

The applicant is proposing to acquire part of Block 11 Section 47 by direct sale to allow for the relocation of services, the provision of car parking, landscaping and recreation uses (e.g. dog park, bmx/mountain bike track, adventure playground) to serve the future residents of Dairy Road – see attached indicative site plan. It will also allow the provision of active travel links and a minor access road (to be handed back to the Territory). The proposed acquisition of the land will allow the long term management of the landscaping/recreation facilities and provide an appropriate interface between Dairy Road and the railway licensed land to the south.

Block 11 Section 47 Fyshwick

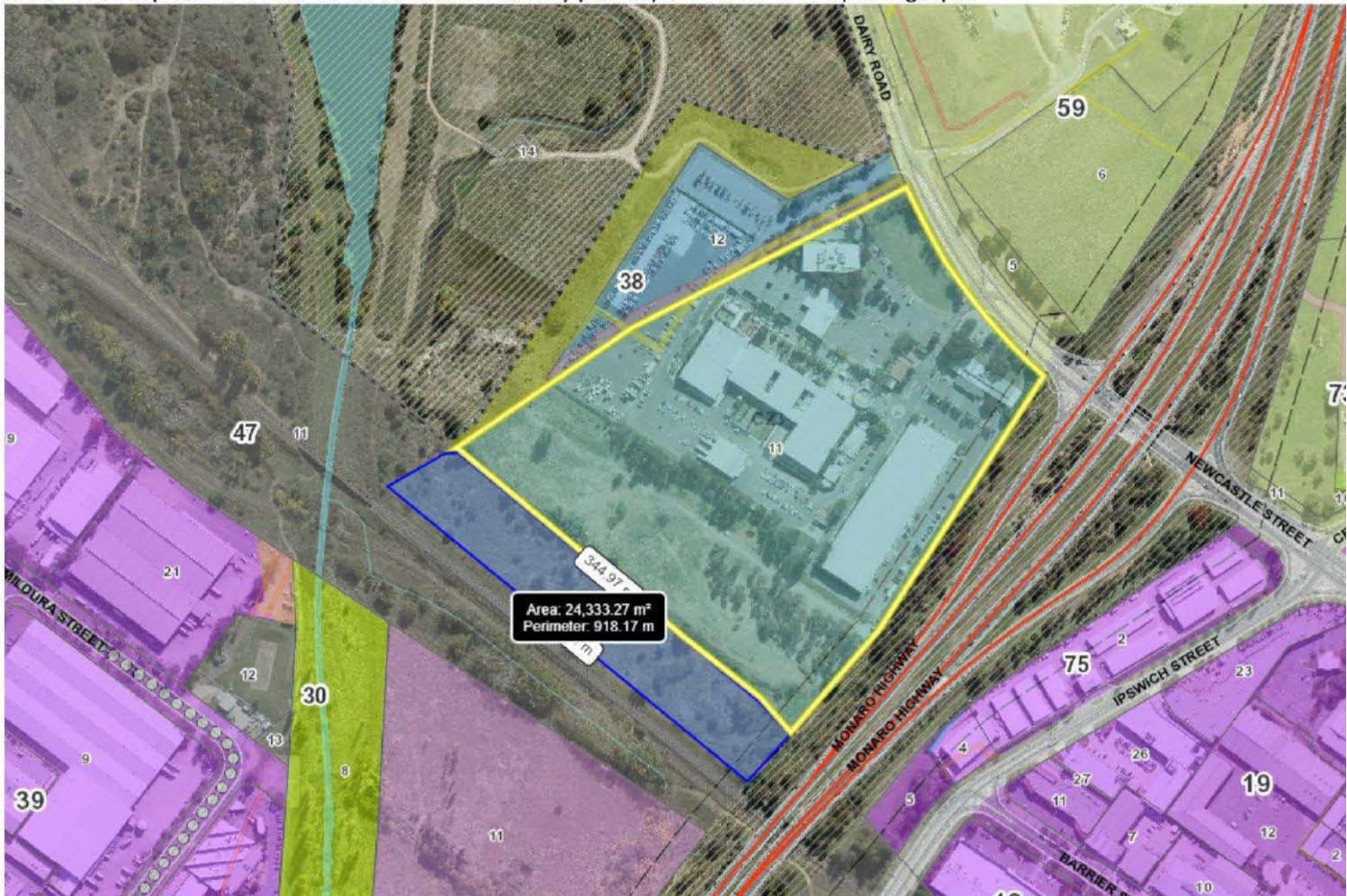
Territory Plan – TSZ2 – Services; Overlay zone - Major Avenue and Approach Routes.

Land Custodian - TCCS – City Presentation.

Block contains the Rail line, which is under licence. D&I have confirmed the area of land requested does not impact on the licence.

The additional land requested is located immediately to the south of Block 11 Section 38 Fyshwick (outlined in yellow) and is approximately 2.4 hectares in size (Blue measured area).

Please see snip below from ACTMAPi of the Territory plan layer over an aerial photograph.



Please provide your comments or special conditions to the Land Requests Advisory Committee (LRAC) inbox ESDLRAC@act.gov.au by COB Monday 23rd of February 2022.

Regards

Andrew Neilsen | Project Officer | Land Strategy
Planning and Urban Policy | Environment, Planning and Sustainable Development Directorate | ACT Government
480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au
Phone 02 6205 3615 | andrew.neilsen@act.gov.au
(working remotely)

From: "Mundy, Graham" <Graham.Mundy@act.gov.au>
Sent: 05/10/2022 9:10 PM
To: "EPSDD DevelopmentImplementation" <EPSDDDevelopmentImplementation@act.gov.au>
Cc: "Hicks, Katherine" <Katherine.Hicks@act.gov.au>
Subject: FW: FOR CLEARANCE: 22/124539 Ministerial-Information Brief- Gentleman - Direct Sale - Part Block 11 Section 47 Fyswick - Lolita(ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd (qA1160048)
Attachments: 22_124539 Ministerial-Information Brief- Gentleman - Direct Sale - Part Block 11 Section 47 Fyswick - Lolita(ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd.obr

OFFICIAL: Sensitive

-----Original Message-----

From: Hicks, Katherine <Katherine.Hicks@act.gov.au>
Sent: Thursday, 29 September 2022 9:58 AM
To: Marsh, Lynette <Lynette.Marsh@act.gov.au>
Cc: Mundy, Graham <Graham.Mundy@act.gov.au>
Subject: FOR CLEARANCE: 22/124539 Ministerial-Information Brief- Gentleman - Direct Sale - Part Block 11 Section 47 Fyswick - Lolita(ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd (qA1160048)

OFFICIAL: Sensitive

Hi Lynette

Please find the brief for the direct sale of part Block 11 Section 47 Fyshwick.

Graham has also reviewed.

I had a chat with Ben Riches on Tuesday and he advised the East Lake Place Plan date but also advised that the plan will not provide any certainty about land uses outside the boundary of East Lake.

Thanks
Katherine

Katherine Hicks has sent you a link to "22/124539 Ministerial-Information Brief- Gentleman - Direct Sale - Part Block 11 Section 47 Fyswick - Lolita(ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd" (qA1160048) from Objective.

Open in Navigator
Double click on the attachment

Open in ECM for Browser
<https://objective.act.gov.au/#!/documents/qA1160048/details>

From: "Hicks, Katherine"
Sent: 10/10/2022 5:43 AM
To: "Mundy, Graham" <Graham.Mundy@act.gov.au>; "Wyatt, Tim" <Tim.Wyatt@act.gov.au>
Subject: Fyshwick part Block 11 Section 47 - discuss further planning work in relation to direct sale

Hi Tim

Graham and I have just had a conversation with Ben Green and Lynette Marsh, about the direct sale proposal for the railway corridor in Fyshwick, that the Molonglo Group are seeking to purchase. We would like to discuss further with TCCS.

If tomorrow is not suitable, we can reschedule.

Thank you

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

Phone: 02 6205 4868 email: Katherine.Hicks@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue, Dickson ACT 2602

GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

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Passcode: hNg9ur

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Government

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From: "Hicks, Katherine"
Sent: 16/10/2022 11:57 PM
To: "McNamara, Damien" <Damien.McNamara@act.gov.au>
Subject: FW: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

FYI email sent to TCCS transport planning

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

OFFICIAL: Sensitive

Dear Sarah

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

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

From: "Hicks, Katherine"
Sent: 17/10/2022 4:21 AM
To: "Sturman, Judith" <Judith.Sturman@act.gov.au>
Subject: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Hi Judith

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

Thank you for your assistance

Regards

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

Phone: [02 6205 4868](tel:0262054868) **email:** Katherine.Hicks@act.gov.au

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Level 2, 480 Northbourne Avenue, Dickson ACT 2602

GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

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To: Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>
Cc: Wyatt, Tim <Tim.Wyatt@act.gov.au>; Mundy, Graham <Graham.Mundy@act.gov.au>; Sturman, Judith <Judith.Sturman@act.gov.au>
Subject: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

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Thank you for your assistance in this matter.

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From: "Powter, Luke" <Luke.Powter@act.gov.au>
Sent: 17/10/2022 10:40 PM
To: "Hicks, Katherine" <Katherine.Hicks@act.gov.au>
Cc: "Sturman, Judith" <Judith.Sturman@act.gov.au>; "Taylor-Dayus, Sarah" <Sarah.Taylor-Dayus@act.gov.au>; "Wyatt, Tim" <Tim.Wyatt@act.gov.au>
Subject: RE: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Good morning Katherine,

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

With kind regards,

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

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Luke

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

OFFICIAL: Sensitive

Hi Luke,

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

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

Much thanks
Sarah

From: Hicks, Katherine <>
Sent: Thursday, 13 October 2022 4:22 PM
To: Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>
Cc: Wyatt, Tim <>; Mundy, Graham <Graham.Mundy@act.gov.au>; Sturman, Judith <Judith.Sturman@act.gov.au>

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Thank you for your assistance in this matter.

Regards

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

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From: "Hicks, Katherine"
Sent: 17/10/2022 10:47 PM
To: "Mundy, Graham" <Graham.Mundy@act.gov.au>; "McNamara, Damien" <Damien.McNamara@act.gov.au>
Subject: FW: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

FYI

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

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Good morning Katherine,

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With kind regards,

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

OFFICIAL: Sensitive

Thank you Luke, will follow up with [REDACTED].

Regards

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

Phone: 02 6205 4868 **email:** Katherine.Hicks@act.gov.au

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Cc: Sturman, Judith <Judith.Sturman@act.gov.au>; Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>; Wyatt, Tim <Tim.Wyatt@act.gov.au>
Subject: RE: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

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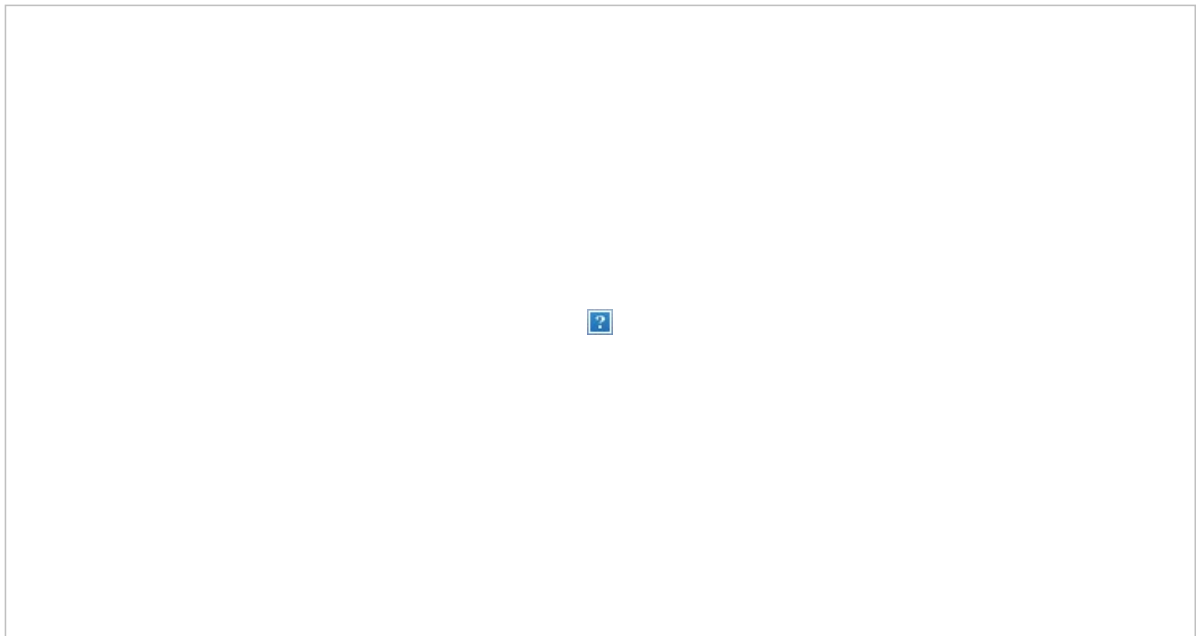
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From: [Powter, Luke](#)
To: [Hicks, Katherine](#)
Subject: FW: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor
Date: Tuesday, 18 October 2022 10:08:00 AM
Attachments: [image001.png](#)
[image002.jpg](#)

OFFICIAL: Sensitive

Hi Katherine,

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

Kind regards,
Luke

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Cc: Sturman, Judith <Judith.Sturman@act.gov.au>; Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>; Wyatt, Tim <Tim.Wyatt@act.gov.au>
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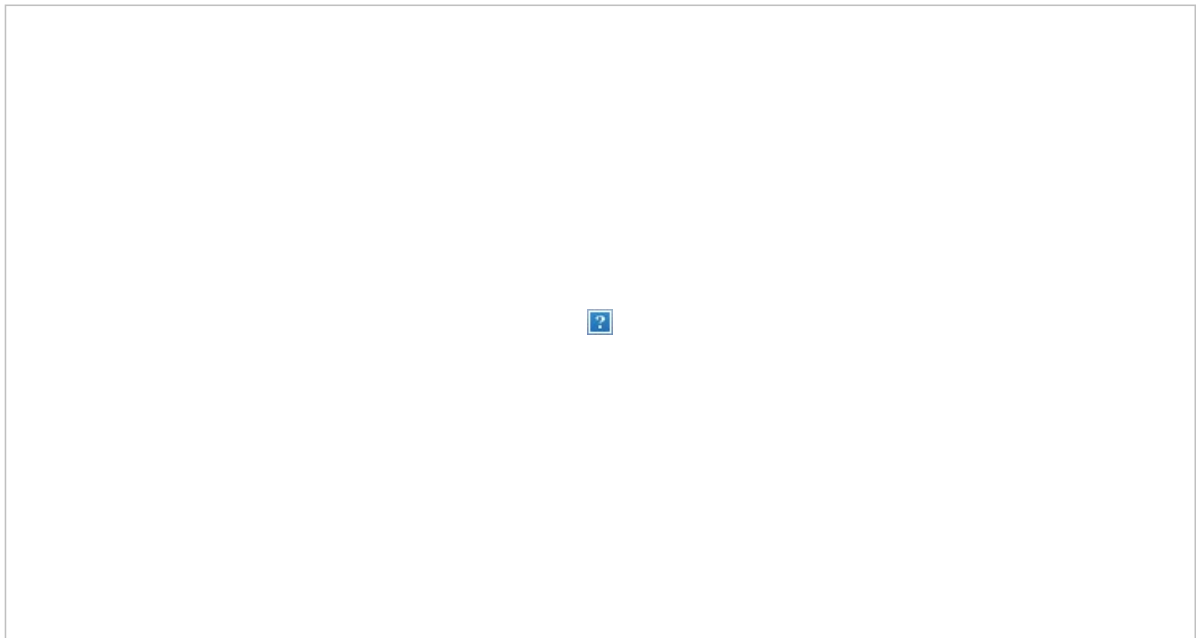
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Assistant Director | Development and Implementation | Strategic Projects

Phone: [02 6205 4868](tel:0262054868) **email:** Katherine.Hicks@act.gov.au

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

OFFICIAL: Sensitive

Thanks Luke, will give this a go.

Regards
Katherine

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

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Connected services for the people of Canberra



Luke

From: Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>

Sent: Sunday, 16 October 2022 8:17 PM

To: Powter, Luke <Luke.Powter@act.gov.au>

Cc: Sturman, Judith <Judith.Sturman@act.gov.au>

Subject: FW: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Hi Luke,

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

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

Much thanks

Sarah

From: Hicks, Katherine <>

Sent: Thursday, 13 October 2022 4:22 PM

To: Taylor-Dayus, Sarah <Sarah.Taylor-Dayus@act.gov.au>

Cc: Wyatt, Tim <>; Mundy, Graham <Graham.Mundy@act.gov.au>; Sturman, Judith <Judith.Sturman@act.gov.au>

Subject: Direct Sale of part Block 11 Section 47 Fyshwick (Molonglo Group - Dairy Road) - impacts on potential future rail corridor

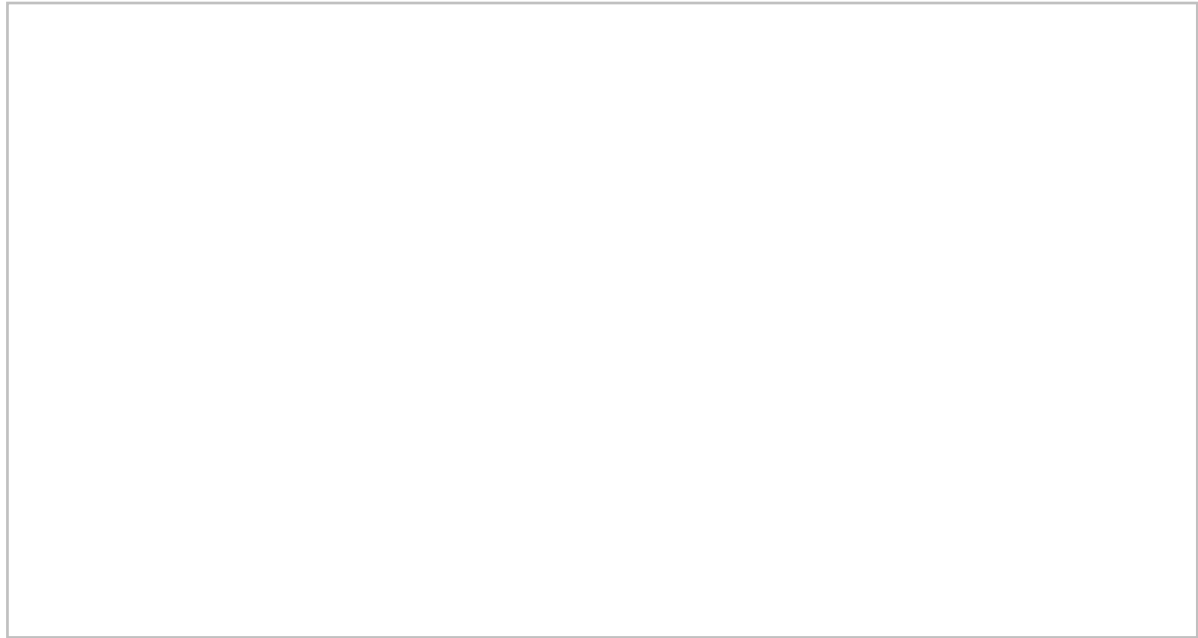
OFFICIAL: Sensitive

Dear Sarah

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

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

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



Thank you for your assistance in this matter.

Regards

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

Phone: [02 6205 4868](tel:0262054868) email: Katherine.Hicks@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue, Dickson ACT 2602

GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: [REDACTED]
Sent: 18/10/2022 3:18 PM
To: "Hicks, Katherine" <Katherine.Hicks@act.gov.au>
Subject: Fwd: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW
Attachments: 221012_Dairy Road EDP_Representation_Public Transport for Canberra.pdf, 221012_Dairy Road EDP_Representation_Canberra Ornithologists Group.pdf

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Hello
Katherine
FYI. The

public notification of the DA for the Dairy Road Estate Development Plan (EDP) drew three submissions all of which are supportive. I have attached the representations.

In particular I draw to your attention the submissions from:

- The Canberra Ornithologists Group who advocate for measures that discourage dog walking in the wetlands. As you may recall, a fenced dog exercise area is one of the ancillary facilities we proposed to include within the direct sale land. We were encouraged in this by the Woodlands Wetlands Management Trust.
- Public Transport for Canberra who advocate for a (future) light rail stop on the railway alignment to the south. As you know we are not proposing a light rail stop as this is not our call. However, the construction of a road, footpath/cycleway and extensive parking areas on the direct sale land would provide access to any future light rail stop should this ever eventuate.

My purpose in pointing this out is so that, should you be asked, you can reassure the EPSDD Executive and the Minister that the direct sale is wholly compatible with community aspirations for the area and is therefore not controversial. In the regard, could you please advise where the matter currently sits?
Best regards

----- Forwarded message -----

From: [REDACTED]
Date: Mon, 10 Oct 2022 at 14:11
Subject: Re: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW
To: Hicks, Katherine <Katherine.Hicks@act.gov.au>
Cc: [REDACTED]

Hi Katherine

I am just touching base to see if the Ministerial brief has completed its Executive review.
Best regards

On Wed, 28 Sept 2022 at 12:53, Hicks, Katherine <Katherine.Hicks@act.gov.au> wrote:
OFFICIAL: Sensitive

Hi [REDACTED]

The brief is currently making its way through the Executives for relevant signoffs. Thank you for the additional information, I may be able to use it if further information is requested.

Regards

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

Phone: [02 6205 4868](tel:0262054868) email: Katherine.Hicks@act.gov.au

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GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: [REDACTED]
Sent: Wednesday, 28 September 2022 12:35 PM
To: Hicks, Katherine <Katherine.Hicks@act.gov.au>
Cc: [REDACTED] >
Subject: Re: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW

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Hi
Katherine

I am following up on progress with Ministerial sign-off.

I attach the following survey plans in the hope that they might assist in expediting Ministerial sign-off. They show:

- The area of the land subject to the direct sale (22079 CP Railway Land Dimensions);
- The direct sale land shown in relation to the proposed Estate Development Plan layout showing the area to be handed back as public road (22079 Railway Land Dimensions with Proposed Layout)
- The direct sale land in relation to the area licenced to the railway and existing fence line. This confirms no impact on railway operations (22078 Railway Land Aerial Imagery)
- The contours of land in question and surrounds. This confirms what we have been saying about the nature of the terrain at the railway interface and the implications for effective land and environmental management.

Please keep me updated on progress.

Best regards

On Tue, 30 Aug 2022 at 16:28, [REDACTED] wrote:

Thank you Katherine.

Clearly we would prefer the 4 weeks rather than the 8. If there is any way that we might assist in that we are more than happy to do so.

Best regards

On Tue, 30 Aug 2022 at 16:16, Hicks, Katherine <Katherine.Hicks@act.gov.au> wrote:

OFFICIAL: Sensitive

Hi [REDACTED]

An approximation is 4 to 8 weeks for Ministerial signoff (agreement to direct sale), potentially early November.

Progressing as a matter of priority.

Regards

Katherine Hicks

Assistant Director |Development and Implementation|Strategic Projects

Phone: [02 6205 4868](tel:0262054868) email: Katherine.Hicks@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue, Dickson ACT 2602

From: [REDACTED]
Sent: Tuesday, 30 August 2022 3:25 PM
To: Hicks, Katherine <Katherine.Hicks@act.gov.au>
Subject: Re: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW

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Hi
Katherine

Once the minutes are amended I assume that the next step is to send a recommendation to the Minister. Is that correct? If so, what is the likely time frame?

I appreciate that there are other administrative steps after that, however the Minister's decision is a key milestone.

Best regards

On Tue, 30 Aug 2022 at 11:01, Hicks, Katherine <Katherine.Hicks@act.gov.au> wrote:

OFFICIAL: Sensitive

Morning [REDACTED]

I have had a discussion with Graham Mundy, and we concur that we will progress the direct sales regardless of the non written advice from NSW Transport, but using the advice that has been provided by Molonglo Group and we will reflect this in the amended minutes of the meeting.

Regards

Katherine Hicks

Assistant Director |Development and Implementation|Strategic Projects

Phone: [02 6205 4868](tel:0262054868) email: Katherine.Hicks@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2, 480 Northbourne Avenue, Dickson ACT 2602

GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: [REDACTED]
Sent: Tuesday, 30 August 2022 10:45 AM
To: Mundy, Graham <Graham.Mundy@act.gov.au>; Fitzgerald, Bruce <Bruce.Fitzgerald@act.gov.au>
Cc: Hicks, Katherine <Katherine.Hicks@act.gov.au>; [REDACTED]
Subject: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW

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Good morning

Graham and Bruce

The purpose of this email is to seek EPSDD's agreement to impose a deadline on Transport NSW in the matter of Molonglo's application for the direct sale of Part block 11 Section 47 Fyshwick.

Background

Molonglo's application for the direct sale of the land was formally submitted on 17 January 2022. On 3 June 2022, the Direct Sale Panel supported the sale subject to:

- A withdrawal clause being included for the direct sale parcel of land;
- A "letter of support" from NSW Rail stating that they have no concern and support the direct sale.

Molonglo pointed out that the inclusion of a withdrawal clause was unnecessary as the provisions of the *Lands Acquisition Act 1994* is always open to the Territory to pursue any legitimate public interest in the land while affording just and equitable protections for the Lessee. On 13 July 2022, EPSDD advised that the requirement for a withdrawal clause had been withdrawn. Only the matter of NSW Rail written support remains.

Issues

We have been endeavouring since 23 June 2022 to elicit a written response for UGL who manage the asset on behalf of Transport NSW. Molonglo has consistently pointed out that the proposed sale of Part Block 11 Section 47 Fyshwick by the ACT Government to Molonglo poses no conceivable risk to the interests of NSW Rail. This conclusion is justified by the following:

- The area of land concerned does not intrude at all into the area licensed to NSW Rail.
- The existing area licensed to NSW Rail includes a wider parcel of land that already has capacity for railway duplication or upgrade works to occur. Any further duplications that may be required are most likely to be to the south of the existing line where there are significantly fewer constraints.
- The gauge clearance challenges that the nearby Monaro Highway and Ipswich Street crossings present would significantly prevent line duplication to the north, and hence there is negligible likelihood of future railway operations being expanded outside of the current NSW Rail licensed area.
- Molonglo's proposed use of the land it is seeking to acquire is limited to road works, active travel paths, car parking, utilities services and associated landscape amenities. Any Crown lease issued will be limited to these purposes.
- The zoning of the land (TSZ2 Transport Zone) prohibits any sensitive uses, habitable buildings or the like.
- Any development on the land would be subject to a development application. UGL/NSW Rail would be advised by the ACT Government's Environment Planning and Sustainable Development Directorate of any such development application in accordance with the provisions of the *Planning and Development Act 2008 (the ACT)*. The Act provides NSW Rail with the right to make a submission on any such DA. The Act also provides third party appeal rights.
- In the extremely unlikely event that the land or any portion of it were required for railway associated purposes in the future, the ACT Government could readily affect its re-acquisition pursuant to the *Lands Acquisition Act 1994*.
- Molonglo undertakes to provide improved security fencing to Australian Standard requirements.
- There are no current access points along the common boundary of the land in question and the NSW Rail licensed area and Molonglo undertakes to not introduce any access points.

It is a reasonable assertion that the potential risks to NSW Rail are greater should the land **not** be acquired by Molonglo. At present effective land management by the ACT Government is constrained by poor accessibility and the limited resources available to the Territory custodian. As a result the level of safety, security and bushfire management at the railway interface is relatively poor. Ownership and development by Molonglo would remove those risks.

Consequently, it is reasonable to conclude that there is no risk to Transport NSW's interests in its rail licensed area and that Molonglo's acquisition of the unleased/unlicensed area of Part Block 11 Section 47 Fyshwick can proceed on that basis.

However, despite several promises from UGL the written advice is never forthcoming. We believe that it is inappropriate and unreasonable:

- for the ACT Government to make their decision on our direct sale application for unleased Territory land subject to the de facto approval/veto of a third party being UGL acting as an agent of Transport NSW;
- for UGL/Transport NSW to withhold timely advice; and
- for Molonglo's interests to be hostage to ill-defined processes and indefinite timeframes.

Request

It is requested that EPSDD and TCCS remove its requirement for a "letter of support from NSW Rail stating that they have no concern and support the direct sale" given that:

- UGL/Transport NSW have been fully briefed on the matter, and a generous opportunity to comment has already been provided without a response being forthcoming;
- it is inequitable for Molonglo's interest to continue to be hostage to an ill-defined and indefinite timeframe;
- Any subsequent development of the direct sale land would be subject to a development application. UGL/NSW Rail would be advised by the ACT Government's Environment Planning and Sustainable Development Directorate of any such development application in accordance with the provisions of the *Planning and Development Act 2008 (the ACT)*. The Act provides NSW Rail with the right to make a submission on any such DA and provides third party appeal rights.
- In the extremely unlikely event that the land or any portion of it were required for railway associated purposes in the future, the ACT Government could readily affect its re-acquisition pursuant to the *Lands Acquisition Act 1994*.

Your confirmation that the direct sale can immediately proceed on that basis is requested.

Best regards

--



[Redacted]

hello@molonglo.com +61 2 6171 8400
GPO Box 1565 Canberra ACT 2601 molonglo.com
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PTCBR Submission in support of DA202240586 Dairy Flat Precinct

The Public Transport Association of Canberra (PTCBR) welcomes the opportunity to provide this submission on the proposed Dairy Flat Precinct residential development by the Molonglo Group in Fyshwick. Our submission has a specific focus on public transport and active transport within the development and adjacent to it.

As the Canberra region's leading advocacy group for public transport, the PTCBR supports the ACT Government's ongoing investment in expanding the bus and light rail network, and its active travel and public transport programs. Large-scale residential and commercial precincts, like Dairy Flat, are essential components in the public and active transport networks, and as such should provide those linkages as part of their design.

Our organisation believes that designing and providing easy and convenient access to public transport will encourage more people to adopt active and public transport, reducing the need for current high levels of private car ownership and private vehicle emissions. We believe that public transport is a key tool to deliver sustainable development, especially in urban renewal areas.

The PTCBR have reviewed the application for DA202240586 and have met with representatives of Molonglo to discuss their plans and ideas on public and active transport for the precinct.

As it currently exists, the Dairy Flat precinct is a car dependent location with extremely poor public transport and poor active transport access. This is beyond the Molonglo Group's control, and requires the ACT Government to invest in external realm upgrades to the footpaths and traffic signalisation in the area around it.

PTCBR and Molonglo Group met in early October to discuss our ideas for their development application, and we thank them for their open and frank explanations for the decisions they have taken, and the plans they have submitted. PTCBR intend this submission to formalise that discussion, and impress upon Molonglo Group, the planning assessors and the ACT Government the importance of public and active transport in precinct developments and the challenges of urban renewal and sustainable development.

PTCBR Recommendations for DA202240586

PTCBR have three specific recommendations on DA202240586 that should be considered:

1. An extension of Transport Canberra bus route 56 in a loop through the Dairy Flat precinct.

The proposal by Molonglo Group in DA202240586 shows an extension to Transport Canberra bus route 56 along Dairy Flat Rd, with a u-turn in front of one of the precincts two road entrances, and returning along Dairy Flat Rd.

PTCBR suggest that a better approach would be to run route 56 into the Dairy Flat precinct and perform a loop within it that would include a bus stop where the commercial area meets the residential area. A bus stop could also be built by Transport Canberra on Dairy Flat Rd.

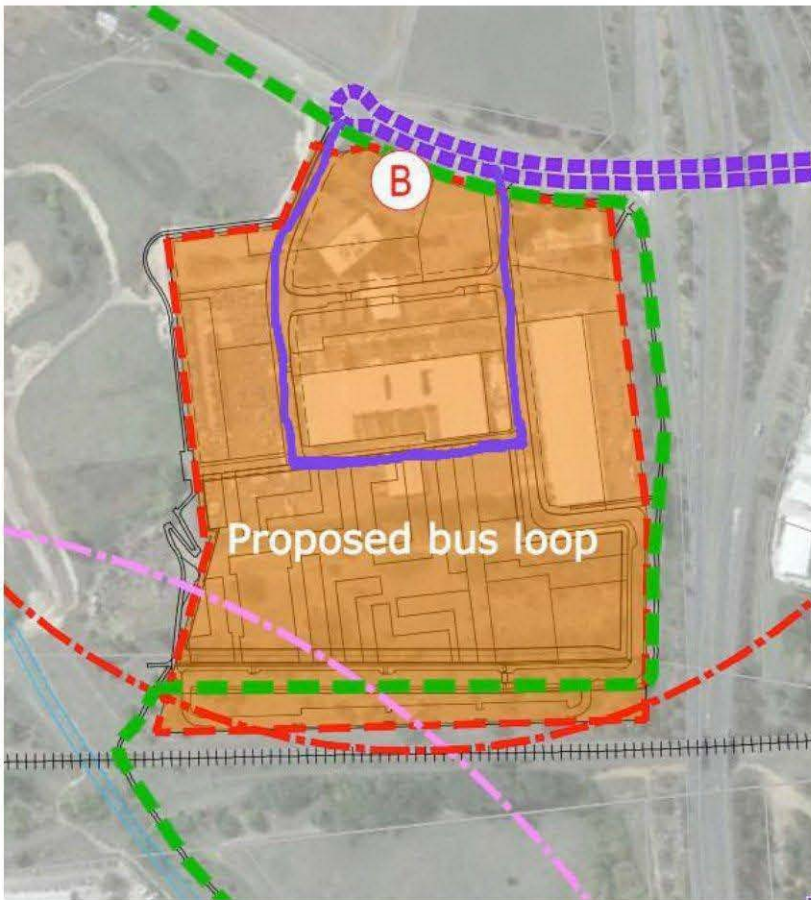


Figure 1 - Proposed Route 56 bus loop through the Dairy Flat precinct

This route would serve both residents and workers in the Dairy Flat precinct, and also offer access to businesses within the precinct for people visiting from other parts of Canberra. A stop within the precinct would better serve residents that would arrive in the evening, and provide a safe and secure stop that would not require them to walk through a closed industrial area in the dark.

2. A shared path connection between the Dairy Flat precinct and Fyshwick

PTCBR support the shared path shown on the public transport map in DA202240586. We appreciate the route shown on the map, as explained by Molonglo Group representatives, and that it has been designed in consultation with the environmental characteristics of the adjacent wetland, and the advice of Pedal Power.

Molonglo Group has advised the PTCBR that its proposed shared path connection with the Fyshwick Market area would provide a safe and effective active transport path. However, the PTCBR notes that this would require a shared path bridge across Jerrabomberra Creek. We believe

that both the Molonglo Group and the ACT Government should address this need as part of the DA approval process.

3. A light rail station on the boundary adjacent the rail corridor

The current heavy rail corridor runs adjacent to the Dairy Flat precinct. There is a possibility that a light rail line could be included in the corridor. If that was to occur, the Dairy Flat precinct is an obvious location for a light rail stop to be built.

PTCBR are aware of community discussions around this possibility. Although we acknowledge it is not currently government policy, I, PTCBR would support a light rail line and associated stops in this area.



Figure 2 - Suggested location for a light rail stop

It would appear obvious that the stop be located around the area that the proposed shared path between the Dairy Flat precinct and the Fyshwick Markets intersect with the existing rail line.

PTCBR are aware that the rail corridor is leased by Transport for NSW and that any light rail stop would require significant discussions with the NSW Government, but still feel that Molonglo Group should make provisions for it on their Estate Development Plan, in the same way the shared path is shown.

ACT Government action required to support public transport in the Dairy Flat precinct

Although outside the Dairy Flat precinct, there are changes in Fyshwick that the ACT Government and Transport Canberra should explore to ensure that future Dairy Flat residents are able to enjoy their new lifestyle without being car dependent. These changes would also benefit any person planning to visit the precinct for business or entertainment purposes.

PTCBR have three specific recommendations that should be considered by the ACT Government:

1. Pedestrian access

Pedestrian access to the Dairy Flat precinct at present is simply appalling. The footpath along Dairy Flat road to Newcastle St is disjointed, prioritises cars over pedestrians and is not suitable for a person in a wheelchair or with mobility issues to use. It must be upgraded as a matter of priority.

2. Transport Canberra Bus Route 56 changes

The closest bus stop to the Dairy Flat precinct entrance is on Newcastle Street several hundred metres away, with several major intersections between it. The existing poor public transport access to Dairy Flat precinct has led to reliance on the private car to access the precinct.

In addition to the poor bus stop locations, the frequency of the Route 56 bus is unacceptable, particularly on weekends and outside regular hours. The frequency does not suit shift workers, even those on a 3pm to 11pm shift are unable to access the bus network. This should be changed, whether the Dairy Flat precinct residential proposal proceeds or not.

Further, the 56 is currently one of the most indirect and convoluted routes in Canberra, and the additional detour to Dairy Flat precinct would add to this complexity. PTCBR understand that Transport Canberra has plans to introduce an additional South Canberra route during the 2020s, and we would encourage this additional route allow the 56 to be divided into two routes, so Dairy Flat and Fyshwick passengers can have access to shorter and more direct journeys.

3. R2 Rapid Bus timetable improvements

Even if the shared path between Dairy Flat precinct and the Fyshwick Markets area was built (as DA202240586 proposes) the ability of workers/residents to access the R2 rapid Bus is still limited.

The current R2 timetable has it leaving Fyshwick before 11PM, making it unsuitable for 3PM to 11PM shift workers. It's weekend hours are even more limited. As with the above Route 56 recommendation, this should be changed as a matter of priority, whether the Dairy Flat precinct residential proposal proceeds or not.

Conclusions

The Molonglo Group should be commended for the thought put into DA202240586 and the Estate Development Plan, especially concerning the approach to active and public transport. PTCBR

support their proposal, but would like to see some changes in line with our recommendations, formalised in any Development Application granted by the ACT Government.

It is also important that the ACT Government undertake changes to pedestrian and bus access to the Dairy Flat Precinct. If there were no external changes by Transport Canberra, the proposal in DA202240586 would create a car dependent cul de sac with 2000 people in it. This outcome is undesirable, and entirely avoidable.

Urban renewal is a challenge, and public transport is a planning tool that can be utilised effectively to support sustainable development. PTCBR believe that this Molonglo group proposal meets those sustainable development goals, and with some minor changes formalised in a Development Application, could be a benchmark in Canberra development that other precinct designers could aspire to.



Representation for Current Development Application - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

12 Oct 2022 12:01:29 PM

7RBNW6Z5

Thank you for your representation regarding development application number: 202240586

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

Section 156(2) of the Planning and Development Act 2007 states that a representation about a development application must be made during the public consultation period for the application. If your representation was made outside the public consultation period it cannot be considered during the assessment of the application.

Please Note: A copy of your representation will be forwarded to the development application applicant and can be released to the public only on request, unless you have requested and been granted an exemption.

Access Canberra Environment and Planning
Directorate

GPO Box 158
Canberra City ACT 2601

Phone: (02) 6207 1923

Representor details

Title Given name * Family name *

[Redacted]

Organisation name

Canberra Ornithologists Group

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[Redacted]

[Redacted]

[Redacted]

Email address *

[Redacted]

Development details

Development application number *

DA 202240586

Suburb *

Section *

Block *

Unit

FYSHWICK

38

11

[Redacted]

Representation

Provide the details of your representation *

The Canberra Ornithologists Group (COG) has previously made submissions on earlier planning applications for development of units on the boundary of the Jerrabomberra Wetlands Nature Reserve, namely in 2020 concerning the Draft Variation (DV377) to the Territory Plan and in 2021 concerning the Development Control Plan. COG's 2021 submission is attached, as this outlines COG's standing and long experience with regard to management of the Jerrabomberra Wetlands Nature Reserve, and our key concerns: please consider its contents to also be part of this 2022 submission.

Here we reiterate key issues of concern to COG, to be addressed and taken into account in considering the DA and any conditions of approval for the Estate Development Plan.

- 1) The need for high-standard, best-practice design and environmental provisions, appropriate for a development on the boundary of a sensitive, high-value wetlands Nature Reserve.
- 2) The minimisation of human impacts on the nature reserve, including specifically appropriate mitigations to avoid (or, secondarily, minimise) spill-over of inappropriate recreational activities into the Nature Reserve, which would degrade the environmental values. Passive, low-impact activities like quiet walking and nature enjoyment are compatible with values of the Nature Reserve. It is important to disallow and discourage inappropriate activities such as running, jogging, exercising dogs on lead, cycling or flying drones.
 - COG strongly supports the specification of measures and conditions on the development that effectively mitigate increased human use and impacts on the Nature Reserve.
 - Amenities to be provided for residents of the development, including adequate open or green space and recreational infrastructure, must be provided within the development footprint, with zero expectation that the Nature Reserve will provide these
 - The design of the interface between the development and the Nature Reserve should use best-practice environmental standards for a buffer area protecting a significant and sensitive wetlands Nature Reserve and habitats for listed threatened species, with the buffer area wholly within the development footprint.
 - Appropriate landscape barriers and fencing must be specified for the boundary between the development with the Nature Reserve. Access points from the development into the Nature Reserve, if any, should be implemented in consultation with the ACT Parks and Conservation Service, sited to minimise impacts on the Nature Reserve, and structured so as to prevent access of bicycles.
- 3) Any required zone for bushfire protection or asset protection must be provided wholly within the development footprint, not within the Nature Reserve.
- 4) Works associated with preparing the development site, including fencing, roadworks, berms, temporary infrastructure, and drainage for run-off, must be contained within the development and not impact adversely on the Nature Reserve.
- 5) There must be a requirement for cat containment for this development, in accordance with the ACT Government's general policy for cat containment in new developments abutting nature reserves.

You may upload any additional supporting documentation or photos.

[COG submission on Draft DCP 21-01 NCA Dairy Road Precinct.pdf](#)

[Click here for more information on applying for exemption from the public register.](#)

From: "Development South" <development.south@transport.nsw.gov.au>
Sent: 19/10/2022 3:03 AM
To: [REDACTED]
Cc: "Hicks, Katherine" <Katherine.Hicks@act.gov.au> [REDACTED]
[REDACTED] McNamara, Damien" <Damien.McNamara@act.gov.au>
Subject: RE: Potential sale of land within the Fyshwick rail corridor

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Good afternoon
[REDACTED] &
[REDACTED]

Please see the below enquiry in relation to existing corridors around the Fyshwick and Queanbeyan area. Are you able to assist please?

Thank you,

[REDACTED]
Development Services
Support Officer - South
Community and Place
Regional and Outer Metropolitan
Transport for NSW

M [REDACTED] E [REDACTED]

transport.nsw.gov.au



**Transport
for NSW**



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

Please consider the environment before printing this email.

From: [REDACTED]
Sent: Wednesday, 19 October 2022 1:53 PM
To: McNamara, Damien <Damien.McNamara@act.gov.au>; Development South <development.south@transport.nsw.gov.au>
Cc: Hicks, Katherine <Katherine.Hicks@act.gov.au>
Subject: RE: Potential sale of land within the Fyshwick rail corridor

Hi Damien,

I'll leave this with our Development South Team to assist with progressing relevant inputs on this request. Glad Luke was able to share these details with you.

Kind regards

[REDACTED]
Senior Manager, Community & Place Partner – South East Tablelands
Community & Place
Regional and Outer Metropolitan
Transport for NSW

M [REDACTED] T [REDACTED] E [REDACTED]

transport.nsw.gov.au

Level 4
90 Crown St
Wollongong NSW 2500



**Transport
for NSW**



I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.



**Pride
& Ally**
Transport
Network

I am a proud member of the Pride & Ally Transport Network. We are a group of employees who are proud to stand for inclusion. We are here to show our support for LGBTIQ+ people in our workplace, our communities and beyond. Our goal is for everyone to be their best selves, feel safe, respected, included and accepted for who they are.

Please consider the environment before printing this email.

From: McNamara, Damien <Damien.McNamara@act.gov.au>

Sent: Wednesday, 19 October 2022 12:07 PM

To: [REDACTED] Development South
<development.south@transport.nsw.gov.au>

Cc: Hicks, Katherine <Katherine.Hicks@act.gov.au>

Subject: Potential sale of land within the Fyshwick rail corridor

Some people who received this message don't often get email from damien.mcnamara@act.gov.au. [Learn why](#)

[this is important](#)

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UNOFFICIAL

The ACT Government is considering the sale of [REDACTED] blocks of land within the rail corridor in Fyshwick (part Block 11 Section 47 Fyshwick). See Plan 1 for reference. The adjoining property owners (highlighted in Blue in the plans below) has applied to purchase the adjoining land (highlighted in Green) which sits within the rail corridor (highlighted in Red). The land subject to sale in plan 2 is approx. 1.1 km south east of the Kingston Rail Station. [REDACTED] blocks are located outside of the fenced rail line. The blocks of land will need to be surveyed and agreement reached on the exact boundaries.

I am seeking to confirm whether NSW Transport have any future planning intentions for this portion of the rail corridor and that NSW Transport have no need for the land for future railway infrastructure and supportive functions.

If you think appropriate, could you please provide a contact in NSW Transport Planning area who may have an interest in the future of this corridor.

Happy to discuss and/or provide more information if needed.

Regards

Damien McNamara | Strategic Projects

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Plan 1