA) <Ben.Green@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: Draft Notes - Meeting about CS&G

Hi Alex, Sean, Ben and Darren

Attached are the draft actions from our meeting about CS&G last Thursday 1 November.
Please advise of any changes.

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAFO

From: Sargent, Narelle
To: Iglesias, Daniel
Subject: Canberra Sand & Gravel Update
Date: Monday, 11 February 2019 1:46:00 PM
Attachments: image001.png

Hi Daniel

Sch 1 1.14

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from the Conservator's Office team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

Alternately it may be that I meet with you and relevant staff, including Ian, to progress this matter.

Please do not hesitate to call me to discuss.

Warm regards
 Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
 Phone: 02 6207 5782 | Mobile Sch 2.2(a)(ii) | Email: narelle.sargent@act.gov.au
 470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
 cid:image007.png@01D3AFF2.FEECBAF0

From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to*:

Sch 1 1.14



So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to an larger industrial site.

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile **Sch 2.2(a)(ii)** | Email: narelle.sargent@act.gov.au

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

cid:image007.png@01D3AFF2.FEECBAF0

From: Sargent, Narelle
To: Kaucz, Alix
Cc: Rutledge, Geoffrey
Subject: Canberra Sand & Gravel Update
Date: Monday, 11 February 2019 7:54:00 PM
Attachments: image001.png

Hi Alix

Given that progressing an outcome is reliant on a variation to the Territory Plan and will require consultation/agreement with the Conservator, I am wondering if it might be more suitable for me to arrange a meeting with the relevant EPSDD people, plus Building Compliance from Access Canberra, if you think appropriate.

This will streamline the process and maybe move to a quicker resolution.

Give me a call when you have a moment tomorrow or I can pop in and give you some history.

Warm regards
Narelle

From: Sargent, Narelle
Sent: Monday, 11 February 2019 1:10 PM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Saad, Monica <Monica.Saad@act.gov.au>
Subject: Canberra Sand & Gravel Update

Hi Alix

Monica Saad has kindly phoned to let me know that in regards to the matter we are progressing with Canberra Sand and Gravel, you are the appropriate area for a variation to the Territory Plan.

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from your team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

Alternately it may be that I meet with you and relevant staff such as Kathy Cusack.

Please do not hesitate to call me to discuss.

Warm regards
Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile: [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR

cid:image007.png@01D3AFF2.FEECBAF0

From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Step 1: TCCS can issue a temporary permit to CSG for the area unleased Territory Land they are currently occupying, which is zoned River Corridor with land manager approval Parks & Conservation Services (EPSDD)

Step 2: EPSDD need to vary the Territory Plan to reduce the River Corridor zoned area to allow CSG to continue to operate on that land plus get them to reduce the footprint and negotiate with CSG to reduce the size of their operation so that are not in the reduce River Corridor zone (ie it's a give and take) which Darren will explain at the meeting

Step 3: put conditions on the permit issue to CSG to operate on the Territory Land. To be determined by all parties, land use fee would apply.

NOTE: Temporary permit will only be considered if EPSDD agrees with step 2.

So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to an larger industrial site.

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile Sch 2.2(a)(ii) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAF0

From: Sargent, Narelle
To: Gerrard, Darren; Green, Ben; Saad, Monica; Taylor, Alex; Sloan, Sean; Phillips, Brett
Cc: Rutledge, Geoffrey; Alegria, Stephen; Power, David; Curtin, Daniel
Subject: Canberra Sand & Gravel Update
Date: Monday, 11 February 2019 12:54:00 PM
Attachments: image001.png

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Sch 1 1.14



So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to an larger industrial site.

Warm regards
Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile: [Sch 2.2\(a\)\(ii\)](#) Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAF0

From: Sargent, Narelle
To: Kaucz, Alix
Cc: Saad, Monica
Subject: Canberra Sand & Gravel Update
Date: Monday, 11 February 2019 1:10:00 PM
Attachments: image001.png

Hi Alix

Monica Saad has kindly phoned to let me know that in regards to the matter we are progressing with Canberra Sand and Gravel, you are the appropriate area for a variation to the Territory Plan.

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from your team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

Alternately it may be that I meet with you and relevant staff such as Kathy Cusack.

Please do not hesitate to call me to discuss.

Warm regards

Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
 Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
 470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
 cid:image007.png@01D3AFF2.FEECBAF0

From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Sch 1 1.14



So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to an larger industrial site.

Warm regards
Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAF0

From: "Sargent, Narelle"
Sent: 11/02/2019 7:54 PM
To: "Kaucz, Alix" <Alix.Kaucz@act.gov.au>
Cc: "Rutledge, Geoffrey" <Geoffrey.Rutledge@act.gov.au>
Subject: Canberra Sand & Gravel Update

Hi Alix

Given that progressing an outcome is reliant on a variation to the Territory Plan and will require consultation/agreement with the Conservator, I am wondering if it might be more suitable for me to arrange a meeting with the relevant EPSDD people, plus Building Compliance from Access Canberra, if you think appropriate.

This will streamline the process and maybe move to a quicker resolution.

Give me a call when you have a moment tomorrow or I can pop in and give you some history.

Warm regards

Narelle

From: Sargent, Narelle
Sent: Monday, 11 February 2019 1:10 PM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Saad, Monica <Monica.Saad@act.gov.au>
Subject: Canberra Sand & Gravel Update

Hi Alix

Monica Saad has kindly phoned to let me know that in regards to the matter we are progressing with Canberra Sand and Gravel, you are the appropriate area for a variation to the Territory Plan.

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from your team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

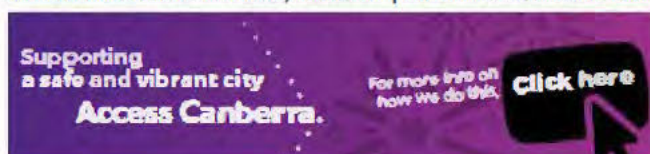
Alternately it may be that I meet with you and relevant staff such as Kathy Cusack.

Please do not hesitate to call me to discuss.

Warm regards

Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Sch 1 1.14



So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to a larger industrial site.

Warm regards
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR_



From: "Sargent, Narelle"
Sent: 11/02/2019 12:54 PM
To: "Gerrard, Darren" <Darren.Gerrard@act.gov.au>; "Green, Ben" <Ben.Green@act.gov.au>; "Saad, Monica" <Monica.Saad@act.gov.au>; "Taylor, Alex" <Alex.Taylor@act.gov.au>; "Sloan, Sean" <Sean.Sloan@act.gov.au>; "Phillips, Brett" <Brett.Phillips@act.gov.au>
Cc: "Rutledge, Geoffrey" <Geoffrey.Rutledge@act.gov.au>; "Alegria, Stephen" <Stephen.Alegria@act.gov.au>; "Power, David" <DAVID.POWER@act.gov.au>; "Curtin, Daniel" <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to*:

Sch 1 1.14



So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to an larger industrial site.

Warm regards
Narelle

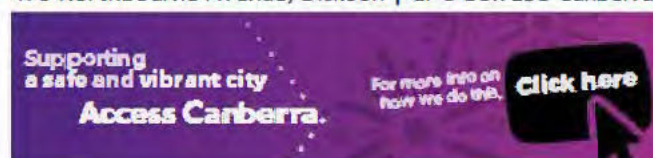
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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



From: "Sargent, Narelle"
Sent: 11/02/2019 1:46 PM
To: "Iglesias, Daniel" <Daniel.Iglesias@act.gov.au>
Subject: Canberra Sand & Gravel Update

Hi Daniel

We are progressing a matter with Canberra Sand and Gravel about them occupying land outside of their lease, which requires a variation to the Territory Plan *to reduce the River Corridor zoned area to allow CSG to continue to operate on that land plus get them to reduce the footprint and negotiate with CSG to reduce the size of their operation so that are not in the (reduced) River Corridor zone (ie it's a give and take) which Darren will explain at the meeting*

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from the Conservator's Office team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

Alternately it may be that I meet with you and relevant staff, including Ian, to progress this matter.

Please do not hesitate to call me to discuss.

Warm regards
 Narelle

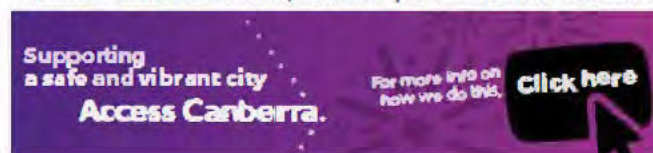
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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



From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Sch 1 1.14



Sch 1 1.14

NOTE: Temporary permit will only be considered if EPSDD agrees with step 2.

So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to a larger industrial site.

Warm regards
Narelle

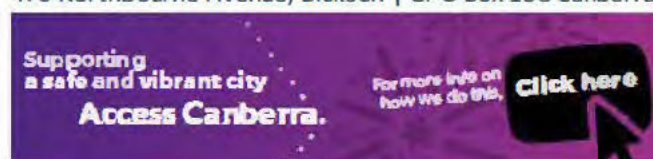
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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



From: "Sargent, Narelle"
Sent: 11/02/2019 1:10 PM
To: "Kaucz, Alix" <Alix.Kaucz@act.gov.au>
Cc: "Saad, Monica" <Monica.Saad@act.gov.au>
Subject: Canberra Sand & Gravel Update

Hi Alix

Monica Saad has kindly phoned to let me know that in regards to the matter we are progressing with Canberra Sand and Gravel, you are the appropriate area for a variation to the Territory Plan.

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from your team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

Alternately it may be that I meet with you and relevant staff such as Kathy Cusack.

Please do not hesitate to call me to discuss.

Warm regards
Narelle

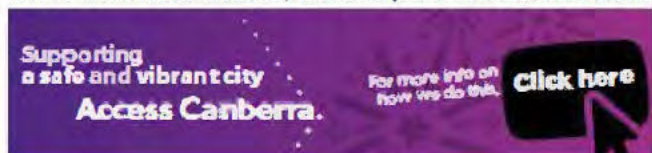
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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



From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Sch 1 1.14



NOTE: Temporary permit will only be considered if EPSDD agrees with step 2.

So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to a larger industrial site.

Warm regards
Narelle

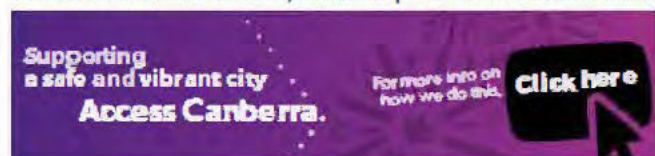
Narelle Sargent | the Environment Protection Authority

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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



From: "Sargent, Narelle"
Sent: 12/02/2019 1:25 PM
To: "Gerrard, Darren" <Darren.Gerrard@act.gov.au>; "Green, Ben" <Ben.Green@act.gov.au>; "Taylor, Alex" <Alex.Taylor@act.gov.au>; "Sloan, Sean" <Sean.Sloan@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren

I have arranged to meet with EPSDD about the Territory Plan and the Conservator to progress Step 2, therefore we won't need to meet tomorrow.

Huge thanks to Darren for progressing to this point and the summary below.

I will keep you updated on the discussion with *EPSDD and the Conservator*.

Warm regards
 Narelle

From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to*:

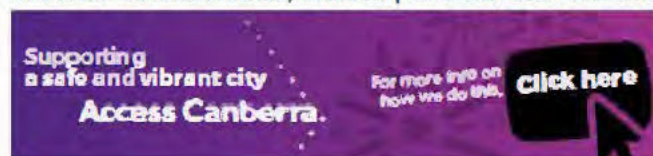
Sch 1 1.14

NOTE: Temporary permit will only be considered if EPSDD agrees with step 2.

So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to a larger industrial site.

Warm regards
 Narelle

Narelle Sargent | the *Environment Protection Authority*
 Office of the Environment Protection Authority (EPA)
 Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
 Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
 470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: "Taylor, Alex" <Alex.Taylor@act.gov.au>
Sent: 12/02/2019 1:48 PM
To: "Sargent, Narelle" <Narelle.Sargent@act.gov.au>; "Gerrard, Darren" <Darren.Gerrard@act.gov.au>; "Green, Ben" <Ben.Green@act.gov.au>; "Sloan, Sean" <Sean.Sloan@act.gov.au>
Subject: RE: Canberra Sand & Gravel Update

UNCLASSIFIED

Hi All,

Further to the below, we need to make a decision on the application for a waste facility licence under the *Waste Management and Resource Recovery Act 2016* – we are over time, and cannot delay this decision.

What is the timing for step 2 to be decided upon?

Sch 1 1.14

Option 2 would be preferable – it would also appear consistent with the approach as outlined below.

Cheers
Alex

From: Sargent, Narelle
Sent: Tuesday, 12 February 2019 1:25 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren

I have arranged to meet with EPSDD about the Territory Plan and the Conservator to progress Step 2, therefore we won't need to meet tomorrow.

Huge thanks to Darren for progressing to this point and the summary below.

I will keep you updated on the discussion with *EPSDD and the Conservator*.

Warm regards
Narelle

From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power,

David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to:*

Sch 1 1.14



NOTE: Temporary permit will only be considered if EPSDD agrees with step 2.

So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to a larger industrial site.

Warm regards
Narelle

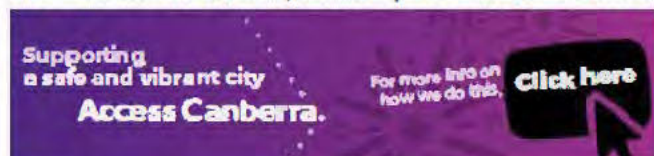
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

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



From: Sargent, Narelle
To: Gerrard, Darren; Green, Ben; Taylor, Alex; Sloan, Sean
Subject: Canberra Sand & Gravel Update
Date: Tuesday, 12 February 2019 1:25:00 PM
Attachments: image001.png

Dear Alex, Brett, Ben, Sean, Darren
I have arranged to meet with EPSDD about the Territory Plan and the Conservator to progress Step 2, therefore we won't need to meet tomorrow.

Huge thanks to Darren for progressing to this point and the summary below.

I will keep you updated on the discussion with *EPSDD and the Conservator*.

Warm regards
Narelle

From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to*:

Sch 1 1.14



NOTE: Temporary permit will only be considered if EPSDD agrees with step 2.

So Step 2 is the what needs to be progressed. Failing Step 2, the alternative is to have CSG either 1) consolidate their operations at other sites or 2) move to an larger industrial site.

Warm regards
Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile **Sch 2.2(a)(ii)** | Email: narelle.sargent@act.gov.au

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

cid:image007.png@01D3AFF2.FEECBAF0

From: "Sargent, Narelle" <Narelle.Sargent@act.gov.au>
Sent: 19/02/2019 9:22 AM
To: "McIntyre, Sara" <Sara.McIntyre@act.gov.au>
Cc: "Dix, Rodney" <Rodney.Dix@act.gov.au>
Subject: RE: Emails regarding Canberra Sand and Gravel [SEC=UNCLASSIFIED]
Attachments: 19102018 CSG Action Tracker.docx, FW: Canberra Sand and Gravel - sensitive [SEC=UNCLASSIFIED]

Hi Sara
Email and legal advice saved in folder.

Sch 1 1.2



Regards
Narelle

From: McIntyre, Sara
Sent: Monday, 18 February 2019 1:27 PM
To: Sargent, Narelle
Subject: Emails regarding Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Narelle,

Can you please save any emails and legal advice regarding Canberra Sand and Gravel in the [EA folder](#)

Thanks

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Regulation and Protection

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

Meeting Thursday 1 November 2018

Present: David Snowden, Alex Taylor, Darren Gerard, Ben Green, Sean Sloan & Narelle Sargent

Discussion:

- Discussion about the outcome we are after, which is to have CS&G compliant.
- Seems that we need the endorsement of the Conservator to be in the River Corridor for this to be achieved.
- If the conservator agrees, EPSDD can endorse the use, then TCSS can issue a licence.
- NoWaste have extended time to finalise the WMRR Licence.
- Under the Public Unleased Land Act, TCSS can issues a licence (3 years) for unapproved use of Territory Land.

PRIORITY ACTION:

TCSS to organise a round table meeting with the Conservator. Meeting to include: Stephen Algeria, Jim Corrigan, Ben Green and Narelle Sargent.

Sch 1 1.14

Table 1: Status of Actions

Agency Lead and Contact	Action	Progress
Brett Phillips - EPSDD <i>Planning and Development Act 2008</i> - Development applications, variations to crown lease.	Brett to speak to Monica Saad, Leasing area, EPSDD to look into the Crown Lease covenants and check whether any variations of the Crown Lease have occurred, possibility of variations to Crown lease, explore other options and provide advice to Ben Green regarding the current inconsistent use of the Crown Lease.	Canberra Sand and Gravel Pty Limited was granted a Crown lease under the <i>Leases Ordinance 1918 1966</i> on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River. The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of \$2,800 pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered. No lease variations have been sought. If a lease variation was sought the application would need to have regard to uses permitted within the relevant zone.

Canberra Sand & Gravel - Action Tracker – 1 November 2018

		<p>The block is located within the NUZ4: River Corridor zone of the Territory Plan, uses permitted in this zone include:</p> <ul style="list-style-type: none"> • Agriculture, farm tourism, land management facility, major road, major utility installation, minor road, minor use, nature conservation area, parkland and woodlot.
<p>Ben Green - Access Canberra- Planning and Development Act 2008 - Enforcement</p>	<p>Possible Controlled Activity Order Re breaches of Crown Lease and <i>Building Act 2004</i> regarding potential unapproved structures if require building approval. Ben will allocate an officer to work through issues and conduct investigations.</p>	
<p>Alex Taylor – TCCC - Waste Regulation <i>Waste Management and Resource Recovery Act (WMRR) 2016 - Waste Facility Licence</i></p>	<p>To decide on Waste Facility Licence application received from CSG under s.18 Waste Management and Resource Recovery Act 2016. If the application is refused CSG must cease business. The licence cannot be issued if inconsistent with other laws. It may be possible to issue the licence with conditions for a year to transition from site over 12 months. Deadline to decide on application is next week.</p>	<p>Decision on the application for licensing as a Waste Facility under the <i>WMRR Act</i> has been extended to allow CSG to provide a response to request for information on evidence of the right to occupy the site.</p>
<p>Sean Sloan and Darren Gerrard - TCSS <i>Public Unleased Land Act 2013</i></p>	<p>To conduct further investigations regarding encroachments on to unleased land and explore potential ways of resolving and regulatory options.</p>	<p>Not able to do anything under PUL Act 2013 (prior conditions did not transition across to the new Act) Corridor is all EPSDD PUL Act 2013 The Land is EPSDD Land Progress subject to outcome of actions above.</p>
<p>Narelle Sargent - EPA <i>Environment Protection Act 1997 – Environmental Authorisation</i></p>	<p>Granting of environmental authorisation and potential action for breaches of environmental authorisation may depend on action being taken in relation to breaches of the Crown lease, unleased Territory land, Waste Facility licence</p>	

Sch 1 1.2

Sch 1 1.2

Sch 1 1.2

From: Sargent, Narelle
To: McIntyre, Sara
Cc: Dix, Rodney
Subject: Canberra Sand and Gravel [SEC=UNCLASSIFIED]
Date: Friday, 5 April 2019 3:06:56 PM
Attachments: image001.png

Hi Sara

Can you please send a diary appointment as per Eliza's request below and as discussed previously please include me – I will attend if possible.

Thanks

Narelle

From: Larson, Eliza
Sent: Friday, 5 April 2019 3:03 PM
To: Sargent, Narelle
Cc: Glennon, Chris ; McIntyre, Sara
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Narelle,

Thanks for following up and apologies in the delay in getting back to you both.

I have forwarded this on to Michael Mulvaney who has organised to accompany Sara on a site visit in late April. I believe Chris may also be interested in attending – will a meeting invite be sent around?

Thanks,

Eliza Larson | Project Officer | Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Sargent, Narelle
Sent: Wednesday, 3 April 2019 12:42 PM
To: Glennon, Chris <Chris.Glennon@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>
Subject: Canberra Sand and Gravel

Hi Chris and Eliza

I am just following up on an email from Sara McIntyre on 21 March in regards to Canberra Sand and Gravel including the EMP.

Did you have any comments or concerns on the documents.

We are happy to organise a site inspection to address any concerns.

Warm regards

Narelle

**Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)**

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAF0

Sch 1 1.2

Sch 1 1.2

From: "Larson, Eliza" <Eliza.Larson@act.gov.au>
Sent: 06/08/2019 2:08 PM
To: "McIntyre, Sara" <Sara.McIntyre@act.gov.au>; "Dix, Rodney" <Rodney.Dix@act.gov.au>
Cc: "Watts, Michaela" <Michaela.Watts@act.gov.au>
Subject: CSG overflow
Attachments: IMG_20190613_113006_exported_stabilized_2856501821968790027.gif,
IMG_20190613_113003_exported_stabilized_6351920929468245109.gif, sand and Gravel.jpg

UNCLASSIFIED

Hi Sara and Rodney,

Just in case this is useful for you regarding the overflow:

During the inspection a steady flow of about 2cm deep by 1 m wide of highly turbid water was observed following out of the north end of the settlement pond directly into the Molonglo River via an eroding channel. The edge of the pond and the Molonglo River are only about 10m apart at this location. I have attached a couple of videos I took (not well, I had a brand new phone that day and had it on the wrong mode), in addition to a map showing the approximate location.

Kind regards,

Eliza Larson

Project Officer I Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

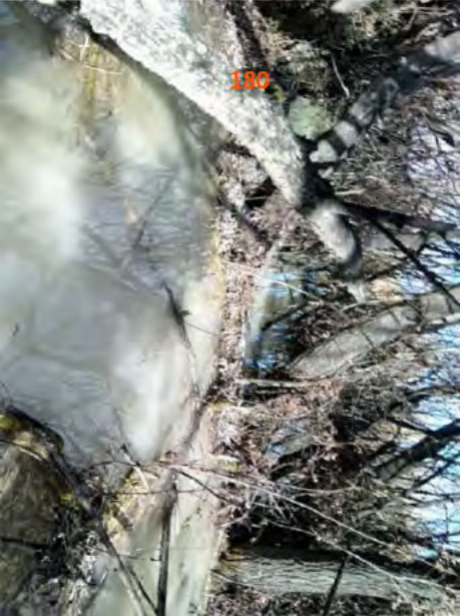
Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government

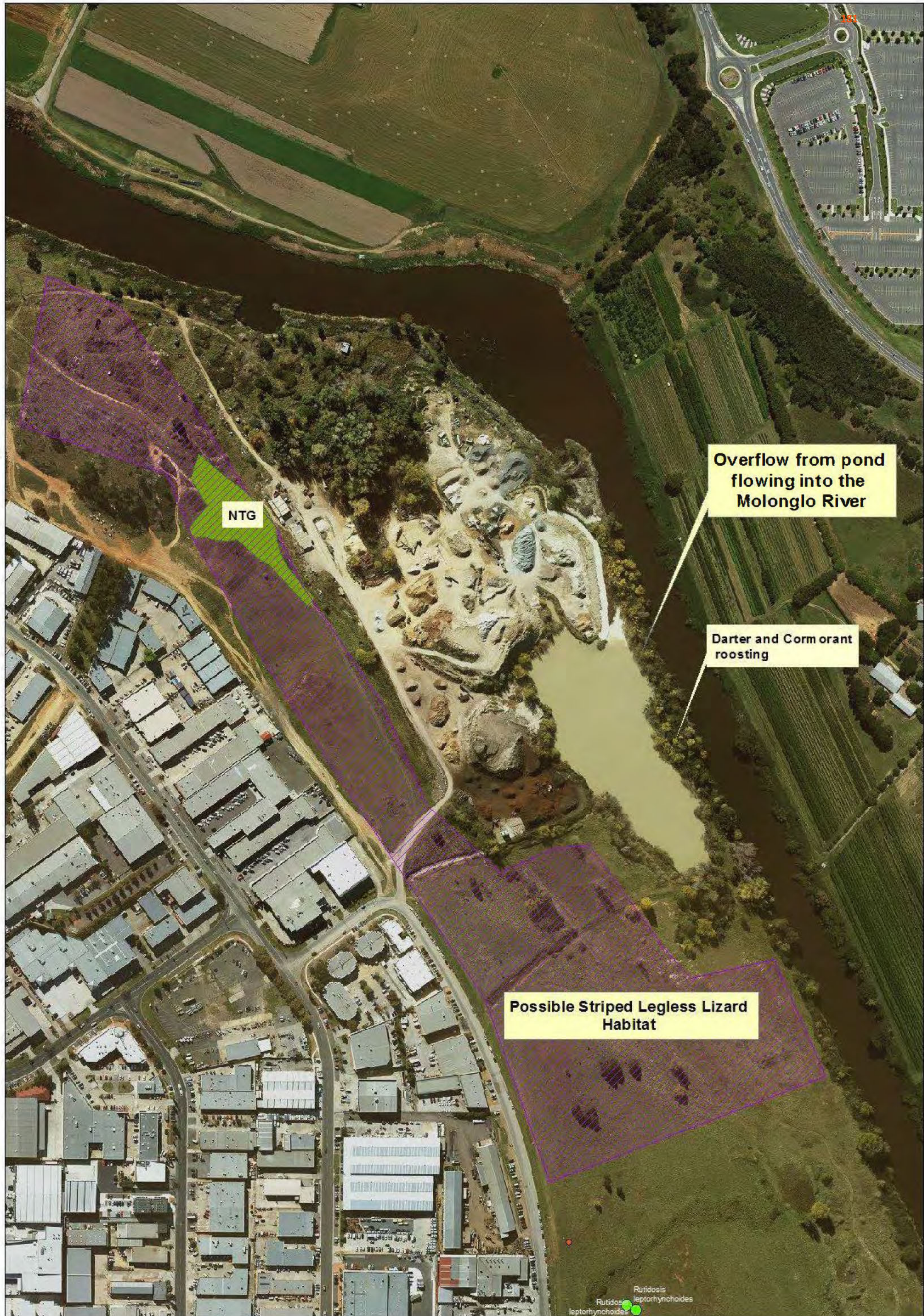
Level 1 North, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

179

A photograph of a tree trunk with a white, fuzzy growth on its bark. The number '179' is printed in orange in the upper left. The background shows dense foliage and sunlight filtering through the leaves.

180





NTG

Overflow from pond flowing into the Molonglo River

Darter and Cormorant roosting

Possible Striped Legless Lizard Habitat

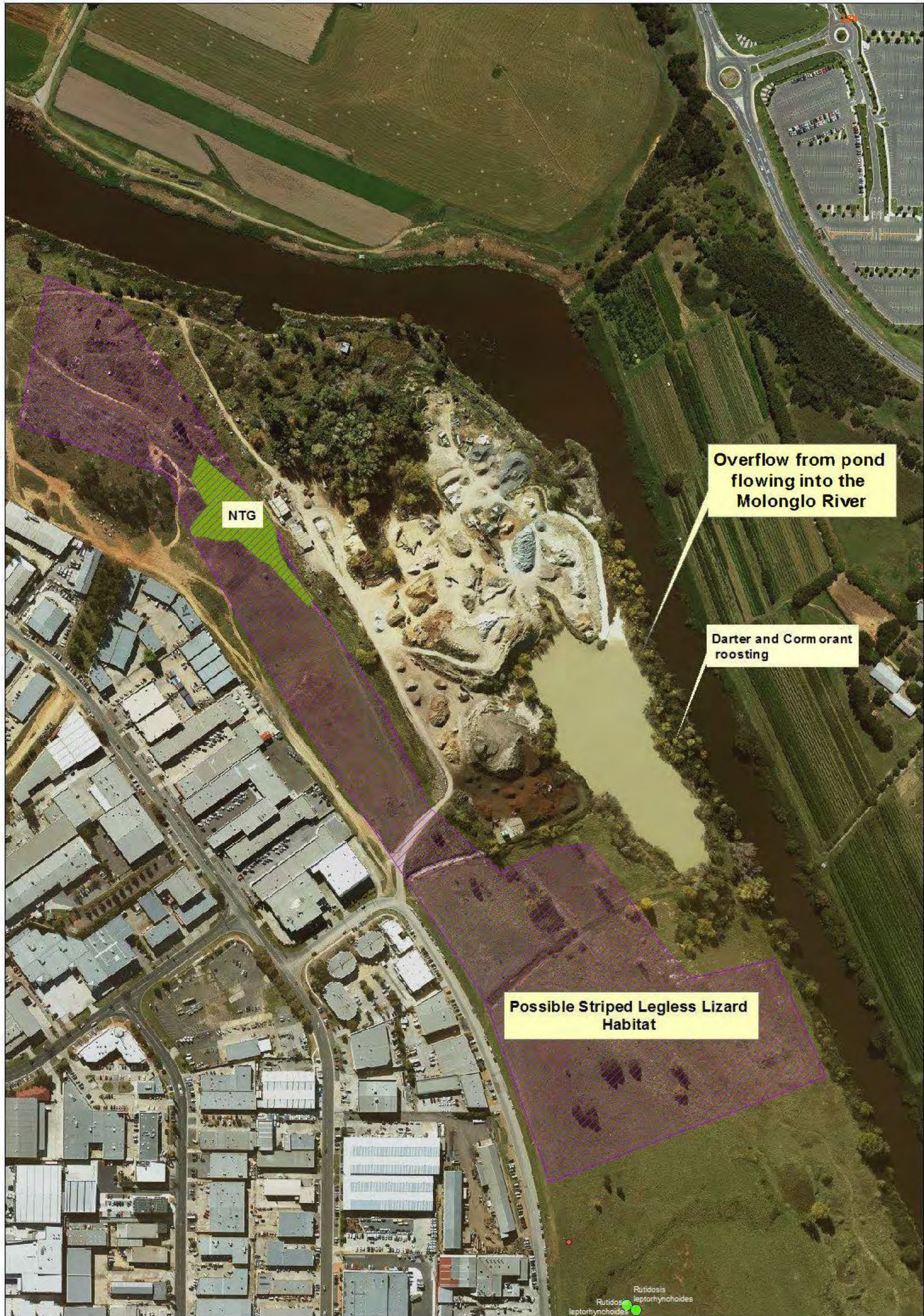
Rutidos leptorhynchoides
Rutidos leptorhynchoides

182

A photograph of a tree trunk with a white, fuzzy growth on its bark. The number '182' is printed in orange in the upper left. The background shows dense foliage and dappled sunlight on the ground.

183





NTG

Overflow from pond flowing into the Molonglo River

Darter and Cormorant roosting

Possible Striped Legless Lizard Habitat

Rutidos leptorhynchoides
Rutidos leptorhynchoides

From: McIntyre, Sara
To: Sargent, Narelle
Cc: Dix, Rodney; Power, David
Subject: RE: Emails regarding Canberra Sand and Gravel [SEC=UNCLASSIFIED]
Date: Wednesday, 14 April 2021 4:44:34 PM

OFFICIAL

Hi Narelle

Just a heads up for you –

ACT NoWaste are currently assessing licence applications for the Canberra Sand and Gravel sites in Fyshwick, Mitchell and Parkwood. I have had two meetings with staff from ACT NoWaste regarding the history of the lease for the Fyshwick site, mostly about how the site operations have extended beyond the permitted lease.

I have advised ACT NoWaste that discussions were held at an executive level across directorates in 2018/2019, but that I was not aware of whether an outcome was reached. The last email I have in my archives is below.

I advised ACT NoWaste that David could possibly provide more information on the Mitchell site.

Kind regards,

Sara McIntyre | Environment Protection Officer | Office of the Environment Protection Authority

Phone: 02 6207 2144 | Mobile: [Sch 2.2\(a\)\(ii\)](#) | email: sara.mcintyre@act.gov.au
Construction, Utilities and Environment Protection | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

From: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Sent: Tuesday, 19 February 2019 9:23 AM
To: McIntyre, Sara <Sara.McIntyre@act.gov.au>
Cc: Dix, Rodney <Rodney.Dix@act.gov.au>
Subject: RE: Emails regarding Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Sara
Email and legal advice saved in folder.

Sch 1 1.2

Regards
Narelle

From: McIntyre, Sara
Sent: Monday, 18 February 2019 1:27 PM
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Subject: Emails regarding Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Narelle,

Can you please save any emails and legal advice regarding Canberra Sand and Gravel in the [EA folder](#)

Thanks

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Regulation and Protection

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO BOX 158 | CANBERRA ACT 2601 |
www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

Chief Minister, Treasury and Economic Development Directorate

To: Minister for Business and Better Regulation **Tracking No.:** 23/43334
Minister for the Environment
Minister for Planning and Land Management

From: Nick Lhuede, Executive Branch Manager Construction, Utilities and Environmental Protection

Date of meeting: Wednesday, 17 May 2023

Subject: Canberra Sand and Gravel Meeting

Critical Date: 17 May 2023

Recommendation

That you **note** the Agenda at Attachment A.

Noted / Please Discuss

Tara Cheyne MLA...../...../.....

Minister’s Office Feedback

Rebecca Vassarotti MLA...../...../.....

Minister’s Office Feedback

Mick Gentleman MLA...../...../.....

Minister’s Office Feedback

Background

1. On 10 March 2023 your offices were briefed on the leasing and environment protection regulatory issues associated with the Canberra Sand and Gravel's occupation of Block 2, Section 63, Fyshwick and its activities at **Attachment B**.
2. It was at this time, Minister Vassarotti requested a meeting with Access Canberra to discuss the details of the brief and commentary.
3. Access Canberra invited Minister Cheyne and Minister Gentleman's offices to ensure there was a collaborated approach to the discussion.
4. Access Canberra extended the invitation to representatives from Environment, Planning and Sustainable Development (EPSSD) and Transport and City Services (TCCS).
5. A meeting agenda is available at **Attachment A**.

Issues

6. There are various complex issues relating to leasing and environment protection regulatory issues associated with the site at Block 2, Section 63, Fyshwick, currently occupied by Canberra Sand and Gravel (CSG). The brief at (**Attachment B**) outlines a long history of non-compliance by CSG including:
 - a) As change in business activities;
 - b) Encroachment onto territory land; and
 - c) The original crown lease (issued in 1971) is no longer suitable for such activities.
7. While (**Attachment B**) focused on the Environmental Authorisation, the discussion at the meeting may encompass the wider issues of lease compliance and enforcement actions, options around reviewing the Territory Plan, rezoning, and reviewing the Crown Lease.

Financial Implications

8. Nil.

Consultation

Internal

9. Nil.

Cross Directorate

10. EPSSD and TCCS were consulted in the preparation of this brief and the meeting agenda.

External

11. Not applicable.

Work Health and Safety

12. Nil.

Benefits/Sensitivities

13. Not applicable to this meeting brief.

Communications, media and engagement implications

14. Not applicable.

Signatory Name: Margaret McKinnon Phone: x 72790

Action Officer: Nick Lhuede Phone: x 78606

Attachments

Attachment	Title
Attachment A	Meeting Agenda
Attachment B	Update on Canberra Sand and Gravel Brief

AGENDA

10:00am-10:45am, Wednesday 17 May 2023

Microsoft Teams

1. Welcome, introductions and apologies
2. Canberra Sand & Gravel:
 - a. Background & Lease non -compliance – Access Canberra
 - b. Environmental Authorisation – Access Canberra
3. Overview of proposed solution – EPSDD/TCCS
4. Any other business

Chief Minister, Treasury and Economic Development Directorate

To: Minister for Business and Better Regulation Tracking No.: 23/05212

CC: Minister for Planning and Land Management

Date: 10/03/2023

From: Deputy Director-General, Access Canberra

Subject: Canberra Sand and Gravel - update on EPA actions

Critical Date: 17/03/2023

Critical Reason: To provide timely advice on the actions of the EPA

Recommendation

That you note the information contained in this brief.

Noted / Please Discuss

Tara Cheyne MLA/...../.....

Minister's Office Feedback

Background

1. Canberra Sand and Gravel (**CSG**) has been operating on their Fyshwick site off Geelong Street for over 50 years. In 1971, CSG were issued a lease over Block 2, Section 63, Fyshwick (Tennant Street, Fyshwick) to dredge the river. An aerial photograph of the operation, with the leased block highlighted in the below image.

2. The Minister for Planning and Land Management was recently briefed by Environment, Planning and Sustainable Development Directorate (**EPSDD**) on the leasing and environment protection regulatory issues associated with the site and its activities (Attachment A). In summary, the issues identified by EPSDD are as follows:
 - a. The CSG activities extend outside of the leased area and have also changed over time so that they no longer match the terms of the lease.
 - b. The crushing, grinding and separating of materials (including sand, gravel rock, minerals, slag, road base, concrete, bricks, tiles, asphaltic material metal or timber) being undertaken on the site require an Environmental Authorisation (**EA**) under the *Environment Protection Act 1997 (the Act)*. In 2006, the Environment Protection Authority (**EPA**) issued an EA to CSG for this site.
 - c. The original lease on the block was issued on 26 November 1971. Historic and ongoing conflicts in leasing issues have prevented licensing and regulatory activities, such as a licence from the Independent Planning and Land Authority in relation to compliant weed control activities.

Issues

Leasing

3. CSG has been operating outside their lease boundaries and leasing conditions for some years. Condition (i) from the original lease limits CSG activities to, “*use the said*

land only for the winning of and processing of bed load material from the Molonglo River.”

4. EPSDD, TCCS and Access Canberra are considering a range of options to review zoning and lease conditions to address this ongoing matter, including rezoning of the land under the Territory Plan. These discussions remain ongoing.

Environment Protection

5. Since 2006, the EPA has worked with CSG to ensure their activities do not have an impact on the receiving environment.
6. In December 2020, the EPA reviewed CSG’s EA (EA 0425) and found CSG to be compliant with the conditions of their EA (Attachment B).
7. The EPA completed a scheduled review of the CSG Environmental Authorisation (EA 425) in early 2023:
 - a. A site inspection was completed on 14 February.
 - b. No environment-related complaints have been recorded for the site since the last review, and no instances of environmental non-compliance were observed during the inspection.
 - c. An updated EA was issued on 8 March; and a follow-up site inspection scheduled in two-years from that date.
 - d. Standard variations were made to the EA, updating references to relevant guidelines for hydrocarbon and dangerous substance storage and water testing.
 - e. The operators were advised on-site and in writing that the EA *“does not confer or imply approval to operate on unleased land.”*
 - f. The operators have a statutory 28 days to respond to the updated conditions, and then the revised EA will be placed on the public register of [EA authorisations](#).

Financial Implications

8. There are no financial implications.

Consultation

Internal

9. Construction, Utilities and Environm

Cross Directorate

10. In preparing this brief, Access Canberra consulted with Bren Burkevics, EGM EPSDD Access Canberra and the EPA will continue to work closely with TCCS and EPSDD on this matter.

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

External

11. Nil

Work Health and Safety

12. Nil

Benefits/Sensitivities

13. Review of the current zoning and leasing arrangements may provide for remediation of the river corridor and enable stronger controls to protect adjacent ecological values.

14. The potential for media interest, given the significant loss in potential revenue and the lack of commercial fairness to other operators was raised previously (Min 22/110417).

Communications, media and engagement implications

15. Nil associated with this brief. Talking points can be provided upon request.

Signatory Name: Nick Lhuede Phone: 6207 8606

Action Officer: Sean Sloan Phone: 6205 8291

Attachments

Attachment	Title
Attachment A	NOTED - 20221220 - Brief - BBR - Proposed approach - Canberra Sand and Gravel - (EPSDD 22/110417)
Attachment B	Canberra Sand and Gravel Environmental Authorisation

Environment, Planning and Sustainable Development Directorate

To: Minister for Planning and Land Management **Tracking No.:** 22/110417

Date: 11 November 2022

From: Conservator of Flora and Fauna

Subject: Proposed approach - Canberra Sand and Gravel – Block 2, Section 63, Fyshwick

Critical Date: **9 December 2022**

Critical Reason: To ensure you are briefed on this issue in a timely manner.

- DDG, Environment, Water and Emissions Reduction 18/11/22

Recommendations

That you:

1. **Note** the proposed approach to manage the situation and impacts of Canberra Sand and Gravel's occupation of Block 2, Section 63, Fyshwick outside of a lease.

Noted / Please Discuss

2. **Agree** to share this brief with the Minister for the Environment, Minister for Transport and City Services and the Minister for Business and Better Regulation for their awareness.

Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA/...../.....

Minister's Office Feedback

Please share with CM.

Background

1. Canberra Sand and Gravel (CSG) has been operating on their Fyshwick site off Geelong Street for over 50 years. In 1971 CSG were issued a lease over Block 2, Section 63, Fyshwick (Tennant Street, Fyshwick) to dredge the river.. A map of the site is provided at Attachment A.
2. Over time, their business operations have changed to the crushing and screening of materials, the stockpiling of screened materials, and the loading, unloading and delivery of materials to the site. Associated activities also include the discharge of waste-water to a settling dam (this is also used as a discharge point for stormwater from Fyshwick), the aboveground storage of diesel and the underground storage of waste oil.
3. In 2006 the Environment Protection Authority (EPA) issued an Environmental Authorisation over the entirety of their operation so that they could apply regulations.

4.



Sch 1 1.14

5. The ACT Parks and Conservation Service (PCS) is the custodian of the land, however under an existing MOU, the Transport Canberra and City Services Directorate (TCCS) is responsible for the preparation of 303 licences under the *Planning and Development Act 2007*. These licences are executed by Environment, Planning and Sustainable Development Directorate (EPSDD) with compliance responsibilities residing with

Access Canberra.

6. There have been several attempts over the last few decades at the officer level to rectify the situation, however all attempts have been unsuccessful.
7. The independent planning and land authority (the Authority) is unable to execute a new lease/licence as CSG's current use is not consistent with the management objectives of the river corridor zone. The conflict in management objectives also preventing the Conservator of Flora and Fauna (Conservator) from endorsing the licence.
8. The combination of these issues ultimately means that the ACT Government is unable to regulate the operation properly e.g. ensure compliant weed control. In addition, CSG are not paying appropriate rates for use of the land.

Issues

9. In March 2019 the issue was brought to the Conservator's attention when the EPA sought Conservator endorsement of an Environmental Management Plan for the site.
10. Conservation officers undertook a site inspection in June 2019 which identified several environmental concerns regarding the current operations. These included:
 - a. Natural Temperate Grassland (NTG - critically endangered) and possible Striped Legless Lizard (SLL - vulnerable) habitat directly adjoins the area that has been degraded by the activities of CSG (Attachment A). In 2011-2012 the land immediately to the south (within 300m of the settlement pond) was surveyed and found to support a high density of SLL.
 - b. It is likely that the dumping of materials and waste and the formation of a settlement pond and tracks on the area of public land has destroyed SLL habitat and NTG.
 - c. There is only sparse indication of active management of weeds, which seems to have been focused on Serrated Tussock. Montpellier Broom (*Genista monspessulana*) was observed at several locations within the site area. Under the *Pest Plants and Animals Act 2005* all infestations on a premises must be controlled, however there was no evidence this plant is being controlled.
 - d. The site also contains large infestations of African Love Grass, Chilean Needle Grass, Serrated Tussock and Blackberry that under the *Pest Plants and Animals Act 2005* must be contained to a premises and stopped from spreading to neighbouring areas. Dense thickets of Blackberry occur right along the eastern boundary of the work area adjacent to the Molonglo River. The riverside location of these thickets mean that they will almost continuously be dropping or have washed in fruit, seed or viable vegetative material into the river, with these propagules spreading to downstream neighbouring areas. The adjacent area of NTG is threatened by invasion of weed species that should be being contained on neighbouring lands.
 - e. During the inspection a steady flow of about 2cm deep by 1 m wide of highly turbid water was observed following out of the north end of the settlement pond directly into the Molonglo River via an eroding channel. The edge of the pond and the Molonglo River are only about 10m apart at this location. Exactly what may be in this discharging water is unknown but impacts on water quality are of a concern.

Artificial cod caves have been placed just down river of the area of activity. Two species of threatened fish - Murray Cod and Silver Perch - have been recorded utilising the caves, while Macquarie Perch may also possibly be found there.

- f. The EPA followed up on this report of the overflow and traced its origin to a burst water main in the local area which has since been rectified. As such, they are satisfied that it would not be a regular occurrence, however unusual rainfall events could (and have previously) result in similar or worse overflows. Without a licence/permit, however, the ACT Government cannot direct them to employ appropriate mitigations.

11. Sch 1 1.14

12. TCCS has proposed a solution to address this situation as follows:

a. Sch 1 1.14

- b. A Territory Plan Variation (TPV) would then be proposed to revise the River Corridor zone to follow the river more closely (see Attachment B). This TPV would affect the land zoning, tuning a large portion of CSG's current site, including their site office, into public unleased land, licensed and regulated by TCCS.
- c. If and when the TPV is finalised, a licence will be issued for the portion of the site outside the reserve boundary. As part of their licence conditions CSG would be required to relocate some of their current operations and remediate the land within the River Corridor zone.

13. Offering this solution to CSG would allow them to choose between staying at the site (paying market rates & undertaking the TPV process), or vacating.

Eastern Broadacre Strategic Assessment considerations

14. The ACT Government has entered into an agreement with the Commonwealth Government to undertake a strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999*. Public notification on the draft strategic assessment documents is expected to commence next year, after being on hold due to COVID-19.
15. The consultant who is preparing the strategic assessment is being re-engaged to review and update the draft documentation including the results of recent environmental monitoring. The draft documentation currently identifies the area surrounding CSG for potential future development. In light of the presence of NTG and SLL in the area that had not been previously identified, the draft documentation will be reviewed accordingly.

Sch 2.2(a)(xi)

Sch 2.2(a)(xi)

Consultation

Internal & Cross Directorate

19. Various government departments have been involved in many discussions over the years regarding this issue. TCCS Licensing and Compliance are coordinating action on the matter and have provided input on this brief.
20. The ACT Parks and Conservation Service have been consulted and are supportive of the proposed solution.
21. Strategic Planning have also provided input on this brief.

External

22. The owner, Wayne Gregory has been consulted many times regarding the issues.
23. ACT Government officers will meet with CSG to inform them of the proposed solution prior to actioning.

Work Health and Safety

24. Nil for the purpose of this brief.

Benefits/Sensitivities

25. The proposed solution would result in remediation of the river corridor and enable stronger controls to protect adjacent ecological values.
26. The TPV process is lengthy and a positive outcome is not guaranteed. If a TPV is not successful, it is unclear what the next steps will be.

Communications, media and engagement implications

27. There is the potential for media interest, given the significant loss in potential revenue and the lack of commercial fairness to other operators.

Signatory Name:	Bren Burkevics	Phone:	6207 8628
Action Officer:	Eliza Larson	Phone:	6207 7009

Attachments

Attachment	Title
Attachment A	Ecological values in the vicinity of the Fyshwick CSG site
Attachment B	Proposed Territory Plan Variation solution
Attachment C	Lease documentation

River contains threatened
Murray Cod, Silver Perch
and Macquarie Perch

Attachment B - Territory Plan Variation proposal to revise the River Corridor zone

149

THE COMMONWEALTH OF AUSTRALIAAUSTRALIAN CAPITAL TERRITORYLEASES ORDINANCE 1918-1966

LEASE GRANTED pursuant to the Leases Ordinance 1918-1966 and the Regulations under that Ordinance on the *twenty sixth* day of *November* One thousand nine hundred and *seventy one* WHEREBY THE COMMONWEALTH OF AUSTRALIA (in this lease called the "Commonwealth") GRANTS to CANBERRA SAND AND GRAVEL PTY. LIMITED a Company incorporated under the laws of the Australian Capital Territory whose registered office is situated care of Olsson and Olsson 5th Floor M.L.C. Building London Circuit Canberra City in the said Territory (in this lease called the "Lessee") ALL THAT piece or parcel of land situate in the District of Canberra City in the Australian Capital Territory and known as Block Number 875 in the said District of Canberra City containing an area of about ~~13~~ *13* acres ~~2~~ *2* roods ~~perches~~ and being the land shown by pink colour on the plan annexed hereto TO HOLD unto the lessee for a term of twelve months commencing on the eleventh day of November One thousand nine hundred and seventy and thereafter quarterly TO BE USED by the lessee only for the purposes set forth in sub-clause (i) of clause (1) YIELDING AND PAYING THEREFOR rent at the rate of Two thousand eight hundred dollars per annum payable quarterly in advance on the FIRST day of January the FIRST day of April the FIRST day of JULY and the FIRST day of October in each year during the continuance of the tenancy hereby created.

1. THE LESSEE COVENANTS WITH THE COMMONWEALTH

- (a) To pay to the Commonwealth at Canberra in the said Territory the rent hereby reserved in advance on the days and in the manner aforesaid without any deduction whatsoever;
- (b) To pay to the Commonwealth at Canberra aforesaid as an additional rent a sum calculated at the rate of Eight dollars per centum per annum on any quarterly payment or portion of a quarterly payment which remains unpaid for thirty days after the day appointed for the payment of that quarterly payment computed from the expiration of that thirty days to the date upon which the whole of that quarterly payment is paid the

D. C. G.

- 2 -

- additional rent to be added to and paid with the quarterly payment;
- (c) To pay all taxes assessments and outgoings of every kind payable in respect of the said land (other than rates payable under the Rates Ordinance 1926-1967 or any amendment thereof or any Ordinance substituted therefor the amount of such rates being included in the rent hereinbefore provided);
 - (d) At all times during the tenancy hereby created to keep the said land clean and tidy and free from debris dry herbage rubbish and other unsightly and offensive matter;
 - (e) That the lessee will not erect or place any building or buildings on the said land or any part thereof without the prior consent in writing of the Commonwealth or the Minister on behalf of the Commonwealth and will erect any building in respect of the erection of which consent has been so given in accordance with plans and specifications thereof to be previously submitted to and approved in writing by the Commonwealth or the Minister on behalf of the Commonwealth and in accordance with every Statute Ordinance and Regulations applicable thereto;
 - (f) That the lessee will not display or permit to be displayed on the said land any advertisement sign or hoarding without the previous consent in writing of the Minister;
 - (g) That if requested in writing by the Commonwealth the lessee will within three months from the date of the request erect fencing together with necessary gates on the boundaries of the said land of a type approved by the Commonwealth and the Commonwealth shall not contribute to the cost of erection or maintenance of any fencing on the boundaries of the said land and any adjoining land belonging to the Commonwealth;
 - (h) At all times during the said term to maintain repair and keep in repair all buildings fences and other erections on the said land all to the satisfaction of the Minister;
 - (i) To use the said land only for the winning of and the processing of bed load material from the Molonglo River;
 - (j) To permit the Commonwealth by its officers or servants duly authorised by the Minister in that behalf to enter upon the said land at all reasonable times and in any reasonable manner and inspect the land and any buildings erections and improvements thereon;
 - (k) To pay for all electricity consumed on the said land at such rates as may be determined by the Minister from time to time;
 - (l) Not to assign sub-let or part with the possession of the said land without the previous consent in writing of the Commonwealth or the Minister on behalf of the Commonwealth;

OK

- 3 -

- (m) That if the lessee shall fail -
- (i) to keep all buildings fences and other erections on the said land in repair in accordance with the covenant in sub-clause (h) of this clause; or
 - (ii) to keep the said land clean and tidy and free from debris dry herbage rubbish and other unsightly and offensive matter in accordance with the covenant contained in sub-clause (d) of this clause;

the Minister on behalf of the Commonwealth or any person authorised by the Minister in that behalf without prejudice to any other right or remedy of the Commonwealth may but it shall not be obligatory so to do by notice in writing to the lessee require the lessee to effect the repairs he has so failed to effect or to make the land clean and tidy and free from debris dry herbage and other unsightly and offensive matter within a time specified in the notice;

- (n) That if after the time specified in the notice mentioned in sub-clause (m) of this clause or such longer time as the Minister on behalf of the Commonwealth or any person authorised by the Minister in that behalf may allow the lessee has not effected the repairs he has been required to effect or performed the work he has been required to perform the Minister on behalf of the Commonwealth shall be at liberty but it shall not be obligatory on the Commonwealth or the Minister without prejudice to any other right or remedy of the Commonwealth or the Minister hereunder or under the Leases Ordinance 1918-1966 or the Leases Regulations by its or his officers or servants or by any persons duly authorised in that behalf to enter upon the said land to effect the said repairs or perform the said work and the lessee shall pay to the Commonwealth on demand all expenses that shall be incurred by the Commonwealth or the Minister in pursuance of this sub-clause in so doing;
- (o) Not to store on the said land or any part thereof any bulk kerosene petrol or other materials of an explosive or inflammable nature without the consent in writing of the Minister and if such consent be given to comply in all respects with any directions from time to time given by the Minister with regard to the storage of any bulk kerosene petrol or other material. Any such consent may at any time be withdrawn by the Commonwealth or the Minister on behalf of the Commonwealth and thereupon the lessee shall forthwith remove from the said land any bulk kerosene petrol or other material of an explosive or inflammable nature stored thereon;
- (p) At all times during the tenancy hereby created to take all reasonable precautions against the outbreak or spread of fire on the said land and to comply in all respects with any directions in regard thereto given from time to time by the Commonwealth or the Minister on behalf of the Commonwealth or any person duly authorised in that behalf;
- (q) To comply with the laws in force in the said Territory relating to the business carried on by the lessee and

[Handwritten signature]

- 4 -

with the requirements of the authorities administering such laws.

2. THE COMMONWEALTH COVENANTS WITH THE LESSEE:

- (a) That the lessee paying the rent and observing and performing the covenants and stipulations on the part of the lessee to be observed and performed shall quietly enjoy the said land without interruption by the Commonwealth or any person lawfully claiming from or under or in trust for the Commonwealth;
- (b) That during the term of the lease the lessee will have the right to remove and dispose of bed load material from the part of the Molonglo River coloured blue on the plan annexed hereto in accordance with the method of operation requirements and conditions set out in the Schedule marked "A" annexed hereto.

3. IT IS MUTUALLY COVENANTED AND AGREED as follows:

- (a) That upon the expiration or sooner determination of the tenancy hereby created the lessee shall have the right to remove and carry away all buildings alterations additions fences partitions and fixtures and fittings set up erected or affixed in or on the said land by the lessee during the continuance of the tenancy within one calendar month from the day of such determination or within such longer time as the Minister may in writing allow but if such right of removal is not exercised within the time herein prescribed all the said buildings alterations additions fences partitions fixtures and fittings shall become the property of the Commonwealth absolutely. Provided that if the lessee shall exercise such right of removal the lessee shall thereupon fill in all holes made as a result of the removal and leave the land in a clean and tidy condition to the satisfaction of the Minister and in default of the lessee so doing the Minister or any person or persons duly authorised by the Minister in that behalf may enter upon the said land and place it in a clean and tidy condition and all expenses incurred by the Minister shall be paid by the lessee to the Minister on demand and from the date of such demand and until paid shall be a debt due by the lessee to the Minister and may be sued for in any court of competent jurisdiction;
- (b) That if any rent shall be thirty days in arrears (whether such rent shall have been legally demanded or not) or if the lessee shall fail to observe or perform any of the covenants herein contained and on the part of the lessee to be observed or performed the Minister on behalf of the Commonwealth may by notice in writing to the lessee determine the lease but without prejudice to any claim which the Commonwealth or the Minister may have against the lessee in respect of any breach of the covenants on the part of the lessee to be observed or performed;
- (c) That any notice requirement demand consent or other communication to be given to or served upon the lessee by the Commonwealth or the Minister under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Minister and delivered

As per

to or sent in a prepaid letter addressed to the lessee at the said land or at the usual or last-known address of the lessee or affixed in a conspicuous position on the said land;

- (d) That if the lessee breaches or fails to carry out or comply with any requirement or condition set out in the Schedule marked "A" and annexed hereto the Commonwealth may serve on the lessee a Notice specifying the failure or breach and if the failure or breach can be remedied call upon the lessee to remedy the failure of breach within seven days from the date of the Notice. If the lessee fails to comply with the terms of the Notice or the failure or breach cannot be remedied the Commonwealth may determine the lease and thereupon shall serve Notice of the determination on the lessee;

4. In this lease -

- (a) "The Minister" means the Minister of State of the Commonwealth for the time being administering the Leases Ordinance 1918-1966 or any Statute or Ordinance substituted for that Ordinance or the member of the Executive Council of the Commonwealth for the time being performing the duties of the Minister and includes an authority or person for the time being authorized by the Minister or by law to exercise the powers and functions of the Minister under that Ordinance or any Statute or Ordinance substituted for that Ordinance;
- (b) If the lessee shall consist of one person the word "Lessee" shall where the context so admits or requires be deemed to include the executors administrators and permitted assigns of the lessee;
- (c) If the lessee shall consist of two or more persons the word "Lessee" shall where the context so admits or requires in the case of a tenancy in common be deemed to include the said persons and each of them and their and each of their executors administrators and permitted assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their permitted assigns and the executors administrators and permitted assigns of the survivor of them;
- (d) If the lessee shall be a corporation the word "Lessee" shall where the context so admits or requires be deemed to include the successors and permitted assigns of that corporation.

IN WITNESS whereof this lease has been executed in the name of the Commonwealth of Australia by the Minister and by the lessee.

SIGNED SEALED AND DELIVERED
by **ROY JAMES CORRIGAN**
delegate of the Minister of
State for the Interior of the
Commonwealth of Australia in
the presence of:-

[Signature]
COMMISSIONER FOR DECLARATIONS

The Common Seal of Canberra
Sand and Gravel Pty. Limited
was hereunto affixed by
Resolution of the Directors
and in the presence of

[Signature]

Common Seal
CANBERRA SAND AND GRAVEL PTY. LIMITED

[Signature]
Director

[Signature]
Secretary

[Signature]

SCHEDULE 'A'

CONDITIONS GOVERNING OPERATIONS TO REMOVE BED LOAD MATERIAL FROM THE PART OF THE MOLONGLO RIVER LETTERED A-A to B-B AND SHOWN BY BLUE COLOUR ON DRAWING MS 1057 ATTACHED

1. DESCRIPTION OF WORK

The work comprises the following:

- (a) The removal and disposal of bed load material from the Molonglo River from cross-section A-A to cross-section B-B on Drawing MS 1057. The removal of bed load shall be confined to material between the existing river banks at and below RL 1825, which is the normal water level in the backwater of Lake Burley Griffin.
- (b) Bed load material shall include all unconsolidated material, including gravel, sand, silt and loam. The bed load material shall also include consolidated gravel and sand, and silt and loam intermixed with consolidated gravel and sand, provided that the consolidated material contains not less than 80% sand and gravel and provided that the material can be readily excavated by a suction dredge. The operator may elect to remove consolidated gravel and sand material which contains less than 80% sand and gravel, subject to obtaining approval of the Engineer.
- (c) The removal and disposal of tree stumps, branches and debris of any kind present in the material being excavated in the river.
- (d) The removal of trees, tree stumps, tree growth and branches in the waterway below RL 1825.
- (e) The trimming of trees and the removal of the trimmed branches, where the branches overhang the waterway, interfering with dredging operations, or where tree branches overhanging the waterway are within 15 feet vertically of the river water level.
- (f) The battering of riverbanks to a grade not steeper than one vertical to three horizontal, where the banks have been disturbed or their stability adversely affected by the operations, the batter to extend both above and below water level. Below water level, the material shall be excavated to provide an underwater river bank not steeper than one vertical to three horizontal.
- (g) The removal of trees on the river banks leaning towards the river that are inclined at an angle from the vertical in excess of 30° and sufficiently close to the waterway that they would protrude into the waterway if they were to fall.
- (h) The seeding and fertilising of river banks, access and working areas, if any, where the operations have destroyed the vegetative cover, as soon as practicable after bank battering and other operations affecting the vegetative cover. Materials for seeding and fertilising shall be as directed at the time by the Engineer.

Handwritten signature

- 2 -

- (i) The width of the river at normal water level (RL 1825) is to remain unchanged, apart from locations where minor bank straightening appears desirable and is approved or directed by the Engineer.

Apart from operations on approved river bank straightening, the operator is not entitled to win or claim topsoil, sand and gravel naturally occurring in any strip of land along the river bank or forming any land outside the river channel that the operator is permitted to use as an access area, works area, stockpile area or for any purpose whatsoever.

2. INTERPRETATION OF TERMS

"Engineer" means the Director of the Commonwealth Department of Works, Australian Capital Territory, or the person appointed by him from time to time to supervise the operations.

"Operator" means the person or company holding the lease over Block Number 875 in the District of Canberra City.

3. ORDER OF WORK

Work shall commence at the downstream end of the river section, i.e. at cross-section A-A on Drawing MS 1057, and progress continuously in an upstream direction with final completion at cross-section B-B. The trimming of willow tree branches, removal of willow trees where necessary and bank battering where necessary shall be carried out prior to, during or immediately following the winning of bed load material from each section of the river.

The Commonwealth reserves the right to withdraw permission to remove the bed load material, if progress on the trimming of willows, removal of willows where necessary and bank battering works does not match progress on the removal of bed load material to the satisfaction of the Engineer.

4. CONTROL OF TURBIDITY

The turbidity increase in the river from any or all operations occurring at any time shall not exceed 5 turbidity (Jackson Candle standard) units, when measured by the Engineer upstream of Section B-B and downstream of Section A-A as located on Drawing No. MS 1057.

The Engineer reserves the right to suspend any operation or combination of operations which, in the opinion of the Engineer, causes a turbidity increase from Section B-B to Section A-A in excess of 5 turbidity units. In order to minimise any turbidity increase, the operator shall use a suction dredge for bed load removal operations in the river channel. The construction of levee banks to form settling lagoons in the river section between A-A and B-B is not permitted. The operator may make use of the existing settling lagoons downstream of Kallaroo Road for his settling pond requirements.

[Handwritten signature]

- 3 -

5. PERFORMANCE AND PROGRESS OF WORK

Starting at cross-section A-A, the operator may commence operations, e.g. bed load removal, tree pruning, removal of debris, seeding and fertilising (where required) in an order to suit his requirements and plant, subject to the approval of the Engineer. However, progress on tree pruning, removal of debris, seeding and fertilising shall proceed at a sufficient rate, so that the extraction of bed load material does not progress upstream and these operations by more than 700 feet, i.e. by approximately one third of the distance from A-A to B-B.

If debris removal, tree pruning and removal, and erosion protection works lag behind the extraction of commercially valuable bed load deposits in excess of 700 feet when measured along the length of the river, the Engineer may order the cessation of extraction of commercially valuable bed load deposits until adequate progress has been made, in the opinion of the Engineer, on the works other than the extraction of the commercially valuable bed-load material.

If, in the opinion of the Engineer, undue difficulties or delays are encountered by the operator in the removal of consolidated bed load material, then the extraction of these consolidated materials may be deferred until after any or all other works are completed, subject to approval of the Engineer.

6. OPERATIONS IN THE RIVER

The winning of bed load material shall be carried out by an approved suction dredge, pumping the bed load material into or adjacent to clarification ponds before return of the waste water to the river via the clarification ponds. The clarification ponds shall consist of not less than one primary settling pond and one secondary settling pond. The primary settling pond and the secondary settling pond may be of approximately the same volume. However, the primary settling pond volume shall not be less than 3 acre feet and the secondary settling pond volume shall not be less than 5 acre feet. At the commencement of the operation, the total volume of the ponds shall be not less than either of the following:

- (a) 10 acre feet, or
- (b) 5 acre feet plus the volume equivalent to the suction dredge pumping rate for thirty hours of continuous pumping.

(a) and (b) are based on an allowance of 5 acre feet for sediment deposition.

If the quantity of sediment deposited in the ponds during these operations commences to exceed 5 acre feet, then the Engineer reserves the right to require volumes referred to in (a) and (b) to be increased or the ponds to be partly dredged of sediment.

Settling ponds shall not be located between the high banks of the river upstream of Kallaroo Road.

- 4 -

Clarification ponds shall be partly or completely cleared of settled sediment as directed by the Engineer if:

- (a) either the total volume above the sediment level reduces the 5 acre feet, or
- (b) clarification in the ponds is adversely affected in the opinion of the Engineer by insufficient volume above the sediment level in the ponds.

The use of a dragline in the river is not permissible, except where special approval is obtained in writing from the Engineer for use of a dragline upstream of and to supplement the suction dredge, if deposits of "clean" sand and gravel are encountered. Attention is drawn to Clause 4 which under normal circumstances precludes the use of any extraction method in the river other than by suction dredging followed by clarification ponds for the waste water.

7. ANCHORAGE OF EQUIPMENT

Anchorage of equipment in the river shall be to the approval of the Engineer.

The operator shall be responsible for and pay all damages due to the use of the suction dredge or other equipment in the river, including damage resulting from the dredge or other equipment breaking from or slipping anchorage in the event of a flood or due to any other causes whatsoever. Approval of the anchorage by the Engineer does not absolve the operator from responsibility for any loss or damage resulting from failure of the anchorage.

8. DISPOSAL OF BED LOAD MATERIAL

Gravel, sand, silt and loam of commercial value obtained from the Molonglo River between the existing river banks between sections A-A and B-B on Drawing MS 1057 shall become the property of the operator for sale or disposal by the operator during the period of this lease. Gravel, sand, silt and loam of commercial value shall not be stockpiled within the limits of the high river banks or below RL 1835 on the left bank flood plain between sections A-A and B-B. Gravel, sand, silt and loam of commercial value remaining in stockpile or other form in any works area upstream of Kallaroo Road at the expiry date of the lease shall revert to the ownership of the Commonwealth and the operator shall have no rights whatsoever to any claim on this material. Waste material such as non-commercially valuable silt and loam, other than suction dredging wastes contained in suction dredging waste water clarification ponds and waste wash waters in wash water ponds, shall not be disposed of within the limits of the high river banks between sections A-A and B-B or below RL 1835, but shall be disposed of by grading evenly over an approved area at the site of the works or by disposal outside the limits of the works area to the approval of the Engineer.

- 5 -

9. DISPOSAL OF DEBRIS AND TREE WASTES

Debris of any description and tree wastes of any description shall not be disposed of between the high banks of the river between sections A-A and B-B or below RL1835. These wastes shall be disposed of by burial or burning within the limits of the works area or by disposal outside the limits of the works area to the approval of the Engineer. Burning shall be carried out in accordance with the requirements of A.C.T. ordinances on the lighting and control of fires.

10. RIVER BANK SLOPES

Wherever the operator's operations have altered or affected the stability of the river bank above the water line, the operator shall batter the bank with approved consolidated material above the water line to a grade not steeper than one vertical to three horizontal, except where in the opinion of the Engineer, tree growth prevents mechanical grading operations and the tree growth provides adequate stability to the bank above the water line.

The operator shall not excavate below the water line in consolidated or unconsolidated material to cause a steeper bank gradient below the water line than one vertical to three horizontal.

11. PRESERVATION OF TREES

Trees along the river banks serve an erosion protection function and, except as provided in these clauses for the removal and/or trimming of trees in or overhanging the waterway, the operator shall not undermine or remove any trees without the approval of the Engineer.

12. RIGHT RIVER BANK STABILITY

The operator shall not carry out any operations which may interfere with or possibly reduce existing protection from erosion of the right-hand river bank (when viewed facing downstream) at or adjacent to bends in the river, which could lessen the stability of these banks during floods of either minor or major magnitude.

13. METHOD OF OPERATION

The operator shall obtain prior approval from the Engineer for his method of operation and for any changes in the method of operation. He shall submit for approval of the Engineer a sketch plan showing the proposed location of suction dredge pipeline locations, booster pump location if booster pumping is proposed, access and stockpile locations, washing and screening plant locations, other than the location of currently existing plant and facilities.

14. COINCIDENT WORKS

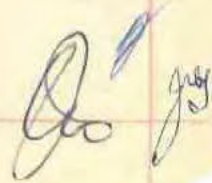
The operator shall not interfere with other Commonwealth operations in the area, including soil winning operations on the left bank by the Commonwealth or its agents.

- 6 -

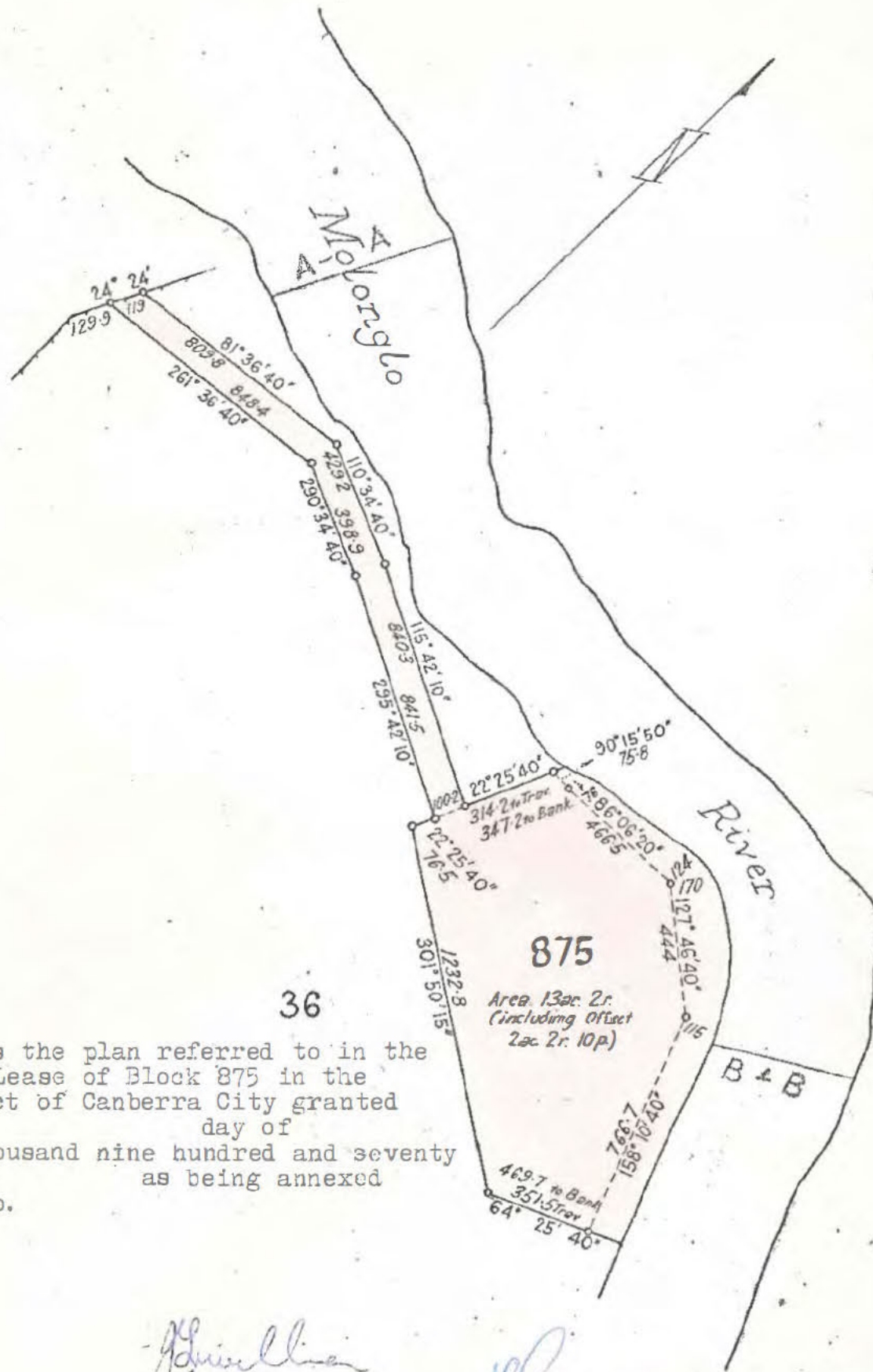
15. BED LOAD TRAP STRUCTURE

During the period of the right covering the bed load removal operations between sections A-A and B-B, the Commonwealth may commence construction of a permanent bed load trap structure at the site of the existing settling lagoons immediately downstream of Kallaroo Road, at the location marked on Drawing MS 1057.

The operator shall not interfere with the work associated with the construction of this structure. This structure when completed will have a top level, for the full 600 feet width of the river, approximately 3 feet below normal lake level and the use of lagoons A, B and C as settling lagoons will have to be discontinued progressively as sections of the permanent bed load structure are completed.



COMMONWEALTH OF AUSTRALIA



This is the plan referred to in the Crown Lease of Block 875 in the District of Canberra City granted on the _____ day of _____ One thousand nine hundred and seventy _____ as being annexed thereto.

Handwritten signatures:
 J. Sessions
 G. Sessions

Drawn by <i>D.W.B.</i>	Date <i>8-2-1971</i>	BLOCK 875 CANBERRA CITY DISTRICT Australian Capital Territory Scale: 5 Ch to an Inch	Surveyed by <i>S. SESSIONS</i>
Traced „			Date of Survey <i>DEC 1970</i>
Exam ^d by			Azimuth <i>STRONG MERIDIAN</i>
			Comput ⁿ Sheet _____
			F.B. <i>A3953</i>
			M^s 1057

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Sch 1 1.14

Outside Scope

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

Sch 2.2(a)(xiv)



ACT
Government

Part G Dictionary

Table of Contents

Definitions – uses of land	1
Table 1 – land use definitions	2
Definitions – terms and concepts	18
Table 2 – terms and concept definitions	18

A definition in this dictionary applies to the entire Territory Plan unless a provision in the plan provides for a more limited application.

Note 1 The Legislation Act contains definitions relevant to this instrument. For example:

- definition;
- in relation to;
- instrument;
- person;
- territory land; and
- the Territory.

Note 2 A definition in the *Planning Act 2023* or any regulation under the Act applies to the plan unless the plan provides a specific definition. For example, the following terms are defined in the Act's dictionary:

- application;
- approval; and
- Territory Planning Authority.

Definitions – uses of land

Table 1 defines land uses that are specified in the Territory Plan and directly relate to the range of land uses permitted or prohibited on a parcel of land. A use listed in a district policy or zone policy is a use defined in the table below.

The example uses mentioned in the second column for a definition do not form part of the definition of the use but are intended to provide a range of activities commonly referred to that can be taken to be a use to which the definition applies.

The list of land uses may not directly correlate with land uses and definitions provided in Crown leases. Where there is uncertainty as to whether a land use listed as permissible in a Crown lease aligns with a land use definition provided in Table 1, the Territory Planning Authority will consider the appropriate definition of the land use that applied at the time the Crown lease was granted. The definition of the term as it applied at the time of granting of the lease will then be considered in the context of current definitions to determine whether the proposal must be considered as a 'Prohibited Use' under Part 7.3 of the *Planning Act 2023* as well as the extent of applicability of the provisions of the relevant policy, design guide or planning technical specification.

Table 1 – land use definitions

Definition	Example uses
agriculture means broadacre animal farming, crop and pasture production, and horticulture for commercial wholesale production, but does not include intensive animal farming or any cultivation or animal farming carried out primarily for the personal enjoyment of, or consumption by, the owner or occupant of land.	horse agistment livestock grazing broadacre farming
airport means the use of land for the landing or departure of aircraft, housing, servicing, maintenance and repair of aircraft and the assembly of passengers and goods transported on the aircraft.	air cargo facilities air terminals general aviation facilities landing fields military aviation facilities
ancillary use means the use of land for a purpose that is incidental and subordinate or secondary to the primary use of the land.	
animal care facility means a facility the purpose of caring, boarding, breeding, or raising of predominantly domestic or household animals.	catteries kennels
aquatic recreation facility means the use of land for a sporting, exercise, pastime, or leisure activity, whether or not operated for gain, which is based on the recreational use of an adjacent water feature but does not include a swimming pool or an aquarium.	boat landing facilities boat sheds marinas wharves
boarding house means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the boarding house, and/or may also include shared facilities, such as communal living area, bathroom, kitchen, or laundry facilities. A boarding house is not licensed to sell liquor under the Liquor Act 2010.	lodging house private hotel serviced room student accommodation
bulk landscape supplies mean the use of land for the bulk sale of sand, soil, screenings, and other such garden materials.	
bulky goods retailing means the use of land where the goods or materials sold or displayed are predominantly of such a size, shape, or weight as to require: <ul style="list-style-type: none"> a) a large area for handling, storage, or display; and/or b) direct vehicular access to the site by members of the public, for the purpose of loading goods or materials from the loading dock into their vehicles after purchase, but does not include any shop used primarily for the sale of food or clothing. 	auction rooms camping equipment sales carpet sales do-it-yourself home improvement centres furniture sales hardware stores showroom for bulky goods
business agency means the use of land for the purpose of providing a commercial service directly and regularly to the public.	computer service health insurance agency real estate agency travel agency

Definition	Example uses
<p>café means the use of land the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, take away meals and drinks or entertainment are also provided.</p>	
<p>car park means the use of land specifically allocated for the parking of motor vehicles including any manoeuvring space and access thereto.</p>	
<p>caravan park/camping ground means the use of land for the placement of caravans or tents for the purpose of temporary accommodation and may include cabins for overnight and holiday accommodation, amenity <i>buildings</i>, recreational and entertainment facilities, manager's <i>office</i> and residence and <i>shops</i> which cater for the occupants of the <i>caravan park/camping ground</i>.</p>	<p>cabins holiday park</p>
<p>caretaker's residence means one <i>dwelling</i> used for the residence of a caretaker, in connection with another land use, including <i>industry</i> and commercial activity.</p>	
<p>cemetery means the use of land for the interment or the cremation of the dead including any <i>funeral parlour</i> or chapel erected on such land and used in connection with the cemetery.</p>	<p>burial ground cemetery (public land reserve) crematorium graveyard</p>
<p>civic administration means the use of land for the purpose of carrying out the legislative and judicial functions of government.</p>	<p>ACT Legislative Assembly archive civic centre Court of Law Tribunal</p>
<p>club means the use of land as a meeting place for persons associated, or for a body incorporated, for a social, sporting, athletic, literary, political, or other like purpose, and which is a licensed premise under the <i>Liquor Act 2010</i>.</p>	<p>ethnic clubs football club Labor club Leagues club RSL club</p>
<p>co-housing means a development with separate dwellings or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms, and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.</p>	
<p>commercial accommodation use means the use of a <i>building</i> or part of a <i>building</i> for one or more <i>commercial accommodation units</i>. It does not include a <i>caravan park/camping ground</i> or a <i>group or organised camp</i>.</p>	<p>serviced apartment Short-term rental accommodation homestay</p>

Definition	Example uses
<p>communications facility means the use of land for the provision of facilities for postal, telecommunications and other communication purposes including facilities used for receiving and transmitting radiated signals using radio masts, towers, and antennae systems but does not include cabling or ducting used for the carrying of electromagnetic signals.</p>	<p>mobile phone antenna satellite or microwave dish radar equipment aviation navigation communication space tracking facility telecommunication facility, depot television/radio broadcasting facility Australia Post exchange telephone exchange</p>
<p>community activity centre means the use of land by a public authority, or a body of persons associated for the purpose of providing for the social wellbeing of the community.</p>	<p>community centre community hall meeting rooms Men’s Shed neighbourhood centre public health, welfare, or information services Scout and/or Guide hall space for community groups</p>
<p>community garden means the use of land for the cultivation of produce primarily for personal use by those people undertaking the gardening, including demonstration gardening or other environmental activities which encourage the involvement of schools, youth groups and citizens in gardening activities.</p>	
<p>community housing means the use of land for affordable residential rental which is managed by a community housing provider.</p>	
<p>community theatre means the use of land for a theatre, cinema, concert hall, auditorium or theatrette run by non-profit organisations.</p>	
<p>Community use includes community activity centre, community theatre, cultural facility, educational establishment, early childhood education and care, health facility, hospital, place of worship and religious associated use</p>	
<p>complementary use means the use of land for a purpose that is not otherwise defined in the Territory Plan but does not have a greater impact on the land than a use permitted in that zone.</p>	
<p>consolidation has the same meaning as in Section 256 of the <i>Planning Act 2023</i>.</p>	
<p>corrections facility means the use of land for the confinement or safe custody of persons so confined as the result of legal process and includes</p>	<p>corrections centre prison remand centre youth remand centre</p>

Definition	Example uses
attendance centres established for persons sentenced to serve periods of community service.	
craft workshop means the use of land for the manufacture, primarily by manual methods, of craft articles such as leatherwork, pottery, woodwork, hand woven goods and the like, but excludes the manufacture of food and beverages for human consumption.	
cultural facility means the use of land for the purpose of cultural activities to which the public normally has access, but does not include a <i>shop</i> for art, craft, or sculpture dealer.	art gallery library museum
data centre means the use of land for the co-location of groups of networked computer servers for the remote storage, processing and/or distribution of large amounts of data.	
defence installation means the use of land operated by the Department of Defence or the armed forces of Australia and includes Department of Defence <i>offices</i> , offices associated with national security and defence <i>communications facilities</i> , but does not include facilities associated with military aviation.	
demolition means to wholly or partly dismantle or damage a building or structure to the extent that it no longer can function as it's approved purpose.	
diplomatic residence means a <i>dwelling</i> specifically for the residential use of diplomatic staff of an embassy, a high commission, a legation, or a consulate.	
distribution reservoir means a storage tank associated with the maintenance of pressure and supply in the reticulated water supply system.	
drink establishment means the use of land for the sale of alcoholic beverages and spirits to members of the public primarily for consumption on the premises, and which is a licensed premise under the <i>Liquor Act 2010</i> .	bar tavern
drive-in cinema means the use of land as an open-air cinema that makes provision for the audience or spectators to view that entertainment while seated in motor vehicles.	
drone facility means the use of land for the landing or departure of drones and the housing, servicing, maintenance, and repair of drones. It does not include facilities where drones are used solely for the collection and delivery of goods or drones used for personal use.	
ecotourism means the use of land for tourism related facilities and activities that take place in the natural environment, the primary aim being to support the conservation of the native flora and fauna in those locations.	

Definition	Example uses
<p>educational establishment means the use of land for the purpose of tuition, training or research directed towards the discovery or application of knowledge, whether or not for the purposes of gain, and may include associated residential accommodation.</p>	<p>adult education centre high school kindergarten pre-school primary school road safety centre secondary college sheltered workshop sports institute institute of technology university</p>
<p>early childhood education and care means a service approved under the Education and Care Services National Law or a licenced service under the <i>Children and Young People Act 2008</i>.</p>	<p>long day care services pre-school play school out of school hours services</p>
<p>emergency services facility means the use of land for the purpose of providing emergency services and protection for the community.</p>	<p>ambulance station civil defence fire station police station</p>
<p>end-of-trip facilities means places where amenities are provided for bicycle riders and other active travel users at either end of a trip (either origin or destination). The end-of-trip facilities can include amenities such as bicycle parking, shower and change facilities, lockers, and drying areas.</p>	
<p>farm tourism means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists that is secondary to the primary use of the land for agriculture and authorised by the lease.</p>	
<p>financial establishment means the use of land for the primary purpose of providing finance, investment opportunities and providing services to lenders, borrowers, and investors on a direct and regular basis.</p>	<p>bank co-operative society credit union finance companies</p>
<p>freight transport facility means the use of land for the principal purpose of bulk handling and storage of goods or materials whether or not facilities are included for the parking, servicing and repair of vehicles used to transport the goods or materials on <i>site</i>, but does not include any retail sales or wholesaling from the <i>site</i>.</p>	<p>freight depot/warehouse motor freight forwarding service motor freight packing, crating service motor freight terminals and depots</p>
<p>funeral parlour means the use of land by an undertaker in the carrying out of that profession. The term includes all <i>ancillary</i> uses such as a funeral chapel and <i>office</i>.</p>	

Definition	Example uses
<p>general industry means an <i>industry</i>, not being a <i>light, hazardous, offensive, or mining industry</i>, in which the processes carried on, the transportation involved, or the machinery or materials used have the potential to interfere with the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.</p>	
<p>group or organised camp means the use of land for the purpose of providing short term share accommodation and recreation facilities by a body of persons associated together for the physical, cultural, spiritual, or intellectual welfare of the community.</p>	<p>church camp Outward Bound camp religious retreat school camp Scout, Guide camp YMCA camp youth camp</p>
<p>guest house means the use of land for one or more <i>commercial accommodation units</i> and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non-occupant members of the public.</p>	<p>chalet farmstead accommodation tourist lodge youth hostel</p>
<p>hazardous industry means an <i>industry</i>, not being a <i>general, light, offensive or mining industry</i>, which by reason of the process involved, or the method of manufacture of the materials used or produced represents a significant source of hazard to human health or life or property, for any reason.</p>	<p>chemical factory gas works liquid fuel depot petroleum refining</p>
<p>hazardous waste facility means the use of land for the collection, storage, treatment, or disposal of hazardous waste.</p>	
<p>health facility means the use of land for providing health care services (including diagnosis, preventative care, or counselling) or medical or surgical treatment to out-patients only.</p>	<p>baby health clinic consulting room dental clinic dental surgery doctor's surgery family planning clinic first aid station health centre medical centre/clinic optician X-ray centre</p>
<p>helicopter landing facility means the use of land authorised by the Civil Aviation Safety Authority for use by helicopters whether or not terminal facilities or hangar storage are included.</p>	
<p>home business means the use of a residential lease for carrying on a profession, trade, or calling on the land but does not include a motor vehicle depot.</p>	

Definition	Example uses
<p>Home occupation means an occupation that is carried on in a dwelling by one or more permanent residents of the dwelling and that does not involve:</p> <ul style="list-style-type: none"> a) the employment of persons other than residents; or b) interference with the amenity of the neighbourhood; or c) the sale or display of goods; or d) any signage. 	
<p>horticulture means the use of land for intensive plant production such as fruit, vegetable, or flower production (including berries and vines).</p>	<p>hydroponics market garden orchard plant nursery (excluding retail plant nursery)</p>
<p>hospital means the use of land for the medical care (including diagnosis, preventative care, and counselling) of in-patients, whether or not out-patients are also provided with care or treatment and may include associated residential accommodation.</p>	
<p>hotel means the use of land for one or more <i>commercial accommodation units</i> and where the premise is licensed under the Liquor Act 2010. It may also include associated facilities such as a restaurant, bar, or functions room, which may be used by the occupants of the premises but, which are also available for use by non-occupant members of the public.</p>	
<p>incineration facility means the use of land for the disposal of waste by burning.</p>	
<p>indoor entertainment facility means the use of land for entertainment where such use is primarily indoors.</p>	<p>amusement arcade casino cinema commercial theatre concert hall night club</p>
<p>indoor recreation facility means the use of land for sporting and recreation activities where such use is primarily indoors.</p>	<p>fitness centre gymnasium indoor sports stadium indoor swimming pool squash court</p>
<p>industrial trades means the use of land for the selling, hiring, inspection or servicing of goods or materials for industrial, agricultural, construction, transport or like purposes where:</p> <ul style="list-style-type: none"> a) a large area for handling, storage or display is required; and/or b) the activity carried out has the potential to have an impact similar to <i>industry</i> in terms of traffic and parking generation, noise and air pollution, and visual impact. 	<p>agricultural supplier agricultural machinery sales and service builders' supplies display of building materials industrial machinery sales and service timber yard vehicle repair and maintenance</p>

Definition	Example uses
<p>industry means the use of land for the principal purpose of manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, winning of minerals, dismantling, processing, or adapting of any goods or any articles.</p>	
<p>intensive animal farming means any form of animal production that takes place within a building or a building where animals are reared in confined areas.</p>	<p>feedlots fish farming poultry establishments shedded wool production</p>
<p>landfill site means the use of land for the permanent depositing of waste within the ground.</p>	
<p>land management facility means the use of land for land management or the storage of any plant, machinery or materials used in the course of land management, whether or not facilities are included for the parking, servicing, fuelling, charging and repair of plant or machinery. Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.</p>	<p>bushfire fighting facility forest depot land management depot ranger station visitor information centre</p>
<p>light industry means an industry, not being a general, offensive, hazardous, or mining industry, in which the processes carried on, the transportation involved, or the machinery or materials used do not interfere with the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, oil or otherwise. The use includes a craft workshop.</p>	
<p>light rail means a system for the provision of light rail public transport services, including tracks, catenaries, supports for tracks and catenaries, stops, access to stops, signalling and other control facilities and other facilities and equipment associated with the provision of those services.</p> <p>The term excludes light rail depot and electrical substation facilities.</p>	
<p>liquid fuel depot means the use of land for:</p> <ol style="list-style-type: none"> a) the bulk storage or wholesale distribution of petrol, oil, petroleum products or other inflammable liquids; b) the retail distribution of drums containing petrol, oil, petroleum products or other inflammable liquids; or c) the bulk storage or wholesale distribution of hydrogen fuel as a liquid or gas, including the production of hydrogen fuel for these purposes. 	
<p>major electrical sub-station means switching and transformer equipment handling voltages greater than 66kV.</p>	
<p>major electricity storage facility means equipment and associated buildings for the storage of electricity with a capacity of 5MW or greater, or a grid connection of 66kV or greater.</p>	
<p>major gross pollutant trap means an open trap constructed on main drains to intercept <i>sediment</i> and trash transported in stormwater.</p>	

Definition	Example uses
<p>major pump station means a pump station having a capacity greater than 500 litres per second in the case of water supply; 50 litres per second in the case of sewage; or a gas compression station operating at greater than 1000 kPa pressure.</p>	
<p>major road means a road that is an arterial road, parkway, highway, or the like and any road identified within the transport services zone.</p>	arterial road distributor road freeway highway parkway
<p>major service conduits means the major bulk water supply and reticulation mains having a diameter equal to or greater than 675mm, trunk sewers having a diameter equal to or greater than 750mm, stormwater main drains having a diameter equal to or greater than 900mm or comprising open drains or waterways, transmission lines having a voltage greater than 66kV, gas mains having a diameter greater than 100mm, and major telecommunication cable ducts having a width equal to or greater than 1000mm.</p>	
<p>mining industry means an <i>industry</i>, not being a <i>light, general, hazardous or offensive industry</i>, which extracts minerals, coal, oil, gas or construction materials by such processes as underground or open-cut mining, quarrying, dredging, the operation of wells or evaporation pans, or by recovery from ore dumps or tailings, and includes primary processing operations carried out at or near mine <i>sites</i> as an integral part of the mining operation and works to rehabilitate the site.</p>	quarry
<p>minor road means a road other than a major road.</p>	
<p>minor use means the use of land for a purpose that is incidental to the use and development of land in the zone and includes but is not limited to open space; public car parking; community path systems; shared circulation spaces (such as lift wells, stair wells); minor service reticulation; other utility services that do not exclude other uses from the land; street furniture and the like.</p>	
<p>mobile home has the same meaning as in the <i>Planning Act 2023</i>.</p>	
<p>mobile home park has the same meaning as in the <i>Planning Act 2023</i>.</p>	
<p>motel means the use of land for one or more <i>commercial accommodation units</i> and where the units are provided with convenient space for parking of motor vehicles. It may also include associated facilities such as a restaurant, bar, or functions room, which may be used by the occupants of the premises but, which are also available for use by non occupant members of the public. A motel may be licensed under the <i>Liquor Act 2010</i>.</p>	
<p>multi-unit housing means the use of land for more than one <i>dwelling</i>.</p>	build-to-rent development

Definition	Example uses
<p>municipal depot means the use of land for the storage of any plant, machinery, vehicles, light rail vehicles or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing, fuelling, charging and repair of plant, machinery or vehicles. Fuelling includes the production and storage of hydrogen for on-site fuelling purposes.</p>	
<p>nature conservation area means an area set aside for the purpose of the conservation or preservation of natural and/or cultural values</p>	
<p>offensive industry means an <i>industry</i>, not being a <i>general, hazardous, light, or mining industry</i>, which by reason of the process involved or the method of manufacture or the nature of the materials or goods used, produced, or stored requires to be isolated from other <i>buildings</i>, when all measures to reduce or minimise impact have been employed.</p>	<p>abattoir factory</p>
<p>office means the use of land for the purpose of administration, clerical, technical, professional or like business activities, including a government <i>office</i>, which does not include dealing with members of the public on a direct and regular basis except where this is <i>ancillary</i> to the main purpose of the <i>office</i>.</p>	<p>chancellery departmental offices private sector offices professional suite statutory authority offices</p>
<p>outdoor education establishment means the use of land for an education centre for children or adults where the primary focus is on the natural and/or cultural resources of the area.</p>	
<p>outdoor recreation facility means the use of land for a recreation facility serving the sporting or recreational needs of people where the activities are undertaken predominantly outdoors.</p>	<p>archery bowling green BMX track community garden croquet green enclosed oval equestrian facility golf course grass, snow ski run model aviation/aero modelling motor bike, mini-bike track motor racing track mountain bike tracks netball court racecourse, trotting track showground skate board park sporting rifle range sportsground stadium, arena swimming pool (outdoor) tennis court velodrome</p>

Definition	Example uses
<p>overnight camping area means the use of land for holiday and recreational purposes which involves primarily the setting up and use of tents for overnight accommodation which is open to public use.</p>	
<p>parkland means the use of land for recreation, conservation or amenity purposes and includes facilities for the enjoyment and convenience of the public, such as kiosks, <i>car parks</i>, shelters, pavilions, public toilets and the like. The term also includes the use of the land for the management of stormwater drainage, for <i>community path systems</i> and landscape buffers, and for other <i>minor utility</i> purposes where such uses can be integrated into the open space system. It has unrestricted public access.</p>	<ul style="list-style-type: none"> botanic gardens and public arboretum hilltop reserve lake, rivershore reserve picnic area playground public park public lookout recreational reserve regional park town park
<p>pedestrian plaza means an open or sheltered area other than part of a building, used principally for free pedestrian movement in which vehicular traffic is forbidden or limited.</p>	
<p>personal service means a <i>shop</i> used primarily for selling services and in which the sale of goods is <i>ancillary</i> to the service provided.</p>	<ul style="list-style-type: none"> dry cleaner hairdresser massage parlour photographer shoe repairer skin care nail salon pet grooming salon
<p>place of assembly means the use of land for gatherings of people to attend functions, whether or not for the purposes of gain.</p>	<ul style="list-style-type: none"> auditorium convention centre exhibition hall reception rooms trade fair
<p>place of worship means the use of land for the primary purposes of religious worship and associated activities by a congregation, religious group, or members of the public whether or not the premises are also used for religious instruction, tuition, meetings, training and other community activities.</p>	<ul style="list-style-type: none"> chapel church mosque shrine synagogue temple
<p>plantation forestry means the growing of trees in plantation form for the production of fibres, pulp, timber and logs, and including <i>roads</i>, tracks and break construction, cultivation, planting, fertilising, tending, harvesting and regeneration and associated facilities such as depots for storage of equipment, plants, materials and fuel, vehicle workshops and garaging, fire fighting facilities and accommodation for administration and support staff.</p>	<ul style="list-style-type: none"> hardwood plantation forestry pine plantation

Definition	Example uses
<p>playing field means the use of land for the conduct of sports, athletics and games and includes facilities with such land for the enjoyment or convenience of the public such as kiosks, <i>car parks</i>, changing facilities, pavilions and the like. It has unrestricted public access.</p>	<p>unfenced oval oval sports field</p>
<p>power generation station means equipment and associated buildings constructed for the generation of electricity utilising gas, coal, renewable energy technology or other fuel sources.</p>	
<p>produce market means the use of land for the sale, from market buildings or stalls, of fruit and vegetables and other primary produce and may include the sale of other products, which complement this primary purpose.</p>	<p>fruit and vegetable stall farmers market</p>
<p>public agency means the use of land for the purpose of providing a public service directly and regularly to the public and includes a government agency, which provides a commercial service to the public.</p>	<p>community and health services departmental shopfront legal aid office motor registry post office</p>
<p>railway use means any of the following uses:</p> <ol style="list-style-type: none"> a) a railway line for passenger and/or freight movement; b) a railway station; c) a railway freight terminal; and/or d) a railway equipment maintenance depot; e) and includes land and reservations of land set aside for railway purposes. <p>The term excludes light rail.</p>	
<p>recyclable materials collection means the use of land for depositing and temporarily storing discarded materials that are suitable for recycling, such as paper, glass, clothing, garden waste and plastics, which are to be transported elsewhere for recycling.</p>	
<p>recycling facility means the use of land for depositing, storing, separating, dismantling, salvaging, treating, renovating, or redistributing discarded materials and scrap goods for use as recycled materials, such as paper, glass, plastics, timber, garden and food waste, metals, manufacturing off-cuts, household goods and oils.</p>	<p>composting facility motor vehicle wrecker's yard scrap metal dealer second-hand building materials yard recycling sorting</p>
<p>religious associated use means the use of land for the activities conducted by religious organisations other than for worship and may include residential accommodation by ministers of religion.</p>	<p>church meeting hall convent monastery presbytery, manse, rectory priory</p>

Definition	Example uses
<p>residential care accommodation means the use of land by an agency or organisation that exists for the purposes of providing accommodation and services such as the provision of meals, domestic services and personal care for persons requiring support. Although services must be delivered on site, management and preparation may be carried out on site or elsewhere.</p>	<p>nursing home hospice supported dwelling convalescent home</p>
<p>residential use includes <i>caretaker's residence, co-housing, community housing, diplomatic residence, multi-unit housing, residential care accommodation, retirement village, secondary residence, single dwelling housing and supportive housing</i>.</p>	
<p>restaurant means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the <u>Liquor Act 2010</u> and whether or not entertainment is provided.</p>	<p>eatery bistro</p>
<p>retail plant nursery means a <i>shop</i> used for the propagation and sale of plants, shrubs, trees, and garden supplies.</p>	
<p>retirement village means premises where older members of the community or retired people live, or will live, in independent living units or serviced units, under a retirement village scheme.</p>	
<p>road means any way or street (so called), whether in existence or under reserve, open to the public which is provided and maintained for the passage of vehicles, persons, and animals and which may include footpaths, community paths, bus lay-bys, light rail tracks, turning areas, or traffic controls.</p>	
<p>sand and gravel extraction means the extraction of sand and gravel deposited in the bed of a stream or flood plain, or of deposits associated with deposition in a previous geological period.</p>	
<p>scientific research establishment means the use of land for the purpose of scientific research including the development of electronic technology, biotechnology, or other scientific disciplines for application to commerce, industry, or government.</p>	<p>agricultural research facility CSIRO facility meteorological use observatory plant and animal quarantine facilities rural research field stations scientific laboratory</p>
<p>secondary residence means a second <i>dwelling</i> on a <i>block</i> which is subordinate to the principal <i>dwelling</i> on the <i>block</i>.</p>	
<p>service reticulation means the water supply, sewerage, stormwater and gas pipe reticulation, electricity lines and telecommunication cables which are normally located in road verges and the like, or <i>easements</i> within <i>leases</i>.</p>	

Definition	Example uses
<p>service station means the use of land for the fuelling, charging and/or servicing of motor vehicles, whether or not the land is also used for any one or more of the following purposes:</p> <ul style="list-style-type: none"> a) the sale by retail of spare parts and accessories for motor vehicles; b) washing and greasing of motor vehicles; c) installation of accessories; d) the retail sale of other goods, within an <i>ancillary</i> retail area not greater than 150m² in area; e) providing toilet facilities, amenities, and service for motorists; f) repairing of motor vehicles (other than body building, panel beating or spray painting); g) the hiring of trailers; and h) production and storage of hydrogen for on-site fuelling purposes. 	
<p>shop means the use of land for the purpose of selling, exposing, or offering the sale by retail or hire, goods, and personal services.</p>	<ul style="list-style-type: none"> antique dealer art, craft, or sculpture dealer auction room boutique butcher camping supplies store chemist convenience store delicatessen department store florist gift shop household appliances liquor store mobile phone store newsagent pet shop sports goods store toy store
<p>sign means any device or representation openly visible to the general public, when viewed from a public place or from unleased Territory Land, for the purpose of direction or control or information, or displaying an <i>advertisement</i>.</p>	
<p>single dwelling housing means the use of land for residential purposes for a single <i>dwelling</i> only.</p>	
<p>social enterprise means a commercial organisation that exists to create social benefit as its primary purpose and may or may not be for profit and which may include employment and skills development for on-site residents.</p>	
<p>stock/sale yard means the use of land for the purpose of a market for the sale of animals and the holding of livestock pending their sale.</p>	

Definition	Example uses
<p>storage facility means the use of land for the storage, whether permanent or temporary, of goods (not including obsolete motor vehicles or obsolete machinery) within or upon which no trade (whether retail or wholesale) or industry is carried on.</p>	<p>self-storage archives</p>
<p>subdivision has the same meaning as in Section 7 of the <i>Planning Act 2023</i>.</p>	
<p>supermarket means a <i>shop</i> predominantly selling food and other household items where the selection of goods is organised on a self-service basis.</p>	
<p>supportive housing means the use of land for residential accommodation for persons in need of support, that provides a range of support services such as counselling, domestic assistance and personal care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained <i>dwelling</i>s. The term does not include a <i>retirement village</i> or <i>student accommodation</i>.</p>	<p>aged persons units older persons units public housing rooming house social housing special dwelling university college</p>
<p>take-away food shop means a <i>shop</i>, which is predominantly for the preparation of food and refreshments for consumption elsewhere.</p>	
<p>temporary use means the use of land for a purpose that is temporary in nature and for which a time limit is applied (for a maximum of three years) such as through a development condition or licence and which may be extended or renewed.</p>	
<p>tourist facility means the use of land for providing entertainment, recreation, cultural or similar facilities for use mainly by holidaying visitors and may include a <i>restaurant</i>, cafe, bar, tourist accommodation and the retail sale of arts and crafts, souvenirs, antiques and the like.</p>	<p>amusement park theme park</p>
<p>tourist resort means the use of land for one or more <i>commercial accommodation units</i> together with a wide range of recreational and/or cultural facilities in a resort style setting. It may also include associated facilities such as a restaurant, bar, or functions room, which may be used by the occupants of the premises but, which are also available for use by non-occupant members of the public. A tourist resort may be licensed under the <i>Liquor Act 2010</i>.</p>	
<p>transport facility means the use of land for the assembly, transport or dispersal of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency. It includes facilities for the parking, manoeuvring, temporary layover and storage of public transport vehicles, and vehicles used in connection with a commercial or industrial transport undertaking and driver amenities.</p>	<p>bus interchange bus layover bus terminal (interstate) driver rest facility Inter-town public transport route transport ticket services</p>
<p>treatment plant means a facility constructed for the purposes of physical, chemical, or biological treatment of water supply, sewage, or stormwater.</p>	

Definition	Example uses
<p>urban lake, pond and/or retardation basin means a dam constructed for the impoundment of urban and rural runoff for the purposes of landscape, recreation, pollution control, or retardation of peak stormflows.</p>	
<p>utility hydrogen production facility means equipment and associated buildings for the production and associated storage of hydrogen for subsequent reticulation or distribution.</p>	
<p>vehicle sales means the use of land for the sale, hire, display or offering for sale or hire of new or used motor vehicles, caravans, motor cycles, boats, trailers or other vehicles. This may include the <i>ancillary</i> use of such premises for the sale of spare parts or accessories and the storage, cleaning, and maintenance of such vehicles, but does not include a <i>service station</i>.</p>	<p>boat, caravan dealer car, truck dealer motorcycle dealer</p>
<p>veterinary clinic means the use of land as a facility for the diagnosis, surgical or medical treatment of animals, especially domestic animals, where the activities carried on do not interfere with the amenity of the locality. The animals may be kept on the premises overnight for the purposes of observation and treatment, but only if there is a <i>caretaker dwelling</i> on the same block. It does not include an animal care facility.</p>	
<p>veterinary hospital means the use of land for diagnosis, surgical or medical treatment of animals, particularly larger animals, where services are available at all times. The animals may be kept on the premises overnight for the purposes of observation and treatment.</p>	
<p>warehouse means the use of land for the purposes of the bulk sale of goods to be retailed by others or the bulk storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade but does not include premises used for the purpose of bulk storage of calcium carbide, flammable liquid, solid fuel, gas, hide, skins, tallow, bones, or motor vehicles for recovery of spare parts or accessories.</p>	<p>cold storage food storage</p>
<p>waste transfer station means the use of land for the collection of waste into bulk containers for the further transport to a <i>landfill site</i>, <i>recycling facility</i> or other waste disposal facility.</p>	
<p>water storage dam means a dam constructed for the purposes of impounding water for water supply purposes.</p>	<p>distribution reservoir stock water supply</p>
<p>woodlot means disaggregated plots and clumps of trees grown for production and/or landcare shelter belt and landscape purposes.</p>	
<p>zoological facility means the use of land for the containment of animals for viewing by members of the public.</p>	<p>aquarium wildlife sanctuary zoo</p>

Definitions – terms and concepts

Table 2 defines terms and concepts that are specified in the Territory Plan. The definitions in Table 2 override any common terminology.

The list of terms and concepts may not directly correlate with terms and concepts provided in Crown leases. Where there is uncertainty between the terminology in Table 2 and in a Crown lease, the Territory Planning Authority will consider the appropriate definition that applied at the time the Crown lease was granted. The definition as it applied at the time of granting of the lease will then be considered in the context of current definitions to determine whether the proposal is consistent with the lease.

Table 2 – terms and concept definitions

Definition

active living means a way of life that integrates physical activity into a person’s daily routines.

active travel means physical activity undertaken as a means of transport and not purely as a form of recreation. Active travel can include walking, cycling, and scooting – as well as skating, skateboarding, and the use of mobility aids. Active travel also includes using any of these forms as incidental activity associated with the use of public transport.

adjacent, to an area, means **either** contiguous with the area, or, if the area is separated from another area only by a *road*, the adjacent *front boundary* of each area faces the road.

adjunct means something associated with another thing but not necessarily part of it.

advertisement means any device or representation visible to the general public which is used for the purpose of directly or indirectly promoting sales or drawing attention to an enterprise or undertaking, and includes any hoarding or similar **structure**, a bunting, flag, streamer or balloon used or adapted for use for that purpose.

AEP (annual exceedance probability) means the probability in any one year of a storm event exceeding a stated stream flow level.

AHD means Australian height datum.

apartment means a *dwelling* located within a *building* containing two or more *dwellings* where another dwelling is either located above or below the dwelling. An apartment is not an attached house.

Note: Apartment is a type of multi-unit housing. See the definition of that term in the Uses of Land section of this Dictionary.

articulation zone means a specified area on a block within which the design of the façade of buildings is required to be articulated in order to provide visual interest to the streetscape.

attached house means any *dwelling*, within a *building* containing two or more *dwellings*, which has within its curtilage open space at ground level and separate private access for each dwelling for the exclusive use of the occupants of the *dwelling*. Attached houses may incorporate communal basement car parking. Attached house includes row house, semi-detached house, terrace house, townhouse.

Note: Apartment is a type of multi-unit housing. See the definition of that term in the Uses of Land section of this Dictionary.

attic means any habitable space, but not a separate *dwelling*, contained wholly within a roof pitched at not more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backlighting, in relation to a *sign*, means the internal illumination of a sign box and the internal illumination of individual letters or characters comprising a sign, provided that the sign box, letter or character is constructed of translucent and not transparent materials.

balcony means a small outdoor area, raised above the ground, directly accessible from within the *building* and open except for a balustrade on at least one side.

basement means a space within a *building* where the floor level of the space is predominantly below *datum ground level* and where the *finished floor level* of the level immediately above the space is less than 1.0 metre above *datum ground level*.

bicycle parking device means a product constructed of high security material designed to provide stability to a bicycle parked in or against the device. For example, bicycle rails or hanging racks.

blank wall means any wall, which has no openings such as windows or doors.

block means a parcel of land, whether or not the subject of a *lease*, that has a cadastral description on a Deposited Plan registered with the Land Titles Office.

building is a structure and includes:

- a) an addition to a building;
- b) a structure attached to a building; and
- c) a part of a building.

but does not include:

- a) a transportable building, mobile home, caravan or similar that is not used for long term habitation; and is readily transportable without being disassembled or removed from associated components;
- b) paving, a driveway or a road that is not inside a building;
- c) a surface level car park that is not inside a building; and
- d) a fence, courtyard wall or retaining wall.

building line means a line drawn parallel to any *front boundary* along the front face of a *building* or through the point on a *building* closest to the *front boundary*. A terrace, landing, porch, *balcony*, deck, or verandah that is more than 1.5 metres above *finished ground level* or is covered by a roof is deemed to be part of the *building*. A fence, courtyard wall or retaining wall is not deemed to be part of the *building* for the purpose of setting the building line.

carport means a roofed car parking space wholly or partly enclosed on not more than two sides, but open to the street that the carport gains vehicle access from.

commercial accommodation unit means a room or suite of rooms that is made available on a commercial basis for short-term accommodation. A commercial accommodation unit may comprise a *dwelling* but not a room or suite of rooms within a *dwelling*. It does not include any associated facility such as a *restaurant*, bar, or functions room.

Note: A commercial accommodation unit is a type of Commercial Accommodation Use. See the definition of that term in the Uses of Land section of this Dictionary.

Commercial building means a building where commercial activities take place in the whole or part of a building. Commercial buildings contain uses such as office and shop but excludes community use, residential use, industry, and industrial trades.

communal open space means common outdoor open space within an easily accessible location on the subject site for recreation and relaxation of residents of a housing development.

community path system means a route constructed or under reserve which includes a path open to the public for the use of bicycles, scooters, pedestrians, joggers, and motorised mobility aids.

compact block means a *block* with an area of 250m² or less.

datum ground level means the surface ground level as determined in a field survey authorised by a registered surveyor:

- a) at the time of Operational Acceptance for subdivision; or
- b) if a) is not available and provided no new earthworks have occurred, at the date of grant of the lease of the block.

whichever is the earliest.

Where a) or b) is not available, **datum ground level** is the best estimate of the surface ground level determined in a field survey considering the levels of the immediate surrounding area and authorised by a registered surveyor.

This definition includes natural ground level.

deep soil zone means an area of soil within a *development* that is unimpeded by *buildings* or *structures* below ground, and which has adequate dimensions to allow for the growth of healthy trees. Deep soil zones exclude *basements*, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways, podium, and roof areas.

desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant desired outcomes, and any statement of desired character in a relevant district code. It does not necessarily reflect the existing character of the area.

detached house means a *building* comprising a single *dwelling* which is not attached to any other *dwelling* and where the *dwelling* has within its curtilage separate private access to the *dwelling* and open space at ground level for the exclusive use of the occupants of the *dwelling*. It may include a free-standing *dwelling* in a *multi-unit development*.

Note: Detached house is a type of single dwelling housing but may also be a type of multi-unit housing. See the definition of those terms in the Uses of Land section of this Dictionary.

dual occupancy housing means the use of land that was originally used or leased for the purposes of *single dwelling housing* for two *dwelling*s.

Note: Dual occupancy Housing is a type of multi-unit housing. See the definition of that term in the Uses of Land section of this Dictionary.

dwelling has the same meaning as in the *Planning Regulation 2023*.

Note: Dwelling is a type of single dwelling housing but may also be a type of multi-unit housing. See the definition of those terms in the Uses of Land section of this Dictionary.

erosion means the mobilisation of soil as a result of loss of vegetative cover, scouring by runoff, or associated with slope instability.

EV ready means a car parking space which is provided with all of the infrastructure needed for the future installation of an electric vehicle charger, including provision of the following:

- a) adequate space within the car parking space for charger installation and the connection of an electric vehicle to a charger;
- b) electrical distribution board(s) of sufficient size to allow future connection of electric vehicle chargers at all EV ready car parking spaces;
- c) an electrical outlet at the car parking space suitable for the future installation of an electric vehicle charger;
- d) conduits and cables connected from the outlet to the distribution board(s); and
- e) a suitable on-site centralised load management and power provision approach.

An electric vehicle charger may also be provided.

external wall means an external wall that may also incorporate any of the following:

- a) windows with sill heights at or above 1.7m from the floor;
- b) screened decks;
- c) fixed pane windows with obscure glass;
- d) awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal; or
- e) obscure glass bricks.

fin wall means part of an external wall built to extend past the façade and typically not required for structural purposes. Fin wall(s) are provided to add architectural interest and/or visual screening.

finished floor level (FFL) means the level of the upper surface of the relevant floor.

finished ground level (FGL) means the ground level after completion of all excavation and earthworks.

front boundary means any boundary of a *block adjacent* to a public *road*, public reserve, or public pedestrian way.

front loading block means a block where vehicular access is not obtained from a rear lane.

front zone means the area of a block between the *front boundary* and the *building line* or at the minimum front setback of the lower floor level for the block whichever is greater. (Note: for the purpose of this definition, the *front zone* shall not be more than 10m from the *front boundary*).

garage means a roofed car parking space wholly or partly enclosed on more than two sides.

gross floor area means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any floor area reasonably used and necessary solely for fixed mechanical plant, bicycle parking and associated end-of-trip facilities, and/or basement car parking.

habitable (including **habitable room**) means a room within a *dwelling* capable of being lawfully used for the normal domestic activities of living, sleeping, cooking, or eating, and:

- a) includes a bedroom, study, living room, family room, kitchen, dining room, home theatre, rumpus room; but
- b) does not include a bathroom, laundry, hallway, garage, or other spaces of a specialised nature occupied neither frequently or for extended periods.

height of building means the vertical distance between *datum ground level* to the highest point or points of the *building*.

integrated housing development means development where the developer:

- a) is responsible for the planning, design and building of all the housing and associated facilities; or
- b) undertakes the site planning and development of infrastructure as well as establishing general requirements for building design without actually constructing the dwellings.

Note: Integrated housing development is a type of single dwelling housing but may also be a type of multi-unit housing. See the definition of those terms in the Uses of Land section of this Dictionary.

integrated housing development plan means one or more drawings describing a proposed *integrated housing development*.

land includes water.

large block means a *block* with an area greater than 500m².

lease has the same meaning as in the *Planning Act 2023*.

long-stay user means a category of user generally defined by the time spent at the end-of-trip (either origin or destination) where the duration of the stay is typically half a day or more. Long-stay users generally include employees, residents, and students.

lower floor level (LFL) means a *finished floor level* which is 1.5 metres or less above *datum ground level* at any point.

mid sized block means a *block* with an area greater than 250m² but less than or equal to 500m².

natural ground level has the same meaning as **datum ground level**.

net lettable area (NLA) means the sum of a building's lettable floor area measured from the interior faces of the exterior walls, excluding the areas for stairs, fire stairs, accessways, lift shafts, toilets, recessed doorways, cupboards, fire hose reel cupboards, smoke lobbies (must be compliant with relevant Acts and Regulations), escalators, plant/motor rooms, telecommunications cupboards, kitchen and other service areas, and lift lobbies and areas dedicated to public spaces and the like.

northern boundary means a boundary of a *block* where a line drawn perpendicular to the boundary outwards is oriented between 45° west of north and 45° east of north.

outbuilding means a shed, garage or similar structure that is *ancillary* to the permitted use of the land.

planting area means an area of land within a block that is available for landscape planting and that is not covered by buildings, structures, vehicle parking and manoeuvring areas or any other form of impermeable element that impacts permeability of the ground surface (i.e., terraces, pergolas, patios, decks, or pools).

plot ratio means the *gross floor area* in a *building* divided by the area of the *site*.

podium parking means that portion of a building set aside for vehicle parking above ground level.

primary building zone means the area between the *front zone* and a line projected 12m distant in a perpendicular line away from the *front zone*.

primary window means the main window of a habitable room.

principal private open space means private open space that is directly accessible from a habitable room other than a bedroom.

principal signage means the predominant signage on any site that relates to the advertising of the business and products made or services provided on the premises, and can include business name, logo, opening hours and contact details

private open space means an outdoor area within a block useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.

rear boundary means a *block* boundary other than a *front boundary* or a *side boundary*.

rear lane means a narrow and short street which has as its primary function to provide vehicular access to garages of *rear loading blocks* where no direct vehicle access is permitted from the *front boundary* of the *block*.

rear loading block means a *block* where vehicular access is obtained from a *rear lane*.

rear zone means the area of a *block* behind the *primary building zone*.

RL (Reduced Level) means the vertical height in metres above Australian Height Datum (AHD).

residential redevelopment means development that involves:

- a) substantial or total demolition of an existing *dwelling* on land previously used for residential purposes and replacement with one or more new *dwellings*;
- b) establishment of one or more new *dwellings* on land previously used for residential purposes in addition to an existing dwelling; or
- c) substantial alterations to an existing *dwelling* that would result in a significant change to the scale and/or character of the *dwelling*.

Note: Detached house is a type of single dwelling housing but may also be a type of multi-unit housing. See the definition of those terms in the Uses of Land section of this Dictionary.

retirement village scheme, for a retirement village, means a scheme under which a person may:

- a) enter into a residence contract with the scheme operator for the retirement village; and
- b) on payment of an ongoing contribution, acquire a right to live in the retirement village, however the right accrues; and
- c) on payment of the relevant charge, acquires one or more services in relation to the retirement village.

Note: Retirement village scheme is associated with Retirement Village. See the definition of that term in the Uses of Land section of this Dictionary.

screen wall means a wall at least 1.8 metres high and visually opaque.

screening device means a permanent structure that comprise one or more of the following:

- a) opaque or translucent glazing;
- b) solid panels;
- c) perforated panels or trellises with a maximum 25% openings; and/or
- d) angled louvres to restrict overlooking.

second party signage means signage for products not initiated on the site but are associated with the business in its day-to-day business activity, for example signs advertising particular brands of products sold or distributed.

setback means the horizontal distance between a *block* boundary and the outside face of any *building* or structure on the block including:

- a) a building wall;
- b) a post that supports a roof; or
- c) a balcony, deck, or verandah.

short-stay user means a category of user generally defined by the time spent at the end-of-trip (either origin or destination) where the duration of the stay is typically a few hours or less. Short-stay users generally include shoppers, meeting attendees or residential visitors.

side boundary means a block boundary extending from a street frontage along a single bearing. A boundary is not a side boundary if it meets the definition of front boundary.

sill height means the vertical height of a windowsill above the *finished floor level* which it serves.

site means a *block*, *lease* or other lawful occupation of land, or adjoining *blocks*, *leases*, or lawful occupancies in the event of these being used for a single undertaking or operation, but excludes the area of any access driveway or right-of-way.

site coverage means the proportion of actual site covered by buildings, including balconies, basements, and any roofed structures such as terraces, pergolas, patios, and decks, but excluding any part of awnings, eaves and the like.

standard block means a *block* with one of the following characteristics:

- a) originally leased or used for the purpose of one or two dwellings
- b) created by a consolidation or subdivision of blocks, at least one of which is covered by a)

storey means a space within a *building* that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an *attic* or a *basement* or a space that contains only a lift shaft or stairway. A mezzanine is included as a storey.

streetscape includes the visible components within a street (or part of a street) including the private land between facing *buildings*, including the form of *buildings*, treatment of *setbacks*, fencing, existing trees, landscaping, driveway and street layout and surfaces, utility services and street furniture such as lighting, signs, barriers, and bus shelters.

structure includes a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, road, footpath, driveway, carpark, culvert, service conduit, cable, advertising device, notice or sign.

surface area of a sign means the entire area within a single continuous perimeter enclosing the extreme limit of writing, representation, emblem or any figure or similar character, together with any material or colour forming an integral part of the display or used to differentiate such a sign from the background against which it is placed, and only includes one side of a double faced sign when the sides are back-to-back or the sides are divergent but display identical writing or other representation but facing substantially different directions, but does not include the means by which a sign is supported.

surrendered residential block means a *block* that has been included on the Affected Residential Property Register and that has been either: surrendered to the ACT Government; or it is a dual occupancy unit-title block that has been acquired, in full or in part, by the ACT Government under the Loose Fill Asbestos Insulation Eradication Scheme Buyback Program. It does not mean a surrendered residential block that is part of a registered heritage place or a provisionally registered heritage place under the *Heritage Act 2004*.

third party signage means signage that:

- a) displays the name, logo and/or symbol of a company or other organisation that does not own or substantially occupy the land
- b) is for a product, activity or event not sold or occurring on the land
- c) displays sponsorship details.

undercroft parking means that portion of a building set aside for vehicle parking and does not include basement vehicle parking.

unscreened element means unscreened windows, decks, balconies, and external stairs.

upper floor level (UFL) means a *finished floor level*, which is greater than 1.5 metres above *datum ground level* at any point.



Part E

Zone Policies

E7 – Non-Urban
Zones Policy

Table of Contents

1. Application	1
2. Land Use Table	1
3. Policy Outcomes.....	3
4. Assessment Outcomes.....	4
Specific assessment outcomes.....	5
5. Assessment Requirements.....	6
Outdoor Recreation Facilities – NUZ2 and NUZ3.....	6

1. Application

The Non-Urban Zones Policy applies to all development in a non-urban zone (NUZ1 to NUZ5 inclusive).

2. Land Use Table

The following table identifies permissible land uses and development types (marked 'Y') in non-urban zones.

The uses listed require development approval unless they meet the 'exempt development' definition of the *Planning Act 2023*. Development and land use types listed are defined in the Territory Plan Dictionary.

Uses not listed in the table are prohibited. Development of prohibited uses may be considered under certain limited circumstances as outlined under Part 7.3 of the *Planning Act 2023*.

District policies specify additional types of development and land uses that are permissible or prohibited in specific locations.

Development Type	NUZ1	NUZ2	NUZ3	NUZ4	NUZ5
agriculture	Y	Y	Y	Y	Y
ancillary use	Y	Y	Y	Y	Y
animal care facility	Y	-	-	-	-
caravan Park/camping ground	Y	-	-	-	-
cemetery	Y	-	-	-	-
communications facility	Y	Y	Y	-	Y
community activity centre	Y	-	-	-	-
complementary use	Y	Y	Y	Y	Y
consolidation	Y	Y	Y	Y	Y
defence installation	Y	-	-	-	-
demolition	Y	Y	Y	Y	Y
distribution reservoir	Y	Y	Y	Y	Y
educational establishment	Y	-	-	-	-
emergency services facility	Y	-	-	-	-
farm tourism	Y	Y	Y	Y	Y
group or organized camp	-	Y	-	-	-
health facility	Y	-	-	-	-
intensive animal farming	Y	Y	-	-	-
land management facility	Y	Y	Y	Y	Y
major electricity storage facility	Y	Y	Y	Y	Y
major electrical sub-station	Y	Y	Y	Y	Y

Development Type	NUZ1	NUZ2	NUZ3	NUZ4	NUZ5
major gross pollutant trap	Y	Y	Y	Y	Y
major pump station	Y	Y	Y	Y	Y
major road	Y	Y	Y	Y	Y
major service conduits	Y	Y	Y	Y	Y
minor road	Y	Y	Y	Y	Y
minor use	Y	Y	Y	Y	Y
municipal depot	Y	-	-	-	-
nature conservation area	Y	Y	Y	Y	Y
outdoor education establishment	-	-	Y	-	-
outdoor recreation facility	Y	Y	Y	-	-
overnight camping facility	-	Y	-	-	Y
parkland	Y	Y	Y	Y	Y
place of worship	Y	-	-	-	-
power generation station	Y	Y	Y	Y	Y
residential care accommodation	Y	-	-	-	-
scientific research establishment	Y	-	Y	-	Y
service station	Y	-	-	-	-
sign	Y	Y	Y	Y	Y
stock/sale yard	-	Y	-	-	-
subdivision	Y	Y	Y	Y	Y
temporary use	Y	Y	Y	Y	Y
tourist facility	Y	-	-	-	-
transport depot	Y	-	-	-	-
treatment plant	Y	Y	Y	Y	Y
varying a lease, except where prohibited.	Y	Y	Y	Y	Y
urban lake, pond and/or retardation basin	Y	Y	Y	Y	Y
utility hydrogen production facility	Y	Y	Y	Y	Y
veterinary hospital	Y	-	-	-	-
water storage dam	Y	Y	Y	Y	Y
woodlot	Y	Y	Y	Y	Y

3. Policy Outcomes

Development proposals in non-urban zones will be assessed having regard to the policy outcomes to be achieved for the relevant zone.

NUZ1 – Broadacre Zone

1. Provide for, in a predominantly rural landscape setting, a range of uses which require larger sites and/or a location outside urban area.
2. Provide for activities requiring clearance zones or protection from conflicting development.
3. Promote development that does not adversely impact or visually intrude on the landscape and environmental quality of the locality.
4. Limit, where appropriate, development of uses that undermine the future use of land which may be required for urban and other purposes.

NUZ2 – Rural Zone

1. Conserve the distinctive rural landscape setting of Canberra and maintain its ecological integrity.
2. Conserve sufficient wildlife habitats to adequately protect native plant and animal species.
3. Provide for the productive and sustainable use of land for agriculture.
4. Provide for other uses which are compatible with the use of the land for agriculture.
5. Maintain land parcels that are appropriate in size for their approved uses.
6. Offer leases for time periods which reflect planning intentions for the locality.
7. Reinforce a clear definition between urban and rural land.

NUZ3 – Hills, Ridges and Buffer Zone

1. Conserve the ecological integrity of the hill system as a visual backdrop and a unified landscape setting for Canberra.
2. Provide opportunities for appropriate recreational uses.
3. Conserve the significant cultural and natural heritage resources and a diversity of natural habitats and ecological corridors.
4. Provide predominantly open buffer spaces for the visual separation of towns and to provide residents with easy access to hills, ridges and buffer areas and associated recreation facilities.
5. Provide opportunities for appropriate environmental education and scientific research activities.

NUZ4 – River Corridor Zone

1. Conserve the ecological and cultural values of the ACT's major river corridors.
2. Protect stream flow, water quality and flood plains from adverse impacts.
3. Promote a type and intensity of development that is ecological sustainable.
4. Provide opportunities for a range of ecologically sensitive water and land based recreational activities.
5. Maintain compatibility between land uses, water uses and the general character of the rivers.
6. Provide opportunities for appropriate environmental education and scientific research activities.
7. Prevent development that would significantly increase fire hazard.
8. Prevent development that would impact ecological connectivity.

NUZ5 – Mountains and Bushland Zone

1. Protect the ecological integrity and biodiversity values of the mountains and bushlands surrounding Canberra.
2. Protect ecological resources by conserving vegetation communities in a relatively undisturbed state, maintaining a diversity of plant and animal habitats and assuring the maintenance of ecological functions within land and aquatic habitats.
3. Maintain the mountains and bush lands area as an important visual background to Canberra.
4. Provide opportunities for appropriate recreational use.
5. Protect and conserve the significant cultural and natural heritage resources and their landscape context.
6. Provide and manage access to Namadgi National Park and related areas for recreation and essential management purposes consistent with the objectives.
7. Provide opportunities for the area to be used for appropriate environmental education, research, and scientific study.
8. Maintain compatibility between land uses, water and water catchment uses and the natural character of the mountain and bushland areas.
9. Maintain and enhance the scenic and landscape character of the mountains and bushlands and associated areas and to ensure that any development is unobtrusive and compatible with its surroundings and the intrinsic landscape qualities of the mountains and bushlands.

4. Assessment Outcomes

Consistent with the zone policy outcomes, development proposals in non-urban zones must demonstrate that they are consistent with the assessment outcomes stated below.

In demonstrating compliance with the assessment outcomes, consideration is to be given to the relevant design guides and may be given to planning technical specifications which may serve as a benchmark. While all assessment outcomes are to be met, not all outcomes are covered by design guidance and/or planning technical specification.

Where a proposed development complies with relevant provisions in the design guide and/or planning technical specification and the development comprehensively addresses the assessment outcome, further assessment regarding that assessment outcome will not be required.

Where a design guide applies to a development, the proposal must demonstrate that it is consistent with the relevant guidance. More information is available in the design guide. Given the nature of the design guides, different design responses are possible to meet the same assessment outcomes.

The Territory Planning Authority may consider advice or written support from a referral entity to demonstrate compliance with a relevant assessment outcome. Where endorsement from an entity is noted as a planning technical specification, entity referral will be required.

Specific assessment outcomes

The assessment outcomes for proposed development in non-urban zones are:

Urban Structure and Natural Systems

1. Biodiversity connectivity is maintained across the landscape.
2. Loss of native habitat and biodiversity is avoided and/or minimised.
3. The health and functionality of waterways and catchments is maintained, including through application of water sensitive urban design principles.

Site and Land Use

4. The functionality and usability of the development is appropriate for its intended purpose/use.
5. The proposed use and scale of development are appropriate to the site and zone.
6. Adverse impacts of development on surrounding uses (both within a site and on adjoining sites) is minimised.

Access and Movement

7. The functionality and layout of the development achieves appropriate connections with the surrounding area. This includes consideration of surveillance and active travel.

Public Space and Amenity

8. The development achieves reasonable solar access and microclimate conditions to public areas and streets to support their use by the community.
9. Any advertising or signs are suitable for their context and do not have a detrimental impact on the surrounding area (for instance, due to size or light emission).

Built Form and Building Design

10. The height, bulk and scale of the development is appropriate for the desired zone policy outcomes.

Sustainability and Environment

11. Roofed areas and hard surfaces aim to reduce urban heat island effects, minimise stormwater run-off and maintain ecosystem services. This includes consideration of water sensitive urban design measures.
12. Threats to biodiversity such as noise, light pollution, invasive species incursion or establishment, chemical pollution, or site disturbance are avoided or minimised through good design.
13. Minimise cut and fill to protect natural hydrological function and limit soil erosion and site disturbance.
14. The development considers, addresses and mitigates site constraints and environmental risks, including topography, noise, bushfire, flooding, contamination, air quality or hazardous materials are appropriately considered for the site.

Parking, Services and Utilities

15. Development provides appropriate end-of-trip facilities.
16. Vehicle and bicycle parking, access and egress sufficiently caters for the development while permitting safe and legible movement for all users (including pedestrians) and minimising visual impacts from the street or public space. This includes consideration of parking dimensions, the number of spaces provided, vehicle manoeuvrability and access routes.
17. Waste is appropriately managed on site without having a detrimental impact on the surrounding area.
18. The site is appropriately serviced in terms of infrastructure and utility services and any associated amenity impacts are minimised.

5. Assessment Requirements

Assessment requirements set the mandatory development controls within specific zones or for specific development types.

District policies also contain assessment requirements. Assessment requirements in district policies will prevail where inconsistencies occur.

Development proposals in non-urban zones must meet the following requirements:

Control	Assessment requirement
Outdoor Recreation Facilities – NUZ2 and NUZ3	1. In NUZ2 and NUZ3 zones, outdoor recreation facility excludes motor sport facilities, racecourses, stadiums, showgrounds.

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

Sch 1 1.14

From: "Smith, Lana" <Lana.Smith@act.gov.au> on behalf of "AC Ministerial" <ACMinisterialCMT@act.gov.au>
Sent: 06/09/2024 10:12 AM
To: "Butt, Liz" <Liz.Butt@act.gov.au>; "AC, Strategic Business Coordination" <strategicbusinesscoordination@act.gov.au>
Cc: "AC Ministerial" <ACMinisterialCMT@act.gov.au>; "AC - Office of CPR" <ACOfficeofCPR@act.gov.au>; "Mangeruca, Giuseppe" <Giuseppe.Mangeruca@act.gov.au>
Subject: RE: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter
Categories: Lana

OFFICIAL

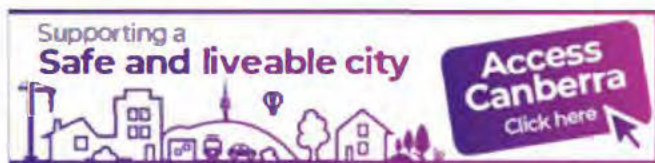
Good morning Liz and SBC,

The Minister's Office has advised that a brief is not required for this matter, and requested advice via email instead.

Can you please provide this advice as soon as possible, noting caretaker is fast approaching?

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



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

From: Butt, Liz <Liz.Butt@act.gov.au>
Sent: Monday, September 2, 2024 3:50 PM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Subject: RE: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Thanks Josh.

From: Kelly, Joshua <Joshua.Kelly@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Monday, September 2, 2024 3:44 PM
To: Butt, Liz <Liz.Butt@act.gov.au>
Cc: AC Ministerial <ACMinisterialCMT@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>
Subject: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Good Afternoon Liz

Please see attached Brief template. I have set this on a standard brief timeframe to be with the MO in 2 weeks' time.

Can you please have an EBM cleared draft with AC Min by COB 09 September.

Please let me know if this timeframe needs any altering.

Thank you
Josh

Joshua Kelly | Government Business and Coordination | Strategy, Data and Governance
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Telephone: 6201 7705 | Email: joshua.kelly@act.gov.au
Cosmopolitan Building, 21 Bowes Pl, Woden ACT 2606 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Butt, Liz <Liz.Butt@act.gov.au>
Sent: Monday, September 2, 2024 2:42 PM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Subject: Caveat Brief for Steel and Cheyne

OFFICIAL

Hi AC Min,

Can you please set up a caveat brief to go to Ministers Steel and Cheyne to advise them of a show cause - controlled activity order letter which is about to be sent to Canberra Sand and Gravel.

Thanks,

Liz Butt | A/g Senior Director, Construction and Planning Regulation
Construction & Planning Regulation Branch
Phone: 02 6207 6796 | Mobile: 0410 341 495 | Email: liz.butt@act.gov.au
Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra City ACT 2601 | act.gov.au



From: "Nasr, Nancy" <Nancy.Nasr@act.gov.au> on behalf of "AC, Strategic Business Coordination" <strategicbusinesscoordination@act.gov.au>
Sent: 06/09/2024 2:06 PM
To: "AC Ministerial" <ACMinisterialCMT@act.gov.au>
Cc: "AC, Strategic Business Coordination" <strategicbusinesscoordination@act.gov.au>; "Butt, Liz" <Liz.Butt@act.gov.au>
Subject: FW: URGENT: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter
Categories: Lana

OFFICIAL

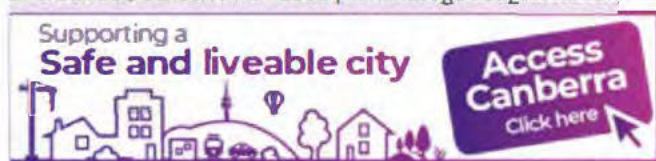
Hi ACMin

Please note Giuseppe's comment below. We don't have any advice on this matter to provide to the MO at this stage.

Please reach out to Giuseppe if you need to discuss this matter further.

Regards

Nancy Nasr | Assistant Director | Strategic Business and Coordination
Construction and Planning Regulation Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Phone 02 6207 7129 | nancy.nasr@act.gov.au
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Sent: Friday, September 6, 2024 1:57 PM
To: Nasr, Nancy <Nancy.Nasr@act.gov.au>; Zuzek, Joe <Joe.Zuzek@act.gov.au>
Cc: Josey, Belinda <Belinda.Josey@act.gov.au>; AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>
Subject: RE: URGENT: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Hi

Please discontinue the brief – further work is required on the substantive matter.

Thanks

Giuseppe

From: Nasr, Nancy <Nancy.Nasr@act.gov.au>
Sent: Friday, September 6, 2024 1:24 PM
To: Zuzek, Joe <Joe.Zuzek@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>

Cc: Josey, Belinda <Belinda.Josey@act.gov.au>; AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>

Subject: RE: URGENT: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Will do, thank you Joe.

[@Mangeruca, Giuseppe](#) Can you please provide direction on this request for advice to the MO please?

Regards

Nancy Nasr | Assistant Director | Strategic Business and Coordination
Construction and Planning Regulation Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Phone 02 6207 7129 | nancy.nasr@act.gov.au
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Zuzek, Joe <Joe.Zuzek@act.gov.au>

Sent: Friday, September 6, 2024 1:15 PM

To: Nasr, Nancy <Nancy.Nasr@act.gov.au>

Cc: Josey, Belinda <Belinda.Josey@act.gov.au>

Subject: RE: URGENT: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Hello Nancy

Please reach out to Giuseppe. Yesterday, CPIT was requested to hold off any further regulatory action including any issuing of the SCN. Liz may not know but she is due back to work on Monday.

Regards

Joe

From: Nasr, Nancy <Nancy.Nasr@act.gov.au> **On Behalf Of** AC, Strategic Business Coordination

Sent: Friday, September 6, 2024 1:08 PM

To: Zuzek, Joe <Joe.Zuzek@act.gov.au>

Cc: AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>

Subject: URGENT: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

Importance: High

OFFICIAL

Hello Joe

It appears that Liz has undertaken to draft a brief on the Canberra Sand and Gravel issue. Now that the caretaker period is approaching, the MO has requested an advice via email instead on the show cause - controlled activity order letter being issued to CSG.

In Liz's absence, can I please ask you to provide a few dot points on the non compliance and the recent regulatory action taken to assist in formalising this advice.

Apologies for the short notice, but can I please get these dot points by 3pm if possible so that I can get the advice back to the MO by COB?

Regards

Nancy Nasr | Assistant Director | Strategic Business and Coordination
Construction and Planning Regulation Branch
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Phone 02 6207 7129 | nancy.nasr@act.gov.au
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Smith, Lana <Lana.Smith@act.gov.au> On Behalf Of AC Ministerial
Sent: Friday, September 6, 2024 10:13 AM
To: Butt, Liz <Liz.Butt@act.gov.au>; AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>
Cc: AC Ministerial <ACMinisterialCMT@act.gov.au>; AC - Office of CPR <ACOfficeofCPR@act.gov.au>; Mangeruca, Giuseppe <Giuseppe.Mangeruca@act.gov.au>
Subject: RE: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Good morning Liz and SBC,

The Minister's Office has advised that a brief is not required for this matter, and requested advice via email instead.

Can you please provide this advice as soon as possible, noting caretaker is fast approaching?

Thank you,

Lana Smith | Government Business and Coordination Officer
Phone: 02 6205 8603 | Email: Lana.Smith@act.gov.au
Access Canberra | ACT Government | Chief Minister, Treasury and Economic Development Directorate
Cosmopolitan Building, 21 Bowes Street, Woden | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



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

From: Butt, Liz <Liz.Butt@act.gov.au>
Sent: Monday, September 2, 2024 3:50 PM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Subject: RE: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Thanks Josh.

From: Kelly, Joshua <Joshua.Kelly@act.gov.au> **On Behalf Of** AC Ministerial
Sent: Monday, September 2, 2024 3:44 PM
To: Butt, Liz <Liz.Butt@act.gov.au>
Cc: AC Ministerial <ACMinisterialCMT@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>
Subject: Tasking Email - Due to AC Min COB 09/09: 24/95770 - Caveat Brief - Steel & Cheyne - Controlled Activity Order Letter

OFFICIAL

Good Afternoon Liz

Please see attached Brief template. I have set this on a standard brief timeframe to be with the MO in 2 weeks' time.

Can you please have an EBM cleared draft with AC Min by COB 09 September.

Please let me know if this timeframe needs any altering.

Thank you
Josh

Joshua Kelly | Government Business and Coordination | Strategy, Data and Governance
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government
Telephone: 6201 7705 | Email: joshua.kelly@act.gov.au
Cosmopolitan Building, 21 Bowes Pl, Woden ACT 2606 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Butt, Liz <Liz.Butt@act.gov.au>
Sent: Monday, September 2, 2024 2:42 PM
To: AC Ministerial <ACMinisterialCMT@act.gov.au>
Subject: Caveat Brief for Steel and Cheyne

OFFICIAL

Hi AC Min,

Can you please set up a caveat brief to go to Ministers Steel and Cheyne to advise them of a show cause - controlled activity order letter which is about to be sent to Canberra Sand and Gravel.

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Deferred Release (s38 (6))

Incident Report

03-Jan-25

IncidentNo 8500 **IncidentType:** Air - Dust

Activity Location: TENNANT STREET

BlockNo

SectionNo

Suburb: FYSHWICK

Activity Manage

Mr Wayne Gregory

Address:

TENNANT STREET
FYSHWICK

Home Phone:

Business Phone: 62804133

Mobile:

Complainant

Sch 2.2(a)(ii)

Address:

Sch 2.2(a)(ii)

Home Phone:

Business Phone:

Mobile:

Sch 2.2(a)(ii)

Action Officer

TIMOTHY GIBB

Date Entered

04/07/2017 12:37:05 PM

At 12.23hrs on 27 June 2017 AC received a complaint regarding dust from the CSG site in Fyshwick was excessive on a daily basis and it affects his breathing and covers all the cars in the area.

On 4 July 2017 I had a conversation with the complainant about his issues, I explained our procedures and told him to call AC if affected again in the future.

On 4 July 2017 I spoke to Mr Gregory at CSG about the dust complaints, I explained we would attend further complaints.

NFA

Environment protection complaint - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

03 Aug 2018 2:08:05 PM

Reference code

TVDMHR

Environment Protection
Access Canberra

Phone: 13 22 81

Call details

CSO initials *

BS

Date

03/08/2018

Time

14:09

Is this a police request? *

Yes

No

Caller information

Title

Given name *

Family name *

Primary phone number *

Sch 2.2(a)(ii)

Other phone number

Interstate

Address line 1 *

Sch 2.2(a)(ii)

Address line 2

Suburb *

Sch 2.2(a)(ii)

State

ACT

Postcode *

Address of complaint

Address line 1 *

Tennet St

Address line 2

606

Suburb *

FYSHWICK

State

ACT

Postcode *

2609

Complaint details

Type of complaint *

Air

Details *

Dust

Has this call been made after hours? *

Yes

No

Environment Protection Complaint - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

23 Sep 2020 2:01:13 PM

Reference code

LSM3VKHN

Environment Protection
Access Canberra

Phone: 1 22 81

Call details

CSO initials *

AJW

Date

23/09/2020

Time

14:01

Is this a police request? *

 Yes No

Caller information

Title

Given name *

Family name *

Sch 2.2(a)

Sch 2.2(a)(ii)

Primary phone number *

Sch 2.2(a)(ii)

Other phone number

Caller address

 Interstate

Address line 1 *

Sch 2.2(a)(ii)

Address line 2

Suburb *

Sch 2.2(a)(ii)

State *

ACT

Postcode *

Sch 2.2(a)(ii)

Address of complaint

Address line 1 *

Canberra Sand Gravel

Address line 2

103 Tennant st

Suburb *

State *

Postcode *

FYSHWICK

ACT

2609

608

Complaint details

Type of complaint *

Air

Details *

ongoing issues with dirt on windy days. Second complaint in 12 months

Has this call been made after hours? *

Yes

No

From: ConservatorFloraFauna
Sent: Fri, 5 Aug 2022 01:03:04 +0000
To: Baines, Greg
Subject: CSG
Attachments: CSG.doc

OFFICIAL

FYI

Eliza Larson

A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: Baines, Greg
Sent: Tue, 20 Sep 2022 01:51:16 +0000
To: ConservatorFloraFauna
Subject: RE: CSG SLL
Categories: Eliza to action

OFFICIAL

Hi Eliza,

There are two way in which the proposal could impact on SLL:

1. Direct habitat loss
2. Reduced connectivity

To determine the impact of the direct habitat loss they would need to do one or two tile arrays (probably one). This would determine if there are lizards on the site. I would estimate this would cost <\$5000.

The impact on connectivity is more difficult. The mapped habitat forms a corridor to the east of the current business. Reducing this to 20m (of already disturbed ground) is unlikely to achieve connectivity for SLL (based on CR's recent work). If we assume that the mapped habitat represents a contiguous population, the proposal is likely to fragment this populations and result in a significant impact. It would be possible to trap for lizards in the habitat either side of the proposal to determine if there is actually a contiguous population. If there aren't lizards on both side then the impact may not be significant. To establish that the population is not contiguous would take at least five or six tile arrays. My guess is that this could be \$20-30K.

These figures a very rubbery (both the estimates of tile arrays and the cost of survey).

Greg

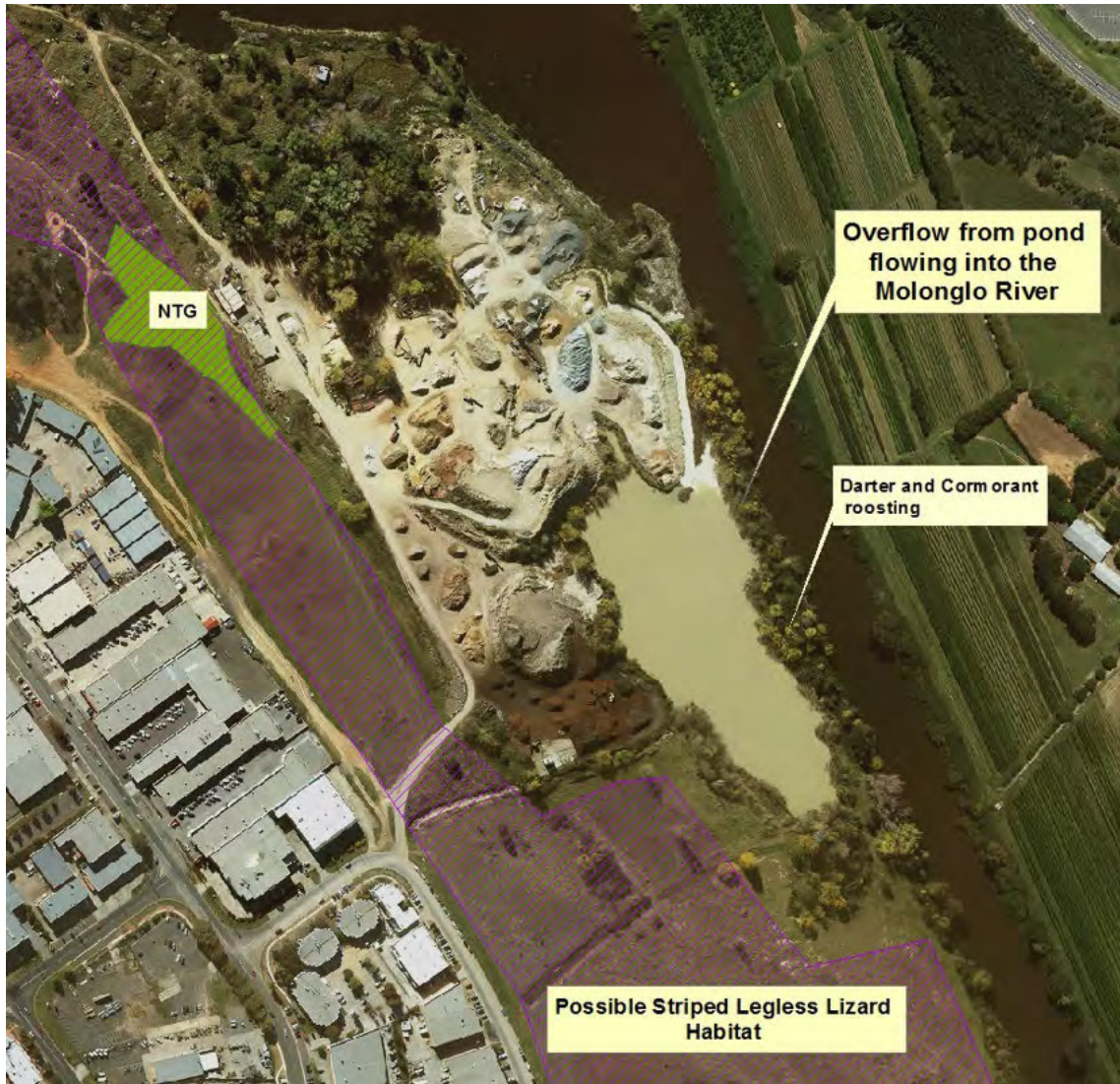
From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Sent: Tuesday, 20 September 2022 11:26 AM
To: Baines, Greg <Greg.Baines@act.gov.au>
Subject: CSG SLL

OFFICIAL

Hi Gregorino,

When you've got a chance (hopefully this week), could you give me a rough idea of what would be required in terms of SLL survey and what that might cost? Currently discussing a couple of options (shown in second snip), where we avoid the NTG and leave a buffer for SLL (red), or we bring in the NR boundary even more and keep them on previously disturbed land (blue).

TCCS are doing up a couple of maps to show these two options so will circulate them for comment when received.





Thanks,

Eliza Larson
A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: ConservatorFloraFauna
Sent: Wed, 21 Sep 2022 06:37:50 +0000
To: Baines, Greg; Gould, Kristy; Howland, Brett
Subject: FOR COMMENT BY 27/9: Fyshwick CSG Maps
Attachments: Information Brief - Gentleman - Canberra Sand and Gravel Fyshwick.obr, Attachment A - Ecological values in the vicinity of CSG site.obr

OFFICIAL

Hi all,

TCCS has come up with a couple of options to deal with CSG at Fyshwick. [@Gould, Kristy](#) and [@Howland, Brett](#)– I'm not sure how familiar you are with this issue, please see the attached brief if you need background context. Attachment A shows the values that were mapped by Michael Mulvaney in 2019. [@Baines, Greg](#) Do you think it is worthwhile for someone to get out there again and check if the values are still the same?

Please see options in the below email. The purple line is the existing river corridor reserve boundary, the pink line the proposed boundary for option 1 and the blue line the proposed boundary for option 2. Option1 - Reduces river corridor significantly, however retains CSG on already disturbed land while retaining the possible SLL habitat to the south west and connectivity b/w north and south.

Option 2 - Reduces the river corridor to a lesser extent than option one, but impacts on roughly half of the possible SLL habitat to the SW. Removes CSG access to the wash basin.

Either option would require a TPV to adjust the reserve boundary. TCCS would then be able to issue a 10 year licence to CSG which would include a condition for ongoing remediation of the existing area in yellow.

Please let me know your thoughts from an ecological and PCS perspective and which would be your preference, or if both options are completely unacceptable, or if you have an alternative suggestion. This has been an ongoing issue for 30 years so keen to come up with a solution that we can live with.

Please circulate as needed. Comments by Tuesday next week would be fantastic, but noting the public holiday tomorrow please let me know if you need more time.

Many thanks,

Eliza Larson | A/g Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Gerrard, Darren <Darren.Gerrard@act.gov.au>
Sent: Wednesday, 21 September 2022 10:25 AM
To: Larson, Eliza <Eliza.Larson@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>
Subject: Fyshwick CSG Maps

Hi Eliza and Sean

See maps.

Option 1 Option 2

Green operational area Red operational area





Regards

Darren Gerrard | Assistant Director, L&C Licensing

P 02 62057245 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](https://twitter.com/tccs_act)



Connected services for the people of Canberra

From: Howland, Brett
Sent: Fri, 23 Sep 2022 01:50:27 +0000
To: Baines, Greg; ConservatorFloraFauna; Gould, Kristy
Cc: Watts, Michaela
Subject: RE: FOR COMMENT BY 27/9: Fyshwick CSG Maps
Categories: Eliza to action

OFFICIAL

Hi Eliza,

Would agree with site inspection and could do sometime in late October/Nov. Also agree rehab not best option.

It is probably not high quality habitat in any regard, but given the fragmentation of this area protecting any remaining habitat should be a priority.

Cheers,
Brett

From: Baines, Greg <Greg.Baines@act.gov.au>
Sent: Friday, 23 September 2022 11:42 AM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Gould, Kristy <Kristy.Gould@act.gov.au>; Howland, Brett <Brett.Howland@act.gov.au>
Cc: Watts, Michaela <Michaela.Watts@act.gov.au>
Subject: RE: FOR COMMENT BY 27/9: Fyshwick CSG Maps

OFFICIAL

Hi Eliza,

ACTMapi and CR records indicate that the SLL habitat doesn't extend north of the access road to CSG (see below).



I think it is worth confirming this with a field visit (Brett, Ben Croak, or myself). If the inspection finds there is a likelihood the habitat extends further north, then we should require surveys. We need to make sure that connectivity for this species is retained if it is present.

Otherwise I prefer Option 1. It does not involve new disturbance, I don't think remediation of the area will ever provide any useful natural habitat so minimising disturbance of existing areas would be my priority.

One other option could be to cut the whole currently disturbed site out of the reserves and include the undisturbed area between CSG and the buildings in the reserve, something like the green line below?



It is difficult to argue for this without some information on the proposed future of that strip of land. I think it is already identified for development in the eastward expansion of Fyshwick? If that is the case any existing connectivity along the reserve will ultimately be destroyed so it doesn't matter what we do.

Cheers
Greg

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au> ee

Sent: Wednesday, 21 September 2022 4:38 PM

To: Baines, Greg <Greg.Baines@act.gov.au>; Gould, Kristy <Kristy.Gould@act.gov.au>; Howland, Brett

<Brett.Howland@act.gov.au>

Subject: FOR COMMENT BY 27/9: Fyshwick CSG Maps

OFFICIAL

Hi all,

TCCS has come up with a couple of options to deal with CSG at Fyshwick. [@Gould, Kristy](#) and [@Howland, Brett](#)– I'm not sure how familiar you are with this issue, please see the attached brief if you need background context. Attachment A shows the values that were mapped by Michael Mulvaney in 2019. [@Baines, Greg](#) Do you think it is worthwhile for someone to get out there again and check if the values are still the same?

Please see options in the below email. The purple line is the existing river corridor reserve boundary, the pink line the proposed boundary for option 1 and the blue line the proposed boundary for option 2. Option1 - Reduces river corridor significantly, however retains CSG on already disturbed land while retaining the possible SLL habitat to the south west and connectivity b/w north and south.

Option 2 - Reduces the river corridor to a lesser extent than option one, but impacts on roughly half of the possible SLL habitat to the SW. Removes CSG access to the wash basin.

Either option would require a TPV to adjust the reserve boundary. TCCS would then be able to issue a 10 year licence to CSG which would include a condition for ongoing remediation of the existing area in yellow.

Please let me know your thoughts from an ecological and PCS perspective and which would be your preference, or if both options are completely unacceptable, or if you have an alternative suggestion. This has been an ongoing issue for 30 years so keen to come up with a solution that we can live with.

Please circulate as needed. Comments by Tuesday next week would be fantastic, but noting the public holiday tomorrow please let me know if you need more time.

Many thanks,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Gerrard, Darren <Darren.Gerrard@act.gov.au>

Sent: Wednesday, 21 September 2022 10:25 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>

Subject: Fyshwick CSG Maps

Hi Eliza and Sean

See maps.

Option 1 Option 2

Green operational area Red operational area





Regards

Darren Gerrard | Assistant Director, L&C Licensing

P 02 62057245 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](https://twitter.com/tccs_act)



Connected services for the people of Canberra

From: ConservatorFloraFauna
Sent: Mon, 3 Oct 2022 23:34:47 +0000
To: Gerrard, Darren; Sloan, Sean
Subject: RE: Fyshwick CSG Maps

OFFICIAL

Hi both,

Some initial comments from PCS:

- Will undertake a site inspection to determine if potential habitat & NTG still as previously mapped.
- Preference for Option 1 as it does not involve new disturbance and remediation is unlikely to ever provide useful natural habitat.
- More info needed on the proposed future of that strip of land between Fyshwick and CSG – If it is already identified for development in the eastward expansion of Fyshwick then any existing connectivity will be destroyed no matter what we do.

I will get a site inspection organised which will inform next steps.

Darren – noting Sean's OOO are we still meeting this morning?

Cheers,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Gerrard, Darren <Darren.Gerrard@act.gov.au>
Sent: Wednesday, 21 September 2022 10:25 AM
To: Larson, Eliza <Eliza.Larson@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>
Subject: Fyshwick CSG Maps

Hi Eliza and Sean

See maps.

Option 1 Option 2
Green operational area Red operational area





Regards

Darren Gerrard | Assistant Director, L&C Licensing

P 02 62057245 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](https://twitter.com/tccs_act)



Connected services for the people of Canberra

From: Baines, Greg
Sent: Wed, 19 Oct 2022 03:44:50 +0000
To: Wright, KarenJ
Cc: ConservatorFloraFauna
Subject: EBSA conservation assessments in Fyshwick
Attachments: Attachment A - Ecological values in the vicinity of CSG site.docx

UNOFFICIAL

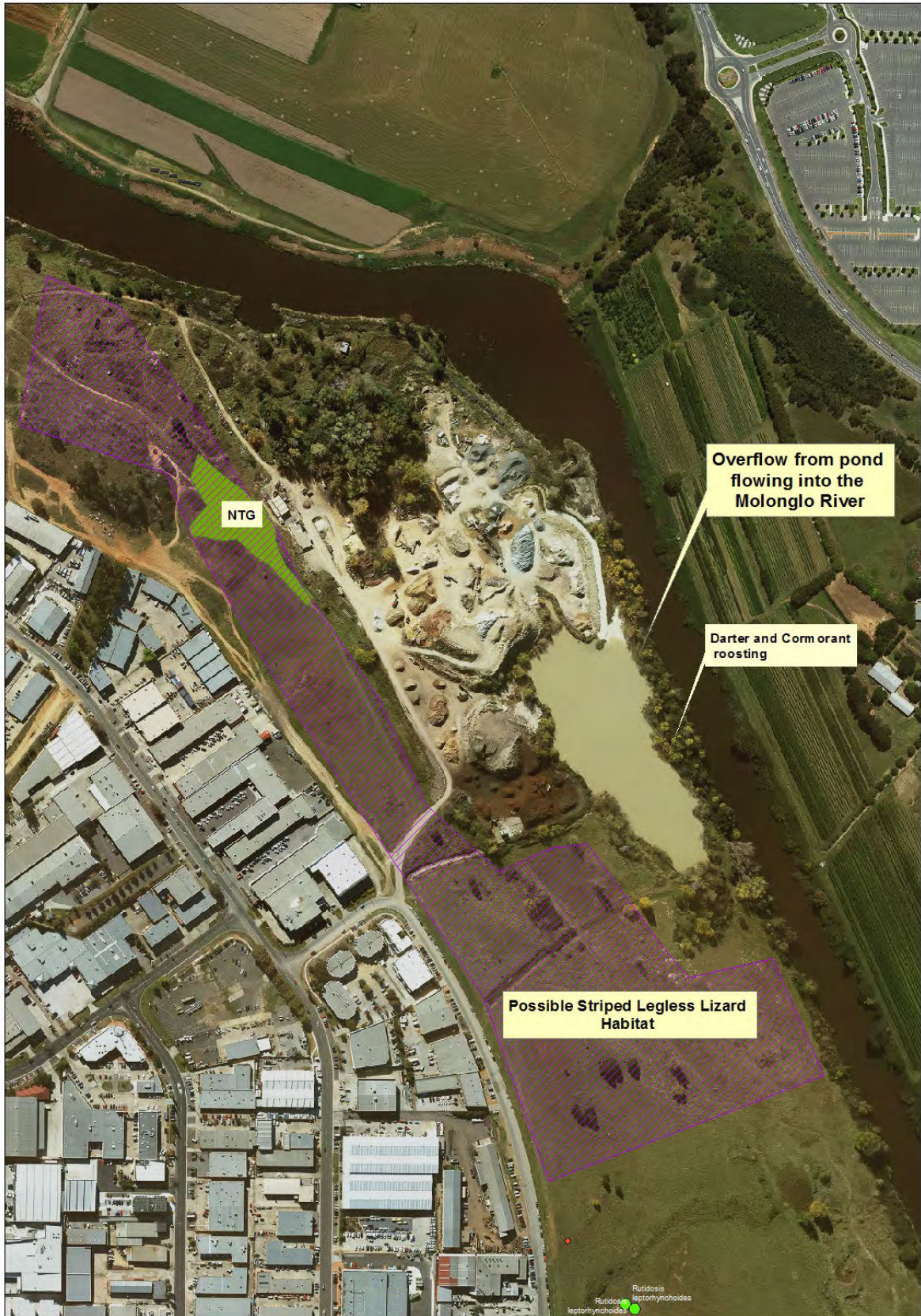
Hi Karen,

Eliza said that the EBSA document is likely to be reviewed in the near future. The ecological assessment in the current document does not extend along the entire eastern boundary of Fyshwick. The attached map shows the distribution of NTG and SLL habitat in a portion this area. It would be worth considering having additional survey of this area before the EBSA is finalised as it may contain significant values that have not been captured. I would also note the current EBSA docs appear to show that areas within the Molonglo River Reserve may be suitable for development. It would be best to clearly exclude these reserve areas from the footprint of developable area.

Regards
Greg

Greg Baines has sent you a copy of "Attachment A - Ecological values in the vicinity of CSG site" (A37202872) v0.1 from Objective.

ATTACHMENT A: ECOLOGICAL VALUES IN THE VICINITY OF THE FYSHWICK CSG SITE



From: Baines, Greg
Sent: Mon, 24 Oct 2022 05:29:01 +0000
To: ConservatorFloraFauna
Subject: RE: SLL in Fyhswick

UNOFFICIAL

Yep, it is from the ecological studies that supported EBSA, N.B they didn't have complete coverage of the strategic assessment area.

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Sent: Monday, 24 October 2022 4:23 PM
To: Baines, Greg <Greg.Baines@act.gov.au>
Subject: RE: SLL in Fyhswick

UNOFFICIAL

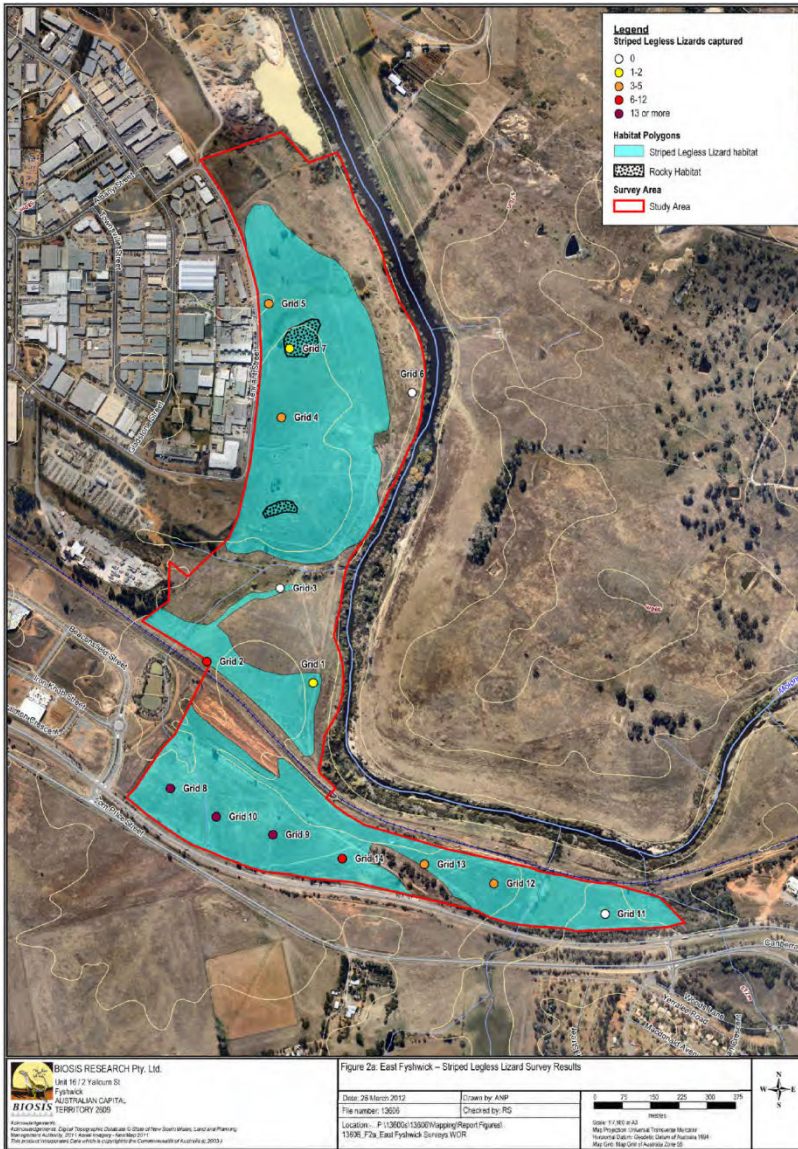
Thanks G,

Where was this study from? Do we know if EBSA has it?

Eliza Larson | A/g Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Baines, Greg <Greg.Baines@act.gov.au>
Sent: Monday, 24 October 2022 4:17 PM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Subject: SLL in Fyhswick

UNOFFICIAL



So they found quite a few SLL south of the CSG site in Fyshwick. I think we are right to not allow them to develop any areas outside of the existing disturbance footprint.

Greg Baines
Senior Conservation Officer
Office of the Conservator of Flora and Fauna
Sch 2.2(a)(ii)

From: Wright, KarenJ
Sent: Tue, 25 Oct 2022 22:23:37 +0000
To: ConservatorFloraFauna; Gianakis, Steven
Subject: RE: FOR INPUT BY 25/10: CSG Brief

OFFICIAL

Hi Eliza,

Good to discuss with you last week, find attached the following summary relating to EBSA.

- The Eastern Broadacre areas contains critically endangered flora and fauna, such as natural temperate grassland (NTT), striped legless lizard (SLL) and the grassland earless dragon (GED).
- The ACT Government has entered into an agreement with the Commonwealth Government to undertake a strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999*. Public notification on the draft strategic assessment documents is expected to commence next year, after being on hold due to COVID-19.
- The consultant who is preparing the strategic assessment is being re-engaged to review and update the draft documentation including the results of recent environmental monitoring. The draft documentation currently identifies the area surrounding CSG for potential future development. In light of the presence of NTT and SLL in the area that had not been previously identified, the draft documentation will be reviewed accordingly.

Kind regards,
Karen

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Sent: Thursday, 20 October 2022 11:54 AM
To: Gianakis, Steven <Steven.Gianakis@act.gov.au>; Wright, KarenJ <KarenJ.Wright@act.gov.au>
Subject: FOR INPUT BY 25/10: CSG Brief

OFFICIAL

Hi both,

Thanks for the good chat re the possible values in this area. As discussed I have attached the CSG brief for your information and also input of a para re EBSA. I was hoping to send this up this week but I am still waiting on some final market value estimates from TCCS so early next week would be fantastic please if possible.

Many thanks,

Eliza Larson
A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: ConservatorFloraFauna
Sent: Thu, 10 Nov 2022 22:35:56 +0000
To: Gerrard, Darren; Sloan, Sean
Subject: CSG brief
Attachments: 22_110417 - Information Brief - Gentleman - Canberra Sand and Gravel Fyshwick.obr, 22_110417 - Information Brief - Gentleman - Canberra Sand and Gravel Fyshwick.docx, Attachment A - Ecological values in the vicinity of CSG site.docx, Attachment B - Territory Plan Variation proposal to revise the River Corridor zone.docx

OFFICIAL

Hi both,

Just FYI - Bren has cleared the brief and it is progressing to MO.

Cheers,

Eliza Larson

A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: ConservatorFloraFauna
Sent: Wed, 16 Nov 2022 06:23:42 +0000
To: Gillies, Emma
Subject: FW: CSG brief
Attachments: Lease Block 875 Canberra City - colour#2.pdf

OFFICIAL

Hi Emma,

I have updated the brief in track to reflect the additional info below. Not sure if it is worth also including the attached lease as an attachment?

Thanks,

Eliza Larson | A/g Conservator Liaison
 Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Sloan, Sean <Sean.Sloan@act.gov.au>
Sent: Wednesday, 16 November 2022 4:55 PM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: RE: CSG brief

OFFICIAL

Good afternoon Eliza,

In August 2022, Aaron Oshyer from EPSDD Leasing Administration advised us that CSG were granted a lease in 1971 (noting the attached lease document states 1970) over block 2 Section 63 Fyshwick and continue to pay quarterly rent payments for the site of ^{Sch 2.2(a)(x)} [REDACTED], with the annual rent totalling ^{Sch 2.2(a)(xi)} [REDACTED]. The lease has no end date, ^{Sch 1 1.4} [REDACTED]

I hope this helps.

Regards,
 Sean

Sean Sloan | Snr Director

Licensing and Compliance

☎: **02 6205 8291** | 📱 ^{Sch 2.2(a)(ii)} [REDACTED]

📧: Sean.Sloan@act.gov.au | 📍: GPO Box 158 Canberra ACT 2601

City Services | Transport Canberra and City Services Directorate | **ACT Government**

www.act.gov.au | www.tccs.act.gov.au



Connected services for the people of Canberra

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Sent: Wednesday, 16 November 2022 11:22 AM
To: Sloan, Sean <Sean.Sloan@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: RE: CSG brief

OFFICIAL

Hi both,

Apologies I missed our meeting yesterday! I was on leave and forgot to cancel last week. I didn't have an update anyway, but today have received a question from DDG office about clarifying when the initial CSG lease over Block 2 Section 63 expired. Do you know the date?

Thanks,

Eliza Larson | A/g Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Sloan, Sean <Sean.Sloan@act.gov.au>
Sent: Friday, 11 November 2022 1:52 PM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Cc: Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: RE: CSG brief

OFFICIAL

Thanks Eliza,
I really appreciate all our work in helping to push this forward. I have just sent this up to Daniel recommending referral to our Minister.

Regards,
Sean

Sean Sloan | Snr Director
Licensing and Compliance
☎: **02 6205 8291** | 📄: Sch 2.2(a)(ii)
📧: Sean.Sloan@act.gov.au | 📍: GPO Box 158 Canberra ACT 2601
City Services | Transport Canberra and City Services Directorate | **ACT Government**
www.act.gov.au | www.tccs.act.gov.au



Connected services for the people of Canberra

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Friday, 11 November 2022 9:36 AM

To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>

Subject: CSG brief

OFFICIAL

Hi both,

Just FYI - Bren has cleared the brief and it is progressing to MO.

Cheers,

Eliza Larson

A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: ConservatorFloraFauna
Sent: Wed, 18 Jan 2023 23:02:31 +0000
To: Gerrard, Darren
Subject: FW: CSG Molonglo River Matter

OFFICIAL

Hi Darren,

Happy New Year!

Please note the request from EPA to be kept in the loop – let's touch base when you're back from leave



Cheers,

Eliza Larson | A/g Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Lhuede, Nick <Nick.Lhuede@act.gov.au>
Sent: Thursday, 19 January 2023 9:38 AM
To: Burkevics, Bren <Bren.Burkevics@act.gov.au>; ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Cc: Wild-River, Su <Su.Wild-River@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>
Subject: RE: CSG Molonglo River Matter

OFFICIAL

Thanks Bren, and hi Eliza.

The contacts from AC will be Su Wild-River (SD EPA), and Sean Sloane (A/g SD Construction and Planning Regulation) in relation to lease issues, noting Sean has had extensive previous involvement in this matter from his role in TCCS

Kind Regards

Nick Lhuede | Executive Branch Manager | Construction Occupations Registrar

Phone [Sch 2.2\(a\)\(ii\)](#) | nick.lhuede@act.gov.au

Construction, Utilities and Environment Protection Branch

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

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

We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.



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

From: Burkevics, Bren <Bren.Burkevics@act.gov.au>
Sent: Thursday, 19 January 2023 7:31 AM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Cc: Lhuede, Nick <Nick.Lhuede@act.gov.au>
Subject: CSG Molonglo River Matter

OFFICIAL

Hi Eliza

As discussed, EBM Construction Occupations Nick Lhuede will provide you with a point of contact (POC) within his branch to keep across the proposed approach to resolving the CSG lease boundary changes. Outside of the EPA issues, Nick advised that he has a lease boundary compliance team that will be able to assist.


Grateful if you could ensure that TCCS include the POC in all future meetings are correspondence.

Many thanks

Bren Burkevics | Executive Group Manager
Phone 02 6207 8628 | **Mobile** Sch 2.2(a)(ii)
Executive Assistance: Petra Vest | 02 6205 9646 | petra.vest@act.gov.au
Environment, Heritage and Water Division | Environment, Planning and Sustainable Development Directorate (EPSDD) | ACT Government
Naas Neighbourhood, Level 2, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601
Environment.act.gov.au

From: Norman, Greg
Sent: Tue, 20 Mar 2007 08:39:15 +1100
To: Calnan, Garrick; Gianakis, Steven; King, Geoff; Pooley, Kathleen; Hamilton, Barry; Nizette, Mark; Iglesias, Daniel; Sharp, Sarah; McKeown, Helen
Cc: Stone, Ray; Walker, Graeme
Subject: Fyshwick Sec 45 - Final Minutes of Meeting 8 March 2007
Attachments: Meeting Minutes 20070308.doc

With attachment this time!

Afternoon All 

Final minutes are now attached. No major changes from earlier draft (I think it's fair to say that and thanks for the feedback, Sarah).

As an update, LDA is now preparing a brief for a consultant to identify an area of potential development, constraints, impacts both of and on any development etc. etc. This will feed into a PA should a proposal proceed.

I may seek from you some of the information, reports etc. we spoke of at the meeting.

Regards

Greg Norman

Senior Project Manager | Urban Development | Land Development Agency

t: (02) 6205 0093 | m: Sch 2.2(a)(ii) | <mailto:greg.norman@act.gov.au> | www.lda.act.gov.au



Land Development Agency

DRAFT MINUTES OF MEETING

PROJECT: FYSHWICK SECTION 45

Date	8 March 2007	Time	3.30pm	
Location	Level 2 North Dame Pattie Menzies House			
Attendees				
Name	Identifier	Organisation	Phone	Fax/email
Garrick Calnan	GC	ACTPLA		
Steven Gianakis	SG	ACTPLA		
Geoff King	GK	ACTPLA		
Barry Hamilton	BH	ACTPLA		
Kath Pooley	KP	ACTPLA		
Helen McKeown	HM	TAMS - Env & Rec		
Sarah Sharp	SS	Env & Rec – Research & Monitoring		
Mark Nizette	MN	Env & Rec - Heritage		
Daniel Iglesias	DI	Env & Rec – Parks and Reserves		
Ray Stone	RS	LDA		
Graeme Walker	GW	LDA		
Greg Norman	GN	LDA		

ITEMS DISCUSSED

	Item
1	<p>Purpose of meeting</p> <p>GN - the meeting is to understand what constraints and opportunities exist to enable the extent of proposed development for Fyshwick Sec 45 to be determined. When those extents are agreed LDA will undertake an engineering site investigation, prepare a business plan, seek LDA Board agreement to undertake development and then seek formal planning approvals and support from agencies as required.</p>
2	<p>Discussion on industrial development in general and need for future discussions</p> <p>GN, RS - LDA will be preparing a five-year industrial land release program to meet demand for industrial land and will be seeking to have discussions with ACTPLA to determine where new industrial developments are required. LDA will be seeking input regarding planning to identify new development opportunities to meet requirements for industrial land.</p> <p>Although development is planned for Hume, subject to planning studies currently being completed, limited opportunities exist for development in Mitchell and Fyshwick.</p> <p>DI – undertook to provide details of sites in Mitchell of little conservation value to Conservation and Land management that could be considered for development.</p>

Sch 1 1.14

Canberra Sand & Gravel Lease/Licence History

Type	Block	Section	Suburb	Date of commencement	Tenure	Area m ²	Rent \$ pa	Use
Lease	2	63	Fyshwick	11/11/70	Not specified	40,097	2,800	Crushing screening stone & gravel

Out of Scope

From: Wilden, Karen
Sent: Monday, 21 November 2011 11:35 AM
To: Boersma, Timo; Moysey, Sean
Cc: Lander, Dulce
Subject: Canberra Sand and Gravel Fyshwick

Timo

I do recall this site when I was Principal Officer of Compliance, but that was a long time ago now so my memory of it is vague. Sean Moysey is the relevant Senior Manager and I think there is quite a bit of info on our files.

Regards

Karen Wilden | Manager Impact and Estates Assessment

Phone 02 6207 1852

Planning Delivery | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Boersma, Timo
Sent: Monday, 21 November 2011 11:23 AM
To: Wilden, Karen
Cc: Lander, Dulce
Subject: FW: Sean Moysey

Karen

I have been advised by Helen McKeown that you might have some history about this project. Would you be the right person to attend a meeting? If not, could you suggest who should be?

Regards

Timo Boersma
Manager, Land Use Unit
Licensing and Compliance
City Services

02 6205 4766

From: Boersma, Timo
Sent: Monday, 21 November 2011 11:15 AM
To: Carder, Jane
Cc: Garbode, Julie
Subject: RE: Sean Moysey

Jane

The location of Canberra Sand and Gravel is Fyshwick S63 B2 . This area seems to have a lease that nobody can find.
Sch 1 1.14

Apparently, one part of the problem is

Sch 1 1.2

A lease would be impossible without a change to Territory Plan and that would not succeed.

Two positions seem to exist

1. A new site should be found, but Canberra sand and gravel would not pay when this was previously suggested. This would require a hard line that nobody seems to be prepared to take.
2. Controls need to be put in place, which would condone a non compliant use, but on the basis that some control is better than no control.

You'll be invited to a meeting as soon as I can organise one (I need to find the most appropriate people).

Regards

Timo Boersma
Manager, Land Use Unit
Licensing and Compliance
City Services

02 6205 4766

From: Carder, Jane
Sent: Monday, 21 November 2011 10:56 AM
To: Garbode, Julie
Cc: Boersma, Timo
Subject: FW: Sean Moysey

Hi Julie,

Can Joel please provide Timo with the Block and Section for the area at the back of Fyshwick being used by Canberra Sand and Gravel?

Thanks,

Jane Carder | Manager, Place Management |
Phone 02 62072525 | Fax 02 62075366 | Email jane.carder@act.gov.au
City Services, Parks and City Services | Territory and Municipal Services Directorate | **ACT Government**
Level 8, Macarthur House, 12 Wattle Street, Lyneham ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Boersma, Timo
Sent: Monday, 21 November 2011 7:43 AM
To: Carder, Jane
Subject: RE: Sean Moysey

Jane

If you give me a block and section I can find out if they have a lease or a license. If they have a lease, then ACTPLA deals with it. If they have a license I'll deal with it. If they don't have anything, then I'll raise it with the Land Requests Advisory Committee, who will advise whether they ought to get a lease or a license.

Regards

Timo

From: Carder, Jane
Sent: Friday, 18 November 2011 6:19 PM
To: Boersma, Timo
Subject: FW: Sean Moysey

Hi Timo,

Are you the appropriate person to follow up with ACTPLA regarding the breach of the lease by Canberra Sand and Gravel?

Jane Carder | Manager, Place Management |

Phone 02 62072525 | Fax 02 62075366 | Email jane.carder@act.gov.au

City Services, Parks and City Services | Territory and Municipal Services Directorate | ACT Government

Level 8, Macarthur House, 12 Wattle Street, Lyneham ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Peek , Rohan

Sent: Thursday, 17 November 2011 1:54 PM

To: Carder, Jane

Subject: Sean Moysey

Hi Jane,

Sean Moysey is the manager of the compliance section in the department formally known as ACTPLA. He is probably the best person to talk to in regard to Canberra sand and Gravel breaching their lease.

Regards

Rohan Peek | Environment Protection Officer

Phone: 02 6207 2188 | Fax: 02 6207 6084 | email: rohan.peek@act.gov.au

Environment Protection | Environment and Sustainable Development Directorate | ACT Government

Level 3 Annexe Macarthur House | 12 Wattle Street Lyneham | GPO BOX 158 | CANBERRA ACT 2601 | www.act.gov.au

From: Boersma, Timo
Sent: Thu, 8 Dec 2011 15:59:28 +1100
To: Lander, Dulce
Subject: RE: Canberra Sand and Gravel

OK

From: Lander, Dulce
Sent: Thursday, 8 December 2011 2:43 PM
To: Boersma, Timo
Subject: FW: Canberra Sand and Gravel

Timo

In relation to the Crown lease, although the term has now expired the lease does provide for continued occupancy. Unfortunately the lease does not address the rent being reappraised and they continue to pay ^{Sch 2.2(a)(x)} per quarter or ^{Sch 2.2(a)(xi)} per annum.

I have checked and they continue to pay and their account is up to date.

Regards

Dulce

Dulce Lander | Manager - General Leasing | Lease Administration

Phone 02 6207 2112 | Fax 02 6207 1856

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Boersma, Timo
Sent: Thursday, 8 December 2011 9:21 AM
To: McKeown, Helen; Dix, Rodney; Gaze, Reuben; Lander, Dulce; Swain, Shelley; Carder, Jane; Garbode, Julie; Marshall, Ken; Schofield, Ross
Subject: Canberra Sand and Gravel

Folks

Please see attached summary of comments regarding Canberra Sand and Gravel. Can you please send me any amendments or additions you feel necessary?

Regards

Timo Boersma
Manager, Land Use Unit
Licensing and Compliance
City Services

02 6205 4766

From: Gaze, Reuben
Sent: Tuesday, 13 December 2011 10:18 AM
To: Lander, Dulce
Subject: FW: Canberra Sand and Gravel

Hi Dulce

FYI: My email to Timo yesterday.

Kind regards

Reuben Gaze | A/g Team Leader Investigation Unit

Phone 02 6207 6282 | Fax 02 6207 1862 | Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601

www.actpla.act.gov.au

From: Gaze, Reuben
Sent: Monday, 12 December 2011 6:11 PM
To: Boersma, Timo
Subject: RE: Canberra Sand and Gravel

Sch 1 1.14

Reuben Gaze | A/g Team Leader Investigation Unit

Phone 02 6207 6282 | Fax 02 6207 1862 | Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601

www.actpla.act.gov.au

From: Boersma, Timo

Sent: Thursday, 8 December 2011 9:21 AM

To: McKeown, Helen; Dix, Rodney; Gaze, Reuben; Lander, Dulce; Swain, Shelley; Carder, Jane; Garbode, Julie; Marshall, Ken; Schofield, Ross

Subject: Canberra Sand and Gravel

Folks

Please see attached summary of comments regarding Canberra Sand and Gravel. Can you please send me any amendments or additions you feel necessary?

Regards

Timo Boersma

Manager, Land Use Unit

Licensing and Compliance

City Services

02 6205 4766

From: Gaze, Reuben
Sent: Tue, 13 Dec 2011 10:15:32 +1100
To: Lander, Dulce
Subject: RE: minutes of meeting on Canberra Sand and Gravel - Fyshwick

Thanks Dulce

Solid response.

Kind regards

Reuben Gaze | A/g Team Leader Investigation Unit
Phone 02 6207 6282 | Fax 02 6207 1862 | Email actplalru@act.gov.au
Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: Lander, Dulce
Sent: Tuesday, 13 December 2011 9:55 AM
To: Boersma, Timo
Cc: Gaze, Reuben
Subject: RE: minutes of meeting on Canberra Sand and Gravel - Fyshwick

Sch 1 1.14

Dulce Lander | Manager - General Leasing | Lease Administration
Phone 02 6207 2112 | Fax 02 6207 1856
Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Boersma, Timo
Sent: Tuesday, 13 December 2011 9:24 AM

To: Lander, Dulce
Subject: RE: minutes of meeting on Canberra Sand and Gravel - Fyshwick

Dulce

Sch 1 1.14

Timo

From: Lander, Dulce
Sent: Tuesday, 13 December 2011 9:06 AM
To: Boersma, Timo
Cc: Gaze, Reuben
Subject: minutes of meeting on Canberra Sand and Gravel - Fyshwick

Dear Timo

Sch 1 1.14

Cheers

Dulce

Dulce Lander | Manager - General Leasing | Lease Administration

Phone 02 6207 2112 | Fax 02 6207 1856

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Saad, Monica
Sent: Thu, 27 Sep 2018 03:12:55 +0000
To: Phillips, Brett
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Canberra Sand and Gravel Pty Limited was granted a Crown lease under the *Leases Ordinance 1918-1966* on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River.

The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of Sch 2.2(a)(xi) pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent.

If you need anything else, just let me know.

Cheers

Monica

From: Phillips, Brett
Sent: Thursday, 27 September 2018 9:17 AM
To: Saad, Monica <Monica.Saad@act.gov.au>
Subject: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Monica

Can you let me know what land Canberra Sand and Gravel are paying licence fees for at Fyshwick, noting that licensing agreement has expired.

Cheers
Brett

Brett Phillips

Phone 02 6207 3520

Executive Director

Planning Delivery Division | Environment, Planning and Sustainable Development | ACT Government

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

Canberra Sand & Gravel - Action Tracker – 1 November 2018

Meeting Thursday 1 November 2018

Present: David Snowden, Alex Taylor, Darren Gerard, Ben Green, Sean Sloan & Narelle Sargent

Discussion:

- Discussion about the outcome we are after, which is to have CS&G compliant.
- Seems that we need the endorsement of the Conservator to be in the River Corridor for this to be achieved.
- If the conservator agrees, EPSDD can endorse the use, then TCSS can issue a licence.
- NoWaste have extended time to finalise the WMRR Licence.
- Under the Public Unleased Land Act, TCSS can issues a licence (3 years) for unapproved use of Territory Land.

PRIORITY ACTION:

TCSS to organise a round table meeting with the Conservator. Meeting to include: Stephen Algeria, Jim Corrigan, Ben Green and Narelle Sargent.

Plan B:

Ben can issue Orders under the Planning and Development Act. Order to cease using unleased Territory land and rehabilitate land (brief four Ministers)

Table 1: Status of Actions

Agency Lead and Contact	Action	Progress
Brett Phillips - EPSDD <i>Planning and Development Act 2008</i> - Development applications, variations to crown lease.	Brett to speak to Monica Saad, Leasing area, EPSDD to look into the Crown Lease covenants and check whether any variations of the Crown Lease have occurred, possibility of variations to Crown lease, explore other options and provide advice to Ben Green regarding the current inconsistent use of the Crown Lease.	<p>Canberra Sand and Gravel Pty Limited was granted a Crown lease under the <i>Leases Ordinance 1918-1966</i> on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River.</p> <p>The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of \$2,800 pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered.</p> <p>No lease variations have been sought. If a lease variation was sought the application would need to have regard to uses permitted within the relevant zone.</p> <p>The block is located within the NUZ4: River Corridor zone of the</p>

Canberra Sand & Gravel - Action Tracker – 1 November 2018

		<p>Territory Plan, uses permitted in this zone include:</p> <ul style="list-style-type: none"> • Agriculture, farm tourism, land management facility, major road, major utility installation, minor road, minor use, nature conservation area, parkland and woodlot.
<p>Ben Green - Access <i>Canberra-Planning and Development Act 2008 - Enforcement</i></p>	<p>Possible Controlled Activity Order Re breaches of Crown Lease and <i>Building Act 2004</i> regarding potential unapproved structures if require building approval. Ben will allocate an officer to work through issues and conduct investigations.</p>	
<p>Alex Taylor – TCCC - Waste Regulation <i>Waste Management and Resource Recovery Act (WMRR) 2016 - Waste Facility Licence</i></p>	<p>To decide on Waste Facility Licence application received from CSG under s.18 Waste Management and Resource Recovery Act 2016. If the application is refused CSG must cease business. The licence cannot be issued if inconsistent with other laws. It may be possible to issue the licence with conditions for a year to transition from site over 12 months. Deadline to decide on application is next week.</p>	<p>Decision on the application for licensing as a Waste Facility under the <i>WMRR Act</i> has been extended to allow CSG to provide a response to request for information on evidence of the right to occupy the site.</p>
<p>Sean Sloan and Darren Gerrard - TCCS <i>Public Unleased Land Act 2013</i></p>	<p>To conduct further investigations regarding encroachments on to unleased land and explore potential ways of resolving and regulatory options.</p>	<p>Not able to do anything under PUL Act 2013 (prior conditions did not transition across to the new Act) Corridor is all EPSDD PUL Act 2013 The Land is EPSDD Land</p>
<p>Narelle Sargent - EPA <i>Environment Protection Act 1997 – Environmental Authorisation</i></p>	<p>Granting of environmental authorisation and potential action for breaches of environmental authorisation may depend on action being taken in relation to breaches of the Crown lease, unleased Territory land, Waste Facility licence</p>	<p>Progress subject to outcome of actions above.</p>

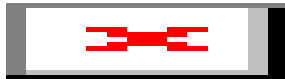
From: Edgar, Olivia on behalf of Phillips, Brett
Sent: Wed, 6 Feb 2019 16:36:18 +1100
To: Saad, Monica
Subject: FW: Draft Notes - Meeting about CS&G [SEC=UNCLASSIFIED]

From: Sargent, Narelle
Sent: Tuesday, 5 February 2019 2:14 PM
To: Phillips, Brett <Brett.Phillips@act.gov.au>
Subject: Draft Notes - Meeting about CS&G

Hi Alex, Sean, Ben and Gerrard & Brett
Can you please advise of any progress since the last meeting. We will look to meet to finalise/progress an outcome in the next few weeks.

Thanks
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Sargent, Narelle
Sent: Thursday, 8 November 2018 4:48 AM
To: Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Green, Ben (ACTPLA) <Ben.Green@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: Draft Notes - Meeting about CS&G

Hi Alex, Sean, Ben and Darren
Attached are the draft actions from our meeting about CS&G last Thursday 1 November.

Please advise of any changes.

Warm regards

Narelle

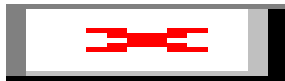
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile Sch 2.2(a)(ii) | Email: narelle.sargent@act.gov.au

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



From: Sargent, Narelle
Sent: Monday, 11 February 2019 1:10 PM
To: Kaucz, Alix
Cc: Saad, Monica
Subject: Canberra Sand & Gravel Update

Hi Alix

Monica Saad has kindly phoned to let me know that in regards to the matter we are progressing with Canberra Sand and Gravel, you are the appropriate area for a variation to the Territory Plan.

There is a long history to the site which Geoffrey Rutledge and Brett Phillips are aware of which I am happy to talk you and relevant team members through. Below summaries where we are up to.

I am hoping someone from your team can attend the meeting on Wednesday at 11.00am – I have sent the diary appointment.

Alternately it may be that I meet with you and relevant staff such as Kathy Cusack.

Please do not hesitate to call me to discuss.

Warm regards
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Sargent, Narelle
Sent: Monday, 11 February 2019 12:55 PM
To: Gerrard, Darren <Darren.Gerrard@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Saad, Monica <Monica.Saad@act.gov.au>; Taylor, Alex <Alex.Taylor@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Curtin, Daniel <Daniel.Curtin@act.gov.au>
Subject: Canberra Sand & Gravel Update

Dear Alex, Brett, Ben, Sean, Darren and Monica

In preparation for our meeting on Wednesday, following is a *summary as to where we are up to*:

Sch 1 1.14

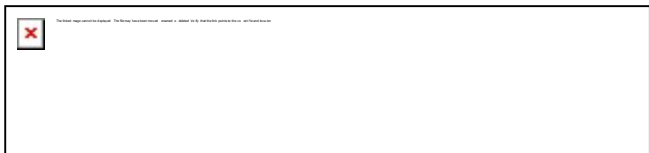
Sch 1 1.14

[Redacted]

[Redacted]

Warm regards
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile **Sch 2.2(a)(ii)** Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: McIntyre, Sara
Sent: Thu, 21 Mar 2019 03:24:22 +0000
To: Glennon, Chris; Larson, Eliza
Subject: RE: Canberra Sand & Gravel Site Inspection [SEC=UNCLASSIFIED]
Attachments: EA 0425 CSG EMP Appendices A, B and C.pdf, EA 0425 CSG EMP August 2014.pdf, EA 0425 CSG EMP Figures 1 and 2.pdf

Hi Chris and Eliza,

I understand that you have both had discussions with Narelle regarding the Canberra Sand and Gravel site at Fyshwick. I have attached a copy of their approved Environment Management Plan which outlines the controls that are in place to minimise the impacts from their activities.

Please have a read over the documents and let me know if there are any areas of the operation that you are particularly concerned about. I can then organise a site inspection with the site operator if you wish to investigate further.

Happy to discuss in person if needed.

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Protection

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO BOX 158 | CANBERRA ACT 2601 |
www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

From: Sargent, Narelle
Sent: Wednesday, 20 February 2019 9:56 AM
To: Glennon, Chris <Chris.Glennon@act.gov.au>
Cc: Larson, Eliza <Eliza.Larson@act.gov.au>; McIntyre, Sara <Sara.McIntyre@act.gov.au>
Subject: Canberra Sand & Gravel Site Inspection

Hi Chris

Thanks for agreeing to participant in a site inspection of Canberra Sand and Gravel in Fyshwick. The inspection will be in about two weeks.

Warm regards
Narelle

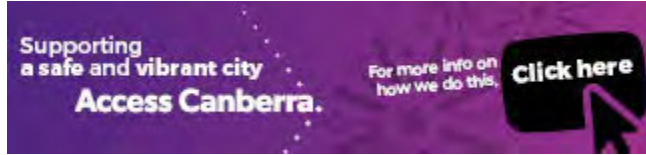
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile **Sch 2.2(a)(ii)** Email: narelle.sargent@act.gov.au

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



From: Mulvaney, Michael
Sent: Thu, 4 Apr 2019 23:13:23 +0000
To: Larson, Eliza
Subject: RE: Canberra Sand & Gravel Site Inspection [SEC=UNCLASSIFIED]

Eliza – there wasn't enough information for me to sensibly comment on this – I have spoken to Sara and will accompany her on a site inspection late in April

Cheers Michael mulvaney

From: Larson, Eliza
Sent: Wednesday, 3 April 2019 3:11 PM
To: Mulvaney, Michael <Michael.Mulvaney@act.gov.au>
Subject: FW: Canberra Sand & Gravel Site Inspection [SEC=UNCLASSIFIED]

Hi Michael,

I'm not really sure what this one is about, but do you have any comments/concerns about this/do we need a site inspection?

Thanks,

Eliza Larson | Project Officer | Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: McIntyre, Sara
Sent: Thursday, 21 March 2019 2:24 PM
To: Glennon, Chris <Chris.Glennon@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>
Subject: RE: Canberra Sand & Gravel Site Inspection [SEC=UNCLASSIFIED]

Hi Chris and Eliza,

I understand that you have both had discussions with Narelle regarding the Canberra Sand and Gravel site at Fyshwick. I have attached a copy of their approved Environment Management Plan which outlines the controls that are in place to minimise the impacts from their activities.

Please have a read over the documents and let me know if there are any areas of the operation that you are particularly concerned about. I can then organise a site inspection with the site operator if you wish to investigate further.

Happy to discuss in person if needed.

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Protection

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au
Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO BOX 158 | CANBERRA ACT 2601 |
www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

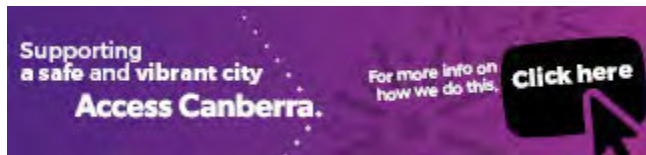
From: Sargent, Narelle
Sent: Wednesday, 20 February 2019 9:56 AM
To: Glennon, Chris <Chris.Glennon@act.gov.au>
Cc: Larson, Eliza <Eliza.Larson@act.gov.au>; McIntyre, Sara <Sara.McIntyre@act.gov.au>
Subject: Canberra Sand & Gravel Site Inspection

Hi Chris

Thanks for agreeing to participant in a site inspection of Canberra Sand and Gravel in Fyshwick. The inspection will be in about two weeks.

Warm regards
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile Sch 2.2(a)(ii) Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: McIntyre, Sara
Sent: Tue, 9 Apr 2019 01:29:29 +0000
To: Larson, Eliza; Sargent, Narelle
Cc: Glennon, Chris; Mulvaney, Michael
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Eliza,

I had a brief chat with Michael last week. I think it would be useful to have a brief catchup to clarify the issues for each area before we do a site visit. I am on leave for the next 2 weeks so I will send a meeting request for after the school holidays.

I will organise a site inspection with the owner of Canberra Sand and Gravel after our meeting.

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Protection

Phone: 02 6207 2144 | **Fax:** 02 6207 6084 | **email:** sara.mcintyre@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO BOX 158 | CANBERRA ACT 2601 |
www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

From: Larson, Eliza
Sent: Friday, 5 April 2019 3:03 PM
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Cc: Glennon, Chris <Chris.Glennon@act.gov.au>; McIntyre, Sara <Sara.McIntyre@act.gov.au>
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Narelle,

Thanks for following up and apologies in the delay in getting back to you both.
I have forwarded this on to Michael Mulvaney who has organised to accompany Sara on a site visit in late April. I believe Chris may also be interested in attending – will a meeting invite be sent around?

Thanks,

Eliza Larson | Project Officer | Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Sargent, Narelle
Sent: Wednesday, 3 April 2019 12:42 PM
To: Glennon, Chris <Chris.Glennon@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>
Subject: Canberra Sand and Gravel

Hi Chris and Eliza

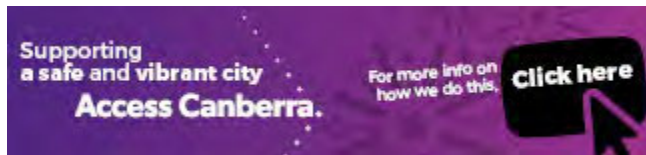
I am just following up on an email from Sara McIntyre on 21 March in regards to Canberra Sand and Gravel including the EMP.

Did you have any comments or concerns on the documents.

We are happy to organise a site inspection to address any concerns.

Warm regards
Narelle

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Mulvaney, Michael
Sent: Friday, 14 June 2019 9:26 AM
To: Watts, Michaela; Larson, Eliza
Subject: FW: Canberra Sand and Gravel [SEC=UNCLASSIFIED]
Attachments: sand and Gravel.jpg; flow into Molonglo.mht; flow 2.mht; Outflow .mht

Follow Up Flag: Follow up
Flag Status: Flagged

Eliza the aphid is not the bad one (same general colour but Grey Poplar Aphid has a stripy appearance – I think we photographed the black bean aphid)

This is my intended reply, Michaela do you want to send or do you want me to, or should it come from the Conservator? I think the directorate should be taking action on what seems to be blatantly unlawful activity, albeit it has occurred over decades.

The Environmental Management Plan relating to the works of Canberra Sand and Gravel is inadequate in relation to consideration of wildlife matters. However, the key issue is that the works appear to have illegally extended way beyond the lease area to impact adversely on unleased public land, that lies within a public reserve. The dumping of materials and waste and the formation of a settlement pond and tracks on this public land has probably destroyed habitat of the vulnerable striped legless lizard and areas of critically endangered Natural Temperate Grassland. As shown in the attached map endangered grassland and possible striped legless lizard habitat directly adjoins the area that has been degraded by the activities of the Sand and Gravel work site. Much of the area of encroachment has been used to dump waste material and old machinery and as vehicle parking or turn around areas, there would seem to be a case for remediation to occur.

The area of Native Temperate grassland is about 0.5ha in area and has a moderate to high species diversity. It easily meets the criteria for being considered as part of the critically endangered temperate grassland listed as critically endangered under the Commonwealth's *Environment Protection Biodiversity Conservation Act*. In 2011-2012 the land immediately to the south of the area of work activity and dumping was surveyed for striped legless lizard. The general area was found to support a high density of the lizards. Lizards were found within the tile grid closest to the area of interest, with the grid being located within 300m of the settlement pond.

In addition to the land being strewn with dumped material, there is only sparse indication of active management of weeds, which seems to have been focused on Serrated Tussock.

Montpellier Broom (*Genista monspessulana*) was observed at several locations within the work area. Under the *Pest Plants and Animals Act 2005* all infestations on a premises must be controlled. There was no evidence that this plant is being controlled.

The work area also contains large infestation of African Love Grass, Chilean Needle Grass, Serrated Tussock and Blackberry that under the *Pest Plants and Animals Act 2005* must be contained to a premises and stopped from spreading to neighbouring areas. Dense thickets of Blackberry occur right along the eastern boundary of the work area adjacent to the Molonglo River. The riverside location of these thickets mean that they will almost continuously be dropping or have washed in fruit, seed or viable vegetative material into the River with these propagules spreading to downstream neighbouring areas. The adjacent area of Natural Temperate Grassland is threatened by invasion of weed species that should be being contained on neighbouring lands.

Willows and other larger exotic trees seem to have been felled within the northern riverside section of the area, but large willows, poplars, ashes and dense stands of large leaved privet occur in the southern section. Darters and Cormorants are likely to roost in the vegetation along the whole riverside but particularly in the southern section. Although weedy the vegetation on the riverside edge of activity is important for the movement of birds and other

animals along the Molonglo. The use and protection of the bird roosting and wildlife connectivity value of the riverside area should be considered within any environmental management plan.

It has been a drier than usual Autumn –early Winter, but during the inspection a steady flow of about 2cm deep by 1 m wide of highly turbid water was observed following out of the north end of the settlement pond directly into the Molonglo River via an eroding channel. The edge of the pond and the Molonglo River are only about 10m apart at this location (see attached video). Exactly what may be in this discharging water is unknown, but impacts on water quality are of a concern. Artificial cod caves have been placed just down river of the area of activity. Two species of threatened fish Murray Cod and Silver Perch have been recorded utilising the caves, while Macquarie Perch may also possibly be found there.

Conservator Liaison would be happy to provide advice on suitable species to be used in remediation work within the area of degraded public land.

Cheers Michael Mulvaney

From: McIntyre, Sara
Sent: Tuesday, 9 April 2019 11:29 AM
To: Larson, Eliza <Eliza.Larson@act.gov.au>; Sargent, Narelle <Narelle.Sargent@act.gov.au>
Cc: Glennon, Chris <Chris.Glennon@act.gov.au>; Mulvaney, Michael <Michael.Mulvaney@act.gov.au>
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Eliza,

I had a brief chat with Michael last week. I think it would be useful to have a brief catchup to clarify the issues for each area before we do a site visit. I am on leave for the next 2 weeks so I will send a meeting request for after the school holidays.

I will organise a site inspection with the owner of Canberra Sand and Gravel after our meeting.

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Protection

Phone: 02 6207 2144 | **Fax:** 02 6207 6084 | **email:** sara.mcintyre@act.gov.au

Construction, Environment and Workplace Protection | Access Canberra | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

From: Larson, Eliza
Sent: Friday, 5 April 2019 3:03 PM
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Cc: Glennon, Chris <Chris.Glennon@act.gov.au>; McIntyre, Sara <Sara.McIntyre@act.gov.au>
Subject: RE: Canberra Sand and Gravel [SEC=UNCLASSIFIED]

Hi Narelle,

Thanks for following up and apologies in the delay in getting back to you both.

I have forwarded this on to Michael Mulvaney who has organised to accompany Sara on a site visit in late April. I believe Chris may also be interested in attending – will a meeting invite be sent around?

Thanks,

Eliza Larson | Project Officer | Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Sargent, Narelle

Sent: Wednesday, 3 April 2019 12:42 PM

To: Glennon, Chris <Chris.Glennon@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>

Subject: Canberra Sand and Gravel

Hi Chris and Eliza

I am just following up on an email from Sara McIntyre on 21 March in regards to Canberra Sand and Gravel including the EMP.

Did you have any comments or concerns on the documents.

We are happy to organise a site inspection to address any concerns.

Warm regards

Narelle

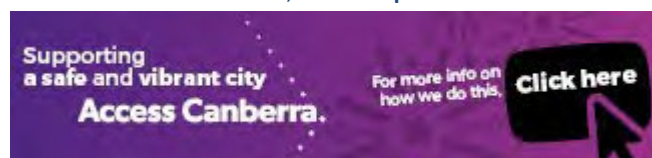
Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

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

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) Email: narelle.sargent@act.gov.au

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



From: McIntyre, Sara
Sent: Fri, 14 Jun 2019 00:06:16 +0000
To: Larson, Eliza
Subject: RE: CSG [SEC=UNCLASSIFIED]

Hi Eliza,

Thanks for the document, it is one that we already have on our records.

We are going to head out in our boat next week to have a better look at the dam.

Kind regards,

Sara McIntyre | Environment Protection Officer | Environment Protection

Phone: 02 6207 2144 | Fax: 02 6207 6084 | email: sara.mcintyre@act.gov.au

Environment Protection Authority | Access Canberra | ACT Government

TransACT House, 470 Northbourne Avenue, Dickson | GPO BOX 158 | CANBERRA ACT 2601 |

www.accesscanberra.act.gov.au

Please note that my work hours are Monday to Friday, 9.30 am to 2.30 pm.

From: Larson, Eliza
Sent: Thursday, 13 June 2019 3:02 PM
To: McIntyre, Sara <Sara.McIntyre@act.gov.au>
Subject: CSG [SEC=UNCLASSIFIED]

Hi Sara,

I think the attached file is the one/or similar I was thinking of, but given it was Rodney's comments, perhaps it is known information or the problem was rectified?

I've also attached a photo of the overflow- apologies, it didn't turn out very good!

Cheers,

Eliza Larson

Project Officer I Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

Environment Division I Environment, Planning and Sustainable Development Directorate I ACT Government

Level 1 North, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au

From: Hsu, Linda
Sent: Mon, 1 Aug 2022 07:46:04 +0000
To: Oshyer, Aaron
Cc: Myers, Rhonda
Subject: RE: Canberra Sand and Gravel - Block 2 Section 63 Fyshwick (formerly Block 875 Canberra City)

OFFICIAL

Hi Aaron

We have Block 2 Section 63 Fyshwick - Canberra Sand and Gravel in our system. The quarterly rent is [Sch 2.2(a)(x)] and the annual rent is [Sch 2.2(a)(ii)]. Yes, we are still collecting the land rental fees for this site.

According to our Oracle system, Canberra Sand and Gravel has paid the land rents to us from 1 January 2009 and up to 30 September 2022 for Block 2 Section 63 Fyshwick. Currently there is a zero balance on the rental account for Canberra Sand and Gravel over Block 2 Section 63 Fyshwick in our Oracle system.

Please note that due to the upgrade of our Oracle system on the late of 2008, we lost all the financial information in Oracle prior to 2009. Now, our Oracle system only has the financial information since from 1 January 2009 up to now for Canberra Sand and Gravel for Block 2 Section 63 Fyshwick.

Regards

Linda

From: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Sent: Monday, 1 August 2022 1:02 PM
To: Hsu, Linda <Linda.Hsu@act.gov.au>
Cc: Hughes, Elanor (Health) <Elanor.Hughes@act.gov.au>; Myers, Rhonda <Rhonda.Myers@act.gov.au>
Subject: FW: Canberra Sand and Gravel - Block 2 Section 63 Fyshwick (formerly Block 875 Canberra City)

OFFICIAL

Hi Linda,

We have been approached by the Licencing team at TCCS seeking information about land rent fees for Block 2 Section 63 Fyshwick (formerly Block 875 Canberra City).

Canberra Sand and Gravel Pty Limited was granted a Crown lease under the *Leases Ordinance 1918-1966* on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River. The Crown

lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of ^{Sch 2.2(a)(xi)} pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered.

Attached is a copy of the Crown lease for Block 875 Canberra City.

The email of 31 March 2019 below suggests Canberra Sand and Gravel have for many years been receiving (and paying) invoices for quarterly rent in relation to the above block. It is stated that their current customer number is 1297.

Can you please advise if we are still collecting the land rental fees for this site?

Thanks,

Aaron Oshyer | Director Leasing Administration

Phone 02 6205 8394 | Email: aaron.oshyer@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Sch 1 1.2

From: Oshyer, Aaron
Sent: Monday, 1 August 2022 5:51 PM
To: Diraviam, Thilagam
Cc: TCCS_LC LandUse
Subject: RE: Query - Block 2 Section 63 Fyshwick

OFFICIAL

Hi Thilagam,

Our Finance team has advised we have Block 2 Section 63 Fyshwick - Canberra Sand and Gravel in our system. The quarterly rent is [Sch 2.2(a)(xi)] and the annual rent is [Sch 2.2(a)(xi)]. Yes, we are still collecting the land rental fees for this site.

According to our Oracle system, Canberra Sand and Gravel has paid the land rents to us from 1 January 2009 and up to 30 September 2022 for Block 2 Section 63 Fyshwick. Currently there is a zero balance on the rental account for Canberra Sand and Gravel over Block 2 Section 63 Fyshwick in our Oracle system.

Please note that due to the upgrade of our Oracle system on the late of 2008, we lost all the financial information in Oracle prior to 2009. Now, our Oracle system only has the financial information since from 1 January 2009 up to now for Canberra Sand and Gravel for Block 2 Section 63 Fyshwick.

Kind regards,

Aaron Oshyer | Director Leasing Administration

Phone 02 6205 8394 | Email: aaron.oshyer@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Oshyer, Aaron
Sent: Monday, 1 August 2022 3:12 PM
To: Diraviam, Thilagam <Thilagam.Diraviam@act.gov.au>
Cc: TCCS_LC LandUse <TCCS.LandUse@act.gov.au>
Subject: RE: Query - Block 2 Section 63 Fyshwick

OFFICIAL

Hi Thilagam,

Canberra Sand and Gravel Pty Limited was granted a Crown lease under the *Leases Ordinance 1918-1966* on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River. The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of \$[Sch 2.2(a)(xi)] pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered. Attached is a black and white copy of the Crown lease for Block 875 Canberra City.

We have approached our finance team to see if we are collecting the land rental fees for Block 2 Section 63 Fyshwick (formerly Block 875 Canberra City).

We will advise you when the information comes to hand.

Thanks,

Aaron Oshyer | Director Leasing Administration

Phone 02 6205 8394 | Email: aaron.oshyer@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Diraviam, Thilagam <Thilagam.Diraviam@act.gov.au>

Sent: Friday, 29 July 2022 4:56 PM

To: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>

Cc: TCCS_LC LandUse <TCCS.LandUse@act.gov.au>

Subject: FW: Query - Block 2 Section 63 Fyshwick

OFFICIAL

Good afternoon Aaron

TCCS L& C is working on Canberra Sand and Gravel leases in Fyshwick and Mitchell.

We received the attached old lease from Andrew Neilson – Custodianship team. Please see his email below.

The current Block in Fyshwick is Block 2 Section 63. The previous retired Block is 875 Canberra City. The lease was issued over Block 875 Canberra City for Canberra Sand and Gravel in 1971 and I have attached the lease for your reference.

The title / attached Crown lease does not reflect in ACTLIS.

TCCS would like to know whether this lease is still valid and the authority is still collecting the land rental fees.

Any help on this lease is much appreciated.

Thanks Aaron.

Regards

[Thilagam Diraviam](#)

L&C Licensing

P 02 62077165 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](#)



Connected services for the people of Canberra

From: Neilsen, Andrew <Andrew.Neilsen@act.gov.au>

Sent: Friday, 29 July 2022 1:25 PM

To: Diraviam, Thilagam <Thilagam.Diraviam@act.gov.au>

Subject: RE: Query - Block 2 Section 63 Fyshwick

OFFICIAL

Hi Thilagam,
I'm sorry I did miss this request. Thank you for checking, I've been pretty busy recently.
I've had a look through the LRAC files for this site and there is nothing of use there.
The lease is actually under the retired block - Block 875 CANBERRA CENTRAL. I've attached a colour copy of the original lease. I don't think its registered anymore, I found no reference on ACTLIS either.
I've never seen a lease like this one, I recommend talking to the leasing team about it. A good first contact is Aaron Oshyer. I am pretty sure there has been action by the EPA and compliance too.
Sorry for the delay in getting back to you.
Regards
Andrew N

From: Diraviam, Thilagam <Thilagam.Diraviam@act.gov.au>
Sent: Friday, 29 July 2022 12:10 PM
To: Neilsen, Andrew <Andrew.Neilsen@act.gov.au>
Subject: FW: Query - Block 2 Section 63 Fyshwick

OFFICIAL

Good morning Andrew

I was not sure whether I received reply for this query.

The enquiry/investigation on Canberra Sand and Gravel Fyshwick site has started again.

Could you please provide your corporate knowledge on this Block please.

Regards

[Thilagam Diraviam](#)

L&C Licensing

P 02 62077165 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](#)



Connected services for the people of Canberra

From: Diraviam, Thilagam
Sent: Friday, 11 February 2022 12:05 PM
To: Neilsen, Andrew <Andrew.Neilsen@act.gov.au>
Cc: TCCS_LC LandUse <TCCS.LandUse@act.gov.au>
Subject: Query - Block 2 Section 63 Fyshwick

OFFICIAL

Hi Andrew

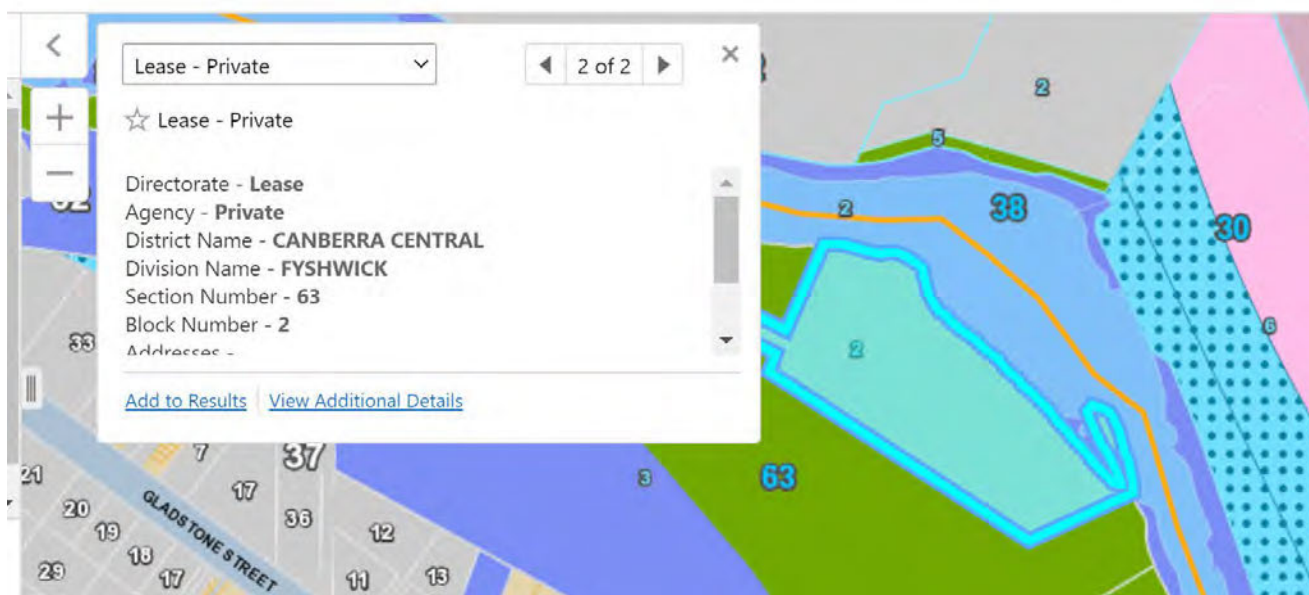
Good afternoon

The Block 2 Section 63 Fyshwick used by Canberra Sand and Gravel shows as private leased land in ACTMAPi but I cannot find any lease in ACTLIS.

Do you know anything on this Block?

Would be very helpful if you shed some light on this.

Thanks Andrew



Regards

[Thilagam Diraviam](#)

L&C Licensing

P 02 62077165 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | **ACT Government**

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](https://twitter.com/tccs_act)



Connected services for the people of Canberra

From: Oshyer, Aaron
Sent: Thursday, 19 January 2023 5:52 PM
To: Wildermuth, John
Cc: Paynter, Patrick
Subject: RE: Eastern Broadacre - Canberra Sand and Gravel
Attachments: Copy of lease for Block 875 Canberra City.pdf

— OFFICIAL

Hi John,

Canberra Sand and Gravel Pty Limited was granted a Crown lease under the *Leases Ordinance 1918-1966* on 29 November 1971 over Block 875 Canberra City (now part of Block 2 Section 63 Fyshwick) for the purpose of winning of and the processing of bed load material from the Molonglo River. The Crown lease commenced on 11 November 1970 for a term of 12 months and thereafter quarterly with a rent at the rate of ^{Sch 2.2(a)(xi)} pa payable quarterly in advance. The Crown lease does not contain a provision to reappraise the rent. The Crown lease is unregistered. Attached is a black and white copy of the Crown lease for Block 875 Canberra City.

Our Finance team has advised we have Block 2 Section 63 Fyshwick - Canberra Sand and Gravel in our system. The quarterly rent is ^{Sch 2.2(a)(xi)} and the annual rent is \$^{Sch 2.2(a)(xi)}. Yes, we are still collecting the land rental fees for this site.

According to our Oracle system, Canberra Sand and Gravel has paid the land rents to us from 1 January 2009 and up to 30 September 2022 for Block 2 Section 63 Fyshwick. Currently there is a zero balance on the rental account for Canberra Sand and Gravel over Block 2 Section 63 Fyshwick in our Oracle system.

Please note that due to the upgrade of our Oracle system on the late of 2008, we lost all the financial information in Oracle prior to 2009. Now, our Oracle system only has the financial information since from 1 January 2009 up to now for Canberra Sand and Gravel for Block 2 Section 63 Fyshwick.

Please advise if you require further assistance with this matter.

Kind regards,

Aaron Oshyer | Director Leasing Administration

Phone 02 6205 8394 | Email: aaron.oshyer@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

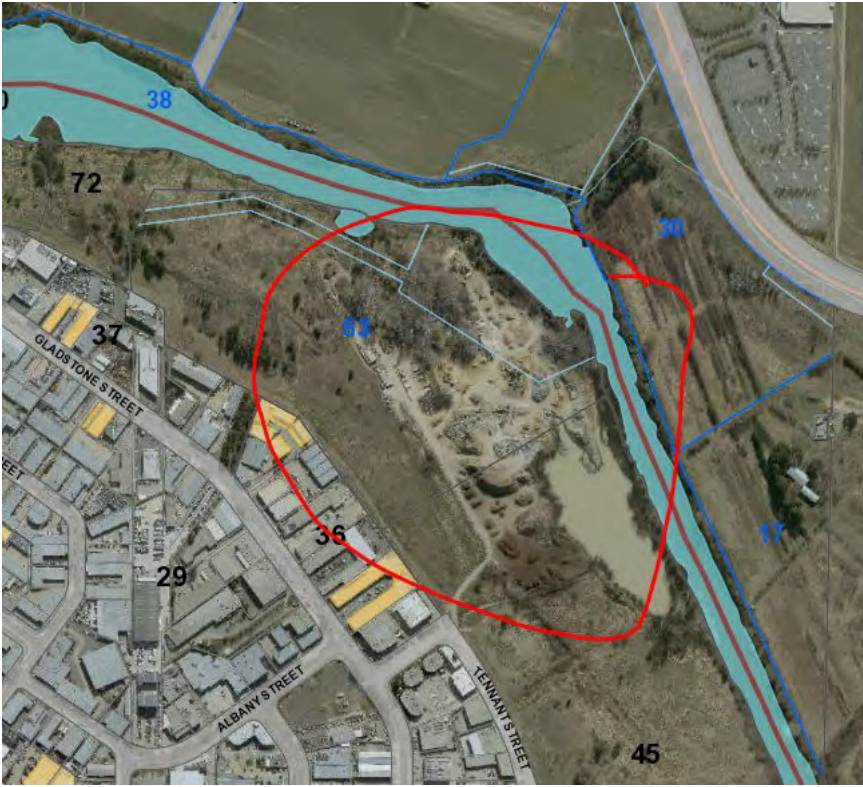
Level 1, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Wildermuth, John <John.Wildermuth@act.gov.au>
Sent: Thursday, 19 January 2023 4:06 PM
To: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Cc: Paynter, Patrick <Patrick.Paynter@act.gov.au>
Subject: Eastern Broadacre - Canberra Sand and Gravel

OFFICIAL

Aaron hi,

I am chasing some advice about Canberra Sand and Gravel; the status of their leases, licences and current ideas on the duration of their tenure –



Development & Implementation | Infrastructure Projects is undertaking an Infrastructure Feasibility study into two areas in East Canberra, IA1 & IA2

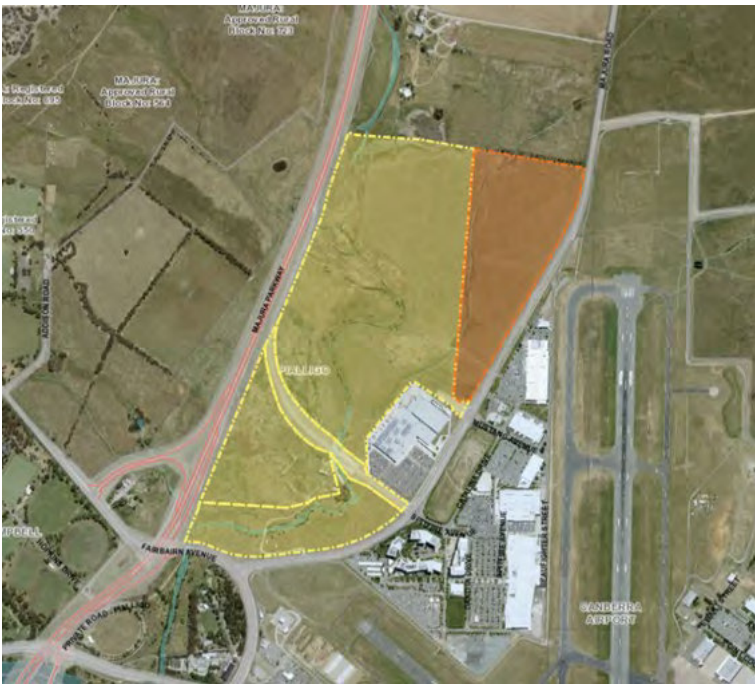


Figure 1- IA1



Figure 2 - IA2

And we would appreciate advice so that we can better structure our engagement with them.

Thanks Aaron, hopefully talk soon

John Wildermuth (he / his) | Infrastructure Officer

Phone +61 2 6205 0165 | john.wildermuth@act.gov.au

Infrastructure Projects | Environment, Planning and Sustainable Development Directorate | ACT Government

480 NBA Dickson | GPO Box 158 Canberra ACT 2601 | act.gov.au

We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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: Oshyer, Aaron
Sent: Tuesday, 16 May 2023 12:57 PM
To: Gerrard, Darren
Subject: RE: Canberra Sand and Gravel, Fyshwick - current lease payments Block 2 Section 63 (Originally Block 875)

OFFICIAL

Hi Darren,

We have checked our files and see that we advised Thilagam Diraviam in TCCS on 1 August 2022 the following:

Our Finance team has advised we have Block 2 Section 63 Fyshwick - Canberra Sand and Gravel in our system. The quarterly rent is [Sch 2.2(a)(xi)] and the annual rent is [Sch 2.2(a)(xi)]. Yes, we are still collecting the land rental fees for this site.

According to our Oracle system, Canberra Sand and Gravel has paid the land rents to us from 1 January 2009 and up to 30 September 2022 for Block 2 Section 63 Fyshwick. Currently there is a zero balance on the rental account for Canberra Sand and Gravel over Block 2 Section 63 Fyshwick in our Oracle system.

Please note that due to the upgrade of our Oracle system on the late of 2008, we lost all the financial information in Oracle prior to 2009. Now, our Oracle system only has the financial information since from 1 January 2009 up to now for Canberra Sand and Gravel for Block 2 Section 63 Fyshwick.

Kind regards,

Aaron Oshyer | A/g Snr Director Leasing Administration

Phone 02 6205 8394 | Email: aaron.oshyer@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: Gerrard, Darren <Darren.Gerrard@act.gov.au>

Sent: Tuesday, 16 May 2023 12:29 PM

To: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>

Subject: Canberra Sand and Gravel, Fyshwick - current lease payments Block 2 Section 63 (Originally Block 875)

OFFICIAL

Hi Aaron

Sorry about this, as discussed, we are trying to determine if CSG is still paying [Sch 2.2(a)(xi)] or has it gone up since 1971. See attached

Regards

Darren Gerrard | Assistant Director, L&C Licensing

P 02 62057245 | F 02 6207 5956

City Services | Transport Canberra and City Services Directorate | ACT Government

480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601
www.act.gov.au | www.tccs.act.gov.au | [@tccs_act](https://twitter.com/tccs_act)



Connected services for the people of Canberra