
From: [REDACTED]
Sent: Wednesday, 6 November 2019 6:46 AM
To: EPSDFOI
Subject: FOI re Block11 Section 8 Division Fyshwick

Dear EPSDFOI

Please accept this request under the *Freedom of Information Act 2016* for copies of all information and documents, electronic and otherwise including record of conversations and meetings, related to the direct sale of unleased territory land, Block 11 Section 8 Division Fyshwick. These would include all communication after the advice to the proponent, Adam Perry/CRS or his representatives from Bruce Fitzgerald, Executive Director, Urban Renewal, on 31 May 2018 or thereabouts. Documents relating to the sale of Block 11 Section 8 Fyshwick have previously been provided in the Agency Disclosure Log up to 31 May 2018.

The information requested would include evidence of but may not be limited to;

- The advice in July 2018 to the applicant for the direct sale from Chief Planner, Ben Ponton, that or similar *“CRS would be permitted to reapply for a direct sale of the block and for the application to be assessed for consistency with the Territory Plan and Ministerial approval under section 240(1)(b) of the P&D Act;”*
- The new application that was required for eligibility of land under direct sale as advised above;
- The advice to Adam Perry/CRS that the Direct Sale approval to CRS was re-instated following the Supreme Court Decision – ACT[2019] ACTSC58 (15 March 2019);
- The offer of sale to Adam Perry following the Supreme Court Decision – ACT[2019] ACTSC58 (15 March 2019);
- CRS acceptance in writing of the offer of sale on or before the due date;
- CRS request in writing for extension of the SLA offer of sale prior to the expiry date or dates at each extension expiry date as required by law;
- Record of SLA granting of such extension;
- CRS purchase of former unleased Territory land Block 11 Section 8 Division Fyshwick.

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 current CRS draft EIS201700053 process which has received some 464 public submissions overwhelmingly rejecting the location of a major waste facility and waste transfer terminal/intermodal freight hub in the Canberra Central region of Fyshwick, which concerns the sale Block 11 Section 8 and unleased Territory land Block 11 Section 47, the public rail corridor.

The information will allow all residents of Canberra to understand the purpose and justification of the sale of unleased Territory land, Block11 Section 8 Fyshwick and see that proper process has been followed by government and applicant.

Disclosure of the information could reasonably be expected to promote a more open and informed discussion of the controversial proposal for a Fyshwick Waste Hub, enhance Government accountability and contribute to positive and informed debate on this issue of significant public importance.

There is special benefit for the public to understand an issue of public significance being land use and the process of applications for purchase of unleased Territory land by direct sale method given an earlier request from a different proponent for a contiguous direct sale of B11 S8, was refused.

In view of the above, 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. This should remove the requirement for third party consultation and achieve a more timely release.

In consideration of the **Factors favouring disclosure in the public interest** I ask that **Schedule 2 - 2.1** (a) factors - (i),(ii),(iii),(iv),(v),(viii) and (ix) are sufficient to outweigh **2.2 Factors favouring non-disclosure in the public interest**. There is no perceived prejudice of trade secrets as direct sales are recorded on the EPSD website. Government accountability is paramount in regard to the direct sale process.

Sincerely,