



**ACT**  
Government

Transport Canberra and  
City Services

## FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 22-150

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not applicable
6. Fees	Not Applicable
7. Processing time (in working days)	20 days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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To  
FOI - Information Management Team  
Environment Planning and Sustainable Development Directorate  
GPO Box 158  
Canberra ACT 2601

epsdfoi@act.gov.au

Date  
25.10.2022

Subject  
**Request for Information Relating to Application for Direct Sale - Part Block 11 Section 47 Fyshwick**

1

### **Applicant**

[REDACTED]  
[REDACTED] This is an application for access to information made on behalf of those entities pursuant to Part 5 Division 5.1 Section 30 of the *Freedom of Information Act 2016* (the FOI Act).

### **Background**

Blocks 11 & 12 Section 38 Fyshwick adjoins Part Block 11 Section 47 Fyshwick. Part Block 11 Section 47 Fyshwick is unleased Territory land. On 17 January 2022, [REDACTED] and [REDACTED] formally applied to acquire Part Block 11 Section 47 Fyshwick. In accordance with standard procedure, the direct sale application progressed through:

1. Circulation through the whole of government Land Release Advisory Committee (LRAC)
2. Consideration of response to comments by the LRAC
3. Consideration and support by the Direct Sale Panel

A key issue of EPSDD and TCCS was the desire to obtain the written support of UGL who manage the Transport NSW rail assets and act in their interests. On 23 June 2022, [REDACTED] wrote to UGL providing a full briefing on the matter and requesting UGL's support. [REDACTED]

[REDACTED]

- 1. [REDACTED]
- 2. [REDACTED]
- 3. [REDACTED]
- 4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED] At present effective land management by the ACT Government is constrained by poor accessibility and the limited resources available to the Territory custodian. As a result the level of safety, security and bushfire management at the railway interface is relatively poor. [REDACTED]  
[REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Applicant's Legitimate Interests**

We believe that it is inappropriate and unreasonable:

- for the ACT Government to make their decision on our direct sale application for unleased Territory land subject to the de facto approval/veto of a third party being UGL acting as an agent of Transport NSW;

[REDACTED]

### **Scope of Information Requested**

The information requested relates to the direct sale application [REDACTED] and [REDACTED] for Part Block 11 Section 47 Fyshwick (**Application DS2022-330**).

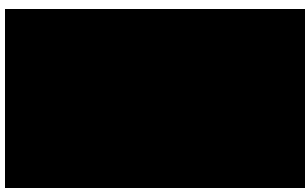
The information requested is relevant to the time period **29 August 2022 to 25 October 2022**.

The information requested comprises the following:

- Copies of any documents (including drafts) being emails, meeting notes, file notes, briefing papers, minutes, working papers, reviews, assessments, reports or other written items prepared by Development and Implementation Strategic Projects EPSDD in relation to Application DS2022-330 within the relevant period.
- Copies of any documents (including drafts) being emails, meeting notes, file notes, briefing papers, minutes, working papers, reviews, assessments, reports or other written items prepared by other ACT Government entities in relation to Application DS2022-330 within the relevant period.
- Copies of any written communications or records of verbal communication between EPSDD and UGL and/or Transport NSW in relation to Application DS2022-330 within the relevant period.
- Copies of any documents (including drafts) being emails, meeting notes, file notes, briefing papers, minutes, working papers, reviews, assessments, reports or other written items relating specifically to the scope, objectives and time frames for the Executive inquiries in relation to Application DS2022-330 within the relevant period.

#### **Notices and Communications**

Any communications and/or notices issued pursuant to this request for information should be in writing and may be sent to [REDACTED] via email to [REDACTED] or via post to:



Your earliest possible response is requested.

Yours sincerely

[REDACTED]


[REDACTED]



Dear 

### Freedom of Information Request - Reference 22-150

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 8 November 2022 by partial transfer from Environment, Planning and Sustainable Development Directorate (EPSDD). It is my understanding that you are seeking access to the following government information:

*"The information requested relates to the direct sale application submitted by  for Part Block 11 Section 47 Fyshwick (Application DS2022-330). The information requested is relevant to the time period 29 August 2022 to 25 October 2022. The information requested comprises the following:*

- 1) *Copies of any documents (including drafts) being emails, meeting notes, file notes, briefing papers, minutes, working papers, reviews, assessments, reports, or other written items prepared by Development and Implementation Strategic Projects EPSDD in relation to Application DS2022-330 within the relevant period.*
- 2) *Copies of any documents (including drafts) being emails, meeting notes, file notes, briefing papers, minutes, working papers, reviews, assessments, reports, or other written items prepared by other ACT Government entities in relation to Application DS2022-330 within the relevant period.*
- 3) *Copies of any written communications or records of verbal communication between EPSDD and UGL and/or Transport NSW in relation to Application DS2022-330 within the relevant period.*
- 4) *Copies of any documents (including drafts) being emails, meeting notes, file notes, briefing papers, minutes, working papers, reviews, assessments, reports, or other written items relating specifically, to the scope, objectives, and time frames for the Executive inquiries in relation to Application DS2022-330 within the relevant period."*

This notice of decision addresses part 2 of your application. A separate decision will be provided by EPSDD on the remainder of your application.

### Timeframes

A decision is due on your access application by 6 December 2022.

### Authority

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

### **Decision on access**

In accordance with the FOI Act, a search of TCCS records has been completed and five records have been identified as relevant to your application.

Upon reviewing the information within the records and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with partial access.

The records identified as relevant to your application are listed in the schedule enclosed at Attachment A. A copy of the records with deletions applied to the information I have found to be contrary to the public interest is enclosed at Attachment B.

### **Statement of Reasons**

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

- The FOI Act; and
- The *Human Rights Act 2016*.

In making my decision on disclosing the relevant government information, I must identify all relevant factors in schedule 1 and 2 of the FOI Act and determine, on balance, where the public interest lies.

#### ***Schedule 1:***

- No relevant sections identified.

#### ***Schedule 2:***

##### ***Factors favouring disclosure in the public interest (Section 2.1)***

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community; and
- Schedule 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

##### ***Factors favouring non-disclosure (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 2016*.

In reviewing the relevant records, personal information relating to third parties, including information which is likely to identify a third party, has been identified. This includes the names and contact details for all external parties, including any complainants. I have considered that this information is not readily available to the public and the disclosure of this information is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004* and carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

I have found that the factors favouring disclosure can be satisfied with the deletion of information which is contrary to the public interest. A copy of the relevant information is enclosed at Attachment B.

**Charges**

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. No fee is applicable to your application, as the total number of pages falls within the fee free threshold.

**Online publishing – disclosure log**

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. A copy of your application and my decision will be published in the TCCS disclosure log within 3 – 10 business days. Your personal information will be removed from these records prior to publication. You may view the TCCS’ disclosure log at [TCCS Disclosure Log](#).

**Ombudsman review**

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

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

**ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore Street  
GPO Box 370  
CANBERRA CITY ACT 2601  
Telephone: (02) 6207 1740  
[www.acat.act.gov.au](http://www.acat.act.gov.au)

If you have any queries concerning the directorate’s processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to [tccs.foi@act.gov.au](mailto:tccs.foi@act.gov.au).

Yours sincerely

  
Cherie Hughes  
Information Officer

6 December 2022



## FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: [https://www.tccs.act.gov.au/about-us/freedom\\_of\\_information/disclosure-log](https://www.tccs.act.gov.au/about-us/freedom_of_information/disclosure-log)

Reference number		Summary of the application				
FOI – 22-150		Information Relating to Application for Direct Sale - Part Block 11 Section 47 Fyshwick				
Ref No	Page	Description	Date	Status	Reason for non-release or deferral	Open Access release status
01	1 – 2	Email - Direct Sale of part Block 11 Section 47 Fyshwick ( [REDACTED] - Dairy Road) - impacts on potential future rail corridor	13 October 2022	Full access	N/A	Documents not to be published on the <a href="#">TCCS Disclosure log</a> .
02	3 – 4	Email - Direct Sale of part Block 11 Section 47 Fyshwick ( [REDACTED] - Dairy Road) - impacts on potential future rail corridor	16 October 2022	Full access	N/A	
03	5 – 6	Email - Direct Sale of part Block 11 Section 47 Fyshwick ( [REDACTED] - Dairy Road) - impacts on potential future rail corridor	17 October 2022	Full access	N/A	
04	7 – 9	Email - Direct Sale of part Block 11 Section 47 Fyshwick ( Molonglo Group - Dairy Road) - impacts on potential future rail corridor (2)	18 October 2022	Partial access	Sch 2, Section 2.2 (a)(ii)	

<b>05</b>	<b>10 – 12</b>	RE_ Direct Sale of part Block 11 Section 47 Fyshwick ( [REDACTED] - Dairy Road) - impacts on potential future rail corridor	18 October 2022	Partial access	Sch 2, Section 2.2 (a)(ii)	
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**From:** [Taylor-Dayus, Sarah](#)  
**To:** [Powter, Luke](#)  
**Cc:** [Sturman, Judith](#)  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor  
**Date:** Thursday, 13 October 2022 7:48:47 PM  
**Attachments:** [image002.png](#)

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OFFICIAL: Sensitive

Hi Luke,

I believe we have already reviewed the below when it was first proposed for sale.

I just want to check that there has been no changes since that discussion?

Very best  
Sarah

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**From:** Hicks, Katherine <Katherine.Hicks@act.gov.au>  
**Sent:** Thursday, 13 October 2022 4:22 PM  
**To:** Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>  
**Cc:** Wyatt, Tim <Tim.Wyatt@act.gov.au>; Mundy, Graham <Graham.Mundy@act.gov.au>; Sturman, Judith <Judith.Sturman@act.gov.au>  
**Subject:** Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Dear Sarah

I have been directed to your team by Tim Wyatt (TCCS City Services), to reconfirm that TCCS planning and delivery section have no potential future need for the land (part Block 11 Section 47 Fyshwick) for future railway infrastructure and supportive functions?

The land is currently under a direct sale proposal and is adjacent to the [REDACTED] Dairy Road Estate Development Plan. The Direct Sale Panel considered the proposal and initially decided to include a withdrawal clause over the parcel to protect the Territory's future interests in the area, but in further discussion between EPSDD and TCCS on 13 July 2022, it was concluded that a withdrawal clause is not required. In the event that the government was to require the land back, the Lands Acquisition Act 1994 sets out clear provisions and procedures for the Territory to pursue any legitimate public interest in the land.

I have also been tasked to reconfirm the future planning intentions of NSW Transport for the rail corridor in this location. Are you able to provide a contact that I can liaise with? Or if you have any advice from NSW Transport from a planning perspective that you can provide?



Thank you for your assistance in this matter.

Regards

**Katherine Hicks**

**Assistant Director | Development and Implementation | Strategic Projects**

Phone: **02 6205 4868** email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)

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

Level 2, 480 Northbourne Avenue, Dickson ACT 2602

GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

**From:** [Taylor-Dayus, Sarah](#)  
**To:** [Powter, Luke](#)  
**Cc:** [Sturman, Judith](#)  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor  
**Date:** Sunday, 16 October 2022 8:17:31 PM  
**Attachments:** [image002.png](#)

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OFFICIAL: Sensitive

Hi Luke,

I don't believe our feedback has changes since we discussed this some time back with Tim Wyatt.

Might I trouble you to review and then please respond back to Katherine and Tim W on my behalf.

Much thanks  
Sarah

---

**From:** Hicks, Katherine <Katherine.Hicks@act.gov.au>  
**Sent:** Thursday, 13 October 2022 4:22 PM  
**To:** Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>  
**Cc:** Wyatt, Tim <Tim.Wyatt@act.gov.au>; Mundy, Graham <Graham.Mundy@act.gov.au>; Sturman, Judith <Judith.Sturman@act.gov.au>  
**Subject:** Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Dear Sarah

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The land is currently under a direct sale proposal and is adjacent to the [REDACTED] Dairy Road Estate Development Plan. The Direct Sale Panel considered the proposal and initially decided to include a withdrawal clause over the parcel to protect the Territory's future interests in the area, but in further discussion between EPSDD and TCCS on 13 July 2022, it was concluded that a withdrawal clause is not required. In the event that the government was to require the land back, the Lands Acquisition Act 1994 sets out clear provisions and procedures for the Territory to pursue any legitimate public interest in the land.

I have also been tasked to reconfirm the future planning intentions of NSW Transport for the rail corridor in this location. Are you able to provide a contact that I can liaise with? Or if you have any advice from NSW Transport from a planning perspective that you can provide?



Thank you for your assistance in this matter.

Regards

**Katherine Hicks**

**Assistant Director | Development and Implementation | Strategic Projects**

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GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

**From:** [Sturman, Judith](#)  
**To:** [Powter, Luke](#)  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor  
**Date:** Monday, 17 October 2022 4:18:05 PM  
**Attachments:** [image002.png](#)  
[image001.jpg](#)

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OFFICIAL: Sensitive

Hi Luke

Did we have a conclusion on this one I can forward on?

Thank you

Judith

**Judith Sturman | Executive Group Manager Transport Canberra**  
Phone: 02 620 52639 | Mobile: 0468 552 559 | Email: [judith.sturman@act.gov.au](mailto:judith.sturman@act.gov.au)  
**Transport Canberra and City Services | ACT Government**  
Level 3, 480 Northbourne Avenue, Dickson Canberra ACT 2601

*Connected services for the people of Canberra*



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**From:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>  
**Sent:** Monday, 17 October 2022 3:21 PM  
**To:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>  
**Subject:** Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Hi Judith

I am just following up on an email I sent to Sarah last week but see that she is now away for a couple of weeks. Would it be possible for your team to reconfirm that TCCS planning and delivery section have no potential future need for the land (part Block 11 Section 47 Fyshwick) for future railway infrastructure and supportive functions? And are you able to provide a contact that I can liaise with at NSW Transport to confirm future planning intentions along the railway corridor?

Thank you for your assistance

Regards

**Katherine Hicks**  
**Assistant Director | Development and Implementation | Strategic Projects**  
Phone: **02 6205 4868** email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)  
**Environment, Planning and Sustainable Development Directorate | ACT Government**  
Level 2, 480 Northbourne Avenue, Dickson ACT 2602  
GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

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**From:** Hicks, Katherine  
**Sent:** Thursday, 13 October 2022 4:22 PM  
**To:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Cc:** Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto:Tim.Wyatt@act.gov.au)>; Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>  
**Subject:** Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Dear Sarah

I have been directed to your team by Tim Wyatt (TCCS City Services), to reconfirm that TCCS planning and delivery section have no potential future need for the land (part Block 11 Section 47 Fyshwick) for future railway infrastructure and supportive functions?

The land is currently under a direct sale proposal and is adjacent to the [REDACTED] Dairy Road Estate Development Plan. The Direct Sale Panel considered the proposal and initially decided to include a withdrawal clause over the parcel to protect the Territory's future interests in the area, but in further discussion between EPSDD and TCCS on 13 July 2022, it was concluded that a withdrawal clause is not required. In the event that the government was to require the land back, the Lands Acquisition Act 1994 sets out clear provisions and procedures for the Territory to pursue any legitimate public interest in the land.

I have also been tasked to reconfirm the future planning intentions of NSW Transport for the rail corridor in this location. Are you able to provide a contact that I can liaise with? Or if you have any advice from NSW Transport from a planning perspective that you can provide?



Thank you for your assistance in this matter.

Regards

**Katherine Hicks**

**Assistant Director | Development and Implementation | Strategic Projects**

**Phone: 02 6205 4868 email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)**

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GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)



**From:** [Hicks, Katherine](#)  
**To:** [Powter, Luke](#)  
**Cc:** [Sturman, Judith](#); [Taylor-Dayus, Sarah](#); [Wyatt, Tim](#)  
**Subject:** RE: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor  
**Date:** Tuesday, 18 October 2022 9:47:09 AM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

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OFFICIAL: Sensitive

Thank you Luke, will follow up with [REDACTED]

Regards

**Katherine Hicks**

**Assistant Director | Development and Implementation | Strategic Projects**

**Phone:** 02 6205 4868 **email:** [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)

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---

**From:** Powter, Luke <[Luke.Powter@act.gov.au](mailto:Luke.Powter@act.gov.au)>  
**Sent:** Tuesday, 18 October 2022 9:40 AM  
**To:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>; Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>; Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto:Tim.Wyatt@act.gov.au)>  
**Subject:** RE: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Good morning Katherine,

Transport Canberra does not have any future need for the land (part Block 11 Section 47 Fyshwick) at present, however this advice does not reflect NSWTrainlink's requirements for operating train services in the rail corridor. As a starting point, you could reach out to [REDACTED] for advice or a contact in the NSW Government who may advise on NSW Transport Planning interests in the corridor.

With kind regards,

**Luke Powter** (*he/him*) | **Director | Strategy, Planning & Policy**

Phone: 02 6205 5017 | Email: [luke.powter@act.gov.au](mailto:luke.powter@act.gov.au)

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

Level 3, 480 Northbourne Avenue, Dickson Canberra ACT 2601

*I work and am generally contactable 8:30am to 5:00pm (weekdays)*

**Connected services for the people of Canberra**



Luke

---

**From:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Sent:** Sunday, 16 October 2022 8:17 PM  
**To:** Powter, Luke <[Luke.Powter@act.gov.au](mailto:Luke.Powter@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Hi Luke,

I don't believe our feedback has changes since we discussed this some time back with Tim Wyatt.

Might I trouble you to review and then please respond back to Katherine and Tim W on my behalf.

Much thanks  
Sarah

---

**From:** Hicks, Katherine <>  
**Sent:** Thursday, 13 October 2022 4:22 PM  
**To:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Cc:** Wyatt, Tim <>; Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>  
**Subject:** Direct Sale of part Block 11 Section 47 Fyshwick ( [REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Dear Sarah

I have been directed to your team by Tim Wyatt (TCCS City Services), to reconfirm that TCCS planning and delivery section have no potential future need for the land (part Block 11 Section 47 Fyshwick) for future railway infrastructure and supportive functions?

The land is currently under a direct sale proposal and is adjacent to the [REDACTED] Road Estate Development Plan. The Direct Sale Panel considered the proposal and initially decided to include a withdrawal clause over the parcel to protect the Territory's future interests in the area, but in further discussion between EPSDD and TCCS on 13 July 2022, it was concluded that a withdrawal clause is not required. In the event that the government was to require the land back, the Lands Acquisition Act 1994 sets out clear provisions and procedures for the Territory to pursue any legitimate public interest in the land.

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Thank you for your assistance in this matter.

Regards

**Katherine Hicks**  
Assistant Director | Development and Implementation | Strategic Projects

Phone: **02 6205 4868** email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)

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**From:** [Hicks, Katherine](#)  
**To:** [Powter, Luke](#)  
**Subject:** RE: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor  
**Date:** Tuesday, 18 October 2022 10:09:59 AM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

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OFFICIAL: Sensitive

Thanks Luke, will give this a go.

Regards  
Katherine

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**From:** Powter, Luke <Luke.Powter@act.gov.au>  
**Sent:** Tuesday, 18 October 2022 10:08 AM  
**To:** Hicks, Katherine <Katherine.Hicks@act.gov.au>  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Hi Katherine,

Of course I get the better answer after sending my original email! The functional email for such requests in TfNSW is: [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au).

Kind regards,  
Luke

---

**From:** Powter, Luke  
**Sent:** Tuesday, 18 October 2022 9:40 AM  
**To:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>; Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>; Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto:Tim.Wyatt@act.gov.au)>  
**Subject:** RE: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Good morning Katherine,

Transport Canberra does not have any future need for the land (part Block 11 Section 47 Fyshwick) at present, however this advice does not reflect NSWTrainlink's requirements for operating train services in the rail corridor. As a starting point, you could reach out to [REDACTED] for advice or a contact in the NSW Government who may advise on NSW Transport Planning interests in the corridor.

With kind regards,

**Luke Powter** (*he/him*) | Director | Strategy, Planning & Policy  
Phone: 02 6205 5017 | Email: [luke.powter@act.gov.au](mailto:luke.powter@act.gov.au)  
**Transport Canberra and City Services | ACT Government**  
Level 3, 480 Northbourne Avenue, Dickson Canberra ACT 2601  
*I work and am generally contactable 8:30am to 5:00pm (weekdays)*

**Connected services for the people of Canberra**



Luke

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**From:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Sent:** Sunday, 16 October 2022 8:17 PM  
**To:** Powter, Luke <[Luke.Powter@act.gov.au](mailto:Luke.Powter@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Hi Luke,

I don't believe our feedback has changes since we discussed this some time back with Tim Wyatt.

Might I trouble you to review and then please respond back to Katherine and Tim W on my behalf.

Much thanks  
Sarah

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**From:** Hicks, Katherine <>  
**Sent:** Thursday, 13 October 2022 4:22 PM  
**To:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Cc:** Wyatt, Tim <>; Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>  
**Subject:** Direct Sale of part Block 11 Section 47 Fyshwick ([REDACTED] Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Dear Sarah

I have been directed to your team by Tim Wyatt (TCCS City Services), to reconfirm that TCCS planning and delivery section have no potential future need for the land (part Block 11 Section 47 Fyshwick) for future railway infrastructure and supportive functions?

The land is currently under a direct sale proposal and is adjacent to the [REDACTED] Road Estate Development Plan. The Direct Sale Panel considered the proposal and initially decided to include a withdrawal clause over the parcel to protect the Territory's future interests in the area, but in further discussion between EPSDD and TCCS on 13 July 2022, it was concluded that a withdrawal clause is not required. In the event that the government was to require the land back, the Lands Acquisition Act 1994 sets out clear provisions and procedures for the Territory to pursue any legitimate public interest in the land.

I have also been tasked to reconfirm the future planning intentions of NSW Transport for the rail corridor in this location. Are you able to provide a contact that I can liaise with? Or if you have any advice from NSW Transport from a planning perspective that you can provide?



Thank you for your assistance in this matter.

Regards

**Katherine Hicks**

**Assistant Director | Development and Implementation | Strategic Projects**

**Phone: 02 6205 4868** email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)

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

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