

**Environment, Planning and Sustainable Development  
Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage

**Date:** 9 August 2019

**From:** Director-General

**Subject:** WEEKLY BRIEF – Commencing 12 August 2019

Tracking No.: 19/00082

- DDG, Land Strategy and Environment .../.../...
- DDG, Sustainability and the Built Environment .../.../...

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 12 and 18 August 2019.

**KEY ISSUES**



FOR OFFICIAL USE ONLY

**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. The authority has finalised its assessment of the draft EIS and has provided public comments, entity comments and the authority assessment to the proponent. The revised EIS has been prepared by the proponent and was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The proponent is currently addressing the matters raised in the EIS. The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request.</p> <p>Once the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.</p>
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Minister Gentleman: Environment, Planning and Sustainable Development Directorate  
Regular Meeting

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Date: Monday, 19 August 2019

Time: 9:45am – 10:45am

Venue: Minister Gentleman's Office

Apologies: Erin Brady

**1. Business for the Meeting**

	Item	Requested by	Action Officers
1.			
2.			
3.	EIS – CRS Fyshwick*	EPSDD	Geoffrey Rutledge James Bennett
4.			
5.			
6.			
7.			
8.			
9.			

\* No

**Proposed forward agenda items**

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**Environment, Planning and Sustainable Development  
Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage

**Date:** 22 August 2019

**From:** Director-General

**Subject:** WEEKLY BRIEF – Commencing 26 August 2019

Tracking No.: 19/00082

- DDG, Land Strategy and Environment .../.../...
- DDG, Sustainability and the Built Environment .../.../...

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 26 August to 2 September 2019.

**KEY ISSUES**



FOR OFFICIAL USE ONLY

**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b></p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p>
<p>Blocks 9 and 11 Section 8 Fyshwick</p>	<p><b>Application Lodged:</b> 4 December 2017</p>
	<p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p>
	<p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p>
	<p><b>Number of representations:</b> 464 representations were received.</p>
	<p><b>Revised application Lodged:</b> 12 November 2018</p>
	<p><b>Status:</b> Public consultation closed on 27 June 2018. The authority has finalised its assessment of the draft EIS and has provided public comments, entity comments and the authority assessment to the proponent. The revised EIS has been prepared by the proponent and was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste for comment.</p>
	<p>Once the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.</p>

**Environment, Planning and Sustainable Development  
Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage

**Tracking No.:** 19/00082

**Date:** 12 September 2019

**From:** Director-General

**Subject:** WEEKLY BRIEF - Commencing 16 September 2019

- DDG, Land Strategy and Environment .../.../...
- DDG, Sustainability and the Built Environment .../.../...

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 16 to 23 September 2019.



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**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to</p>
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**Environment, Planning and Sustainable Development  
Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage

<b>Tracking No.:</b> 19/00082
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**Date:** 8 October 2019

**From:** Director-General

**Subject:** WEEKLY BRIEF - Commencing 8 October 2019

- DDG, Land Strategy and Environment .../.../....
- DDG, Sustainability and the Built Environment .../.../....

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 8 to 14 October 2019.



FOR OFFICIAL USE ONLY

**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping</p>
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Once the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.

**Environment, Planning and Sustainable Development  
Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage

<b>Tracking No.:</b> 20/00043
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**Date:** 9 January 2020

**From:** EPSDD

**Subject:** WEEKLY BRIEF - Commencing 13 January 2020

- DDG, Land Strategy and Environment .../.../....
- DDG, Sustainability and the Built Environment .../.../....

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 13 January to 20 January 2019.

**KEY ISSUES**



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**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b></p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste with comments now received. The Authority has engaged ARUP for an independent review of the EIS to ensure all matters raised in the Scoping Document has been addressed. The independent review was undertaken due to the number of representations and due to community concerns that proper process is not being undertaken. The findings from the review has been provided to the applicant for a response.</p> <p>Once the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.</p>
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**Environment, Planning and Sustainable Development  
Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage

<b>Tracking No.:</b> 20/00043
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**Date:** 13 February 2020

**From:** EPSDD

**Subject:** WEEKLY BRIEF - Commencing 17 February 2020

- DDG, Land Strategy and Environment .../.../....
- DDG, Sustainability and the Built Environment .../.../....

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 17 February to 24 February 2020.

**KEY ISSUES**



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**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste with comments now received. The Authority has engaged ARUP for an independent review of the EIS to ensure all matters raised in the Scoping Document has been addressed. The independent review was undertaken due to the number of representations and due to community concerns that proper process is not being undertaken. The findings from the review has been</p>
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provided to the applicant and the Authority has received a response and is undertaking an assessment.

If the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.



**Environment, Planning and Sustainable Development Directorate**

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**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage  
Minister for Urban Renewal

**Tracking No.:**  
20/00043

**Date:** 17 April 2020

**From:** EPSDD

**Subject:** WEEKLY BRIEF - Commencing 20 April 2020

- DDG, Land Strategy and Environment 20/04/20
- DDG, Sustainability and the Built Environment 20/04/20

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 20 April to 27 April 2020.

**KEY ISSUES**



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**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility Environmental Impact Statement</b> Blocks 9 and 11 Section 8 Fyshwick</p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p>
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**Notification:** 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).

**Number of representations:** 464 representations were received.

**Revised application Lodged:** 12 November 2018

**Status:** Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste with comments now received. The Authority has engaged ARUP for an independent review of the EIS to ensure all matters raised in the Scoping Document has been addressed. The independent review was undertaken due to the number of representations and due to community concerns that proper process is not being undertaken. The findings from the review has been provided to the applicant and the Authority has received a response and is undertaking an assessment.

If the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.

Otherwise, the authority must reject the EIS.

The Authority is currently seeking advice regarding next steps.

Minister Gentleman: Environment, Planning and Sustainable Development Directorate  
Regular Meeting

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Date: Tuesday, 12 May 2020

Time: 1:30pm – 2:30pm

Venue: Follett Room, Legislative Assembly and via Webex (details for joining in calendar invite)

Apologies: Karen Wilden (PICC)

### 1. Business for the Meeting

	Item	Requested by	Action Officers
2.	Capital Recycling Solutions – update on the EIS*	MO	Ben Ponton Geoffrey Rutledge Brett Phillips James Bennett

\* No Papers

Proposed forward agenda items		
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**Environment, Planning and Sustainable Development Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage  
Minister for Urban Renewal

**Tracking No.:**  
20/00043

**Date:** 5 June 2020

**From:** EPSDD

**Subject:** WEEKLY BRIEF - Commencing 8 June 2020

- DDG, Land Strategy and Environment 05/06/20
- DDG, Sustainability and the Built Environment 05/06/20

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 8 to 15 June 2020.

**KEY ISSUES**



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**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility - EIS</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p> <p><b>EIS-201700053</b></p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste with comments now received. The Authority has engaged ARUP for an independent review of the EIS to ensure all matters raised in the Scoping Document has been addressed. The independent review was undertaken due to the number of representations and due to community concerns that proper process is not being undertaken. The findings from the review has been provided to the applicant and the Authority has received a response and is undertaking an assessment.</p> <p>If the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.</p> <p>Otherwise, the authority must reject the EIS.</p> <p>The Authority is currently finalising the assessment process.</p>
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**Environment, Planning and Sustainable Development Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage  
Minister for Urban Renewal

**Tracking No.:**  
20/00043

**Date:** 18 June 2020

**From:** EPSDD

**Subject:** WEEKLY BRIEF – Commencing 22 June 2020

- DDG, Land Strategy and Environment 22/06/20
- DDG, Sustainability and the Built Environment 22/06/20

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 22 to 29 June 2020.

**KEY ISSUES**



FOR OFFICIAL USE ONLY

**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility - EIS</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p> <p><b>EIS-201700053</b></p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSSD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste with comments now received. The Authority has engaged ARUP for an independent review of the EIS to ensure all matters raised in the Scoping Document has been addressed. The independent review was undertaken due to the number of representations and due to community concerns that proper process is not being undertaken. The findings from the review has been provided to the applicant and the Authority has received a response and is undertaking an assessment.</p> <p>If the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.</p> <p>Otherwise, the authority must reject the EIS.</p> <p>The Authority has now finalised an assessment report and provided a briefing package to your office for consideration.</p>
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**Environment, Planning and Sustainable Development Directorate**

FOR OFFICIAL USE ONLY

**To:** Minister for Planning and Land Management  
Minister for the Environment and Heritage  
Minister for Urban Renewal

**Tracking No.:**  
20/00043

**Date:** 10 July 2020

**From:** EPSDD

**Subject:** WEEKLY BRIEF – Commencing 13 July 2020

- DDG, Land Strategy and Environment 10/07/20
- DDG, Sustainability and the Built Environment XX/07/20

**Purpose**

To provide a summary of the current work from the Environment, Planning and Sustainable Development Directorate (EPSDD). The report also includes matters scheduled to occur from 13 July to 20 July 2020.

**KEY ISSUES**



FOR OFFICIAL USE ONLY



**Status of current Environmental Assessments**

<p><b>Fyshwick Materials Recovery Facility - EIS</b></p> <p>Blocks 9 and 11 Section 8 Fyshwick</p> <p><b>EIS-201700053</b></p>	<p><b>Proposal:</b> To construct a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The proposal aims to divert waste from Mugga Lane landfill to be sorted, separated and prepared for transfer at the Fyshwick site, processing more than 300,000 tonnes of waste per year.</p> <p><b>Application Lodged:</b> 4 December 2017</p> <p><b>Scoping document issued:</b> 15 January 2018 (available on the ACT Legislation Register and EPSDD website)</p> <p><b>Notification:</b> 23 April 2018 to 27 June 2018 (extended 25 working days above the minimum statutory requirement to allow additional time to review the documentation).</p> <p><b>Number of representations:</b> 464 representations were received.</p> <p><b>Revised application Lodged:</b> 12 November 2018</p> <p><b>Status:</b> Public consultation closed on 27 June 2018. All matters raised by the authority, entities and public submissions on the draft EIS must be addressed by the proponent in the revised EIS. The revised EIS was lodged to the authority on 12 November 2018. The revised EIS was referred to entities for advice and has been considered by the authority. On 21 December 2018, the authority sent a further information request in relation to issues raised in the initial scoping document and public submissions. On 11 April 2019 the further information was accepted and has been considered by the authority and TCCS. On 3 June 2019 a second further information request was made to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS). The authority held a meeting with the applicant on 20 June 2019 to discuss the response to the further information request. Further information was lodged on 20 August 2019 and has been referred to TCCS and NoWaste with comments now received. The Authority has engaged ARUP for an independent review of the EIS to ensure all matters raised in the Scoping Document has been addressed. The independent review was undertaken due to the number of representations and due to community concerns that proper process is not</p>
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being undertaken. The findings from the review has been provided to the applicant and the Authority has received a response from the proponent.

If the Authority is satisfied that the EIS sufficiently addresses the requirements then an assessment report will be prepared and provided to you for consideration.

Otherwise, the authority must reject the EIS.

The Authority has now finalised an assessment report and provided a briefing package to your office for consideration where you decided to take no action in relation to the EIS. The EIS is now deemed complete and the proponent is now able to submit a DA in the impact track.

**Environment, Planning and Sustainable  
Development Directorate**

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<b>To:</b>	Minister for Planning and Land Management	Tracking No.: 20/33306
<b>Date:</b>	10 June 2020	
<b>From:</b>	Executive Group Manager, Planning Delivery	
<b>Subject:</b>	Environmental Impact Statement (EIS) Assessment Report – Capital Recycling Solutions – Materials Recovery Facility (EIS201700053)	
<b>Critical Date:</b>	3 July 2020	
<b>Critical Reason:</b>	You must decide within 15 working days of receiving this brief whether to establish an Inquiry Panel to inquire about the EIS (as per s 228 of the <i>Planning and Development Act 2007</i> ), or to make another decision in relation to the EIS.	

- DG .../.../...
- DDG, Sustainability and the Built Environment 10/06/2020

**Purpose**

To provide you with the Environmental Impact Statement (EIS) and EIS assessment report (EISAR) for the Materials Recovery Facility proposed by Capital Recycling Solutions in Fyshwick, in accordance with sections 225 and 225A of the *Planning and Development Act 2007* (the Act).

**Recommendations**

That you:

1. **Note** the EISAR at Attachment A and Revised EIS at Attachment B;

**Noted / Please Discuss**

2. **Note** the planning and land authority (the authority) is satisfied that the EIS sufficiently addresses each matter listed under s 222 (2) (a) of the Act;

**Noted / Please Discuss**

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3. **Make** a decision on the EIS process, by choosing one of the following options (please circle):

a. **Option 1 – take no action on the EIS**

OR

b. **Option 2 – decide not to establish an Inquiry Panel and present the EIS to the Legislative Assembly**

OR

c. **Option 3 – establish an Inquiry Panel to inquire about the EIS.**

4. **Agree** to publish the EISAR, Revised EIS documentation, further information requests and responses, and the Arup Independent Review Report, along with a summary of your decision on the authority's website;

**Agreed / Not Agreed / Please Discuss**

5. **Note** the EISAR is required by the Act to be published on the authority's website and notified on the ACT Legislation Register following your decision; and

**Noted / Please Discuss**

6. **Note** that the authority will prepare a separate briefing package to give effect to the option you decide, including notifying the applicant, publication of assessment documents and a communications plan.

**Noted / Please Discuss**

Mick Gentleman MLA .....



2./7./2020

Minister's Office Feedback

## Background

1. Capital Recycling Solutions Pty Ltd (CRS) is proposing to build a materials recovery facility on Blocks 9 and 11 Section 8 Fyshwick (16 Ipswich Street Fyshwick). Purdon Planning Pty Ltd (Purdon Planning) has acted as the applicant for this project on behalf of CRS.
2. The proposal is required to be assessed in the Impact Track as it triggers item 10 of Part 4.2 of Schedule 4 of the *Planning and Development Act 2007* (the Act) as a waste recycling facility intended to handle more than 30 kt of waste each year.
3. On 4 December 2017, the proponent lodged an application for an EIS scoping document for the proposal. The scoping document was issued by the authority on 15 January 2018 and published as a notifiable instrument (NI2018-27).
4. A draft EIS was submitted to the authority on 19 April 2018. The draft EIS was referred to entities and was publicly notified on the authority website between 23 April 2018 and 27 June 2018, being 45 working days. This exceeded the minimum requirement under section 218 of the Act, which states that the public consultation period of the draft EIS is no less than 20 working days. An extension was provided to allow the public more time to consider the application due to the number of documents and level of interest in the proposal. 464 representations were received during the public consultation period. A summary of key issues raised in submissions and entity advice is provided in section 2.4.1 and 2.4.2 respectively of the EIS assessment report ([Attachment A](#)).
5. The proponent considered comments from referral entities and the authority in a revised EIS ([Attachment B](#)) that was submitted to the authority on 12 November 2018.
6. The authority made two further information requests in relation to information provided in the revised EIS providing the proponent a chance to address unaddressed matters in the revised EIS. A response to the first request was received on 9 April 2019 and the second request on 20 August 2019.
7. The authority then commissioned Arup Australia Pty Ltd (Arup) to undertake an independent review of the EIS, with Arup's report received by the authority on 5 December 2019 (detailed further below).
8. The authority has prepared an EIS assessment report ([Attachment A](#)) based on its assessment of the EIS application.

## Issues

### *EIS Assessment Report*

9. The authority has accepted the EIS under s 222(2)(a) of the Act and has prepared the EISAR at [Attachment A](#).
10. The EISAR confirms that the authority is satisfied in relation to the matters mentioned in s 222(2)(a) and provides the authority's assessment of the EIS.
11. As outlined below, the authority has undertaken an extensive assessment process for the EIS. This includes two further information requests, an independent review of the EIS and considering legal advice on assessment issues.

12. The EISAR is now given to you as required by s 225 of the Act, for your decision in relation to the EIS. The options available to you are explored in further detail below (paragraph 41 Minister options).

*Further information requests (chance to address unaddressed matters)*

13. Following submission of the revised EIS on 12 November 2018, the authority referred the EIS to selected entities to confirm that matters raised in entity referral comments at the draft EIS stage had been addressed. Following receipt of entity comments on the revised EIS, and the authority's own assessment of the revised EIS, the authority was not satisfied that the EIS sufficiently addressed each matter raised in the scoping document and that timely representations on the draft EIS had been taken into account and that the representations were demonstrated to have been taken into account.
14. Under s 224 of the Act, the authority provided notice on 21 December 2018 (first s 224 notice) to that effect and the proponent was given a chance to address unaddressed matters. A copy of this notice is provided at [Appendix 2 to the EISAR](#).
15. On 9 April 2019, the proponent provided a response to the Authority (the first response). The Authority reviewed the first response and remained unsatisfied about a matter in s 222(2)(a) of the Act, namely that each matter raised in the scoping document had been addressed and that timely representations on the draft EIS had been taken into account and were demonstrated to have been taken into account.
16. On 3 June 2019, the Authority provided a second notice to the proponent in accordance with s 224(2) of the Act (second s 224 notice). A copy of this notice is provided at [Appendix 3 to the EISAR](#).
17. On 20 August 2019, the proponent provided a response to the second s 224 notice that included an EIS report undertaken by the proponent, dated August 2019, and annexures (the second response).
18. The second response constitutes the final EIS received by the Authority in respect of the proposal and is provided at [Attachment B](#). The EISAR assesses the final EIS as revised following both the first and second s 224 notices.

*Independent Review*

19. In considering the final EIS, and following the responses to the further information requests, the authority engaged an independent consultant to review the EIS.
20. The authority engaged Arup to provide an independent review of the EIS in relation to the information provided and whether the matters raised in the scoping document were adequately addressed. Arup was selected due to its expertise and in-house qualifications in waste, odour, traffic and fire, and because it had no connection to the proposal. Arup provided its final review report to the authority on 5 December 2019. A copy of the Arup report is provided at [Appendix 4 to the EISAR \(Attachment A\)](#) for your consideration.
21. In summary, the Arup report found:

- a. The EIS was deficient in relation to its consistency with several scoping document requirements
  - b. The EIS was inadequate or inaccurate in several parts of the EIS. There were 13 key omissions or errors identified and 16 instances of incomplete or insufficient information.
22. Relevantly, Arup concluded that:
- a. *“There are a lot of questions that need confirming about the proposal. This is to ensure its impacts are correctly identified and assessed... The current EIS does not contain the information needed to provide the comfort that all the impacts have been correctly identified and assessed. It is also unclear if the necessary controls have been described to build, run and close the facility without any unacceptable negative or lasting impact on the local area” (Non-Technical Summary).*
  - b. *“the impacts of building and operating a materials recovery facility in an industrial area are well understood and can be likely adequately managed without significant residual effect on the receiving environment” (p 58).*
  - c. *“There are many materials recycling facilities in Australia and overseas. Some are in built-up areas. They operate safely and with few complaints” (Non-Technical Summary).*
  - d. *“In summary, it should be possible to build a materials recycling facility in Fyshwick, providing the necessary controls are put in place to minimise its impacts” (Non-Technical Summary).*
23. On 16 December 2019, the Authority provided a copy of the Arup report to the proponent. The authority invited the proponent to provide a response to the matters raised in the Arup report. The authority met with representatives of CRS and Purdon Planning on 18 December 2019, outlining the matters raised in the Arup report, the expected format and timeframes for responding, and applicable provisions of the Act.
24. On 28 January 2020, CRS provided the authority with a response to the Arup report which was received within the expected timeframe.
25. The authority has considered the Arup report and the proponent’s response and a discussion is provided under each identified impact in Section 3 of the EISAR.
26. As explored further below, while the authority accepts the Arup findings and notes the deficiencies identified, the authority considers that these matters can be appropriately explored and resolved at the development application (DA) stage. At the DA stage final designs are provided which will provide greater certainty of the proposal and allow a more detailed assessment of design and operations.

*Summary of Authority's assessment*

34. Considering the assessment process undertaken and advice received, as outlined above, the authority has determined that the EIS provided by CRS sufficiently addresses the requirements of s 222(2)(a) of the Act. Therefore, the authority has accepted the EIS.
35. In coming to this conclusion, the authority has closely assessed the EIS provided by CRS, including all revisions made through the revised EIS and further information processes.
36. The authority has also considered in detail the findings of the Arup report and the deficiencies identified in that report. The authority accepts the findings of the Arup report, but does not consider these to be of sufficient substance to warrant refusal of the EIS. The matters raised by Arup can, and will be required to be, appropriately addressed by the proponent when lodging a DA in the impact track for this proposal.
37. In this way, the EIS and DA processes are working harmoniously to identify, resolve and implement responses to issues identified through the EIS process.

*Minister options*

38. Under the Act, you must make a decision on the EIS. You have the following options to complete the EIS process:
  - a. **Option 1** - take no action on the EIS
    - i. This option applies if you decide not to establish an Inquiry Panel and

decide not to present the EIS to the Legislative Assembly.

- b. **Option 2** - not establish an inquiry panel, but present the EIS to the Legislative Assembly; or
    - i. The EIS process is complete upon your decision not to establish an Inquiry Panel.
  - c. **Option 3** - establish an inquiry panel to inquire about the EIS
    - i. The EIS process will be complete at the finalisation of the inquiry panel report.
39. Under s 228 of the Act, if you choose to establish an inquiry panel, you must decide to do this within 15 working days of receiving this brief.
40. For options 2 and 3, you may also choose to present the EIS to the Legislative Assembly under s 227 of the PD Act. However, this does not affect whether the EIS process is considered complete (see s 209(2) of the PD Act).
41. Below are considerations in relation to each option available to you. In considering these options, you should consider the revised EIS, the responses to further information requests and the findings of, and response to, the ARUP report.
- a. Option 1 - No further action on EIS
    - i. Under this option you would take no action on the EIS (no inquiry panel, no presentation to the Assembly) and the EIS process would be complete, with the proponent then being able to lodge an impact track DA.
    - ii. This option is available if you consider that the EIS sufficiently addresses impacts and that any other matters can be resolved appropriately at the DA stage. This is consistent with the approach taken by the authority in accepting the EIS and providing it to you.
  - b. Option 2 – No Inquiry Panel, but present EIS to Legislative Assembly
    - i. The Act provides limited guidance about what this option entails, other than that you may present the EIS to the Assembly. In practice, this option brings the EIS to the attention of the Assembly. It could mean an inquiry by an Assembly Committee or motions on the EIS, for example.
    - ii. Your decision to not establish an Inquiry Panel completes the EIS process, with a separate Assembly process not affecting the completion.
    - iii. If you consider that further action is required on the EIS, it is considered that an independent inquiry panel is preferable to presentation to the Assembly.
  - c. Option 3 – Establish an Inquiry Panel
    - i. If you consider that further action is required on the EIS, it is open to

you to establish an Inquiry Panel to inquire about the EIS.

- ii. An Inquiry Panel would involve appointing relevant experts to the panel, likely receiving submissions and holding hearings, and a final report. The completion of the inquiry panel report completes the EIS process.
  - iii. An inquiry panel is unlikely to add significant value to the assessment of environmental impacts of the proposal. As concluded by Arup in its review, it should be possible to build a materials recovery facility in Fyshwick, providing the necessary controls are put in place to minimise its impacts. There are examples of materials recovery facilities in built-up areas in Australia and overseas operating safely and with few complaints.
  - iv. This is a known technology, with well understood impacts, such as traffic and transport and waste management. Given the nature of the proposal, there is limited risk of unacceptable impacts should the proposal operate to its capacity.
  - v. This proposal can be contrasted with a recent Inquiry Panel for the FOY Group waste plastics to fuel conversion facility, which was an unknown technology in Australia, with the EIS prepared by the applicant themselves and requiring independent review.
  - vi. In previous correspondence to you, the Inner South Community Council and associated residents' groups have requested that you establish an inquiry panel into this proposal.
42. Following your decision on the EIS process, the authority will prepare a separate package to give effect to that decision.
43. If, and when, the EIS process is complete, it is expected that the applicant will lodge a DA in the impact track for the proposed facility. An impact track DA is subject to public notification and third-party appeal rights under the Act and *Planning and Development Regulation 2008*.

### **Financial Implications**

44. There are potential financial implications associated with the recommendations in this brief if you choose to establish an inquiry panel.
45. Should you choose to establish an inquiry panel, s 233 of the Act provides that the direct and indirect costs to the Territory of the conduct of an inquiry about an EIS are recoverable from the proponent. In discussion with the authority, you would need to consider whether cost recovery would be sought in this instance.
46. The other options in this brief are not considered to have financial implications.

### **Consultation**

#### Internal

47. Relevant areas within EPSDD were consulted during the preparation of the scoping document and on the EIS as required by the Act and Regulation. A summary is

provided in section 2.3 and 2.4 of the EISAR.

#### Cross Directorate

48. Relevant ACT Government agencies were consulted during the preparation of the scoping document and on the EIS. A summary is provided in section 2.3 and 2.4 of the EISAR.

#### External

49. The draft EIS was publicly notified in accordance with the requirements of the Act. 464 representations were received.

#### **Work Health and Safety**

50. There are no work health and safety issues arising from the Directorate's administration of the EIS process.
51. Any work health and safety issues related to the development proposal are a matter for the proponent and will be considered, as appropriate, in any subsequent DA stage for this proposal.

#### **Benefits/Sensitivities**

52. The EIS process must be complete in accordance with the Act before a DA can be lodged in the impact track and a decision made on that application.
53. There has been procedural fairness throughout this process, with opportunities for entity and community representations, and the legislative and independent review process with CRS.
54. Given the significant interest in this proposal, there is likely to be concerns raised regardless of the option chosen.
55. However, as detailed above, there is legal advice that a rejection of the EIS by the Authority would be likely to fail in Court if challenged.
56. Given the options available to you under the Act, a legal challenge to your decision through judicial review under the *Administrative Decisions (Judicial Review) Act 1989* is a possibility but considered unlikely. As Counsel advised the authority, it is open to you to either complete the EIS process by taking no action, establish an inquiry panel or refer the EIS to the Assembly.

#### **Communications, media and engagement implications**

57. The EIS proposal has received significant media and community interest throughout the process. The proponent has received media attention questioning the delays in the assessment process. There has also been media coverage of the opposition to this proposal by local business, the Inner South Community Council and residents' groups.
58. Depending on the option you select in this brief, a communication plan will be prepared to support that option and provided to you in a subsequent brief.
59. Regardless of the option you select, it is proposed to release all information held by the authority on the authority's website, including the revised EIS, the EISAR, the ARUP report and a summary of your decision to support transparency of the

assessment and decision-making process. This does not include the legal advice obtained by the authority.

60. It is considered likely that a request for documents related to this process will be lodged under the *Freedom of Information Act 2016*.

Signatory Name: James Bennett

Phone: 54877

Action Officer: Dominic Riches

Phone: 51834

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	EIS assessment report including annexures 1-4
Attachment B	Revised EIS including annexures A-Y

**Environment, Planning and Sustainable  
Development Directorate**

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<b>To:</b>	Minister for Planning and Land Management	Tracking No.: 20/42846
<b>Date:</b>	2 July 2020	
<b>From:</b>	Executive Group Manager, Planning Delivery	
<b>Subject:</b>	Action on Decision for Environmental Impact Statement (EIS) Assessment Report – Capital Recycling Solutions – Materials Recovery Facility (EIS201700053)	
<b>Critical Date:</b>	3 July 2020	
<b>Critical Reason:</b>	This package has been prepared to support your decision on the EIS process.	

- DG .../.../...
- DDG, Sustainability and the Built Environment .../.../...

**Recommendations**

That you:

1. **Sign** the attached letter (**Attachment A**) to the planning and land authority advising of your decision to take no action on the EIS;

**Signed / Not Signed / Please Discuss**

2. **Note** the talking points (**Attachment B**) and draft media release (**Attachment C**) relating to the decision;

**Noted / Please Discuss**

3. **Note** that the authority will communicate your decision to the applicant, everyone who made a representation on the EIS process and update the EPSDD website with all documents relating to your decision.

**Noted / Please Discuss**

Mick Gentleman MLA .....  ..... 6./7./2020

Minister's Office Feedback

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### **Background**

1. On 2 July 2020, you made a decision to take no action on the Environmental Impact Statement (EIS) process for the Materials Recovery Facility proposed by Capital Recycling Solutions in Fyshwick in accordance with the *Planning and Development Act 2007* (the Act) (see brief 20/33306).
2. As a result of your decision, the EIS process is now complete.
3. This brief package is to provide you with the necessary documentation to action your decision to take no action on the EIS.

### **Issues**

4. In relation to brief 20/33306, you have decided to take no action in relation to the EIS process. To formally communicate this decision, a letter to the authority has been prepared for your consideration and signature (Attachment A).
5. Once this letter is received, the authority will communicate the outcome of the EIS process to the applicant.
6. The authority will also provide notice of your decision to each person who made a representation on the EIS during the public notification process.
7. As detailed in brief 20/33306, the authority will notify the EIS assessment report to the Legislation Register as a notifiable instrument.
8. As also detailed in brief 20/33306, the authority will update the EPSDD website for this project and publish all relevant assessment documents, including the EIS assessment report, the revised EIS documentation, further information requests and responses, and the Arup Independent Review Report, along with a summary of your decision.
9. To support your decision on the EIS process, talking points (Attachment B) and a draft media release (Attachment C) have been prepared for your consideration and the media approach will be resolved in further discussions with your office.
10. As the EIS process is now considered complete, the proponent may submit a development application (DA) for assessment in the impact track. This DA will be assessed against the commitments made in the EIS, the relevant Territory Plan codes and the *Planning and Development Act 2007* (the Act).

### **Financial Implications**

11. Nil

### **Consultation**

#### Internal

12. EPSDD Communications team was consulted to prepare for publication of your decision.

#### Cross Directorate

13. Nil

External

14. Nil

**Work Health and Safety**

15. Nil

**Benefits/Sensitivities**

16. 464 representations were received in relation to the EIS and the proposal has had a high level of community interest/opposition, especially local community groups and from a neighbouring business.
17. A DA submitted for this proposal will be notified for 15 working days which will give the community an opportunity to comment on the detailed design.
18. Any DA will be assessed by the authority in the impact track in accordance with the requirements of the Territory Plan and the Act.
19. As part of the DA stage, the detailed design will be considered against matters raised through the EIS process.
20. The authority's decision on the DA is a reviewable decision by eligible entities through the ACT Civil and Administrative Tribunal (ACAT). Eligible entities include the proponent and any person who makes a representation on the DA.

**Communications, media and engagement implications**

21. The authority has prepared draft talking points and a media release for your consideration, at Attachments B and C respectively.
22. EPSDD Communications will liaise with your office to resolve the media approach.

Signatory Name: James Bennett

Phone: 54877

Action Officer: Dominic Riches

Phone: 51834

**Attachments**

Attachment	Title
Attachment A	Letter notifying the Authority that no action will be taken on the EIS
Attachment B	Minister talking points relating to the decision on the EIS
Attachment C	Draft Minister media release outlining the decision and next steps



Minister for Advanced Technology and Space Industries  
Minister for the Environment and Heritage  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Urban Renewal  
Manager of Government Business  
Member for Brindabella

Obj#- 20/42846

Mr Ben Ponton  
Chief Planning Executive  
16 Challis Street  
DICKSON ACT 2602  
[Ben.Ponton@act.gov.au](mailto:Ben.Ponton@act.gov.au)

Dear Mr Ponton *Ben*

I write to you about the Environmental Impact Statement (EIS) for the proposed materials recovery facility, Blocks 9 and 11 Section 8 Fyshwick, EIS201700053. The planning and land authority has provided me with the EIS and the EIS assessment report in accordance with sections 225 and 225A of the *Planning and Development Act 2007*.

I have considered the EIS and the EIS assessment report. In accordance with section 226 of the Act, this letter is to advise you that I have decided to take no action in relation to the EIS. I consider that establishing an inquiry panel would not add any further value to the assessment of environmental impacts at this stage.

I note there are several issues identified in representations and the independent review of the EIS which will require careful review at the development application stage.

I also understand that the EIS is not the time to debate the merits of a proposal. The EIS process is about gathering all of the information so that the proposal can be properly considered through the development application process.

I am aware that if a development application is lodged, the community will have the opportunity to provide comments on the detailed design for the proposal during the public comment period.

---

## ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia  
Phone +61 2 6205 0218 Email [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



@GENTLEMANMick



MickGentleman



I would appreciate if you could please arrange for my decision to be communicated to the applicant and all people who made a representation during the public notification phase of the EIS process.

Yours sincerely



Mick Gentleman MLA  
Minister for Planning and Land Management

5/7/2022



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**TALKING POINTS  
DECISION ON EIS – CRS –  
MATERIALS RECOVERY FACILITY  
(EIS201700053)**

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## **DECISION ON ENVIRONMENTAL IMPACT STATEMENT (EIS) – CAPITAL RECYCLING SOLUTIONS (CRS) – MATERIALS RECOVERY FACILITY (EIS201700053)**

### **MINISTER’S DECISION ON THE EIS**

- On 2 July 2020 I decided to take no action on the EIS as the final EIS includes sufficient information to understand the environmental impacts of this proposal.
- The EIS process is now complete which allows the proponent to submit a development application to the independent planning and land authority, to be assessed in the impact track.
- I acknowledge there are several issues identified in representations and the independent review of the EIS will require careful consideration at the development application stage.
- These matters will be closely considered by the independent planning and land authority should a development application be lodged.
- The EIS is not the time to debate the merits of a proposal. The EIS process is about gathering information so that the proposal can be properly considered through the development application process.
- I consider that establishing an inquiry panel would not add any further value to the assessment of environmental impacts at this stage.
- The detailed design will need to address all of the matters raised in the EIS and the EIS assessment report, and meet the requirements of the Territory Plan and Planning and Development Act 2007.
- If a development application is lodged, it will be publicly notified for 15 working days, providing an opportunity for the community to comment on the detailed design for the proposal.
- A development application will also be referred to entities to provide comments on the application, such as the Environment Protection Authority and Transport Canberra and City Services.

### **THE PROPOSAL**

- Capital Recycling Solutions (CRS) proposal is for a materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick and aims to sort, separate and transfer approximately 300,000 tonnes of waste per year.

- Originally the proponent applied, through a separate scoping application, for a waste to energy facility and materials recovery facility. That scoping document has now lapsed and is not part of this proposal.

## **EIS ASSESSMENT PROCESS**

- The EIS process was undertaken to ensure that sufficient information had been gathered to understand the environmental impacts of the proposal.
  - The information in the EIS will be used to inform the development application to help the planning and land authority determine whether the proposal will have a significant adverse environmental impact.
  - The EIS underwent a draft and revised EIS stage. Further details were also provided under section 224 of the *Planning and Development Act 2007* (PD Act) to clarify matters raised by the Authority, Transport Planning (TCCS) and ACT NoWaste (TCCS).
  - The draft EIS was publicly notified for 45 working days and 464 representations were received.
  - The authority had an independent review undertaken by ARUP which assisted in assessing the EIS under the statutory process.
  - The authority prepared an EIS Assessment Report, through consultation with relevant entities, and provided it to me for my consideration.
  - Matters raised in the EIS assessment report require specific details on traffic and parking, external services, emergency management, detail on storage areas and capacities, building design and proposed landscaping, and firefighting equipment and storage.
  - The matters identified in the EIS will need to be addressed as part of the DA and will be considered, by the Authority, during the assessment process.
- 

**Approved by:**

**Insert Date**

## **Mick Gentleman** MLA

Minister for Advanced Technology and Space Industries  
Minister for the Environment and Heritage  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Urban Renewal  
Manager of Government Business  
Member for Brindabella

**Xx** July 2020

# **Fyshwick materials recovery facility moves a step closer**

**The ACT Government has today cleared the way for a development application to be submitted for a proposed materials recovery facility in Fyshwick**

Minister for Planning and Land Management, Mick Gentleman, decided to take no further action on the Environmental Impact Statement (EIS) as the final EIS included sufficient information to understand the environmental impacts of this proposal.

“The EIS has been assessed by the independent planning and land authority and an assessment report has been prepared. This outlines what a future development application for the site must address when it is submitted,” Minister Gentleman said.

“There are several issues identified in representations from the community and by the independent review of the EIS. These issues will require careful review at the development application stage by the independent planning and land authority should a development application be lodged.

“Our planning system allows for the EIS process to gather as much information as possible so that the proposal can be properly considered through the development application process.

“If a development application is lodged, the community will have the opportunity to provide comments on the detailed design for the proposal during the standard public comment period.”

A materials recovery facility has been proposed by Capital Recycling Solutions (CRS) at Blocks 9 and 11 Section 8 Fyshwick.

The proposed site was previously used as a fuel storage facility and has been vacant for several years. CRS proposes a facility to handle 300kt of waste per year and is currently being assessed through the impact track.

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## **ACT Legislative Assembly**

Phone (02) 6205 0218 Email: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)

 [@GENTLEMANMick](https://twitter.com/GENTLEMANMick)  [MickGentleman](https://www.facebook.com/MickGentleman)



## Mick Gentleman MLA

Minister for Advanced Technology and Space Industries  
Minister for the Environment and Heritage  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Urban Renewal  
Manager of Government Business  
Member for Brindabella

**Statement ends**

**Media contact:**

**James Webber** T (02) 6205 7402 M 0466 023 084 james.webber@act.gov.au

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**ACT Legislative Assembly**

Phone (02) 6205 0218 Email: gentleman@act.gov.au

 @GENTLEMANMick  MickGentleman



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**Subject:** EIS discussion  
**Location:** Minister Gentleman's office

**Start:** Fri 15/11/2019 2:30 PM  
**End:** Fri 15/11/2019 3:30 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Bennett, JamesP

**Required Attendees**Kandola, Shobaz; Phillips, Brett; Crossman, Louise; Rutledge, Geoffrey; Liston, Tegan

---

**From:** Bennett, JamesP  
**Sent:** Wednesday, 11 December 2019 4:14 PM  
**To:** Crossman, Louise  
**Cc:** Phillips, Brett  
**Subject:** FW: CRS EIS Determination 16 Ipswich Street, Fyshwick  
**Attachments:** RE\_ EIS Progress.msg

UNCLASSIFIED

Hi Louise  
Please see attached correspondence for your information.

Thanks  
James

---

**From:** Ponton, Ben <Ben.Ponton@act.gov.au>  
**Sent:** Wednesday, 11 December 2019 10:47 AM  
**To:** Ewen Mckenzie [REDACTED] Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>  
**Cc:** Brady, Erin <Erin.Brady@act.gov.au>; Marcantonio, Laura <Laura.Marcantonio@act.gov.au>; McRae, Poppy <Poppy.McRae@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Bennett, JamesP <JamesP.Bennett@act.gov.au>; Ernest Dupere [REDACTED] 'Adam Perry' <Adam.Perry@accessrecycling.com.au>; [REDACTED]  
**Subject:** FW: CRS EIS Determination 16 Ipswich Street, Fyshwick

UNCLASSIFIED

Dear Mr McKenzie,

Thank you for your e-mail received earlier today (and attachment), a copy of which is below.

I am currently on leave (you would have received an automated message advising you of this).

Nevertheless, I have referred your correspondence to the relevant Deputy Director-General, Geoffrey Rutledge, for action.

I have also copied in the Acting Director-General, Erin Brady, together with my office into this e-mail and relevant people from Mr Rutledge's team.

I have also copied in those people that you copied into your e-mail to me.

I am sure that Mr Rutledge will respond to you as soon as possible.

In the meantime, you are most welcome to pursue whatever "legal strategy" you consider necessary and or / available to you.

Yours sincerely,

B

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Ben Ponton | Director-General

Phone +61 2 6207 8359

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

Level 3, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** Ewen McKenzie [REDACTED]

**Sent:** Wednesday, 11 December 2019 9:47 AM

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

**Cc:** Ernest Duper [REDACTED] 'Adam Perry' <[Adam.Perry@accessrecycling.com.au](mailto:Adam.Perry@accessrecycling.com.au)>; [REDACTED]

**Subject:** CRS EIS Determination 16 Ipswich Street, Fyshwick

Dear Mr Ponton

We lodged our EIS application in April 2018 and it has now been in the ACTPLA system for some 20 months.

We have been chasing the determination progress since all requested supplementary information was submitted in early August 2019.

The EIS has now been with ACTPLA for four months for report writing and determination by the Minister. We were advised by ACTPLA of its decision to employ an independent review process in September, although we were not informed what was actually being reviewed (the document proper, the process, public consultation?). We have already made written contact with you on 10 September 2019 requesting an update as to progress and now it is early December and we are seeking your advice again.

After continuing to chase the progress of this application we have just received the attached email from ACTPLA which does not shed any light on the planning path ahead or the actual reasons for delay. Given the lengthy and tortuous approval process that has ensued thus far, can you enlighten us as to the clear determination path and timing going forward?

In the absence of any prompt, clear advice from you we otherwise will proceed with a "deemed refusal" legal strategy as the Territory handling of our application is clearly having negative commercial consequences for us.

Yours faithfully,

Ewen

Kind regards,

**Ewen McKenzie**  
Project Manager  
[REDACTED]



**HEAD OFFICE**

11a Narabang Way, Belrose NSW 2085  
PO Box 431, Frenchs Forest NSW 1640  
T (02) 9986 3500 [benedict.com.au](http://benedict.com.au)

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**From:** Bennett, JamesP <JamesP.Bennett@act.gov.au>  
**Sent:** Tuesday, 10 December 2019 4:56 PM  
**To:** Ewen Mckenzie  
**Subject:** RE: EIS Progress

UNCLASSIFIED

Hi Ewen

Sorry I've missed your calls, I've been out of the office for large parts of the last two days.

I tried to ring but missed you.

An update for you:

- We have received a draft of the independent review
- We are hoping to receive a final copy shortly
- The independent review raises some issues which we are seeking legal advice on
- We will update you on progress once we have received the advice and considered it.

I recognise this is a delay to the timing we were originally working to and apologise for that.

Thanks  
James

James Bennett | Senior Director, Planning Operations  
Phone 02 6205 4877 | Planning Delivery Division  
Environment, Planning and Sustainable Development Directorate | ACT Government  
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

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**From:** Ewen Mckenzie [REDACTED]  
**Sent:** Tuesday, 10 December 2019 3:54 PM  
**To:** Bennett, JamesP <JamesP.Bennett@act.gov.au>  
**Subject:** EIS Progress

Hi James

I was wondering if there has been progress on the EIS determination by the Minister. Have tried you on the phone and left messages

I believe when we spoke on 11 September it was going to be some 4-5 weeks plus 3 weeks for the Minister - it is now some 8 weeks later and we are wondering what is happening?

Kind regards,

**Ewen McKenzie**  
Project Manager  
[REDACTED]



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**From:** Bennett, JamesP  
**Sent:** Tuesday, 2 June 2020 5:22 PM  
**To:** EPSD Government Services  
**Subject:** RE: CRS EIS Assessment package  
**Attachments:** 20\_33306 - Information Brief.obr

**Categories:** Lisa

UNCLASSIFIED

Hi Lisa  
Please see attached.

Thanks  
James

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**From:** EPSD Government Services <EPSDGovernmentServices@act.gov.au>  
**Sent:** Tuesday, 2 June 2020 4:41 PM  
**To:** Bennett, JamesP <JamesP.Bennett@act.gov.au>  
**Subject:** FW: CRS EIS Assessment package

UNCLASSIFIED

Hey James – what’s the OBJ file for this? I’ll pop a note just so QA’ers are aware too

[Lisa x71667](#)

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**From:** EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>  
**Sent:** Wednesday, 27 May 2020 12:23 PM  
**To:** EPSD Government Services <[EPSDGovernmentServices@act.gov.au](mailto:EPSDGovernmentServices@act.gov.au)>  
**Subject:** FW: CRS EIS Assessment package

UNCLASSIFIED

FYI

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**From:** Crossman, Louise <[Louise.Crossman@act.gov.au](mailto:Louise.Crossman@act.gov.au)>  
**Sent:** Wednesday, 27 May 2020 11:49 AM  
**To:** Bennett, JamesP <[JamesP.Bennett@act.gov.au](mailto:JamesP.Bennett@act.gov.au)>  
**Cc:** EPSDD DLO <[EPSDDDLO@act.gov.au](mailto:EPSDDDLO@act.gov.au)>  
**Subject:** Re: CRS EIS Assessment package

Electronic versions will be ok

Sent from my iPhone

On 27 May 2020, at 11:07 am, Bennett, JamesP <[JamesP.Bennett@act.gov.au](mailto:JamesP.Bennett@act.gov.au)> wrote:

UNCLASSIFIED

Hi Louise

We are currently preparing a briefing package on the CRS EIS.

We usually send up a big box of hard copy information for an EIS, including the revised EIS documents, our assessment report and other attachments.

Given the current work arrangements, will you need a hard copy of these documents, or will electronic versions be ok?

Thanks

James

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**From:** Bennett, JamesP  
**Sent:** Wednesday, 10 June 2020 5:42 PM  
**To:** Crossman, Louise  
**Subject:** FW: Authority assessment of EIS201700053  
**Attachments:** Correspondence from Geoffrey Rutledge - Letter to CRS regarding EISAR - EIS201700053.pdf

UNCLASSIFIED

FYI – Brief is on its way up through the DLO.

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**From:** Bennett, JamesP  
**Sent:** Wednesday, 10 June 2020 5:39 PM  
**To:** Ewen Mckenzie [REDACTED]  
**Cc:** Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Richard Nash <richard.nash@purdon.com.au>  
**Subject:** Authority assessment of EIS201700053

UNCLASSIFIED

Dear Mr McKenzie

Please find attached correspondence from Geoffrey Rutledge in relation to the planning and land authority's assessment of EIS201700053.

Regards  
James

James Bennett | Senior Director, Planning Operations  
Phone 02 6205 4877 | Planning Delivery Division  
Environment, Planning and Sustainable Development Directorate | ACT Government  
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Obj ref: 20/34801

Mr Ewen McKenzie  
Capital Recycling Solutions P/L  
PO Box 431  
FRENCHS FOREST NSW 1640

cc: Richard Nash, General Manager, Purdon Planning

Dear Mr McKenzie

*Ewen*

### **Planning and land authority's decision - Application 201700053 – Environmental Impact Statement (EIS)**

I refer to the EIS submitted to the planning and land authority (the authority) for the proposed materials recovery facility at Blocks 9 and 11 Section 8 Fyshwick. The authority has considered the information submitted in the EIS process and provides the following.

#### Authority's decision

The authority has determined that the EIS sufficiently addresses the requirements of s 222(2)(a) of the *Planning and Development Act 2007* (the PD Act) and, therefore, the authority has accepted the EIS. The authority has now prepared an assessment report and given it to the Minister in accordance with s 225 of the PD Act.

The authority's assessment report outlines that the revised EIS has provided sufficient information to allow the ACT Government and the community to have an informed evaluation of potential environmental impacts which could be attributed to the proposal. In coming to this conclusion, the authority has closely assessed the EIS, including all revisions made through the revised EIS and further information processes (s 224 Notices).

The authority has also considered in detail the findings of the Independent Review undertaken by Arup Australia Pty Ltd (Arup Report) and the deficiencies identified in that report. The authority accepts the findings of the Arup Report, but does not consider these to be of sufficient substance to warrant refusal of the EIS, when considered in the context of the legislative requirements for an EIS. The matters raised by Arup can, and will be required to be, appropriately addressed if the EIS process is completed and you lodge a development application (DA) in the impact track for this proposal.

The EIS has proposed a range of avoidance, mitigation and management measures to reduce and avoid potential environmental impacts arising from construction and operational activities associated with the project.

The authority considers that the EIS has provided sufficient information relating to the potential adverse impacts of the proposal. A subsequent DA will need to address the mitigation measures and the DA conditions and considerations specified in the EISAR.

#### Next steps

The authority has provided the EIS and the EISAR to the Minister in accordance with s 225 and 225A of the PD Act. The Minister has the following options under the PD Act in relation to the EIS:

- **Option 1** - take no action on the EIS
  - i. This option applies if the Minister decides not to establish an Inquiry Panel and decides not to present the EIS to the Legislative Assembly.
- **Option 2** - not establish an inquiry panel, but present the EIS to the Legislative Assembly; or
  - i. The EIS process is complete upon the Minister's decision not to establish an Inquiry Panel.
- **Option 3** - establish an inquiry panel to inquire about the EIS
  - i. The EIS process will be complete at the finalisation of the inquiry panel report.

Under s 228 of the PD Act, the Minister must decide to establish an inquiry panel within 15 working days of receiving the EIS.

For options 2 and 3 above, the Minister may also choose to present the EIS to the Legislative Assembly under s 227 of the PD Act. However, this does not affect whether the EIS process is considered complete (see s 209(2) of the PD Act).

The Minister will write to you in due course in relation to his decision.

If you have any questions on this process, please contact James Bennett, Senior Director, on (02) 6205 4877 or by email at [jamesp.bennett@act.gov.au](mailto:jamesp.bennett@act.gov.au).

Yours sincerely



Geoffrey Rutledge  
Deputy Director-General  
Sustainability and the Built Environment

10 June 2020

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**From:** Bennett, JamesP  
**Sent:** Thursday, 2 July 2020 5:14 PM  
**To:** Crossman, Louise; EPSDD DLO  
**Cc:** Edgar, Olivia  
**Subject:** Minister letter on CRS decision

UNCLASSIFIED

Hi All

The brief and letter are on their way up. It may be in the morning.

Erica is away so Louise can you please arrange for this to be signed in the morning so we can upload to the website in the afternoon.

Many thanks everyone!

James