

Plan 2



Plan 3

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**From:** [REDACTED]  
**Sent:** 19/10/2022 3:09 PM  
**To:** "Hicks, Katherine" <Katherine.Hicks@act.gov.au>  
**Cc:** "McNamara, Damien" <Damien.McNamara@act.gov.au>; "Mundy, Graham" <Graham.Mundy@act.gov.>  
**Subject:** Re: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW

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Hello  
Katherine  
It is

disappointing to hear that there are still enquiries going on given the agency circulations and panel reviews that this matter has already been subject to. I trust that the current enquiries are framed around the facts that:

- the land sought is outside of the NSW Rail licenced area.
- the sale of land within the TSZ land in Fyshwick to adjoining lessess has been routinely undertaken by ACT Government, most recently on 17 October 2017 with a sale offer for Block 11 Section 8 Fyshwick made to Capital Recycling Solutions Pty Ltd. It begs the questions -
  - Was that application subject to similar Executive enquiries?
  - If so then surely those enquiries addressed the relevant questions about future rail operations?
  - If not, why is Molonglo's application subject to such a unique level of scrutiny?
- the principal constraint to rail operations is the width of the existing revetment where the rail line passes under the Monaro Highway. See plan below. The nature of this and other constraints to future rail operations in this particular location has been known to the ACT Government since production of the ACT Railway Master Plan (*Parsons Brinckerhoff, May 2009*) commissioned to inform the planning of East Lake.

Our direct sale application was submitted on 17 January 2022 i.e. some nine months ago. The application attracted a considerable fee of [REDACTED] It seems reasonable for us to request:

1. a statement of the outstanding issues to be resolved;
2. an opportunity, as the Applicant to address these; and
3. a definitive time frame for completion of the Executive's enquiries and formal decision.

We look forward to your advice on these matters.



Aerial photo showing constraints imposed by existing rivetments of Monaro Highway overpass. Source ACTMapL.

Best regards

On Wed, 19 Oct 2022 at 12:59, Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)> wrote:

**OFFICIAL: Sensitive**

Hi [REDACTED]

Thank you for the update and information.

The Executive team are considering the briefing material and making their own enquiries in relation to the rail corridor. We will be in touch once there has been further movement.

Regards

**Katherine Hicks**

**Assistant Director |Development and Implementation|Strategic Projects**

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

---

**From:** [REDACTED]  
**Sent:** Tuesday, 18 October 2022 3:18 PM  
**To:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>  
**Subject:** Fwd: Direct Sale Part Bock 11 Section 47 Fyshwick - Transport NSW

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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](mailto: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](mailto: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](mailto:Katherine.Hicks@act.gov.au)**

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GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

---

**From:** Gordon Lowe [REDACTED]  
**Sent:** Wednesday, 28 September 2022 12:35 PM  
**To:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto: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](mailto: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](mailto:Katherine.Hicks@act.gov.au)**

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---

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

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this is important

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](mailto: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](mailto:Katherine.Hicks@act.gov.au)**

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---

**From:** [REDACTED]  
**Sent:** Tuesday, 30 August 2022 10:45 AM  
**To:** Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; Fitzgerald, Bruce <[Bruce.Fitzgerald@act.gov.au](mailto:Bruce.Fitzgerald@act.gov.au)>  
**Cc:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto: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

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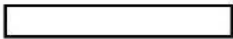
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**From:** "Riches, Ben" <Ben.Riches@act.gov.au>  
**Sent:** 24/10/2022 9:50 PM  
**To:** "Hicks, Katherine" <Katherine.Hicks@act.gov.au>  
**Subject:** FW: Direct Sale of part Block 11 Section 47 Fyshwick ( Molonglo Group - Dairy Road) - impacts on potential future rail corridor

OFFICIAL: Sensitive

Good morning Katherine

I've just had a conversation with Graham and we got on to the topic of the Direct Sale for Dairy Road. Have you reached out to [REDACTED] from NSW Trainlink yet? I am also keen to meet with [REDACTED] and any others in context of East Lake, so perhaps there's an opportunity for us to meet together?

Thanks  
Ben

---

**From:** Mundy, Graham <Graham.Mundy@act.gov.au>  
**Sent:** Tuesday, 25 October 2022 8:43 AM  
**To:** Riches, Ben <Ben.Riches@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

---

**From:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>  
**Sent:** Tuesday, 18 October 2022 9:47 AM  
**To:** Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; McNamara, Damien <[Damien.McNamara@act.gov.au](mailto: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](mailto:Luke.Powter@act.gov.au)>  
**Sent:** Tuesday, 18 October 2022 9:40 AM  
**To:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>; Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>; Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto: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] 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](mailto: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](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Sent:** Sunday, 16 October 2022 8:17 PM  
**To:** Powter, Luke <[Luke.Powter@act.gov.au](mailto:Luke.Powter@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto: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](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Cc:** Wyatt, Tim <>; Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; Sturman, Judith <[Judith.Sturman@act.gov.au](mailto: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** email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)

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**From:** "Riches, Ben" <Ben.Riches@act.gov.au>  
**Sent:** 25/10/2022 12:54 AM  
**To:** "Hicks, Katherine" <Katherine.Hicks@act.gov.au>  
**Cc:** "Cashen, Clinton" <Clinton.Cashen@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**

Thanks Katherine and Clinton.

Let me know how you go and if you find a suitable contact.

It's one of our key stakeholders that our consultant team is yet to approach for the work on East Lake, so keen to know who we can speak to.

Cheers  
Ben

---

**From:** Hicks, Katherine <Katherine.Hicks@act.gov.au>  
**Sent:** Tuesday, 25 October 2022 11:40 AM  
**To:** Riches, Ben <Ben.Riches@act.gov.au>  
**Cc:** Cashen, Clinton <Clinton.Cashen@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**

Hi Ben

We have made contact with Sch 2.2(a)(ii) and have promptly been moved on to about 4 other people, no actual response as yet.

Clinton Cashen, working with us now ( copied in ) , has volunteered to follow up with NSW Transport – (thanks Clinton!) and hopefully find someone we can have a meeting with.

Out of scope  
[REDACTED]

Thanks  
Katherine

**Katherine Hicks**  
Assistant Director | Development and Implementation | Strategic Projects  
Phone: [02 6205 4868](tel:0262054868) email: [Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)  
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**From:** Riches, Ben <[Ben.Riches@act.gov.au](mailto:Ben.Riches@act.gov.au)>  
**Sent:** Tuesday, 25 October 2022 8:51 AM  
**To:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto: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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Good morning Katherine

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Thanks  
Ben

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**From:** Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>

**Sent:** Tuesday, 25 October 2022 8:43 AM

**To:** Riches, Ben <[Ben.Riches@act.gov.au](mailto:Ben.Riches@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

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**From:** Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>

**Sent:** Tuesday, 18 October 2022 9:47 AM

**To:** Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; McNamara, Damien <[Damien.McNamara@act.gov.au](mailto: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

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**From:** Powter, Luke <[Luke.Powter@act.gov.au](mailto:Luke.Powter@act.gov.au)>

**Sent:** Tuesday, 18 October 2022 9:40 AM

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

**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto:Judith.Sturman@act.gov.au)>; Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>; Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto: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] 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](mailto: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)

Connected services for the people of Canberra



Luke

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**From:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Sent:** Sunday, 16 October 2022 8:17 PM  
**To:** Powter, Luke <[Luke.Powter@act.gov.au](mailto:Luke.Powter@act.gov.au)>  
**Cc:** Sturman, Judith <[Judith.Sturman@act.gov.au](mailto: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

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**From:** Hicks, Katherine < >  
**Sent:** Thursday, 13 October 2022 4:22 PM  
**To:** Taylor-Dayus, Sarah <[Sarah.Taylor-Dayus@act.gov.au](mailto:Sarah.Taylor-Dayus@act.gov.au)>  
**Cc:** Wyatt, Tim < >; Mundy, Graham <[Graham.Mundy@act.gov.au](mailto:Graham.Mundy@act.gov.au)>; Sturman, Judith <[Judith.Sturman@act.gov.au](mailto: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** email: [Katherine.Hicks@act.gov.au](mailto: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](http://www.planning.act.gov.au)

**From:** "Mundy, Graham" <Graham.Mundy@act.gov.au>  
**Sent:** 25/10/2022 8:32 PM  
**To:** "Marsh, Lynette" <Lynette.Marsh@act.gov.au>; "EPSDD DevelopmentImplementation" <EPSDDDevelopmentImplementation@act.gov.au>  
**Cc:** "Hicks, Katherine" <Katherine.Hicks@act.gov.au>  
**Subject:** RE: FOR CLEARANCE: 22/124539 Ministerial - Information Brief - Gentleman - Direct Sale - Part Block 11 Section 47 Fyshwick - Lolita (ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd (qA1160048)

OFFICIAL: Sensitive

No – as we are still trying to get advice from NSW Transport Policy (quite the run-around) – noting TCCS has again confirmed they support the direct sale of the land.

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**From:** Marsh, Lynette <Lynette.Marsh@act.gov.au>  
**Sent:** Tuesday, 25 October 2022 6:04 PM  
**To:** EPSDD DevelopmentImplementation <EPSDDDevelopmentImplementation@act.gov.au>; Mundy, Graham <Graham.Mundy@act.gov.au>  
**Subject:** RE: FOR CLEARANCE: 22/124539 Ministerial - Information Brief - Gentleman - Direct Sale - Part Block 11 Section 47 Fyshwick - Lolita (ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd (qA1160048)

OFFICIAL: Sensitive

Thanks Stacey

I had reviewed a few weeks back and Ben and I met with the team to discuss changes needed.

[@Mundy, Graham](#) - has this been amended - is it ready for my review again?

Regards  
Lynette

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

**From:** EPSDD DevelopmentImplementation <[EPSDDDevelopmentImplementation@act.gov.au](mailto:EPSDDDevelopmentImplementation@act.gov.au)>  
**Sent:** Tuesday, 25 October 2022 2:10 PM  
**To:** Marsh, Lynette <[Lynette.Marsh@act.gov.au](mailto:Lynette.Marsh@act.gov.au)>  
**Cc:** EPSDD DevelopmentImplementation <[EPSDDDevelopmentImplementation@act.gov.au](mailto:EPSDDDevelopmentImplementation@act.gov.au)>  
**Subject:** FOR CLEARANCE: 22/124539 Ministerial - Information Brief - Gentleman - Direct Sale - Part Block 11 Section 47 Fyshwick - Lolita (ACT) No 1 Pty Ltd and Lolita (ACT) No 2 Pty Ltd (qA1160048)

Good afternoon Lynette

Following on from Katherine's below email - unsure if Ash got the chance to resend this one.

For your review please ahead of EGM clearance &#128522;

Kind regards

Stacey Morton | Assistant Director, Delivery and Coordination  
Phone: 02 6207 5470 | Email: [stacey.morton@act.gov.au](mailto:stacey.morton@act.gov.au) Loose Fill Asbestos Coordination | Environment, Planning and Sustainable Development Directorate Level 2, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 [www.loosefillasbestos.act.gov.au](http://www.loosefillasbestos.act.gov.au)

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

From: Hicks, Katherine <[Katherine.Hicks@act.gov.au](mailto:Katherine.Hicks@act.gov.au)>

Sent: Wednesday, 5 October 2022 5:16 PM

To: EPSDD DevelopmentImplementation <[EPSDDDevelopmentImplementation@act.gov.au](mailto:EPSDDDevelopmentImplementation@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)

OFFICIAL: Sensitive

Hi Ashleigh

I forgot to cc EPSDD Development inbox, could you please follow up with Lynette about the attached?

Thank you

Katherine Hicks

Assistant Director | Development and Implementation | Strategic Projects

Phone: 02 6205 4868 email: [Katherine.Hicks@act.gov.au](mailto: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](http://www.planning.act.gov.au)

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

From: Hicks, Katherine

Sent: Thursday, 29 September 2022 9:58 AM

To: Marsh, Lynette <[Lynette.Marsh@act.gov.au](mailto:Lynette.Marsh@act.gov.au)>

Cc: Mundy, Graham <[Graham.Mundy@act.gov.au](mailto: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>