

**From:** [REDACTED]  
**To:** [EPSDEOI](#)  
**Cc:** [REDACTED]  
**Subject:** Freedom for Information Request to Environment, Planning and Sustainable Directorate | Documents re Capital Asphalt Plant [REDACTED]  
**Date:** Monday, 3 July 2023 4:50:58 PM  
**Attachments:** [REDACTED]

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Dear Sir/Madam,

[REDACTED] and seek access under the *Freedom of Information Act 2016 (FOI Act)* to the documents identified in this email.

This application for access to information is for the Environment, Planning and Sustainable Directorate. The application seeks documents relating to the operation of an asphalt process plant, called Capital Asphalt Plant (**Plant**) located at 5 Paspaley Street, Hume ACT 2620 (**Site**).

The planning and land authority (**Authority**) granted development approval, pursuant to s 162 of the *Planning and Development Act 2007 (P&D Act)*, for the Plant on 25 May 2020 (**Development Approval**).

On 26 March 2021, the Authority amended the Development Approval, pursuant to s 198 of the P & D Act (**Amended Development Approval**).

I have **attached** the two Notice of Decisions for reference.

Under the FOI Act, I seek access to the following documents:

#### **Development Approval Information**

1. The development application (**DA**) 201936510 lodged on 19 December 2019 proposing the development of the Plant including:
  - a. any air quality impact assessment reports submitted with or subsequent to the lodgement of the DA;
  - b. the document referred to at page 8 of the Development Approval as the EPA's request for further information pursuant to section 141 of the *Planning and Development Act 2007*;
  - c. the following documents referred to on page 12 of the Development Approval:
    - i. the document seeking further information on the Air Quality Report and any documents submitted to the Authority and/or EPA in response to that request;
    - ii. the document referred to as Supplementary Air Quality Impact Assessment prepared by *SLR Consulting Australia Pty Ltd* dated 17 March 2020 and any subsequent assessment of that document by the EPA;
    - iii. the document referred to as the air quality assessment ERM dated 1 May 2020 submitted by a representator; and
    - iv. the document referred to as EPA's final advice dated 19 May 2020.
2. The documents submitted to the Authority in satisfaction of Condition 1 at page 2 of the Development Approval relating to air quality measures for the development.
3. Any advice or further conditions imposed by the EPA as referred to in Condition 1 of the Development Approval, including any amended drawings or environmental reports relied on by the EPA.
4. Any advice or documents submitted to the EPA and not caught by the request above that led to its final support for the DA, including any independent review of the air quality modelling referred to at page 12 of the Development Approval;
5. The 5 representations received during the public notification period which raised issues with air quality, health impacts, proximity to receptors, toxic chemicals and fumes referred to at page 11 of the Development Approval including the submission from Queanbeyan-Palerang Regional Council which raised concerns with the air quality and odour assessment and the proximity to current and future residential development at South Jerrabomberra referred to at page 8 of Development Approval.
6. Any modifications to the Amended Development Approval after 26 March 2021.

#### **Environmental Authorisation**

7. Any application for an environmental authorisation under s49(1)(a) of the *Environment Protection Act 1997 (EP Act)* to the operation of the Plant by the EPA, and documents submitted with such an application relating air emissions subsequent or connected to the Development Approval.
8. Documents evidencing the assessment of air quality issues as part of the application referred to in paragraph 7.
9. Any notice of determination granting an environmental authorisation under s49(1)(a) of the EP Act to the operation of the Plant by the EPA following receipt of an application referred to in paragraph 7 (**Authorisation**).
10. Any approved amendments to an environmental authorisation impacting upon or in any way altering conditions in the Authorisation addressing air quality and air emissions.
11. Any environmental management plan (**EMP**) accepted by the EPA prior to the commissioning of the Plant and any approved variations to the EMP.

**Operation of the Plant under the Development Approval and the Environmental Authorisation**

12. Any reports or records of air quality / air pollution / odour complaints provided to the EPA under the Authorisation.
13. Correspondence, if any, between the period 25 May 2020 to date, between the owner of the Plant and the EPA in respect of compliance or non-compliance with conditions of the Authorisation relating to air emissions, air pollution or odour and changes to conditions of the Authorisation dealing with air emissions, air pollution or odour.
14. Copies of any prevention notices or prohibition orders issued since 25 May 2020 dealing with air emissions, air pollution or odour and documents evidencing compliance with any such notices.

If there is a processing fee for this application, please provide an estimate of the likely costs of producing the documents sought under this application.

[Redacted]

Regards,

[Redacted]

[Redacted]

