
From: [REDACTED]
Sent: Sunday, 21 October 2018 1:50 PM
To: EPSDFOI
Cc: [REDACTED]
Subject: Request under FOI for licence/agreements with supporting documents for operation in the ACT rail corridor S47 B11

Dear Information Records and Management Team,

I wish to request under the Freedom of Information Act 2016 copies of the following documents;

1. The Deed of Licence dated 15 January 2007, between the ACT Planning and Land Authority and the NSW Rail Infrastructure Corporation over the rail corridor at Block 11 section 47;
2. Supporting documents from TCCS (TAMS) as Custodian of the rail corridor;
3. If the Deed in 1. is outdated, all licences/agreements which have superseded that Deed for access to or leasehold over the ACT public rail corridor Block 11 Section 47 with supporting documents;
4. The two year licence agreement with Access Recycling, (Access Trading Co Pty Ltd or Access Railway Services Pty Ltd) with John Holland Rail Country Regional Network and Transport for NSW signed in November 2014 over Block 11 section 47;
5. The application in relation to 4. above for use of the Kingston freight terminal for the trial of freight to Port Botany from Kingston;
6. With regard to the 4. above two year trial of freight from Kingston to Port Botany, all supporting documents from TCCS being the land Custodian, LDA and ACTPLA and any ministerial support;
7. Any further sub-licences agreed in 2018 or prior by ACTPLA and TCCS as Custodian and granted by Transport for NSW or their agents to Access Recycling Services Pty Ltd ("Access Recycling"), Somerset Rehabilitation Pty Ltd or Capital Recycling Solutions Pty Ltd (CRS);
 - ❖ I note the Transport for NSW **Fixing Country Rail Pilot Round** (6 August 2016) has granted up to \$1 million for "*Rail siding upgrade at the Canberra Railway Freight terminal (Fyshwick)*" for an application from Access Recycling Services and Somerset Rehabilitation
 - ❖ I also note there is no intermodal terminal or rail freight terminal or freight hub or "*Canberra Railway Freight terminal*" at Fyshwick and the Kingston Railway freight terminal is out of use.
8. With regard to the further sub-licences in 7. above please provide supporting documentation from TCCS as Custodian, SLA and ACTPLA and any ministerial support.

This request is made with the presumption of release under section 7 of the 2016 Freedom of Information Act and is made in the public interest which is to have available information which allows the public to see how government and its agencies operate. It meets the objectives of Section 6 of the Act and is prompted by the recent well documented interest in the CRS draft EIS currently progressed by ACTPLA. This draft EIS201700053 has received some 464 public submissions overwhelmingly rejecting the CRS proposal that a major waste transfer terminal and associated waste train could be appropriate for the IZ2-Mixed use industrial commercial and retail Fyshwick. The proposed construction of submitted DA201834059 to extend 18.4m into the public rail corridor, (part) Section 47 Block 11, at Fyshwick and all its environmental and social consequences and lack of freight analysis are a matter of great public concern. There is public concern for poor strategic outcome with placement of an intermodal freight hub on the narrowest section of the corridor and poor planning to shuffle waste from a landfill we own and receive benefit from to one we will have to pay more for. The precedent set most recently with the Shell fuel depot operation up to 2010 required loading and unloading of freight to occur on Shell land.

There is public interest in the coming Supreme Court Hearing SC/0396/18 – Capital Recycling Solutions v Planning and Land Authority of the Australian Capital Territory set down for 19 December 2018 with a follow up ACAT session in 2019.

Consequently I request that any fees or charges relating to this request be waived. If any of these documents evoke privacy issues under Schedule 2.2 (a) (ii) I am agreeable to partial release and to receive them in a redacted form with names and personal details omitted.

I thank you for your attention to my request.

Yours sincerely,

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