



**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: 24-181

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)	62 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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**From:** [REDACTED]  
**To:** [Irons, Samantha](#)  
**Subject:** TCCS FOI - FW: Use of unleased land  
**Date:** Monday, 9 December 2024 9:50:34 AM

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Sam – here is the FOI request.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, 9 December 2024 9:49 AM  
**To:** [REDACTED]  
**Subject:** FW: Use of unleased land

**From:** [REDACTED]  
**Sent:** Tuesday, 3 December 2024 5:53 PM

**To:** [TCCSFOI@act.giv.au](mailto:TCCSFOI@act.giv.au)

**Subject:** Use of unleased land

TCCS Freedom of Information

[TCCSFOI@act.gov.au](mailto:TCCSFOI@act.gov.au)

Dear TCCS 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:

- Applications by Canberra Sand and Gravel for a licence to occupy the land (Block 3 Section 65 and Block 3 Section 45)
- Comments/advice/correspondence from or provided to any agencies – including the Environment Protection Authority, 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
- How much CSG pays to occupy the land
- The issuing of any authorisations (including environmental) to allow CSG to

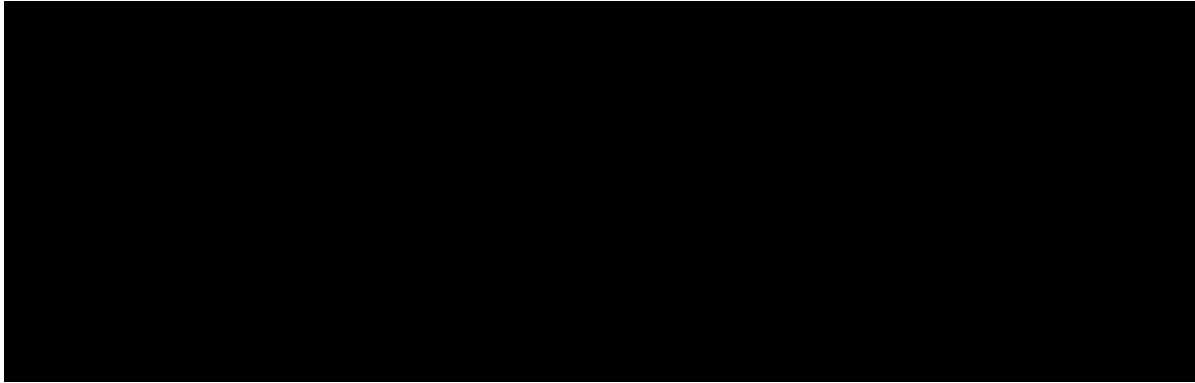
carry out activities on the land

- Briefs or Questions Time Briefs to the Minister for City and Government Services (previous Minister for Transport and City Services) including attachments on the

occupation and use of Block 3 Section 63 and Block 3 Section 45.

If you have any questions about the request can you please contact [REDACTED] in my office [REDACTED]

Thanks.



Dear [REDACTED]

### **Freedom of Information Request - Reference 24-181**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Transport Canberra and City Services Directorate (TCCS) on 9 December 2024.

You have sought access to the following government information under the Act:

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

- *Applications by Canberra Sand and Gravel for a licence to occupy the land (Block 3 Section 65 and Block 3 Section 45)*
- *Comments/advice/correspondence from or provided to any agencies – including the Environment Protection Authority, 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*
- *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) including attachments on the occupation and use of Block 3 Section 63 and Block 3 Section 45.*

### **Timeframes**

A decision was due on your access application by 29 January 2025. Thank you for granting extensions up until 21 February 2025. Third party consultation was required, bringing the due date of this application to 14 March 2025.

### **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**

A search for records has been undertaken and a total of 17 records have been identified as relevant to your request.

Upon reviewing the information identified in the records, I have found that some of the information within these documents is, on balance, contrary to the public interest to disclose. I have decided to provide you with:

- full access to 7 records;

TCCS.FOI@act.gov.au | phone: (02) 620 72987 | [www.act.gov.au](http://www.act.gov.au)

- partial access to 8 records; and
- refuse access to 2 records.

My decision is detailed further in the following statement of reasons. I have included a schedule of the documents at Attachment A. The documents are enclosed at Attachment B with deletions applied to information which is contrary to the public interest to disclose.

### **Statement of Reasons**

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

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

The FOI Act has a pro disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I must decide where, on balance, public interest lies in the disclosure of government information. Section 17(1) of the Act sets out the steps for completing the public interest test. As part of this process, I must identify all relevant factors in schedule 1 of the FOI Act. If none or limited factors in schedule 1 are found relevant, I must then consider the factors listed in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

### **Schedule 1**

#### *Information disclosure if which is taken to be contrary to the public interest (Schedule 1)*

- Schedule 1.2 – Information subject to legal professional privilege – information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.
- Schedule 1.14 – Law enforcement or public safety information.

Some of the information relevant to your request is exempt from release under schedule 1.2 of the FOI Act as it pertains to legal advice commissioned by ACT Government in relation to matters concerning Canberra Sand and Gravel. 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 1.14(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 (Schedule 2)**

#### *Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)*

- Section 2.1(a)(i) -promote open discussion of public affairs and enhance the government's accountability
- Schedule 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest
- Section 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 (Schedule 2, Section 2.2)

- Section 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other rights under the *Human Rights Act 2004*.

In reviewing the information within scope of your application, I have identified information that is likely to provide background or contextual information that informed a government decision and may promote open discussion and informed debate of public affairs. I place significant weight on these factors. The pro-disclosure bias requires the arguments on each side of the public interest test to be weighed.

In my consideration of factors favouring non-disclosure of information within the records, I have identified personal information including the mobile numbers of TCCS officers, which are either personal phone numbers or provided by TCCS to staff for a specific reason. Where the number is provided by TCCS, the use of the phone is for agreed purposes with limitations on calls outside of business hours and disclosure of these contact numbers is likely to prejudice the personal privacy of employees and their right to disconnect. As such, I find that the disclosure of this information would prejudice their right to privacy under the *Humans Rights Act 2004*.

I note some information has been provided to you in response to an access application lodged with Chief Minister, Treasury and Economic Development directorate (CMTEDD). As this information has been provided to you via CMTEDDFOI 2024-395, TCCS has chosen not to release this information again. These documents have been noted on the schedule of documents at Attachment A.

### **Third party consultation**

Third parties were consulted on the release of the information and objected to the release of some the information. I have given significant weight to their objections, particularly in relation to schedule 1.14 of the FOI Act.

I have found that the factors favouring disclosure can be satisfied by the refusal of information which is contrary to the public interest and the full release of information that is in the public interest to provide. I have attached a list of the records at Attachment A and a copy of the records with redactions at Attachment B.

### **Charges**

As you are a member of the Legislative Assembly, no fees have been applied.

### **Online publishing – disclosure log**

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your access application and this notice of decision will be published on the disclosure log within 3 – 10 business days. Your personal information will be removed from these documents prior to publication.

### **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  
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



Alison Kemp  
Information Officer

14 March 2025

ATTACHMENT A – ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

**Reference Number: 24-181**

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.cityservices.act.gov.au/aboutus/freedom\\_of\\_information/disclosure-log](https://www.cityservices.act.gov.au/aboutus/freedom_of_information/disclosure-log)

**Factors favouring non-disclosure:**

Schedule 1.2 – information subject to legal professional privilege

Schedule 1.14 – Law enforcement or public safety information

Schedule 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	Email	6 May 2014	Partial access	Some of this document is outside the scope of this application	
2	2-3	Site map	Undated	Full access	Not applicable	

<b>3</b>	<b>4-7</b>	Email: FW: CSG Fyshwick	30 November 2018	Partial access	Schedule 1.14 Schedule 2.2(a)(ii)
<b>4</b>	<b>8</b>	Email: quick catch up about CSG	Undated	Full access	Not applicable
<b>5</b>	<b>9-10</b>	Email: Canberra Sand and Gravel operations in Mitchell and Fyshwick – Query from TCCS	31 October 2019	Partial access	Schedule 2.2(a)(ii)  Some of this document is outside the scope of this application
<b>6</b>	<b>11</b>	Email: CSG meeting	19 November 2019	Partial access	Schedule 2.2(a)(ii)  Some of this document is outside the scope of this application
<b>7</b>	<b>12</b>	Email: Draft Notes – Meeting about CS&G	8 November 2018	Partial access	Schedule 2.2(a)(ii)
	<b>13-14</b>	Meeting Thursday 1 November 2018	1 November 2018	Full access	
<b>8</b>	<b>15</b>	Email: Canberra Sand and Gravel (CSG) Fyshwick – Land Use	18 August 2022	Partial access	Schedule 1.14
<b>9</b>	<b>16-17</b>	Email: Fyshwick CSG Map	19 August 2022	Full access	Not applicable
<b>10</b>	<b>18-19</b>	Email: RE: FOR ADVICE: Canberra Sand and Gravel	16 April 2023	Full access	Not applicable

		Fyshwick – future lease/licence				
<b>11</b>	<b>20-28</b>	Email: FW: Tasking email – Due 8/5 – 23/43332 – Meeting Brief – Cheyne & Vassarotti – Canberra Sand and Gravel – 17 May 2023	10 May 2023	Partial access	Schedule 1.14 Schedule 2.2(a)(ii)	
<b>12</b>	<b>29-30</b>	Email: FW: Advice: CSG – proposed solution for unauthorised use of Territory Land	28 November 2023	Access refused	Schedule 1.2	
	<b>31-41</b>	Legal advice	24 November 2023	Access refused	Schedule 1.2	
<b>13</b>	<b>42-51</b>	Site photos	Undated	Full access	Not applicable	
<b>14</b>	<b>52</b>	Aerial map	1 September 2008	Full access	Not applicable	
<b>15</b>	<b>94-95</b>	Minute – SUBJECT: Part Blocks 2/63, 3/63, 3/45 Fyshwick, Canberra Central	Undated	Partial access	Some of this document is outside the scope of this application	
<b>Total number of records: 17</b>						

**From:** [Persic, Drazen](#)  
**To:** [Cootes, Nicky](#)  
**Date:** Tuesday, 6 May 2014 2:49:00 PM

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Hi Nicky

Sorry to bother you again but I have to find out some information regarding Canberra Sand and Gravel in Fyshwick. Have they ever had a licence to use public land anywhere on Sections 63 and 45 Fyshwick?

According to ACTMAPi Block 2 Section 63 is privately leased from Territory – Who do I need to contact to find out if Canberra Sand and Gravel hold that lease?

[REDACTED]

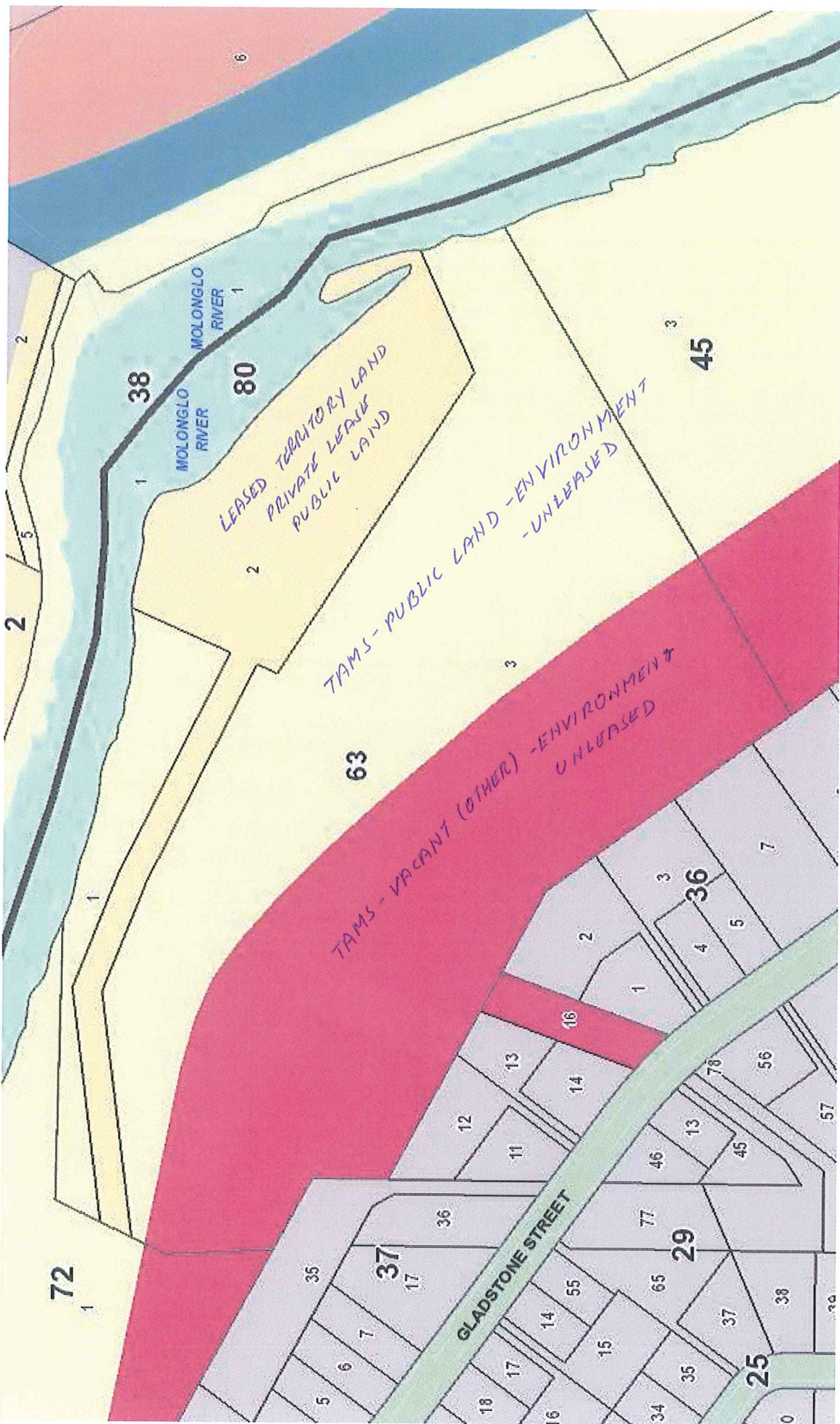
Thank you in advance and I apologise for being a pain.

Regards

Draz Persic



70671.00 m<sup>2</sup>



## Harding, Nikki

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**From:** Gerrard, Darren  
**Sent:** Friday, 30 November 2018 11:36 AM  
**To:** McKeown, Helen  
**Subject:** FW: CSG Fyshwick

Hi Helen



Although, the area is identified as a “Special purpose reserve”, I have been unable to identify any other reference to the area under the *Nature Conservation Act 2014*.

Under the *Public Unleased Land ACT 2013* we need to consult with the conservator before issuing a permit within a reserve, if the area is not a reserve, consultation may not be required. Can you please check from your end whether the area is a reserve.

A meeting is being arranged with Ben Ponton to discuss the issue further. In the event we do need to consult what would be the likely conservator objections?

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](http://www.act.gov.au) | [www.tccs.act.gov.au](http://www.tccs.act.gov.au)

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**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](http://www.act.gov.au) | [www.tccs.act.gov.au](http://www.tccs.act.gov.au)

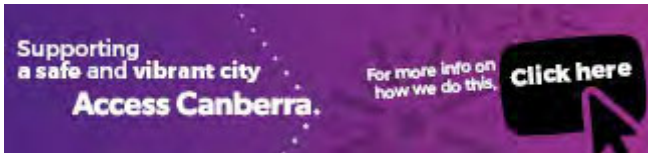
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**From:** Sargent, Narelle  
**Sent:** Thursday, 29 November 2018 3:18 PM  
**To:** Gerrard, Darren <[Darren.Gerrard@act.gov.au](mailto:Darren.Gerrard@act.gov.au)>  
**Cc:** Taylor, Alex <[Alex.Taylor@act.gov.au](mailto:Alex.Taylor@act.gov.au)>; Power, David <[DAVID.POWER@act.gov.au](mailto:DAVID.POWER@act.gov.au)>; Sloan, Sean <[Sean.Sloan@act.gov.au](mailto: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 [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)  
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



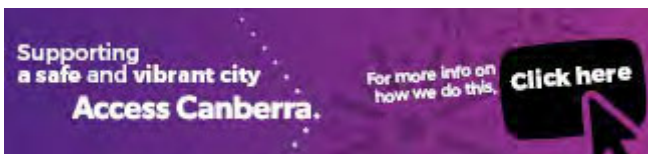
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**From:** Sargent, Narelle  
**Sent:** Monday, 19 November 2018 9:07 AM  
**To:** Gerrard, Darren <[Darren.Gerrard@act.gov.au](mailto:Darren.Gerrard@act.gov.au)>  
**Cc:** Taylor, Alex <[Alex.Taylor@act.gov.au](mailto:Alex.Taylor@act.gov.au)>; Snowden, David <[David.Snowden@act.gov.au](mailto: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 [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)  
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



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**From:** Sargent, Narelle

**Sent:** Thursday, 8 November 2018 4:48 AM

**To:** Taylor, Alex <[Alex.Taylor@act.gov.au](mailto:Alex.Taylor@act.gov.au)>; Sloan, Sean <[Sean.Sloan@act.gov.au](mailto:Sean.Sloan@act.gov.au)>; Green, Ben (ACTPLA) <[Ben.Green@act.gov.au](mailto:Ben.Green@act.gov.au)>; Gerrard, Darren <[Darren.Gerrard@act.gov.au](mailto: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

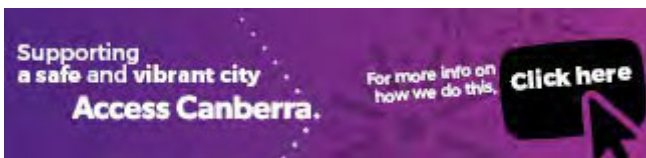
**Narelle Sargent** | the *Environment Protection Authority*

**Office of the Environment Protection Authority (EPA)**

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

Phone: 02 6207 5782 | Mobile [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



**From:** [Watts, Michaela](#)  
**To:** [Gerrard, Darren](#); [Larson, Eliza](#)  
**Subject:** quick catch up about CSG

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Hi Darren,

Can we please have a quick catch up about CSG in Fyshwick – we have been contacted by EPA about the operations on site and I was hoping to get a bit of background and understanding of what is going on there.

Let me know what you think?

Michaela

Michaela Watts

Conservator Liaison | Conservator of Flora and Fauna

Phone: +61 2 6207 1831 | Email: [michaela.watts@act.gov.au](mailto:michaela.watts@act.gov.au) <<mailto: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](http://www.environment.act.gov.au)

<<http://www.environment.act.gov.au/>>

**From:** [Harding, Barbara \(ACTPLA\)](#)  
**To:** [Seagrott, Helena](#); [Gerrard, Darren](#)  
**Cc:** [Finlay, Jennifer](#); [ESD, LRAC](#); [ConservatorFloraFauna](#)  
**Subject:** Canberra Sand and Gravel operations in Mitchell and Fyshwick - Query from TCCS  
**Date:** Thursday, 31 October 2019 9:03:21 AM

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UNCLASSIFIED

Hi Helena,

[REDACTED]

Thanks

Barbara

Darren – I don't know much about the Fyshwick case, but have copied the Conservator's office into this email to respond on that one.

Barbara

**Barbara Harding | Land Economics, Land Strategy and Policy**

Phone: 02 6207 1665 | Email: [barbara.harding@act.gov.au](mailto:barbara.harding@act.gov.au)

**Planning, Land and Building Policy | Environment, Planning and Sustainable Development Directorate | ACT Government**

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

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**From:** Gerrard, Darren <Darren.Gerrard@act.gov.au>

**Sent:** Wednesday, 30 October 2019 10:15 PM

**To:** Moyes, Alanna <Alanna.Moyes@act.gov.au>

**Cc:** Harding, Barbara (ACTPLA) <Barbara.Harding@act.gov.au>

**Subject:** RE: CSG

Hi Alanna

I am in a holding pattern for both sites.

[REDACTED]

The Fyshwick site is also in the hands of EPSDD, I provided advice on possible Territory plan variation and licensing options to the Conservators Office, to date I am not aware of any decision on the matter.

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**

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

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**From:** Moyes, Alanna

**Sent:** Wednesday, 30 October 2019 4:45 PM

**To:** Gerrard, Darren <[Darren.Gerrard@act.gov.au](mailto:Darren.Gerrard@act.gov.au)>

**Cc:** Cross, Heather <[Heather.Cross@act.gov.au](mailto:Heather.Cross@act.gov.au)>

**Subject:** CSG

UNCLASSIFIED

Hi Darren

Just following up from our quick chat yesterday regarding CSG. We need to progress licencing of these facilities, and you mentioned yesterday that you're looking into these facilities again at the moment.

Could we make a time to meet sometime next week to discuss? We would like to know whether anything has changed in your space that we need to be aware of.

Thanks

Alanna

**Alanna Moyes | Assistant Director (Compliance and Assessment)**

(p) 02 6205 8433 | (m) [REDACTED] | Email: [alanna.moyes@act.gov.au](mailto:alanna.moyes@act.gov.au)

**Waste Regulation Team | Transport Canberra and City Services Directorate | ACT Government**

Level 2, 490 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**From:** [TCCS\\_NW WasteRegulation](#)  
**To:** [Gerrard, Darren](#)  
**Cc:** [Moyes, Alanna](#)  
**Subject:** CSG meeting  
**Date:** Tuesday, 19 November 2019 4:24:07 PM

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UNCLASSIFIED

Hi Darren,

Thanks again for your time today to discuss CSG [REDACTED] Fyshwick.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Regarding CSG Fyshwick, we will engage with Planning regarding the lease documents and what activities are permitted.

Thanks,  
Heather

**Heather Cross | Compliance Monitoring and Assessment Officer**

Phone: (02) 6205 3249 | Mobile: [REDACTED] | Email: [TCCS.WasteRegulation@act.gov.au](mailto:TCCS.WasteRegulation@act.gov.au)

**Waste Regulation | Transport Canberra and City Services Directorate | ACT Government**

WOTSO House | Level 2, 490 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601 |

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**From:** [Sargent, Narelle](#)  
**To:** [Taylor, Alex](#); [Sloan, Sean](#); [Green, Ben](#); [Gerrard, Darren](#)  
**Subject:** Draft Notes - Meeting about CS&G  
**Date:** Thursday, 8 November 2018 4:48:26 AM  
**Attachments:** [19102018 CSG Action Tracker.docx](#)  
[image001.png](#)

---

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  | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

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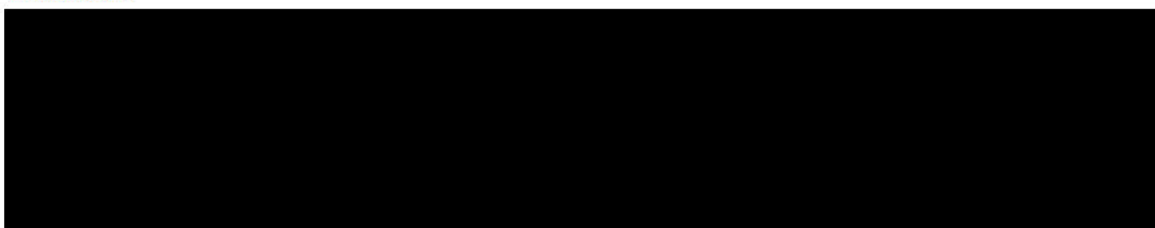
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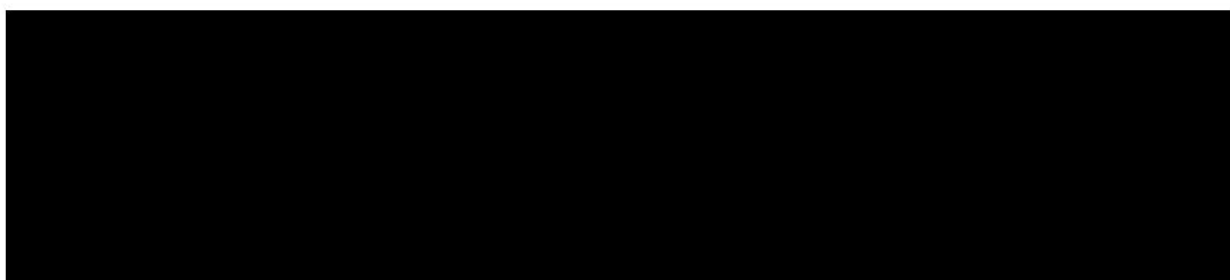
**Meeting Thursday 1 November 2018**

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

**Discussion:**


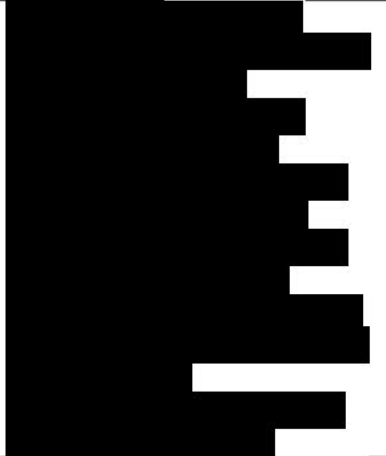







- Under the Public Unleased Land Act, TCSS can issues a licence (3 years) for unapproved use of Territory Land.



**Table 1: Status of Actions**

Agency Lead and Contact	Action	Progress
<p><b>Brett Phillips - EPSDD</b> <i>Planning and Development Act 2008</i> - Development applications, variations to crown lease.</p>	A large black rectangular redaction box covering the action details.	<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"> <li>•Agriculture, farm tourism, land management facility, major road, major utility installation, minor road, minor use, nature conservation area, parkland and woodlot.</li> </ul>
<p><b>Ben Green - Access Canberra- Planning and Development Act 2008 - Enforcement</b></p>		
<p><b>Alex Taylor – TCCC - Waste Regulation</b> <i>Waste Management and Resource Recovery Act (WMRR) 2016 - Waste Facility Licence</i></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><b>Sean Sloan and Darren Gerrard - TCSS</b> <i>Public Unleased Land Act 2013</i></p>		
		

**From:** [Gerrard, Darren](#)  
**To:** [Kaucz, Alix](#)  
**Subject:** Canberra Sand and Gravel(CSG) Fyshwick - Land Use  
**Date:** Thursday, 18 August 2022 12:57:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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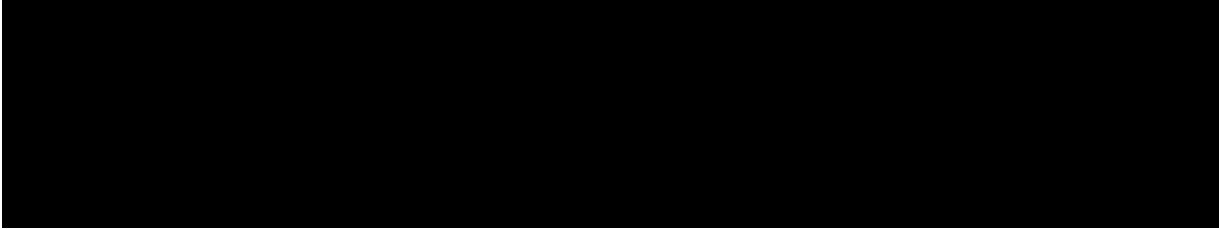
OFFICIAL

Hi Alix

Thanks for the meeting yesterday.

As discussed, Canberra Sand and Gravel(CSG) is currently occupying a significant area of land within the river corridor without approval. In 1970 they obtained a lease over block 2, to allow for dredging of the river, and continue to maintain this lease even though the lease function is no longer occurring.

The area outside of block 2 has no land use approvals in place. Licensing and Compliance is reviewing options to move CSG back from the river and implementing a longer term licence arrangement.



I understand that Bren Burkevics(EGM) is preparing a brief on this matter, so any information you can provide would be appreciated.

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**

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Connected services for the people of Canberra

From: [Gerrard, Darren](#)  
To: [Sloan, Sean](#)  
Subject: Fyshwick CSG Map  
Date: Friday, 19 August 2022 3:30:00 PM  
Attachments: [image001.png](#)  
[image002.png](#)

OFFICIAL

Hi Sean



Regards

**Darren Gerrard | Assistant Director, L&C Licensing**

**P 02 62057245 | F 02 6207 5956**

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**Connected services for the people of Canberra**

**From:** [Teasdale, Jonathan](#)  
**To:** [ConservatorFloraFauna](#); [Gerrard, Darren](#); [Gould, Kristy](#); [Ding, Brendan](#)  
**Cc:** [Sloan, Sean](#); [Harmer, Sharon](#); [Oshyer, Aaron](#); [ACTPLA Leasing](#)  
**Subject:** RE: FOR ADVICE: Canberra Sand and Gravel Fyshwick - future lease/licence  
**Date:** Sunday, 16 April 2023 2:12:41 PM

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OFFICIAL

Hi Eliza

Thanks for sending me a copy of the brief and other material to review.

I don't recall being consulted on this matter in 2022 when the brief was prepared and signed, and so have limited background in relation to the issues.

Based on the material provided, am I correct in assuming that the licence option is contingent on a TPV? Even it is, I am unsure why a licence would be considered appropriate given the occupation and use of the site. The occupation and use appear to have the hall marks of permanency, and in my view the permanent use and occupation of a site is more appropriately conferred through a lease, not a licence.

If the zone does not permit the use and a TPV is not expected, then of course a licence should not even be considered.

I see we have a discussion booked in for Wednesday afternoon and so can discuss further then. Many thanks

Jonathan

---

**From:** ConservatorFloraFauna  
**Sent:** Friday, 14 April 2023 2:46 PM  
**To:** Gerrard, Darren ; Gould, Kristy ; Teasdale, Jonathan ; Ding, Brendan  
**Cc:** Sloan, Sean  
**Subject:** FOR ADVICE: Canberra Sand and Gravel Fyshwick - future lease/licence

OFFICIAL

Hi all,

Only Darren and I joined the meeting so am now seeking written advice instead. We are keen to get this one moving as there are implications for EBSA, so would appreciate your thoughts by mid next week if possible.

We are trying to determine the most appropriate option with regards to a potential future exec lease/sublease or licence for CSG. I have attached the brief again for additional context.

Many thanks,

**Eliza Larson** | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: [eliza.larson@act.gov.au](mailto:eliza.larson@act.gov.au)

-----Original Appointment-----

**From:** Larson, Eliza  
**Sent:** Tuesday, 11 April 2023 3:50 PM  
**To:** Larson, Eliza; Gerrard, Darren; Gould, Kristy; Teasdale, Jonathan; Ding, Brendan  
**Cc:** Sloan, Sean  
**Subject:** Canberra Sand and Gravel Fyshwick - future lease/licence

**When:** Friday, 14 April 2023 2:30 PM-3:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:** Microsoft Teams Meeting; 480NBA 02.103 (Capacity 6, Seats 3 COVIDsafe)

Hi all,

The Conservator's office has been working with TCCS to develop a solution to the current CSG situation at Fyshwick (unauthorised expansion etc). The current thinking is to progress a TPV to alter the nature reserve overlay to then allow for a new licence to be issued to a compressed

area. Please see the attached brief for further context.

Darren has mentioned that there has been some relatively recent discussions with GSO and EPSDD Leasing around the appropriateness of a 303 licence for these kinds of activities, and that an executive lease may be the way to go instead.

Hoping we can come to a decision about the best way forward in terms of lease/licence so we can continue to progress a solution.

Please forward on as needed if I've missed anyone.

Thanks,

Eliza

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## Microsoft Teams meeting

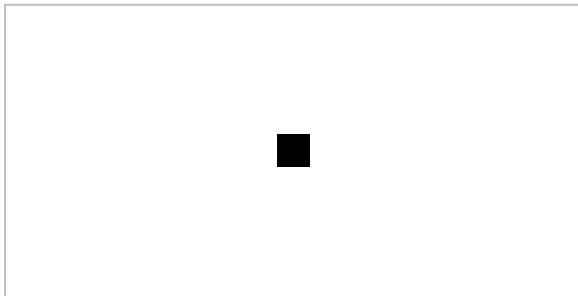
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**From:** [Wild-River, Su](#)  
**To:** [AC, Strategic Business Coordination](#)  
**Cc:** [Sloan, Sean](#); [Dix, Rodney](#)  
**Subject:** FW: Tasking email - Due: 8/5 - 23/43334 - Meeting Brief - Cheyne & Vassarotti - Canberra Sand and Gravel - 17 May 2023  
**Date:** Wednesday, 10 May 2023 4:41:57 PM  
**Attachments:** [23\\_43334 - Meeting Brief - Cheyne & Vassarotti - Canberra Sand and Gravel - 17 May 2023.obr](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

In response to the questions noted on Attachment A, the EPA process takes into consideration the lessee of the land. Section 47 of the *Environment Protection Act 1997* requires the applicant for an environmental authorisation to provide written consent from the lessee of the land if they are not the lessee. The environmental authorisation granted to Canberra Sand and Gravel only permits the authorised activity on the block of land held under a lease by Canberra Sand and Gravel.

In 2004 an application was made to the EPA from Canberra Sand and Gravel for an environmental authorisation. The application was not supported due to the leasing issues and the matter was referred to the relevant Government Department. In 2006 a second application was received by the EPA for an environmental authorisation. The leasing issues remained unresolved. The activities being undertaken at Canberra Sand and Gravel site required an environmental authorisation to operate and they were not regulated. The EPA considered the location and risk of environmental harm before an environmental authorisation was granted to minimise the risks associated with the activity.

The environmental authorisation granted to Canberra Sand and Gravel is the only authorisation granted to a person or company where the activity occurs beyond the lessee's block.

Rodney Dix | Assistant Director

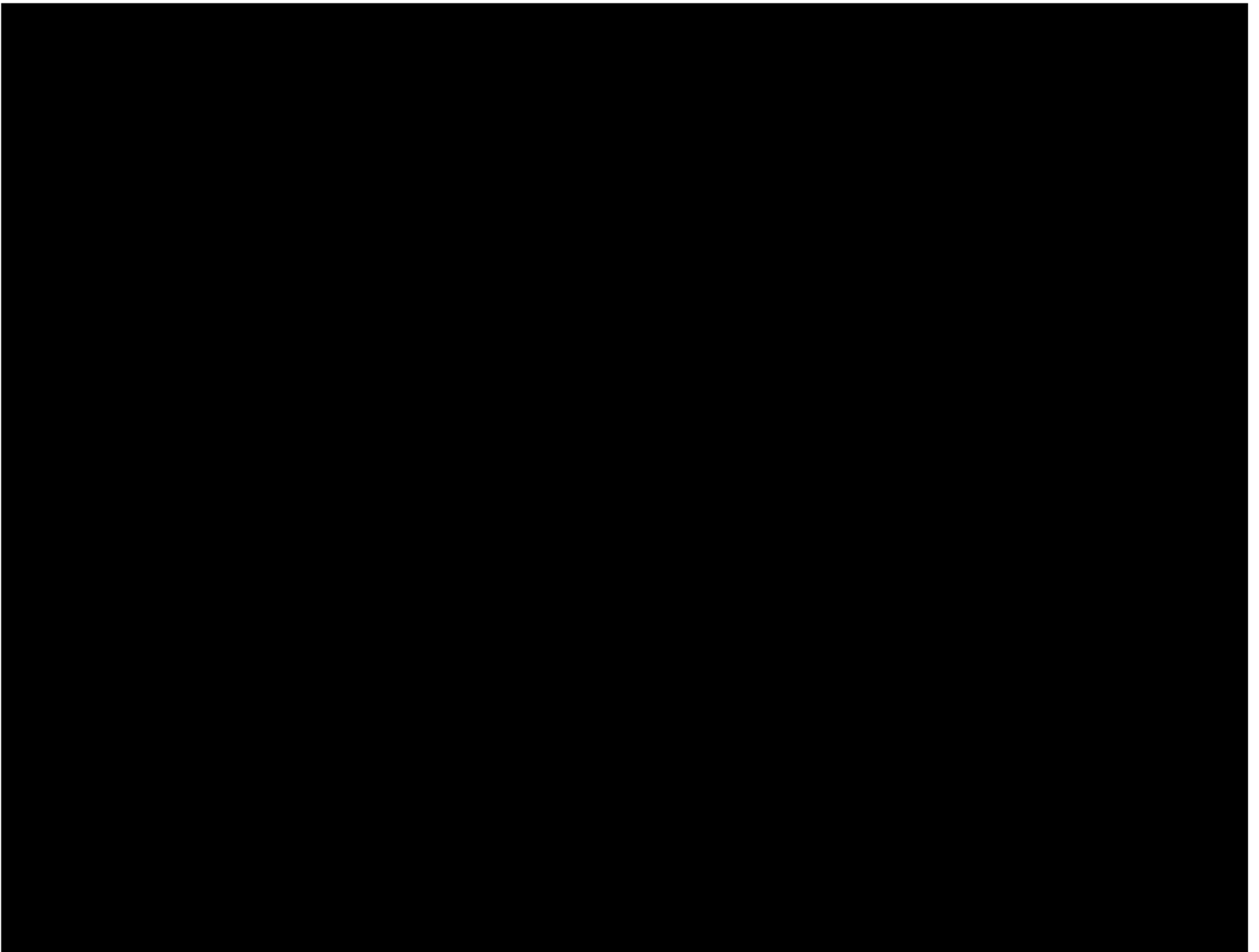
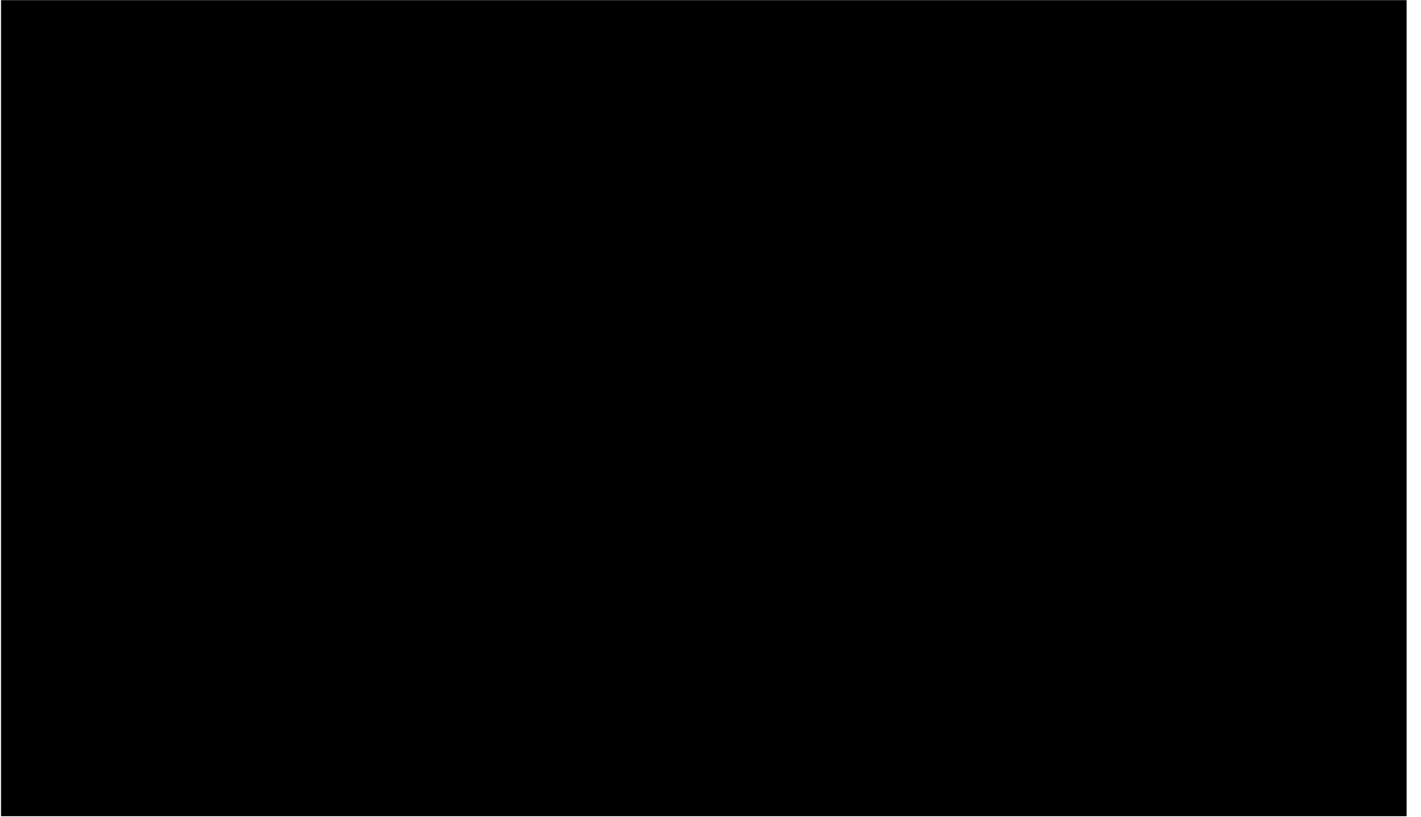
Phone: +61 2 6207 2586 | Email: [rodney.dix@act.gov.au](mailto:rodney.dix@act.gov.au)

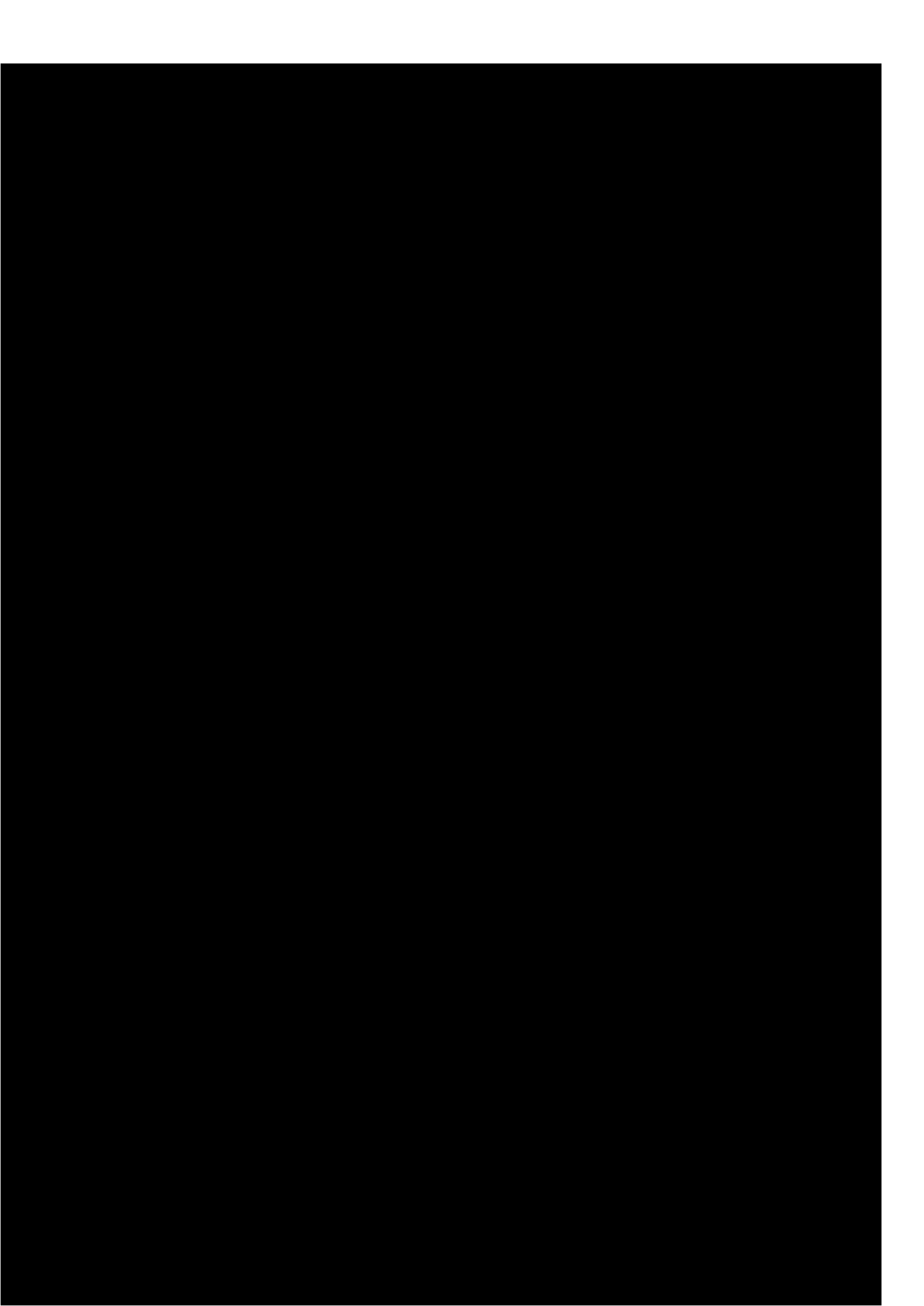
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this region.





















































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# MINUTE

## SUBJECT: Part Blocks 2/63, 3/63, 3/45 Fyshwick, Canberra Central

To

### Purpose

### Background

Canberra Sand and Gravel were issued a licence in 1972, for winning and processing material out of the Molonglo River. The initial lease was for block 875 Canberra Central for a total area of ??ha. The site has however greatly expanded and now occupies part blocks 2/63, 3/63, 3/45 Canberra Central with a total area of ??ha.

### Issues

Main issues concern environmental impacts due to the location of the operation:

- There is no Lease or Licence in place that permits Canberra Sand and Gravel to conduct the recycling and sale of material from the site they are currently occupying;
- The gradual expansion of the site has resulted in the site occupying public land, which means that a licence can not be issued to Canberra Sand and Gravel for this land;
- 
- There is no approval for any buildings on the site,
- Canberra Sand and Gravel do not have an Environmental Authorisation to conduct current operations on the site;
- The location of the yard is such that it is located in a river corridor directly adjacent to the Molonglo River. In the event that we receive sufficient rain for water levels to rise above the banks, the material that is currently in the yard will be washed into the Molonglo with potentially deleterious effects on riparian habitat;

## **Recommendations**

That:

- A meeting of ACT PCL, EPA and ACTPLA officers to discuss licensing or lease arrangements for the site and discuss potential alternative sites for the business;
- A meeting occurs with the current occupier to discuss granting a licence, once an alternative location has been decided upon;

Action Officer:

Name of Business Unit:

Extension: