Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.des.qld.gov.au

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

Published on DNRME Disclosure Log RTI Act 2009

Transaction ID: 50499470 EMR Site Id: 20202 26 November 2018
This response relates to a search request received for the site:
Lot: 160 Plan: CP908649

EMR RESULT

The above site IS included on the Environmental Management Register.

The site you have searched has been subdivided from the following site, which IS included on the EMR or the CLR.

Lot: 151 Plan: MCH4892
Address: GYMPIE TCE
NOOSAVILLE 4566

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
PETROLEUM PRODUCT OR OIL STORAGE - storing petroleum products or oil -
(a) in underground tanks with more than 200L capacity; or
(b) in above ground tanks with -
(i) for petroleum products or oil in class 3 in packaging groups 1 and 2 of the dangerous goods code - more than 2, 500L capacity; or
(ii) for petroleum products or oil in class 3 in packaging groups 3 of the dangerous goods code - more than 5, 000L capacity; or
(iii) for petroleum products that are combustible liquids in class C1 or C2 in Australian Standard AS1940, 'The storage and handling of flammable and combustible liquids' published by Standards Australia - more than 25, 000L capacity.

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

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

Administering Authority

Published on DNRME Disclosure Log RTI Act 2009

Work Request
Technical Support Team

Date of request: 27/11/2018

Requesting Officer: Joe Winzenberg

Phone Number: 5459 6123

Office/Region: Maroochydore

Email Address for Response: joseph.winzenberg@des.qld.gov.au

Manager: Ewan Bell

Manager's Phone Number: 5459 6128

Date response is required: When possible

If the response date is less than 10 business days from date of receipt of this work request, please contact the Manager of Technical Support on 3330 5583.

Technical Support Manager's approval received for a response in less than 10bds from receipt of work request: Not Applicable

Is this work request to support a decision with a statutory deadline? : No

Has the Department of Environment and Science (DES) Water Sciences unit from the former DSITI provided advice on the project in the past? No If Yes and DES Water Science involvement is requested, please CC the water.workrequests@des.qld.gov.au when emailing your request.

Manager's Approval of Request: Yes

Proponent / Company / Person / Project: Noosa Shire Council

Site/Location (if relevant): Immediately north of 222 Gympie Terrace, Noosaville, Lot 151 SP284457.

File Number and Doc# : 101/0028468.

Request Type

☐ EIS / High Risk Assessment *(Requires Director to approve request is for high risk assessment)*
Has director approval been given? Yes / No
☒ Compliance
☐ Policy Advice

Issue Type(s)

Please delete all bar relevant issues

Contaminated Land

Support Category
Compliance & Assessment

EA Number *(if relevant)*: NA

Community Response Number (if relevant): CR86567

Details of Activity/Issue: Geotechnical investigation completed on behalf of Noosa Shire Council encountered contamination at bore log location (BH05) immediately north of Lot 160 CP908649 (fuel storage tank located here), on Lot 151 SP284457. The contamination was encountered between 0.05 and 0.8m below ground level. It was reported that fuel or oil impacted fill was encountered in this depth range, also described as a sticky tar like substance. Testing of a sample of this soil returned TRH result of 1600mg/kg (C16 to C34).

As the material was classified as fill it is considered unlikely that this contamination would be associated with the USL on adjacent lot 160.

R

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Queensland Government

Nature of assistance requested (describe): Please provide advice as to whether the levels observed in BH05 justify requiring further investigation to be completed by the council in this area.

Note: Please attach relevant files to request or state EDOCS items number. Every effort will be made to accommodate requests.

Precedence is given to statutory timeframes and environmental issues of an urgent nature and some negotiation of timeframes may be required in circumstances of high workloads.

Officers are advised that feedback is needed on every completed Technical Support work request (except 'meeting/call or 'other' category).
Please attach the following message/link to outgoing work response email: Feedback on completed technical support work can be done by accessing and completing the form at: **Feedback Form** and click on "Save" when you are finished.

Published on DNRME Disclosure Log RTI Act 2009

Technical Support Response

This section is to be filled out by the Technical Specialist only. This document will then be sent back to you with the response to the technical support work request shown here.

ID Number (Located on SharePoint):

Date of Technical Response: 10/12/18

Technical Support Manager's approval for any extension of due date: Yes/No/Not Applicable

Requesting Officer: Joe Winzenberg

Technical Specialist / Principal Technical Officer: Marni Burkhardt

Hours required for Job: 4

Response to Technical Support Request:

Issue:

Please provide advice as to whether the levels observed in BH05 justify requiring further investigation to be completed by the council in this area.

Background:
Geotechnical investigation completed on behalf of Noosa Shire Council encountered contamination at bore log location (BH05) immediately north of Lot 160 CP908649 (fuel storage tank located here), on Lot 151 SP284457. The contamination was encountered between 0.05 and 0.8m below ground level. It was reported that fuel or oil impacted fill was encountered in this depth range, also described as a sticky tar like substance. Testing of a sample of this soil returned TRH result of 1600mg/kg (C16 to C34).

As the material was classified as fill it is considered unlikely that this contamination would be associated with the USL on adjacent lot 160.

Assessment:
Limitations to the investigations
Section 3.5 Acknowledged limitations to the investigation as described page 6:
The investigation was limited to analysis of laboratory samples with reference to adopted assessment criteria (refer below). Desktop searches (e.g. Environmental Management Register (EMR), Contaminated Land Register (CLR) and historical imagery) were outside the scope of this investigation.

Page 4 Section 3.3 All boreholes were drilled using a solid flight auger. This method is not the most preferred when assessing volatile substances.

Overall the investigation was primarily a geotechnical investigation where the scope was broadened to include a limited contamination investigation.

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Concentrations of hydrocarbons in soil are above adopted criteria (ecological) and as identified in the report '…unsuitable for 'clean fill'…the results are insufficient for assessment of acceptance by licenced landfill facilities…' and 'Under *sections 320 to 320G of the Environmental Protection Act 1994*, there is a duty to notify DES of environmental harm. SMEC notes that the TRH reported in BH05 may cause environmental harm. However, further investigation is required to determine the source of the TRH and potential pathways and linkages with sensitive receptors such as site users, site workers, surface water and groundwater.'. Section 5 Page 11.

While the presence of this material may not present actual environmental harm, there is potential – there is a potentially complete source, pathway, receptor linkage. Further investigation is required to determine if the SPR linkages are complete.

It is recommended that further investigation is undertaken and include, though not be limited to defining the source, nature and extent of the contamination:

- A desktop study to identify potential source(s) of the material; and
- Further sampling to adequately characterise the material in order to inform any management requirements (nature) and delineation if required (extent).

The activity (creating a footpath) may also alter the potential SPR linkages and that needs to be assessed. The environmental values also need to be identified.

EP Act

'S14 **14 Environmental harm**

(1) ***Environmental harm*** is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.'

GED

319 General environmental duty

(1) A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the ***general environmental duty***).

Note—

See section 24(3) (Effect of Act on other rights, civil remedies etc.).

Conclusion:

Recommendation/s:

Attachments? Please list:

Disclaimer:

Any opinions, advice or comments provided in this memo (i.e. the 'Technical Support Response') or associated attachments or emails should not be used as a part of legal proceedings or expert statements. Please advise the Technical Support Manager and Specialist immediately if this response may be used in relation to legal proceedings.

Published on DNRME Disclosure Log RTI Act 2009

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Saving:

Could all Technical Specialists please save their response in their allocated folder with the request date first, the requesting officer's name and document number. i.e.

Date_of_resquest_(YYMMDD)_Requesting_Officer_Name_Technical_Support_Officer_Name_Job_Name_Issue_Type/s(e.g._air_noise_water_etc)_1 of 1;

e.g.180117_A_Roberts_G_Cordingley_MRV_Tarong_Basin_Coal_Pty_Ltd_Kingaroy_UCG_Pilot_trial_site_water_contaminated_land_1_of_1;
Date_of_request_(YYMMDD)_Technical_Support_Officer_Name_Requesting_Officer_Name_of_Job_Name_Issue_Type/s_(e.g._air_noise_water_etc)_1 of 2 and
Date_of_request_(YYMMDD)_Technical_Support_Officer_Name_Requesting_Officer_Name_of_Job_Name_Issue_Type/s_2_of_2 etc. *Folders are located here.*

Please return completed forms to: **technicalsupport@des.qld.gov.au**

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

Queensland Government

RECEIVED
28 NOV 2018
Noosa Council
Records

Site ID: 171435
File Number: 101/28448
Enquiries to: emr.clr.registry@des.qld.gov.au

The Chief Executive Officer
Noosa Shire Council
PO Box 141
TEWANTIN QLD 4565

CC: State Land and Asset Management
Department of Natural Resources, Mines and Energy
PO Box 5318
TOWNSVILLE QLD 4810

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: 151 Plan: SP284457
Noosa Shire Council

222 GYMPIE TERRACE
NOOSAVILLE QLD 4566

The Department of Environment and Science believes grounds exist for including particulars of the parcel of land on the EMR because notification has been received that the land is contaminated by the following hazardous contaminants.

HAZARDOUS CONTAMINANT

Total Recoverable Hydrocarbons (TRH: C16-C34): Maximum 1,600mg/kg

An investigation of the land has been conducted and the department holds a copy of a report prepared about the investigation. A copy of the report listed below has been copied to the enclosed CD.

Geotechnical Investigation Report – DRAFT, Geotechnical Investigation – Gympie Terrace, Noosaville prepared by SMEC Australia Pty Limited for Noosa Shire Council. Dated: 1 November 2018. Reference: 30031876 4.3

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.

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 25 business days from the date of this notice.

Box: 3127 R: PERY

R

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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".

CTPI 49-Sch4

Scott Blanchard
Department of Environment and Science
Delegate of the Administering Authority
Environmental Protection Act 1994

Date: 22/11/2018

Published on DNRME Disclosure Log RTI Act 2009

Document Set ID: 20742203
Version: 1, Version Date: 28/11/2018

Queensland Government

Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.des.qld.gov.au

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

Transaction ID: 50498782 EMR Site Id: 171435 22 November 2018
This response relates to a search request received for the site:
Lot: 151 Plan: SP284457

EMR RESULT

The above site IS included on the Environmental Management Register.

The site you have searched has been subdivided from the following site, which IS included on the EMR or the CLR.

Lot: 151 Plan: MCH4892
Address: GYMPIE TCE
NOOSAVILLE 4566

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
PETROLEUM PRODUCT OR OIL STORAGE - storing petroleum products or oil -
(a) in underground tanks with more than 200L capacity; or
(b) in above ground tanks with -
(i) for petroleum products or oil in class 3 in packaging groups 1 and 2 of the dangerous goods code - more than 2, 500L capacity; or
(ii) for petroleum products or oil in class 3 in packaging groups 3 of the dangerous goods code - more than 5, 000L capacity; or
(iii) for petroleum products that are combustible liquids in class C1 or C2 in Australian Standard AS1940, 'The storage and handling of flammable and combustible liquids' published by Standards Australia - more than 25, 000L capacity.

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

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

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R

INTERNAL CURRENT RESERVE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 07/01/2019 12:19 Title Reference: 49011794
Date GAZETTED: 21/02/1976
PAGE: 651

Opening Ref: RC 34375
Purpose: PARK AND RECREATION
Sub-Purpose:
Local Name:
Address: GYMPIE TCE,NOOSAVILLE
County (R) No: R1235
File Ref: RES 16145

TRUSTEES

NOOSA SHIRE COUNCIL GAZETTED ON 21/02/1976 PAGE 651

LAND DESCRIPTION

LOT 151 SURVEY PLAN 284457 AMENDED on 24/02/2017
Local Government: NOOSA

Area: 2.120000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
718971356	LAND NOTICE SEC 48 (2) LAND ACT 1994	05/09/2018 13:58	CUR	NR-GEN -00

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

** End of Current Reserve Search **

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ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.des.qld.gov.au

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

Published on DNRME Disclosure Log RTI Act 2009

Transaction ID: 50499470 EMR Site Id: 20202 26 November 2018
This response relates to a search request received for the site:
Lot: 160 Plan: CP908649

EMR RESULT

The above site IS included on the Environmental Management Register.

The site you have searched has been subdivided from the following site, which IS included on the EMR or the CLR.

Lot: 151 Plan: MCH4892
Address: GYMPIE TCE
NOOSAVILLE 4566

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(ii) for petroleum products or oil in class 3 in packaging groups 3 of the dangerous goods code - more than 5, 000L capacity; or
(iii) for petroleum products that are combustible liquids in class C1 or C2 in Australian Standard AS1940, 'The storage and handling of flammable and combustible liquids' published by Standards Australia - more than 25, 000L capacity.

CLR RESULT

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

ADDITIONAL ADVICE

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

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

Administering Authority

Published on DNRME Disclosure Log RTI Act 2009

Date : 10/12/2018 4:24:39 PM
From : "BURKHARDT Marni"
To : "WINZENBERG Joseph"
Cc : "Technical Support DES"
Subject : RE: Technical support request - Gympie Terrace Noosaville
Attachment : Joe Winzenberg_Marni Burkhardt_Gympie Terrace Noosaville_Contaminated Land_MB.docx;image002.png;image003.png;image005.png;image006.png;

Hi Joe,

Please find my response to your request for technical support. Please let me know if you wish to discuss.

Kind regards, Marni

Please note: Here is the link to the online Tech Support evaluation form. Would appreciate you completing the form to help us manage our service delivery.
http://team:6002/ehp/esr/epc/iaos/tscr/Lists/Feedback/AllItems.aspx#InplviewHashb7342829-19ba-46e1-b168-c72216d2c6df' and click on "New Item" to open up the feedback form.

Queensland Government

Marni Burkhardt
Technical Specialist
Technical Support - Impact Assessment and Operational Support
Regulatory Capability and Customer Service
Department of Environment and Science

P 07 3330 5574 Email: marni.burkhardt@des.qld.gov.au
Level 9, 400 George Street, Brisbane

From: Technical Support DES
Sent: Tuesday, 27 November 2018 4:17 PM
To: WINZENBERG Joseph <Joseph.Winzenberg@des.qld.gov.au>
Cc: BURKHARDT Marni <Marni.Burkhardt@des.qld.gov.au>
Subject: FW: Technical support request - Gympie Terrace Noosaville

Hi Joe,

I've picked this one up.

Looks likely that I will be able to respond end of next week/early week of 10th. Does this suit you ok? I've got one stat deadline project and a couple of others in line (one is huge ☺).

Kind regards, Marni

Queensland Government

Marni Burkhardt
Technical Specialist
Technical Support - Impact Assessment and Operational Support
Regulatory Capability and Customer Service
Department of Environment and Science

P 07 3330 5574 Email: marni.burkhardt@des.qld.gov.au
Level 9, 400 George Street, Brisbane

From: WINZENBERG Joseph
Sent: Monday, 26 November 2018 5:17 PM
To: Technical Support DES <technicalsupport@des.qld.gov.au>
Cc: BELL Ewan <Ewan.Bell@des.qld.gov.au>
Subject: Technical support request - Gympie Terrace Noosaville

Hi,

Please find attached completed form, geotechnical report and EMR search.

Please contact me for further details.

Regards

Published on DNRME Disclosure Log RTI Act 2009

Joe Winzenberg
Senior Environmental Officer
Sunshine Coast | Southeast Queensland Compliance
Environmental Services and Regulation
Department of Environment and Science

P 07 5459 6123
Level 6, 12 First Avenue, Maroochydore QLD 4558
PO Box 362, Maroochydore QLD 4558

Part time: Monday, Tuesday and Wednesday

Published on DNRME Disclosure Log RTI Act 2009

Work Request
Technical Support Team

Date of request: 27/11/2018

Requesting Officer: Joe Winzenberg

Phone Number: 5459 6123

Office/Region: Maroochydore

Email Address for Response: joseph.winzenberg@des.qld.gov.au

Manager: Ewan Bell

Manager's Phone Number: 5459 6128

Date response is required: When possible

If the response date is less than 10 business days from date of receipt of this work request, please contact the Manager of Technical Support on 3330 5583.

Technical Support Manager's approval received for a response in less than 10bds from receipt of work request: Not Applicable

Is this work request to support a decision with a statutory deadline? : No

Has the Department of Environment and Science (DES) Water Sciences unit from the former DSITI provided advice on the project in the past? No If Yes and DES Water Science involvement is requested, please CC the water.workrequests@des.qld.gov.au when emailing your request.

Manager's Approval of Request: Yes

Proponent / Company / Person / Project: Noosa Shire Council

Site/Location (if relevant): Immediately north of 222 Gympie Terrace, Noosaville, Lot 151 SP284457.

File Number and Doc# : 101/0028468.

Request Type

☐ EIS / High Risk Assessment *(Requires Director to approve request is for high risk assessment)*
Has director approval been given? Yes / No
☒ Compliance
☐ Policy Advice

Issue Type(s)

Please delete all bar relevant issues

Contaminated Land

Support Category
Compliance & Assessment

EA Number *(if relevant)*: NA

Community Response Number (if relevant): CR86567

Details of Activity/Issue: Geotechnical investigation completed on behalf of Noosa Shire Council encountered contamination at bore log location (BH05) immediately north of Lot 160 CP908649 (fuel storage tank located here), on Lot 151 SP284457. The contamination was encountered between 0.05 and 0.8m below ground level. It was reported that fuel or oil impacted fill was encountered in this depth range, also described as a sticky tar like substance. Testing of a sample of this soil returned TRH result of 1600mg/kg (C16 to C34).

As the material was classified as fill it is considered unlikely that this contamination would be associated with the USL on adjacent lot 160.

Published on DNRME INTERNET Disclosure Log. RTI Act 2009

Queensland Government

Nature of assistance requested (describe): Please provide advice as to whether the levels observed in BH05 justify requiring further investigation to be completed by the council in this area.

Note: Please attach relevant files to request or state EDOCS items number. Every effort will be made to accommodate requests.

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Technical Support Response

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ID Number (Located on SharePoint):

Date of Technical Response: 10/12/18

Technical Support Manager's approval for any extension of due date: Yes/No/Not Applicable

Requesting Officer: Joe Winzenberg

Technical Specialist / Principal Technical Officer: Marni Burkhardt

Hours required for Job: 4

Response to Technical Support Request:

Issue:

Please provide advice as to whether the levels observed in BH05 justify requiring further investigation to be completed by the council in this area.

Background:
Geotechnical investigation completed on behalf of Noosa Shire Council encountered contamination at bore log location (BH05) immediately north of Lot 160 CP908649 (fuel storage tank located here), on Lot 151 SP284457. The contamination was encountered between 0.05 and 0.8m below ground level. It was reported that fuel or oil impacted fill was encountered in this depth range, also described as a sticky tar like substance. Testing of a sample of this soil returned TRH result of 1600mg/kg (C16 to C34).

As the material was classified as fill it is considered unlikely that this contamination would be associated with the USL on adjacent lot 160.

Assessment:
Limitations to the investigations
Section 3.5 Acknowledged limitations to the investigation as described page 6:
The investigation was limited to analysis of laboratory samples with reference to adopted assessment criteria (refer below). Desktop searches (e.g. Environmental Management Register (EMR), Contaminated Land Register (CLR) and historical imagery) were outside the scope of this investigation.

Page 4 Section 3.3 All boreholes were drilled using a solid flight auger. This method is not the most preferred when assessing volatile substances.

Overall the investigation was primarily a geotechnical investigation where the scope was broadened to include a limited contamination investigation.

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Concentrations of hydrocarbons in soil are above adopted criteria (ecological) and as identified in the report '…unsuitable for 'clean fill'…the results are insufficient for assessment of acceptance by licenced landfill facilities…' and 'Under *sections 320 to 320G of the Environmental Protection Act 1994*, there is a duty to notify DES of environmental harm. SMEC notes that the TRH reported in BH05 may cause environmental harm. However, further investigation is required to determine the source of the TRH and potential pathways and linkages with sensitive receptors such as site users, site workers, surface water and groundwater.'. Section 5 Page 11.

While the presence of this material may not present actual environmental harm, there is potential – there is a potentially complete source, pathway, receptor linkage. Further investigation is required to determine if the SPR linkages are complete.

It is recommended that further investigation is undertaken and include, though not be limited to defining the source, nature and extent of the contamination:

- A desktop study to identify potential source(s) of the material; and
- Further sampling to adequately characterise the material in order to inform any management requirements (nature) and delineation if required (extent).

The activity (creating a footpath) may also alter the potential SPR linkages and that needs to be assessed. The environmental values also need to be identified.

EP Act

'S14 **14 Environmental harm**

(1) ***Environmental harm*** is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.'

GED

319 General environmental duty

(1) A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the ***general environmental duty***).

Note—

See section 24(3) (Effect of Act on other rights, civil remedies etc.).

Conclusion:

Recommendation/s:

Attachments? Please list:

Disclaimer:

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Saving:

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Date_of_resquest_(YYMMDD)_Requesting_Officer_Name_Technical_Support_Officer_Name_Job_Name_Issue_Type/s(e.g._air_noise_water_etc)_1 of 1;

e.g.180117_A_Roberts_G_Cordingley_MRV_Tarong_Basin_Coal_Pty_Ltd_Kingaroy_UCG_Pilot_trial_site_water_contaminated_land_1_of_1;
Date_of_request_(YYMMDD)_Technical_Support_Officer_Name_Requesting_Officer_Name_of_Job_Name_Issue_Type/s_(e.g._air_noise_water_etc)_1 of 2 and
Date_of_request_(YYMMDD)_Technical_Support_Officer_Name_Requesting_Officer_Name_of_Job_Name_Issue_Type/s_2_of_2 etc*. Folders are located here.*

Please return completed forms to: **technicalsupport@des.qld.gov.au**

Published on DNRME Disclosure Log RTI Act 2009

Date : 26/11/2018 5:16:58 PM
From : "WINZENBERG Joseph"
To : "Technical Support DES"
Cc : "BELL Ewan"
Subject : Technical support request - Gympie Terrace Noosaville
Attachment : 30031876-4.3 Gympie Terrace Noosaville Factual Geotechnical Report - Fin....pdf;EMR Search Lot160 CP908649.pdf;Tech Support Work Request Form.docx;image001.png;

Hi,

Please find attached completed form, geotechnical report and EMR search.

Please contact me for further details.

Regards

Joe Winzenberg
Senior Environmental Officer
Sunshine Coast | Southeast Queensland Compliance
Environmental Services and Regulation
Department of Environment and Science

P 07 5459 6123
Level 6, 12 First Avenue, Maroochydore QLD 4558
PO Box 362, Maroochydore QLD 4558

Part time: Monday, Tuesday and Wednesday

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INTERNAL CURRENT RESERVE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 26/11/2018 16:53 Title Reference: 49011794
Date GAZETTED: 21/02/1976
PAGE: 651

Opening Ref: RC 34375
Purpose: PARK AND RECREATION
Sub-Purpose:
Local Name:
Address: GYMPIE TCE,NOOSAVILLE
County (R) No: R1235
File Ref: RES 16145

TRUSTEES

NOOSA SHIRE COUNCIL GAZETTED ON 21/02/1976 PAGE 651

LAND DESCRIPTION

LOT 151 SURVEY PLAN 284457 AMENDED on 24/02/2017
Local Government: NOOSA

Area: 2.120000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
718971356	LAND NOTICE SEC 48 (2) LAND ACT 1994	05/09/2018 13:58	CUR	NR-GEN -00

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

** End of Current Reserve Search **

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INTERNAL CURRENT STATE TENURE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 26/11/2018 16:53 Title Reference: 40072475
Date Created: 03/08/2016

Previous Title: 40011892

DESCRIPTION OF LAND

Tenure Reference: TL 0/239294

Lease Type: TERM

LOT 160 CROWN PLAN 908649
Local Government: NOOSA

Area: 0.165800 Ha. (SURVEYED)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:
MARINE FACILITY

TERM OF LEASE

Term and day of beginning of lease

Term: 30 years commencing on 20/07/2016

Expiring on 19/07/2046

REGISTERED LESSEE

NOOSA RIVER ENTERPRISES PTY LTD A.C.N. 110 693 715
TRUSTEE
UNDER INSTRUMENT 708121382

CONDITIONS

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Search Date: 26/11/2018 16:53 Title Reference: 40072475
Date Created: 03/08/2016

CONDITIONS

A131 SPECIFIED CONDITIONS FOR: Lease for a Term of Years
PURPOSE: Marine facility

STATUTORY CONDITIONS:

Statutory conditions are the general mandatory conditions of a lease and binds the lessee in accordance with Part 2 Division 1 of the Land Act.

1. Permitted Use: The lessee must use the land only for the purpose for which the tenure was issued under the Land Act 1994.
2. Duty of Care: The lessee has the responsibility for a duty of care, for the land under the Land Act 1994.
3. Rent/Instalment: The lessee must pay the annual rent/instalment in accordance with the Land Act 1994 and the Land Regulation 2009.
   For further information on how annual rent is determined, refer to the department's website at www.dnrm.qld.gov.au.
4. Noxious plants: The lessee must keep noxious plants on the land under control. If the lessee does not comply with this condition, the Minister may bring the noxious plants under control, the cost of which will be recovered from the lessee.
5. Information to Minister: The lessee must give the Minister administering the Land Act 1994, information the Minister asks for about the tenure.
6. Monies for Improvements: No money for improvements is payable by the State on the forfeiture, cancellation, surrender or expiry of this lease but money may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land. However, the previous lessee may apply to the Minister to remove the improvements that belong to the lessee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this lease. The lessee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister. The lessee may only remove those improvements if all monies due from the lessee to the department under this lease have been paid.

REGULATORY-CONDITIONS:----------

A regulatory condition relates to a lease , in accordance with the Land Regulation.

1. Indemnity: The lessee indemnifies and agrees to keep indemnified the Minister, and the State of Queensland and its Representatives, (the "Indemnified parties") against all liability, costs, loss and expenses including claims in negligence (including any claims, proceedings or demands bought by any third party, and any legal fees, costs and disbursements on a solicitor and client basis) ("Claim") arising from or incurred in connection with:
   a. the granting of this lease to the lessee;
   b. the lessee 's use and occupation of the land; or
   c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or

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CONDITIONS

attempted purported performance or non-performance) of the lease or a breach of the lease by the lessee .

The lessee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential financial loss) arising out of the use and occupation of the lease.

To the full extent permitted by law, the Minister, the State of Queensland and their Representatives will not be liable to the lessee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the lease.

2. Public Liability: The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence) Such policy must:
   a. be for an amount of not less than twenty million dollars ($20,000.000.00) and have no per event sublimit or such higher amounts as the Minister may reasonably require.
   b. be effected on a "claims occurring" basis; and
   c. be maintained at all times during the currency of the lease, and upon receipt of any notice of cancellation, the lessee must immediately effect another public insurance policy in accordance with the terms of the lease .

   The lessee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim.

   The lessee must renew such policy, at the lessee's expense, each year during the currency of this lease.

   The condition will be satisfied if the lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.

   This condition will be satisfied if the lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues to be insured by Comcover.
3. Access: The provision of access, further access or services to the land will not be the responsibility of the State.
4. Survey Costs: If the land needs to be surveyed or re-surveyed the lessee must do this at their own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.

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5. Jurisdiction: The lessee is subject to the Land Act 1994 and all other relevant Queensland and Commonwealth legislation.
6. Compliance with Laws: The lessee must comply with all lawful requirements of the:
   a. Local Government; and
   b. any department within the Queensland or Commonwealth governments (including the department administering the Land Act 1994), local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

SPECIAL-CONDITIONS:----------

These conditions relate to this lease.

Improvements or development on or to the land

1. The lessee must not effect any structural or further structural or excavation improvements on the land, without the approval of the department administering the Land Act 1994 and any other relevant authority, having been first obtained.
2. The lessee must within the term of the lease, to the satisfaction of the relevant authorities, maintain improvements on the land in a good and substantial state of repair.
3. The lessee must remove the improvements and rehabilitate the area to the satisfaction of the Minister / Chief Executive of the Land Act 1994 , from the date of termination of the tenure.
4. If the lessee fails to remove the improvements and rehabilitate the area as above, the Minister / Chief Executive administering the Land Act 1994 , can remove the improvements and is hereby authorised to do whatever is necessary to effect the said removal. The department may recover from the lessee the total cost incurred in the said removal.
5. The lessee must, to the satisfaction of the Minister administering the Land Act 1994, develop the leased land in a sustainable manner.
6. The lessee must, protect the leased land from erosion and effect such works as are considered necessary .
7. The lessee must ensure that the development and use of the land meets with the Planning Scheme, Local Laws and requirements of the Noosa Shire Council, binding the lessee.

Maintenance of landscape and beautification program

1. If, as a result of carrying out works or any other cause attributable to the lessee any maintenance is undertaken, the lessee must, at the lessees' expense, restore the leased land to its former condition and take such other action as is necessary to ensure the stability of the leased land to the satisfaction of the Minister administering the Land Act 1994.
2. All works constructed in, on, over, through or across and below high water mark within the leased land must be maintained.

Care, sustainability and protection of the land

1. The lessee must undertake acid sulphate soil survey prior to commencement of any excavation or drainage works and notify the Minister administering the Land Act 1994 on discovery of acid sulphate soils.

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2. Any person authorised by the State must at all times during the term of the lease, have free and unrestricted use of all water on the land for any purpose connected with the management of the land or for fire protection.
3. The lessee must not keep, store or permit to be kept or stored on the land any materials of a dangerous, flammable or explosive nature unless all statutes, local laws and regulations applicable to the keeping and storage of such materials have been complied with in every respect.
4. The lessee must ensure that each and every activity undertaken on the land which has the potential to pollute and/or contaminate is carried out in such a manner as to prevent this from occurring.
5. The lessee must, at the lessee s' expense and to the satisfaction and requirements of the Department of Environment and Heritage Protection provide facilities for the disposal and collection ashore of human wastes and other litter and dry or wet refuse or waste materials from vessels. The lessee may and if required install an external system to enable the connection to vessels of a line through which sewerage may be pumped to a shore based receival station to enable collection.
6. The lessee must, at the lessee s' expense, maintain a depth of water within the land sufficient to allow such waters to be freely navigated at the developed depths at all stages of the tide by the classes of the vessels using the facilities situated therein and should any dredging be required to maintain such depth of water, then the lessee must, at the lessees' expense, be responsible for obtaining the relevant statutory approvals required to permit the carrying out of such dredging and disposal of dredge spoil .

Conversion or renewal of the lease

1. The lessee of this lease is not allowed to make an application for conversion of this lease in terms of the Land Act 1994.

Tidal requirements

1. The lessee must not in any way interfere with any navigation mark or light erected on the land.
2. The lessee must, to the satisfaction of the Department of Transport and Main Roads, keep the sight line of any navigation leads which cross the land clear of obstructions. However, with the prior approval of the Department of Transport and Main Roads, the lessee may make alternative arrangements for relocating any of the said leads.
3. The lessee must supply, install and maintain, at the lessees' expense, any navigation lights, buoys, marks and warning signs which the Department of Transport and Main Roads considers necessary.
4. All works constructed in, on, over, through or across and below high water mark within the land must be maintained in a good and substantial state of repair.
5. The lessee must at all times take the necessary precautions to ensure that all lights on or above the land are shielded to prevent glare or reflection which may interfere with safe navigation of surrounding waterways or with reasonable enjoyment of neighbouring properties .

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6. The lessee must not allow any vessel moored within the land to be used as a permanent place for human habitation without the prior approval of the Minister administering the Land Act 1994.
7. The lessee must, take all reasonable action to ensure that all vessels attached to moorings within the boundaries of the land must be moored wholly within such boundaries and that such vessels or any part/s thereof must not encroach beyond the boundaries of the land.

Other conditions the Minister considers appropriate

1. The lessee must not carry out or allow to be carried out, any offensive, noxious or noisy occupation or business, upon the land, in accordance with Environmental Protection Act 1994.
2. If at any time, maintenance or repair are being conducted on the leased land that will disturb the free use and enjoyment of the leased land by the public or will interfere, alter or change any services of gas, water, electricity, telephone or any other service, the lessee must before commencing such maintenance or repair, obtain the approval of any relevant authority and must carry out such maintenance and repairs, at the lessees' expense and to the requirements and satisfaction of the relevant authorities.
3. The lease is issued in accordance with the provisions of section 24IC of the Native Title Act 1993 (Cth). In accordance with section 24IC of the Native Title Act 1993, the non-extinguishment principle applies.

ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Lease No. 40072475

2. MORTGAGE No 717727704 19/12/2016 at 13:00
NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937
Lodged at 13:00 on 19/12/2016 Recorded at 08:26 on 04/01/2017

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current State Tenure Search **

Information provided under section 34 Land Title Act(1994) or
section 281 Land Act(1994)

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