



Department of Environment and Heritage Protection (EHP)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
Email: emr.clr.registry@ehp.qld.gov.au

13 January 2017

Site ID: 137981
File Number: 101/0021218
Enquiries to: emr.clr.registry@ehp.qld.gov.au

Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGE FAIR QLD 4350

SHOW CAUSE NOTICE TO OWNER OF LAND - PROPOSAL TO INCLUDE PARTICULARS OF LAND ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 375 of the *Environmental Protection Act 1994* (EP Act) notice is given that particulars of the parcel of land described below are proposed for inclusion on the Environmental Management Register (EMR).

Lot: 18 Plan: SP274514
Toowoomba Regional Council

Russell Street
TOOWOOMBA QLD 4350

The Department of Environment and Heritage Protection (EHP) believes grounds exist for including particulars of the parcel of land on the EMR because notification has been received that the following notifiable activity has been, or is being, carried out on the land, and the land is contaminated by a hazardous contaminant;

HAZARDOUS CONTAMINANT - This site has been subject to a hazardous contaminant.
Refer to the summary given below;

- *Concentrations of several heavy metals, including;*
 - *Arsenic, cadmium, copper, lead, zinc, and benzo(a)pyrene (BaP) toxic equivalence quotient (TEQ) exceeding HIL-A.*
 - *Concentrations of BaP TEQ, cadmium, copper, lead and zinc were reported exceeding HIL-C.*
 - *Lead was found at concentrations exceeding the commercial and industrial health based criteria (HIL-D).*

As particulars of the land are already recorded in the EMR, I have attached a search response showing the current particulars recorded on the register, which we are proposing to add to.

Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

If an investigation of the land has been conducted and EHP holds a copy of a report prepared about the investigation, a copy of the report is attached;

- *Technical Memo, Subject: Toowoomba Foundry Assessment Western Batter Update, prepared by Epic Environmental, for Hutchinson Builders dated 9 December 2016. Project B160295.01*

As the owner of the land you may make a submission about why particulars of the land should not be included on the EMR. Submissions must be accompanied by a written declaration by the owner that the owner:

- (i) has not knowingly included any false or misleading information in the submission; and
- (ii) has given all relevant information to the authority.

Submissions must be received no later than Friday, 24 February 2017.

After this date, if no submission has been received from the owner, particulars of the land will be recorded on the EMR. However, if you wish the particulars to be recorded earlier, you may advise in writing that you do not intend to make a submission.

With the issuing of this show cause notice under section 375, the following requirement applies under section 408 of the *EP Act*:

The owner must before agreeing to dispose of the land to someone else (the buyer), give written notice to the buyer stating that the land is the subject of a show cause notice under section 375.

For further information about contaminated land matters visit www.qld.gov.au, and search for "contaminated land".

Sch4 Contrary to Public Interest

Olga Hawas
Manager – (Assessment) Industry & Development
BRISBANE

Delegate of Administering Authority
Environmental Protection Act 1994

Released by EHP under the RPA 2009



Queensland
Government

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348634
2017

EMR Site Id: 137981

13 January

This response relates to a search request received for the site:

Lot: 18 Plan: SP274514

SEARCH RESULT

The site you have searched is a lot resulting from the amalgamation of the following sites, which are included on the Environmental Management Register (EMR) or the Contaminated Land Register (CLR), as indicated below. Further details for these sites are available by contacting this Agency via email:

emr.clr.registry@ehp.qld.gov.au

Lot	Plan	
101	RP212572	EMR
68	RP212577	EMR
1052	AG3913	EMR
102	RP213810	EMR
104	RP213810	EMR
7	RP891686	EMR
67	RP212577	EMR

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated. The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if EHP has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority



Queensland
Government

Department of Environment and Heritage Protection (EHP)
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400 George St Brisbane, Queensland 4000
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www.ehp.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348635 EMR Site Id: 35100 13 January 2017
This response relates to a search request received for the site:
Lot: 101 Plan: RP212572

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 101 Plan: RP212572
Address: 73-87 RAILWAY STREET
TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348636 EMR Site Id: 35101 13 January 2017
This response relates to a search request received for the site:
Lot: 68 Plan: RP212577

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 68 Plan: RP212577
Address: 73-87 RAILWAY STREET
TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348637 EMR Site Id: 55601 13 January 2017
 This response relates to a search request received for the site:
 Lot: 1052 Plan: AG3913

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 1052 Plan: AG3913
 Address: TOOWOOMBA
 TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
 RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
 The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if EHP has not been notified

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348638 EMR Site Id: 35105 13 January 2017
This response relates to a search request received for the site:
Lot: 102 Plan: RP213810

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 102 Plan: RP213810
Address: 73-87 RAILWAY STREET
TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348639 EMR Site Id: 34899 13 January 2017
This response relates to a search request received for the site:
Lot: 104 Plan: RP213810

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 104 Plan: RP213810
Address: 73-87 RAILWAY STREET
TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348640 EMR Site Id: 7210 13 January 2017
This response relates to a search request received for the site:
Lot: 7 Plan: RP891686

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 7 Plan: RP891686
Address: 3 MCCRUM LANE
TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50348641 EMR Site Id: 35102 13 January 2017
This response relates to a search request received for the site:
Lot: 67 Plan: RP212577

EMR RESULT

The above site IS included on the Environmental Management Register.

Lot: 67 Plan: RP212577
Address: 73-87 RAILWAY STREET
TOOWOOMBA 4350

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

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27 February 2017

Site ID: 137981
File Number: 101/21218
Enquiries to: emr.clr.registry@ehp.qld.gov.au

The Chief Executive Officer
Toowoomba Regional Council
PO Box 3021 - Village Fair
TOOWOOMBA QLD 4350

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 378 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 18 Plan: SP274514
RUSSELL STREET
TOOWOOMBA 4350

The parcel of land has been recorded on the EMR as, after careful consideration of any submissions, it is decided that the land has been, or is being used, for notifiable activities. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

RAILWAY YARDS HAZARDOUS CONTAMINANT

- Arsenic, cadmium, copper, lead, zinc, and benzo(a)pyrene (BaP) toxic equivalence quotient (TEQ) exceed HIL-A. BaP TEQ, cadmium;
- copper, lead and zinc exceed HIL-C;
- Lead concentrations exceed the commercial and industrial health based criteria (HIL-D).
- Technical Memo, Subject: Toowoomba Foundry Assessment Western Batter Update, prepared by Epic Environmental, for Hutchinson Builders dated 9 December 2016. Project B160295.01

For further information about contaminated land matters visit www.qld.gov.au, and search for "contaminated land".

Sch4 Contrary to Public Interest

Kelly Gleeson
Manager – (Assessment) Industry & Development
BRISBANE

Delegate of Administering Authority
Environmental Protection Act 1994



27 February 2017

Site ID: 137981
File Number: 101/21218
Enquiries to: emr.clr.registry@ehp.qld.gov.au

Toowoomba Regional Council
Po Box 3021
TOOWOOMBA VILLAGE FAIR QLD 4350

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 378 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 18 Plan: SP274514
Toowoomba Regional Council

RUSSELL STREET
TOOWOOMBA 4350

The parcel of land has been recorded on the EMR as, after careful consideration of any submissions, it is decided that the land has been, or is being used, for notifiable activities. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.

HAZARDOUS CONTAMINANT - This site has been subject to a hazardous contaminant.

Refer to the summary given below;

- Arsenic, cadmium, copper, lead, zinc, and benzo(a)pyrene (BaP) toxic equivalence quotient (TEQ) exceed HIL-A;
- BaP TEQ, cadmium, copper, lead and zinc exceed HIL-C;
- Lead concentrations exceed the commercial and industrial health based criteria (HIL-D).
- Technical Memo, Subject: Toowoomba Foundry Assessment Western Batter Update, prepared by Epic Environmental, for Hutchinson Builders dated 9 December 2016. Project B160295.01

The owner may apply for a review of the decision to record the land in the EMR within 10 business days after receipt of this notice, in accordance with section 521 of the *EP Act*. If you decide to apply for a review you must, in accordance with section 521(3), also give notice to the local government that you are seeking a review. You must forward to the local government the following documents:

- a notice of the application (the "review notice");
- a copy of the application and supporting documents.

The review notice must inform the local government that submissions on the application may be made within 5 business days after the application is made to the Department of Environment and Heritage Protection, as required by section 521(4) of the *EP Act*. A land owner dissatisfied with a review decision may appeal against the decision in accordance with section 531 of the *EP Act*.

In accordance with the land being recorded on the EMR, the following requirements apply under section 408 of the *EP Act*.

The owner must before agreeing to dispose of the land to someone else (the buyer), give written notice to the buyer stating that the particulars of the land have been recorded in the register and, if details of a site management plan for the land are recorded in the register, details of the plan.

For further information about contaminated land matters visit www.qld.gov.au, and search for "contaminated land".

Sch4 Contrary to Public Interest

Kelly Gleeson
Manager – (Assessment) Industry & Development
BRISBANE

Delegate of Administering Authority
Environmental Protection Act 1994

Released by EHP under the RTI Act 2009

Assessment Report for Notifications of Land under Chapter 7, Part 1, Division 2

Environmental Protection Act 1994

Contaminated land

This assessment report is for submissions made under Chapter 7, Part 1 of the Environmental Protection Act 1994 (the Act). Preparation of this report is evidence that the criteria to be evaluated by the administering authority have been taken into consideration when making a decision.

1 Project details (Registry entry)

Project AR: AR096195	Environmental Officer : Allen Johns
File/Edocs Nos: 101/101/0021218	
Real property description: Easement to North of (Lot 18 on SP274514).	

2 Dates (Registry entry)

Decision dates for project	
Date application properly made:	14/12/2016

3 Properly made submission check (Registry entry)

Item	Yes/No/NA and Comments if Required
Has the approved form been completed in full:	☒ Yes ☐ No
Has a report/plan/evidence been supplied: <i>Note: "Sufficient information must be supplied in the notification application" in order for a technical officer to make a decision.</i>	☒ Yes ☐ No
Who has submitted the notification:	☐ Administering Authority (371 of the EPAct). ☐ Occupier (s320DA)

Assessment Report Contaminated land

	☒ Auditor (s320DA) ☐ Local Government (s320DB)
Lot on Plan already listed on the EMR:	☒ Yes ☐ No Railway Yards

4 Technical Officers Assessment

What section of the EPAct was the Submission made under:	☒ Auditor (s320DA) ☐ 320DB – Local Government
Notifiable activity definition:	NA
Hazardous contaminant: Hazardous contaminant means a contaminant, other than an item of explosive ordnance, that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of— (a) its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity or flammability; or (b) its physical, chemical or infectious characteristics.	<p>Lot 18 SP274514 was recently transferred to Toowoomba Regional Council from the Department of Transport and Main Roads and is currently listed on the Environmental Management Register (EMR) due to the amalgamation of several historical lots. The historical lots were listed on the EMR due to the particular sites being subjected to the following Notifiable Activity or Hazardous Contaminant - <i>RAILWAY YARDS - operating a railway yard including goods-handling yards, workshops and maintenance areas.</i></p> <p>Concentrations of several heavy metals, including arsenic, cadmium, copper, lead and zinc, and benzo(a)pyrene (BaP) toxic equivalence quotient (TEQ) exceeded HIL-A. Reported concentrations were also compared against HIL-C for open space land use, the most likely land use for the Council owned land. Concentrations of BaP TEQ, cadmium, copper, lead and zinc were reported exceeding HIL-C. Lead was found at concentrations exceeding the commercial and industrial health based criteria (HIL-D) at TP37, TP39 and TP42 (See attached exceeds levels).</p>

A. Information considered during assessment:

Details:

- Notification form.
- Technical Memo by Brad May "Epic Environmental) dated 9 Dec 2016.

B. Background, Facts and Circumstances of the matter:	
<p>Details:</p> <p>Concentrations of several heavy metals, including arsenic, cadmium, copper, lead and zinc, and benzo(a)pyrene (BaP) toxic equivalence quotient (TEQ) exceeded HIL-A.</p> <p>Reported concentrations were also compared against HIL-C for open space land use, the most likely land use for the Council owned land. Concentrations of BaP TEQ, cadmium, copper, lead and zinc were reported exceeding HIL-C. Lead was found at concentrations exceeding the commercial and industrial health based criteria (HIL-D) at TP37, TP39 and TP42 (See attached exceeds levels).</p>	
C. Legislation	
What section of the EP Act is the decision made under?	373 - This subdivision applies if the administering authority proposes to record particulars of land in a relevant land register.
D. Officers Recommendation:	
Details: Show cause notice to be given to owner of land regarding, making changes to the EMR to include notifiable activity listing.	

5

Assessing Officer – Allen Johns	Signec Sch4 Contrary to Public Interest	Date 5/1/17
Delegate – Kelly Gleeson	☒ Approved ☐ Not Approved Sch4 Contrary to Public Interest	Date 5/1/17.

6 Notes for Registrar

Instructions for registrar to assist with registry and administration tasks
<p>Notices to be issued under section "375 Show cause notice to be given to owner of land" regarding making changes to the EMR status to include:</p> <ul style="list-style-type: none"> - Hazardous contaminant. (Concentrations of several heavy metals, including arsenic, cadmium, copper, lead and zinc, and benzo(a)pyrene (BaP) toxic equivalence quotient (TEQ) exceeded HIL-A. Concentrations of BaP TEQ, cadmium, copper, lead and zinc were reported exceeding HIL-C. Lead was found at concentrations exceeding the commercial and industrial health based criteria (HIL-D).