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LAND & ENGINEERING SURVEYORS, PLANNERS
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Town Planner

B.W. Bell BRTP, M.P.I.A.

Address Correspondence to:

FACSIMILE TRANSMISSION

TO: Environmental Protection Agency – Contaminated Land Unit
FAX NO. 3247 32 78
ATTENTION: Miguel Zavaleta
FROM: Murray & Associates (Qld) Pty Ltd
P O Box 665
EMERALD QLD 4720
NO. OF PAGES: 13
DATE: 11th July 2006
SUBJECT: Developments Applications (D206/06) & (D209/06)
Additional Information – Cliffe Street, Emerald

APPLICATION NUMBER: 12473-4
FILE NUMBER: 900227-6
REFERRAL DATE: 14/7/06
DATE INFO REQUEST DUE:
RCU No.
OFFICER:

Dear Miguel,

In response to your facsimile of the 7th July 2006 and our recent phone conversation in relation to the above-mentioned development applications I wish to advise the following.

Development Application - D209/06 – To follow is the completed Part A and Part N forms as requested in your facsimile. Also attached are plans, which detail the history of the site and better show the proposed development. I will also forward this by post. I trust this meets the Agencies request.

Development Application – D206/06 – The EPA's request and relevant forms and information have been forwarded to Ms Deb Aitcheson of Atelier Property Group who will be acting for the Applicant Mr Charlie Wilson in this matter and will forward the completed forms in due course.

Ms Aitcheson contact details are: PH 07 3721 6705

Fax: 07 38704557

Should you have any further queries please do not hesitate to contact our Emerald Office.

Regards

Lee Paradies

Murray & Associates (Qld) Pty Ltd
Emerald.

c.c – Deb Aitcheson



FAXED



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15-17 Currie St.
Nambour 4560
P.O. Box 246
Ph: (07) 5441 2188
Fax: (07) 5441 2597

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Emerald 4720
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CABOOLTURE
4/75 King St.
Caboolture 4510
P.O. Box 377
Ph: (07) 5495 1478
FAX: (07) 5495 1729
Collection 1

GYMPIE
24 Reef St.
Gympie 4570
PO Box 57
Ph: (07) 5482 1484
FAX: (07) 5482 8296

ROMA
22 Lewis St. Releas
Roma 4455
PO Box 1244
Ph: (07) 4622 1666
FAX: (07) 4622 8298

Form 1 Development Application

idas

Common details

PART A

The completion of **all applicable questions** on Part A is **mandatory** for all applications. Part A must be accompanied by the completed IDAS Assessment Checklist if required, and by one (1) or more other completed parts of the Form as required. For more information on the parts of the Form refer to www.ipa.qld.gov.au. Any information requested in the form may be provided in an attachment to the application. For further information about completing the following details, refer to [Guide 1](#).

Description of land

All land the subject of the application, must be identified. However, a description of the land is not required in relation to a mobile or temporary Environmentally Relevant Activity (ERA).

Advice for completing Q2 - Q2 applies if development is proposed within a water body or watercourse.

Advice for completing Q3 - Most land can be identified by a lot on plan description. These details can be obtained from title documents or through the local government.

However, if the land on which the development is proposed does **not** have a lot on plan description (i.e. the development is proposed in a water body or watercourse) provide –

- (i) the lot on plan description for the adjoining/adjacent land; or
- (ii) GPS coordinates where there is no adjoining/adjacent land (eg. in Moreton Bay).

Advice for completing Q7 - Q7 does **not** apply if the development is within a water body or watercourse.

Advice for completing Q8 - Q8 applies if development is within a local government area.

Note: Areas below high water mark are **not** within a local government's area unless provided for under the Local Government Act 1993.

Advice for completing Q9 - Q9 applies if development is on strategic port land or a strategic port land tidal area. For more details refer to [Guide 11](#).

1. Street address: (including house number, street name, suburb/locality name & postcode) (if applicable)
Cliffe Street Emerald
2. Name of water body or watercourse, within which the development is proposed: (if applicable)
3. Lot on plan description (eg. Lot 123 on RP 4567) / GPS coordinates:
Lot 91 on DSN561 (Portion of Lot 91 - Proposed Lot 1)
4. The above description is for: (tick applicable box)
☒ (i) the land on which the development is proposed; or
☐ (ii) the land adjoining the water body or watercourse, within which the development is proposed; or
☐ (iii) the water body or watercourse.
5. Shop / tenancy number: 6. Storey / level: 7. Total area of land: (m² of ha):

2.555ha
8. Local government area in which the land is situated: (eg. Esk, Hervey Bay, Woocoo etc.) (if applicable)
EMERALD SHIRE COUNCIL
9. Port authority for the strategic port land or strategic port land tidal area on which the development is proposed (eg. Port of Brisbane, Port of Townsville) (if applicable)
N/a

Proposal details

If there is insufficient room available, details may be provided in an attachment to the application.

10. Existing use of the land: (eg. vacant, single house, shop etc.)
vacant
11. Proposed use of the land: (eg. 6 unit apartment building, 30 lot residential subdivision, ERA for aquaculture in ponds with a total area of 7 ha for which wastes are released into waters etc).
Accommodation Buildings

Other applicable parts of Form 1

Part A must **always** be accompanied by other completed parts of Form 1. For information about when a part of Form 1 may apply refer to [Guide 1](#).

12. Other parts of Form 1 completed as part of this application: (eg. Part D, Part I, etc)
Part N

Applicant details

Clearly identify who is making the application. The applicant need **not** be the owner of the land.

When signing and lodging this application

The applicant is responsible for ensuring the information provided is correct. The assessment manager, any referral agency & the Chief Executive (where applicable) will rely on this information when assessing and deciding the application.

If the applicant is a company - a contact person must be shown.

13. Applicant's name:
Paul Pitman
14. Contact number:
07 49875363
15. Contact person:
Mark Murray
16. Facsimile number/e-mail address:
07 49822808
17. Postal address:
Murray & Associates (Qld) Pty Ltd, P O Box 665, Emerald Qld 4720
18. Signature:
19. Date:

INTEGRATED PLANNING ACT 1997

Form 1 Development Application

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Common details

The completion of all applicable questions on Part A is mandatory for all applications. Part A must be accompanied by the completed IDAS Assessment Checklist if required, and by one (1) or more other completed parts of the Form as required. For more information on the parts of the Form refer to www.ida.qld.gov.au. Any information requested in the form may be provided in an attachment to the application. For further information about completing the following details, refer to Guide 1.

Description of land

All land the subject of the application, must be identified. However, a description of the land is not required in relation to a mobile or temporary Environmentally Relevant Activity (ERA).

Advice for completing Q2 - Q2 applies if development is proposed within a water body or watercourse.

Advice for completing Q3 - Q3 Most land can be identified by a lot on plan description. Those details can be obtained from title documents or through the local government.

However, if the land on which the development is proposed does not have a lot on plan description (as the development is proposed in a water body or watercourse) provide -

(i) the lot on plan description for the adjoining/adjacent land; or

(ii) GPS coordinates where there is no adjoining/adjacent land (eg. in Moreton Bay).

Advice for completing Q7 - Q7 does not apply if the development is within a water body or watercourse.

Advice for completing Q8 - Q8 applies if development is within a local government area.

Those Areas below high water mark are not within a local government's area unless provided for under the Local Government Act 1993.

Advice for completing Q9 - Q9 applies if development is on strategic port land or a strategic port land tidal area. For more details refer to Guide 1.

Proposal details

If there is insufficient room available, details may be provided in an attachment to the application.

Other applicable parts of Form 1

Part A must always be accompanied by other completed parts of Form 1. For information about when a part of Form 1 may apply refer to Guide 1.

Applicant details

Clearly identify who is making the application. The applicant need not be the owner of the land.

When starting and lodging this application

The applicant is responsible for ensuring the information provided is correct. The assessment manager, any referral agency & the Chief Executive (where applicable) will rely on this information when assessing and deciding the application.

If the applicant is a company - a contact person must be shown

1. Street address: (including house number, street name, suburb/locality name & postcode) (if applicable)	Cliffe Street Emerald	
2. Name of water body or watercourse, within which the development is proposed: (if applicable)		
3. Lot on plan description (eg. Lot 123 on RP 4587) / GPS coordinates:	Lot 91 on DSN581 (Portion of Lot 91 - Proposed Lot 1)	
4. The above description is for: (tick applicable box)	☒ (i) the land on which the development is proposed; or ☐ (ii) the land adjoining the water body or watercourse, within which the development is proposed; or ☐ (iii) the water body or watercourse.	
5. Shop / tenancy number:	6. Storey / level:	7. Total area of land: (m ² of land)
		2.555ha
8. Local government area in which the land is situated: (eg. Esk, Harvey Bay, Woocoo etc.) (if applicable)	EMERALD SHIRE COUNCIL	
9. Port authority for the strategic port land or strategic port land tidal area on which the development is proposed (eg. Port of Brisbane, Port of Townsville) (if applicable)	N/A	
10. Existing use of the land: (eg. vacant, single house, shop etc.)	vacant	
11. Proposed use of the land: (eg. 6 unit apartment building, 30 lot residential subdivision, ERA for aquaculture in ponds with a total area of 7 ha for which wastes are released into waters etc.)	Accommodation Buildings	
12. Other parts of Form 1 completed as part of this application: (eg. Part D, Part I, etc.)	Part N	
13. Applicant's name:	15. Contact person:	
Paul Pitman	Mark Murray	
14. Contact number:	16. Facsimile number/e-mail address	
07 49875363	07 49822808	
17. Postal address:	Murray & Associates (Qld) Pty Ltd, P O Box 665, Emerald Qld 4720	
18. Signature:	19. Date	
sch4p4(6) Personal information	11/7/2001	

Land owner's consent (if applicable)

Section 3.2.1(10)(a) of the IPA prescribes that an application **cannot** be taken to be properly made without the land owner's consent.

An application **must** be supported by the consent of **all** land owner if the application involves:

- (i) a material change of use;
- (ii) reconfiguration of a lot;
- (iii) work on land below high-water mark & not within a canal as defined under the *Coastal Protection and Management Act 1995*; or
- (iv) work on rail corridor land defined under the *Transport Infrastructure Act 1994*.

For a **mobile or temporary ERA** - landowner's consent is **not** required.

For more information refer to [Guide 1](#).

20. Land owner's consent to the making of this application:

Name	Signature	Date
(i) Currimundi Farming Company Pty Ltd. A.C.N. 070 304 488	sch4p4(6) Personal information	
(ii)		
(iii)		
(iv)		
(v)		

Resource entitlement (if applicable)

Section 3.2.1(10)(b) of the IPA prescribes that an application **cannot** be taken to be properly made without evidence of the resource entitlement.

Advice for completing Q22

Refer to schedule 10 of the *Integrated Planning Regulation 1998* that prescribes the nature of evidence required by the State in support of the lodging of this development application.

Advice for completing Q23

The information in (i) – (v) is mandatory if evidence is required under Q22 (ii) or (iii) above.

The official stamp of the Department of Natural Resources and Mines is mandatory where the application involves taking or interfering with water or riverine quarry material under the *Water Act 2000*.

21. Does this application involve taking or interfering with (other than interfering with quarry material on State coastal land under the Coastal Protection and Management Act 1995) a State resource?

☒ NO - go to Q24

☐ YES - go to Q22

22. This application is required by regulation to be accompanied by evidence: (tick applicable box)

☐ (i) of the **allocation** of, or entitlement to, the resource – *attach evidence*

☐ (ii) the chief executive of the department administering the resource is satisfied the development **is consistent with an allocation** of, or entitlement to, the resource – go to Q23

☐ (iii) the chief executive of the department administering the resource is satisfied the development application **may proceed in the absence of an allocation** of, or entitlement to, the resource – go to Q23

23. Evidence of the resource entitlement:

(i) Resource entitlement / authority details

(ii) Name of delegated officer

(iii) Position of delegated officer

(iv) Signature of delegated officer

(v) Date

(iv) Official stamp of the department administering the resource (if applicable)

Assessment triggers

This checklist does **not** apply if the application requires the completion of Parts A and B of the Form **only**. It must be completed for all other applications.

24. Is the IDAS Assessment Checklist completed and attached to this application?

☒ YES

☐ NO – the assessment manager may refuse to accept this application on the grounds that the application has not been properly made

Plans / drawings / reports

An application should be accompanied by details to support the proposal & enable the assessment manager, referral agencies and any person viewing the application during public scrutiny or public notification to understand the scope of the proposal and any potential impact.

25. Plans/drawings/reports accompanying this application:

Plan / Drawing / Report Number	Title	Date
(i)		
(ii)		
(iii)		
(iv)		
(v)		

PLEASE NOTE: The assessment manager may refuse to accept an application that, at the time of lodgement, fails to provide all applicable information required by Part A and any other relevant part of Form 1.

OFFICE USE ONLY (applicable to assessment manager's)

FEE (\$)	DATE RECEIVED	RECEIVING OFFICER'S NAME/S	REFERENCE NUMBER/S
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Notification of Engagement of Private Certifier (Optional format)

To _____ Council. I have been engaged as the private certifier for the building work referred to in this application.

Date of engagement: / / Accreditation Number: _____ Name: _____ Signature: _____

Form 1 Development Application

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Contaminated land

PART N

Completion of **all questions** on Part N is **mandatory** for all applications involving assessment against the *Environmental Protection Act 1994* when development is proposed on contaminated or potentially contaminated land.

For further information refer to **Guide 5 Contaminated land matters** available free from www.ipa.qld.gov.au or the Environmental Protection Agency's (EPA's) information sheets available free from www.epa.qld.gov.au under Ecoaccess/ business and industry. Alternatively, contact the local government.

Nature of the application

Exemptions may apply to your proposal. Refer to **Guide 5 Contaminated land matters** for advice regarding development that is exempt from this assessable development trigger.

1. This application is for: (Tick one (1) or both if applicable)

Aspect of development	Type of approval being sought	
☒ Material change of use	☐ Preliminary approval	☒ Development permit
☐ Reconfiguring a lot	☐ Preliminary approval	☐ Development permit

2. Does this application require assessment against a planning scheme?

☐ NO
☒ YES – complete other relevant parts of the IDAS Application Form 1

The subject land

3. Has an Environmental Management Register (EMR) and/or Contaminated Land Register (CLR) search been conducted for the land the subject of the application?

☐ NO ☒ YES – attach results of the search and complete Q4

4. All or part of the land the subject of the application is:

- ☒ (i) on the EMR or the CLR under the *Environmental Protection Act 1994*;
☐ (ii) used for, or if the land is vacant, was last used for-
☐ (a) a notifiable activity
☐ (b) an industrial activity and the proposed use is for a child care centre, educational, recreational or residential purpose (including a caretaker residence on industrial land);
☐ (iii) in an area for which an area management advice has been given for natural mineralisation or industrial activity and the proposed use is for child care, educational, recreational or residential purpose (including a caretaker residence on industrial land);
☐ (iv) in an area for which an area management advice has been given for unexploded ordnance.

Plans and documents

For further information about preparing a proposal report, refer to **Guide 7 Preparing a proposal report**.

5. Confirm, by ticking the applicable box(es), that the following details are provided in plans and written information supporting this application:

- ☐ (i) plans showing where any Notifiable Activity, Hazardous Contaminant, or potentially contaminated activity / activities have occurred on site;
☒ (ii) if the application involves a material change of use from an industrial use to a more sensitive use (eg. child care, educational, recreational or residential purposes), supply a detailed site history outlining previous potentially contaminated uses on the site

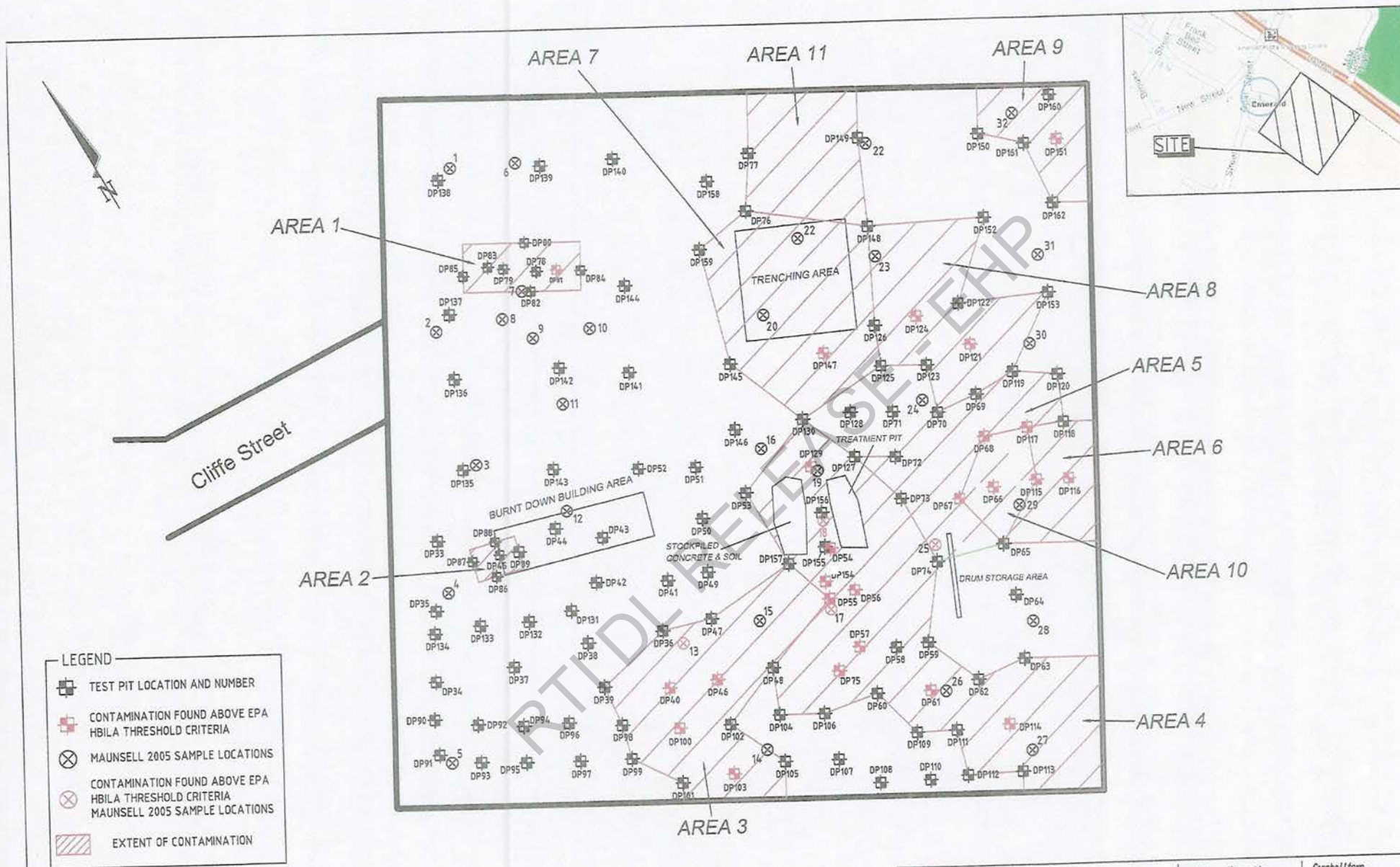
PLEASE NOTE

PART N of Form 1 **cannot** be accepted by the assessment manager unless accompanied by PART A of Form 1.

The assessment manager may refuse to accept an application that, at the time of lodgement, fails to provide all applicable information requested by Part A and any other relevant part of Form 1.

OFFICE USE ONLY (applicable to assessment manager)

DATE RECEIVED	REFERENCE NUMBER/S
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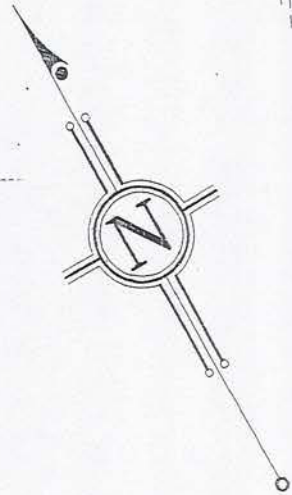


Douglas Partners Geotechnics · Environment · Groundwater		Sydney, Newcastle, Brisbane, Melbourne, Perth, Darwin	Campbelltown, Townsville, Cairns, Wollongong, Yang
TITLE: CONTAMINATION AREAS Remediation Plan and Health and Safety Procedures Lot 91 on DSN561, Cliffe Street, Emerald			
CLIENT: Currimundi Farming Company Pty Ltd		OFFICE: BRISBANE	
DRAWN: SM	SCALE: 1:800 (A3)	PROJECT No: 33773	DRAWING No: 1
APPROVED BY:		DATE: APRIL 2006	

59

CONSULTING SURVEYORS

59



Scale 1:1,000

Revision 2

CLIENT : C.WILSON
 DATE : 7.02.2006
 DRAWN : M.M.
 FILE : 40885.DWG
 cad job: charlie

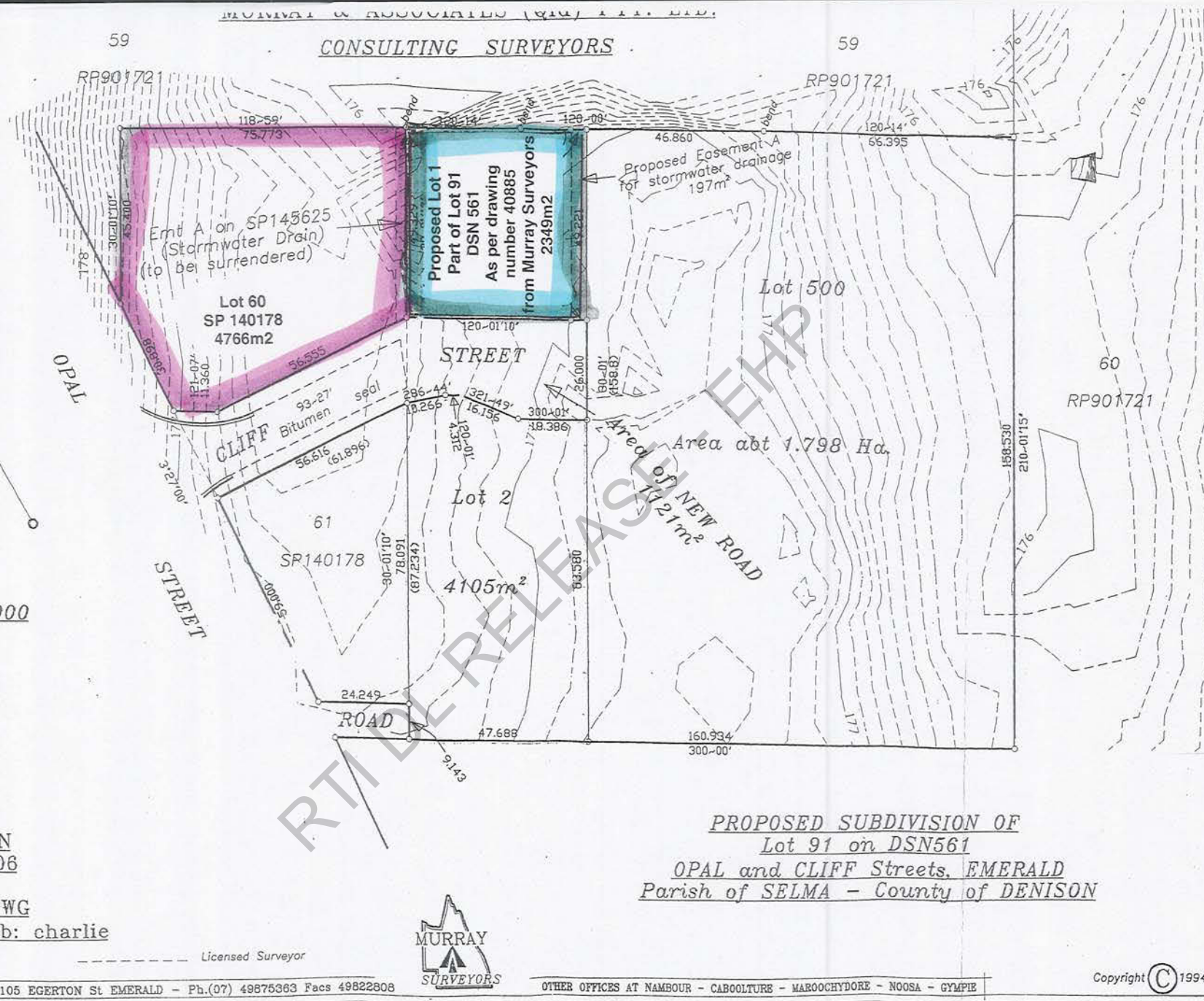
Licensed Surveyor



105 EGERTON St EMERALD - Ph.(07) 49875363 Facs 49822808

OTHER OFFICES AT NAMBOUR - CABOOLTURE - MAROOCHYDORE - NOOSA - GYMPIE

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QLD ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 843855 EMR Site Id: 12473 10 July 2006
This response relates to a search request received for the site:
Lot: 91 Plan: DSN561

EMR RESULT

The above site IS included on the Environmental Management Register.
Lot: 91 Plan: DSN561
Address: OPAL STREET
EMERALD 4720

The site has been subject to the following Notifiable Activity pursuant to section 374 of the *Environmental Protection Act 1994*.

WOOD TREATMENT AND PRESERVATION - treating timber for its preservation using chemicals, including, for example, arsenic, borax, chromium, copper or creosote.

A site management plan has been prepared for this site and is included with this search response as Annexure 1. It has been determined that this site is suitable for the following uses, providing the site is used and managed according to the site management plan: Suitable for industrial/commercial use including premises such as shops, offices and industrial buildings (but excluding uses where regular soil access by children is possible).

Following the date of effect of the site management plan, subsequent uses of the site for notifiable activities or for situations where a hazardous contaminant is released into the soil may result in the need to review suitable uses or amend the attached site management plan.

CLR RESULT

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

ADDITIONAL ADVICE

Note: Searches may be conducted online through the State Government Website www.smartservice.qld.gov.au or Citec Confirm www.confirm.com.au.

Alternatively, searches may be posted to Smart Service Queensland (Contaminated Land Search, PO Box 10817, Brisbane Adelaide Street, Queensland 4001) or fax (07) 3 405 0965 or 1300 300 768.

If you have any queries in relation to this search please phone (07) 3227 7370.

Lindi Bowen
Registrar, Contaminated Land Unit

ANNEXURE 1 - SITE MANAGEMENT PLAN

LOT : 91 PLAN : DSN561 FILE REF : BNE25292 PRINTED: 10/07/2006

DATE OF EFFECT : 05/06/2006

1.0 SUMMARY OF CONTAMINATION

This Site Management Plan (SMP) was prepared for Lot 91 on DSN561 (the site) at Cliffe Street, Emerald (Figure 1). The allotment covered by this SMP is 25,550 m² in area, and forms a site that is proposed for development.

Lot 91 on DSN561 was formerly used for a sawmill, however, all buildings and structures have been demolished and removed.

The site contains old filling in some areas up to 3.0 metres in depth that contains a minor amount of rubble (generally less than 10 percent) consisting brick, concrete, wire, metal sheeting, PVC pipe, fibro sheeting, glass and metal pipe. Contamination investigations in 2005 consisted of the excavation of 130 test pits across the site and sampling and testing of 240 soil samples for a range of analytes. The following maximum concentrations of contaminants were identified in the samples:

Arsenic	660 mg/kg
Chromium	1,200 mg/kg
Copper	820 mg/kg
Lead	160 mg/kg
Total PAH	23 mg/kg
OC's	17.6 mg/kg
TPH	41,800 mg/kg

2.0 OBJECTIVES OF THE SMP

The objective of this SMP is to manage contamination whilst it remains on the site in a manner that protects human health and the environment.

3.0 ACHIEVEMENT AND MAINTENANCE OF OBJECTIVES

3.1 Responsibility. The owner of the land (as defined in the *Environmental Protection Act 1994*) is to ensure compliance with this SMP and any variations approved or required by the administering authority. Obligations and conditions described in this SMP bind the owner, from time to time, of the land.

3.2 Third Party Reviewer. A Third Party Reviewer (TPR) approved by the EPA and operating in accordance with the EPA's Terms of Reference for TPR (August 2003) must be appointed for the duration of site assessment and remediation.

3.3 Site Use. The site is currently suitable only for commercial/industrial purposes. This includes premises such as shops and offices as well as factories and industrial sites. Regular soil access by children is prohibited.

The site is proposed to be redeveloped for residential child care and commercial / industrial purposes, however, these proposed uses must not commence until remediation works described in the Remediation Action Plan (RAP) for the site attached in Appendix 1 have been completed and a Statement of Suitability is issued by the EPA specifying that the site is suitable for the intended use.

3.4 Provision of SMP to appropriate persons. The owner must provide all persons involved in building design and planning and all contractors and lessees conducting building and/or excavation works with a copy of the SMP prior to commencement of works. All persons occupying or working on the site must comply with the requirements of the SMP.

3.5 Site Capping and Protective Barriers. Until remediation or demolition works commence, the current surface capping must be maintained. Should any areas be exposed prior to remediation, a capping layer consisting of 100-200 mm of compacted soil must be put into place to maintain a barrier between soil contamination and any site users. Where sealed pavements, such as asphalt or concrete are to be used in the design, such as for buildings or car parks, the thickness of the underlying gravel capping may be reduced. The integrity of the capping material is to be maintained to prevent/minimise erosion of the capping layer.

3.6 Service Trenches. All underground services must be constructed in either uncontaminated material or in trenches in which the services are surrounded by a minimum of 0.3 m of uncontaminated fill for minor services (<100 mm in diameter) and 0.5 m of uncontaminated fill for services greater than 100 mm in diameter.

3.7 Soil Excavation & Removal. Contaminated soil will be excavated in accordance with the attached RAP. Any soil excavated on the site must be assessed for contaminants of concern to determine if the material is contaminated and to identify appropriate management and disposal/re-use options. Off-site disposal of soil will only be conducted after obtaining prior approval from the TPR and Administering Authority under Section 424 of the EPA Act. Representative sampling and analysis of soil from excavations in contaminated areas must be managed by a suitably qualified and experienced person in accordance with Section 381 of the *Environmental Protection Act 1994* (EP Act). Contaminated soil must not be removed off-site without a disposal permit in accordance with Section 424 of the EP Act.

3.8 Unexpected Contamination. If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the environmental harm. The administering authority is to be notified immediately by telephone as well as by written notification within 24 hours of detection, and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriately qualified and experienced person in conjunction with the appointed TPR and in accordance with Section 381 of the EP Act.

TPR and Administering Authority approval is required before site works can recommence at that location.

3.9 General Environmental Protection. All earthworks are to comply with general environmental protection measures to avoid unwanted migration and deposition of soil. These measures include the control of dust, noise, stormwater runoff, sediment, erosion,

spillage from haulage trucks and odour releases involving the handling or movement of contaminated material. All contamination, safety, and excavation processes are to be documented and records kept which demonstrate SMP compliance.

3.10 Workplace Health and Safety. A Workplace Health and Safety Plan (WH&S plan), which conforms to the requirements of the *Workplace Health and Safety Act 1995* is to be developed for any site excavation works in contaminated areas. The WH&S plan must specifically address contaminants of concern.

4.0 MONITORING AND REPORTING

Records are to be kept of all inspections, any soil excavation in contaminated areas, disposal permits and site management plan compliance for review by the administering authority from time to time. A biennial inspection is to be undertaken to ensure that capping and protective barriers remain in sound condition at all times in accordance with Section 3.5. The biennial period is to commence from the effective date of this plan.

This SMP has been developed to manage site contamination risks present at the issue date. Subsequent uses of the site may result in the need to review the plan.

This SMP makes reference to a plan attachment that is available from the Administering Authority if required.

This SMP makes reference to a Remediation Action Plan attachment that is available from Administering Authority if required.

RTI DL RELEASE - EHP

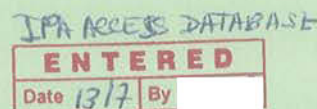


Notice of concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Kim Barry
Telephone: (07) 3225 1086 kim.barry@epa.qld.gov.au
Your reference: D209/06
Our reference: App'n: 12473 Part 3 File No.: BNE25292



CC: Mr Paul Pitman
Murray & Associates
PO Box 665
EMERALD QLD 4720

Emerald Shire Council
PO Box 21
EMERALD QLD 4720

Attention: Mr Bryan Ottone

Re: Application (No. D209/06) for development approval for assessable development to be carried out at Cnr Opal and Cliff Streets, Emerald (Lot 91 on DSN561).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency – Contaminated Land Unit is a concurrence agency for the development application:

- ☐ Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- ☒ Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The Environmental Protection Agency – Contaminated Land Unit (EPA-CLU), acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number or e-mail address provided.

sch4p3(3) Prejudice the protection of an individuals right to privacy

13/7/2006

Signed

Date

Delegate of Administering Authority
Environmental Protection Act 1994.

Conditions of the development approval

At all times while the use continues and the subject land is on the Environmental Management Register (EMR) the applicant must comply with the approved Site Management Plan (SMP) for **Lot 91 on DSN561** issued under the *Environmental Protection Act 1994* by the Environmental Protection Agency (Contaminated Land Unit).

Additional comments or advice about the application

A copy of the current SMP, with an effective date of 5 June 2006, is attached. The SMP has specific requirements which apply to excavation during site construction works and for the removal of soil from the site.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

Notice of concurrence agency response Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Kim Barry
Telephone: (07) 3225 1086 kim.barry@epa.qld.gov.au
Your reference: D209/06
Our reference: App'n: 12473 Part 3 File No.: BNE25292

CC: Mr Paul Pitman
Murray & Associates
PO Box 665
EMERALD QLD 4720

Emerald Shire Council
PO Box 21
EMERALD QLD 4720

Attention: Mr Bryan Ottone

Re: Application (No. D209/06) for development approval for assessable development to be carried out at Cnr Opal and Cliff Streets, Emerald (Lot 91 on DSN561).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency – Contaminated Land Unit is a concurrence agency for the development application:

- ☐ Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- ☒ Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The Environmental Protection Agency – Contaminated Land Unit (EPA-CLU), acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number or e-mail address provided .

.....
Signed

.....
Date

**Delegate of Administering Authority
*Environmental Protection Act 1994.***

Concurrence agency response

Sections 3.3.16 and 3.5.18 *Integrated Planning Act 1997*

Applicant:	Murray & Associates
Council Application Number:	D209/06
EPA Application Number:	12473 Part 3
Date application received by EPA:	11/07/2006
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction:	Chapter 7, Part 8 <i>Environmental Protection Act 1994</i>

Development Description:

Material Change of Use - Establish an accommodation building in proposed Lot 1

where:

- ☐ the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*.
- ☐ the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity.
- ☒ the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.
- ☐ the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes.
- ☐ the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued.

at the following place(s):

Cnr Opal and Cliff Streets, Emerald
(Lot 91 on DSN561)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- ☒ conditions must attach to any development approval
- ☐ any approval must be for part only of the development
- ☐ any approval must be a preliminary approval only
- ☒ there are no concurrence agency requirements
- ☐ the application must be refused

Council Application Number:	D209/06
EPA Application Number:	12473 Part 3

Conditions of the development approval

At all times while the use continues and the subject land is on the Environmental Management Register (EMR) the applicant must comply with the approved Site Management Plan (SMP) for **Lot 91 on DSN561** issued under the *Environmental Protection Act 1994* by the Environmental Protection Agency (Contaminated Land Unit).

Additional comments or advice about the application

A copy of the current SMP, with an effective date of [5 June 2006](#), is attached. The SMP has specific requirements which apply to excavation during site construction works and for the removal of soil from the site.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

ANNEXURE 1 - SITE MANAGEMENT PLAN

LOT : 91 PLAN : DSN561 FILE REF : BNE25292 PRINTED: 13/07/2006

DATE OF EFFECT : 05/06/2006

1.0 SUMMARY OF CONTAMINATION

This Site Management Plan (SMP) was prepared for Lot 91 on DSN561 (the site) at Cliffe Street, Emerald (Figure 1). The allotment covered by this SMP is 25,550 m² in area, and forms a site that is proposed for development.

Lot 91 on DSN561 was formerly used for a sawmill, however, all buildings and structures have been demolished and removed.

The site contains old filling in some areas up to 3.0 metres in depth that contains a minor amount of rubble (generally less than 10 percent) consisting brick, concrete, wire, metal sheeting, PVC pipe, fibro sheeting, glass and metal pipe. Contamination investigations in 2005 consisted of the excavation of 130 test pits across the site and sampling and testing of 240 soil samples for a range of analytes. The following maximum concentrations of contaminants were identified in the samples:

Arsenic	660 mg/kg
Chromium	1,200 mg/kg
Copper	820 mg/kg
Lead	160 mg/kg
Total PAH	23 mg/kg
OC's	17.6 mg/kg
TPH	41,800 mg/kg

2.0 OBJECTIVES OF THE SMP

The objective of this SMP is to manage contamination whilst it remains on the site in a manner that protects human health and the environment.

3.0 ACHIEVEMENT AND MAINTENANCE OF OBJECTIVES

3.1 Responsibility. The owner of the land (as defined in the *Environmental Protection Act 1994*) is to ensure compliance with this SMP and any variations approved or required by the administering authority. Obligations and conditions described in this SMP bind the owner, from time to time, of the land.

3.2 Third Party Reviewer. A Third Party Reviewer (TPR) approved by the EPA and operating in accordance with the EPA's Terms of Reference for TPR (August 2003) must be appointed for the duration of site assessment and remediation.

3.3 Site Use. The site is currently suitable only for commercial/industrial purposes. This includes premises such as shops and offices as well as factories and industrial sites. Regular soil access by children is prohibited.

The site is proposed to be redeveloped for residential child care and commercial / industrial purposes,

4.0 MONITORING AND REPORTING

Records are to be kept of all inspections, any soil excavation in contaminated areas, disposal permits and site management plan compliance for review by the administering authority from time to time. A biennial inspection is to be undertaken to ensure that capping and protective barriers remain in sound condition at all times in accordance with Section 3.5. The biennial period is to commence from the effective date of this plan.

This SMP has been developed to manage site contamination risks present at the issue date. Subsequent uses of the site may result in the need to review the plan.

This SMP makes reference to a plan attachment that is available from the Administering Authority if required.

This SMP makes reference to a Remediation Action Plan attachment that is available Administering Authority if required.

RTI DL RELEASE - EHP



ANNEXURE 1 - SITE MANAGEMENT PLAN

LOT : 91 PLAN : DSN561 FILE REF : BNE25292 PRINTED: 03/07/2013

DATE OF EFFECT : 05/06/2006

1.0 SUMMARY OF CONTAMINATION

This Site Management Plan (SMP) was prepared for Lot 91 on DSN561 (the site) at Cliffe Street, Emerald (Figure 1). The allotment covered by this SMP is 25,550 m² in area, and forms a site that is proposed for development.

Lot 91 on DSN561 was formerly used for a sawmill, however, all buildings and structures have been demolished and removed.

The site contains old filling in some areas up to 3.0 metres in depth that contains a minor amount of rubble (generally less than 10 percent) consisting brick, concrete, wire, metal sheeting, PVC pipe, fibro sheeting, glass and metal pipe. Contamination investigations in 2005 consisted of the excavation of 130 test pits across the site and sampling and testing of 240 soil samples for a range of analytes. The following maximum concentrations of contaminants were identified in the samples:

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Total PAH	23 mg/kg
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The objective of this SMP is to manage contamination whilst it remains on the site in a manner that protects human health and the environment.

3.0 ACHIEVEMENT AND MAINTENANCE OF OBJECTIVES

3.1 Responsibility. The owner of the land (as defined in the *Environmental Protection Act 1994*) is to ensure compliance with this SMP and any variations approved or required by the administering authority. Obligations and conditions described in this SMP bind the owner, from time to time, of the land.

3.2 Third Party Reviewer. A Third Party Reviewer (TPR) approved by the EPA and operating in accordance with the EPA's Terms of Reference for TPR (August 2003) must be appointed for the duration of site assessment and remediation.

3.3 Site Use. The site is currently suitable only for commercial/industrial purposes. This includes premises such as shops and offices as well as factories and industrial sites. Regular soil access by children is prohibited.

The site is proposed to be redeveloped for residential child care and commercial / industrial purposes, however, these proposed uses must not commence until remediation works described in the Remediation Action Plan (RAP) for the site attached in Appendix 1 have been completed and a Statement of Suitability is issued by the EPA specifying that the site is suitable for the intended use.

3.4 Provision of SMP to appropriate persons. The owner must provide all persons involved in building design and planning and all contractors and lessees conducting building and/or excavation works with a copy of the SMP prior to commencement of works. All persons occupying or working on the site must comply with the requirements of the SMP.

3.5 Site Capping and Protective Barriers. Until remediation or demolition works commence, the current surface capping must be maintained. Should any areas be exposed prior to remediation, a capping layer consisting of 100-200 mm of compacted soil must be put into place to maintain a barrier between soil contamination and any site users. Where sealed pavements, such as asphalt or concrete are to be used in the design, such as for buildings or car parks, the thickness of the underlying gravel capping may be reduced. The integrity of the capping material is to be maintained to prevent/minimise erosion of the capping layer.

3.6 Service Trenches. All underground services must be constructed in either uncontaminated material or in trenches in which the services are surrounded by a minimum of 0.3 m of uncontaminated fill for minor services (<100 mm in diameter) and 0.5 m of uncontaminated fill for services greater than 100 mm in diameter.

3.7 Soil Excavation & Removal. Contaminated soil will be excavated in accordance with the attached RAP. Any soil excavated on the site must be assessed for contaminants of concern to determine if the material is contaminated and to identify appropriate management and disposal/re-use options. Off-site disposal of soil will only be conducted after obtaining prior approval from the TPR and Administering Authority under Section 424 of the EPA Act. Representative sampling and analysis of soil from excavations in contaminated areas must be managed by a suitably qualified and experienced person in accordance with Section 381 of the *Environmental Protection Act 1994* (EP Act). Contaminated soil must not be removed off-site without a disposal permit in accordance with Section 424 of the EP Act.

3.8 Unexpected Contamination. If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the environmental harm. The administering authority is to be notified immediately by telephone as well as by written notification within 24 hours of detection, and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriately qualified and experienced person in conjunction with the appointed TPR and in accordance with Section 381 of the EP Act.

TPR and Administering Authority approval is required before site works can recommence at that location.

3.9 General Environmental Protection. All earthworks are to comply with general environmental protection measures to avoid unwanted migration and deposition of soil. These measures include the control of dust,

noise, stormwater runoff, sediment, erosion, spillage from haulage trucks and odour releases involving the handling or movement of contaminated material. All contamination, safety, and excavation processes are to be documented and records kept which demonstrate SMP compliance.

3.10 *Workplace Health and Safety*. A Workplace Health and Safety Plan (WH&S plan), which conforms to the requirements of the *Workplace Health and Safety Act 1995* is to be developed for any site excavation works in contaminated areas. The WH&S plan must specifically address contaminants of concern.

4.0 MONITORING AND REPORTING

Records are to be kept of all inspections, any soil excavation in contaminated areas, disposal permits and site management plan compliance for review by the administering authority from time to time. A biennial inspection is to be undertaken to ensure that capping and protective barriers remain in sound condition at all times in accordance with Section 3.5. The biennial period is to commence from the effective date of this plan.

This SMP has been developed to manage site contamination risks present at the issue date. Subsequent uses of the site may result in the need to review the plan.

This SMP makes reference to a plan attachment that is available from the Administering Authority if required.

This SMP makes reference to a Remediation Action Plan attachment that is available from Administering Authority if required.



Notice of concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Kim Barry
Telephone: (07) 3225 1086 kim.barry@epa.qld.gov.au
Your reference: D517/05
Our reference: App'n: 12473 Part 2 File No.: BNE25292



CC: Mr Scot Brown
Atelier Holdings Pty Ltd
C/- City Plan Services
PO Box 2279
FVBC QLD 4006

Emerald Shire Council
PO Box 21
EMERALD QLD 4720

Attention: Alexis Aylward

Re: Application (No. D517/05) for development approval for assessable development to be carried out at Lot 500 Cliffe Street, Emerald (Lot 91 on DSN561).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency – Contaminated Land Unit is a concurrence agency for the development application:

- ☐ Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- ☒ Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The Environmental Protection Agency – Contaminated Land Unit (EPA-CLU), acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number or e-mail address provided.

sch4p3(3) Prejudice the protection of an individuals right to privacy

Signed

13/7/2006
Date

Delegate of Administering Authority
Environmental Protection Act 1994.

Conditions of the development approval

At all times while the use continues and the subject land is on the Environmental Management Register (EMR) the applicant must comply with the approved Site Management Plan (SMP) for **Lot 91 on DSN561** (base parcel of the proposed Lot 500) issued under the *Environmental Protection Act 1994* by the Environmental Protection Agency (Contaminated Land Unit).

Additional comments or advice about the application

A copy of the current SMP, with an effective date of 5 June 2006, is attached. The SMP has specific requirements which apply to excavation during site construction works and for the removal of soil from the site.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

Notice of concurrence agency response

Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Kim Barry
Telephone: (07) 3225 1086 kim.barry@epa.qld.gov.au
Your reference: D517/05
Our reference: App'n: 12473 Part 2 File No.: BNE25292

CC: Mr Scot Brown
Atelier Holdings Pty Ltd
C/- City Plan Services
PO Box 2279
FVBC QLD 4006

Emerald Shire Council
PO Box 21
EMERALD QLD 4720

Attention: Alexis Aylward

Re: Application (No. D517/05) for development approval for assessable development to be carried out at Lot 500 Cliffe Street, Emerald (Lot 91 on DSN561).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency – Contaminated Land Unit is a concurrence agency for the development application:

- ☐ Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
- ☒ Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The Environmental Protection Agency – Contaminated Land Unit (EPA-CLU), acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number or e-mail address provided .

.....
Signed

.....
Date

Delegate of Administering Authority
Environmental Protection Act 1994.

Concurrence agency response

Sections 3.3.16 and 3.5.18 *Integrated Planning Act 1997*

Applicant:	Atelier Holdings Pty Ltd
Council Application Number:	D517/05
EPA Application Number:	12473 Part 2
Date application received by EPA:	21/11/2005
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction:	Chapter 7, Part 8 <i>Environmental Protection Act 1994</i>

Development Description:

Material Change of Use - Multiple Dwellings (92 units)

where:

- ☐ the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*.
- ☐ the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity.
- ☒ the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.
- ☐ the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes.
- ☐ the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued.

at the following place(s):

Lot 500 Cliffe Street, Emerald
(Lot 91 on DSN561)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- ☒ conditions must attach to any development approval
- ☐ any approval must be for part only of the development
- ☐ any approval must be a preliminary approval only
- ☒ there are no concurrence agency requirements
- ☐ the application must be refused

Council Application Number:	D517/05
EPA Application Number:	12473 Part 2

Conditions of the development approval

At all times while the use continues and the subject land is on the Environmental Management Register (EMR) the applicant must comply with the approved Site Management Plan (SMP) for **Lot 91 on DSN561** (base parcel of the proposed Lot 500) issued under the *Environmental Protection Act 1994* by the Environmental Protection Agency (Contaminated Land Unit).

Additional comments or advice about the application

A copy of the current SMP, with an effective date of [5 June 2006](#), is attached. The SMP has specific requirements which apply to excavation during site construction works and for the removal of soil from the site.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

ANNEXURE 1 - SITE MANAGEMENT PLAN

LOT : 91 PLAN : DSN561 FILE REF : BNE25292 PRINTED: 13/07/2006

DATE OF EFFECT : 05/06/2006

1.0 SUMMARY OF CONTAMINATION

This Site Management Plan (SMP) was prepared for Lot 91 on DSN561 (the site) at Cliffe Street, Emerald (Figure 1). The allotment covered by this SMP is 25,550 m² in area, and forms a site that is proposed for development.

Lot 91 on DSN561 was formerly used for a sawmill, however, all buildings and structures have been demolished and removed.

The site contains old filling in some areas up to 3.0 metres in depth that contains a minor amount of rubble (generally less than 10 percent) consisting brick, concrete, wire, metal sheeting, PVC pipe, fibro sheeting, glass and metal pipe. Contamination investigations in 2005 consisted of the excavation of 130 test pits across the site and sampling and testing of 240 soil samples for a range of analytes. The following maximum concentrations of contaminants were identified in the samples:

Arsenic	660 mg/kg
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Total PAH	23 mg/kg
OC's	17.6 mg/kg
TPH	41,800 mg/kg

2.0 OBJECTIVES OF THE SMP

The objective of this SMP is to manage contamination whilst it remains on the site in a manner that protects human health and the environment.

3.0 ACHIEVEMENT AND MAINTENANCE OF OBJECTIVES

3.1 Responsibility. The owner of the land (as defined in the *Environmental Protection Act 1994*) is to ensure compliance with this SMP and any variations approved or required by the administering authority. Obligations and conditions described in this SMP bind the owner, from time to time, of the land.

3.2 Third Party Reviewer. A Third Party Reviewer (TPR) approved by the EPA and operating in accordance with the EPA's Terms of Reference for TPR (August 2003) must be appointed for the duration of site assessment and remediation.

3.3 Site Use. The site is currently suitable only for commercial/industrial purposes. This includes premises such as shops and offices as well as factories and industrial sites. Regular soil access by children is prohibited.

The site is proposed to be redeveloped for residential child care and commercial / industrial purposes,

4.0 MONITORING AND REPORTING

Records are to be kept of all inspections, any soil excavation in contaminated areas, disposal permits and site management plan compliance for review by the administering authority from time to time. A biennial inspection is to be undertaken to ensure that capping and protective barriers remain in sound condition at all times in accordance with Section 3.5. The biennial period is to commence from the effective date of this plan.

This SMP has been developed to manage site contamination risks present at the issue date. Subsequent uses of the site may result in the need to review the plan.

This SMP makes reference to a plan attachment that is available from the Administering Authority if required.

This SMP makes reference to a Remediation Action Plan attachment that is available Administering Authority if required.

RTI DL RELEASE - EHP



ANNEXURE 1 - SITE MANAGEMENT PLAN

LOT : 91 PLAN : DSN561 FILE REF : BNE25292 PRINTED: 03/07/2013

DATE OF EFFECT : 05/06/2006

1.0 SUMMARY OF CONTAMINATION

This Site Management Plan (SMP) was prepared for Lot 91 on DSN561 (the site) at Cliffe Street, Emerald (Figure 1). The allotment covered by this SMP is 25,550 m² in area, and forms a site that is proposed for development.

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3.2 Third Party Reviewer. A Third Party Reviewer (TPR) approved by the EPA and operating in accordance with the EPA's Terms of Reference for TPR (August 2003) must be appointed for the duration of site assessment and remediation.

3.3 Site Use. The site is currently suitable only for commercial/industrial purposes. This includes premises such as shops and offices as well as factories and industrial sites. Regular soil access by children is prohibited.

The site is proposed to be redeveloped for residential child care and commercial / industrial purposes, however, these proposed uses must not commence until remediation works described in the Remediation Action Plan (RAP) for the site attached in Appendix 1 have been completed and a Statement of Suitability is issued by the EPA specifying that the site is suitable for the intended use.

3.4 Provision of SMP to appropriate persons. The owner must provide all persons involved in building design and planning and all contractors and lessees conducting building and/or excavation works with a copy of the SMP prior to commencement of works. All persons occupying or working on the site must comply with the requirements of the SMP.

3.5 Site Capping and Protective Barriers. Until remediation or demolition works commence, the current surface capping must be maintained. Should any areas be exposed prior to remediation, a capping layer consisting of 100-200 mm of compacted soil must be put into place to maintain a barrier between soil contamination and any site users. Where sealed pavements, such as asphalt or concrete are to be used in the design, such as for buildings or car parks, the thickness of the underlying gravel capping may be reduced. The integrity of the capping material is to be maintained to prevent/minimise erosion of the capping layer.

3.6 Service Trenches. All underground services must be constructed in either uncontaminated material or in trenches in which the services are surrounded by a minimum of 0.3 m of uncontaminated fill for minor services (<100 mm in diameter) and 0.5 m of uncontaminated fill for services greater than 100 mm in diameter.

3.7 Soil Excavation & Removal. Contaminated soil will be excavated in accordance with the attached RAP. Any soil excavated on the site must be assessed for contaminants of concern to determine if the material is contaminated and to identify appropriate management and disposal/re-use options. Off-site disposal of soil will only be conducted after obtaining prior approval from the TPR and Administering Authority under Section 424 of the EPA Act. Representative sampling and analysis of soil from excavations in contaminated areas must be managed by a suitably qualified and experienced person in accordance with Section 381 of the *Environmental Protection Act 1994* (EP Act). Contaminated soil must not be removed off-site without a disposal permit in accordance with Section 424 of the EP Act.

3.8 Unexpected Contamination. If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the environmental harm. The administering authority is to be notified immediately by telephone as well as by written notification within 24 hours of detection, and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriately qualified and experienced person in conjunction with the appointed TPR and in accordance with Section 381 of the EP Act.

TPR and Administering Authority approval is required before site works can recommence at that location.

3.9 General Environmental Protection. All earthworks are to comply with general environmental protection measures to avoid unwanted migration and deposition of soil. These measures include the control of dust,

noise, stormwater runoff, sediment, erosion, spillage from haulage trucks and odour releases involving the handling or movement of contaminated material. All contamination, safety, and excavation processes are to be documented and records kept which demonstrate SMP compliance.

3.10 *Workplace Health and Safety*. A Workplace Health and Safety Plan (WH&S plan), which conforms to the requirements of the *Workplace Health and Safety Act 1995* is to be developed for any site excavation works in contaminated areas. The WH&S plan must specifically address contaminants of concern.

4.0 MONITORING AND REPORTING

Records are to be kept of all inspections, any soil excavation in contaminated areas, disposal permits and site management plan compliance for review by the administering authority from time to time. A biennial inspection is to be undertaken to ensure that capping and protective barriers remain in sound condition at all times in accordance with Section 3.5. The biennial period is to commence from the effective date of this plan.

This SMP has been developed to manage site contamination risks present at the issue date. Subsequent uses of the site may result in the need to review the plan.

This SMP makes reference to a plan attachment that is available from the Administering Authority if required.

This SMP makes reference to a Remediation Action Plan attachment that is available from Administering Authority if required.



CONTACT NAME: Alexis Aylward
CONTACT NO: (07) 4982 8307

BNE 2006/110505

Our Ref: D316/05
Your Ref: 12473 Part 1 File No: BNE25292

IPA

Application

+

File BNE 25292

For Filing Thanks

7/8/06

31 July 2006

Environmental Protection Agency
Southern Regional Office
GPO Box 2771
BRISBANE QLD 4001

Attention: Angelina Bismarck

Dear Madam,

RE: DEVELOPMENT APPLICATION DECISION NOTICE

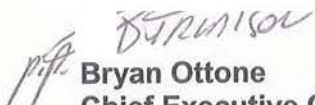
Proposal: Reconfiguration of Lot – Boundary Realignment
Application Number: D316/05
Address: Opal & Cliffe Streets, Emerald
Property Description: Lot 91 on DSN 561

The attached Decision Notice will provide all the relevant details in respect of Council's decision on the proposal.

Should you require further information, please contact Council's Environment and Development Planning Department on telephone number 4982 8332.

Yours faithfully,

sch4p4(6) Personal information


Bryan Ottone
Chief Executive Officer
D316.05

Enc. Decision Notice



D316.05 EPA Decision Notice

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER - ATTN: [CONTACT NAME]

Emerald



Integrated Planning Act

SHIRE OF EMERALD TOWN PLANNING SCHEME

DECISION NOTICE NUMBER D316/05

Emerald



DESCRIPTION OF LAND:

Lot 91 on DSN561, Parish of Selma

AREA OF LAND:

Total Site Area 2.55 Ha

POSTAL ADDRESS OF LAND:

Cliffe Street, Emerald

CURRENT USE OF LAND:

Vacant

APPLICANT'S NAME:

Cliffe Gardens Developments Pty Ltd

APPLICANT'S ADDRESS:

PO Box 1454, Toowong 4066

NAME AND ADDRESS
OF REFERRAL AGENCIES:

Department of Main Roads
PO Box 1787, Emerald
Environmental Protection Agency-
Contaminated Land Unit
GPO Box 2771, Brisbane 4001

The Council of the Shire of Emerald as the responsible Local Authority hereby advises approval for a Development Permit for the Reconfiguration of Lot of three (3) lots by boundary realignment on the land described above subject to the following conditions:-

General

- 1) Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with Plan Number TP-D316/05, also known as Plan 40885.dwg, dated 7 February 2006 Revision 2 prepared by Murray & Associates (Qld) Pty Ltd.
- 2) The relocation of services (water supply, sewer, telephone, power) within the subject land to provide independent services to each proposed lot shall be by the applicant at no cost to Council.
- 3) Any easements deemed necessary by the Executive Manager - Infrastructure and Commercial Services, are to be provided at the developer's cost, to the requirements and satisfaction of the Executive Manager - Infrastructure and Commercial Services in accordance with Council's Development Manual on Engineering Works.
- 4) Provision of evidence that all rates and charges are paid on the subject site.

Compliance with the enclosed conditions and submission of a certified Plan of Survey of the proposal, for Council's Signing and Sealing, within the periods limited by the Integrated Planning Act or, where no period is specified, within a period of two (2) years from the date of approval, otherwise the approval will lapse.

Plans of Survey shall not be Signed and Sealed until such time as the requirements of the conditions of this approval, with the exception of conditions 11 to 13 inclusive



which are applicable at both this phase of development and are also triggered by the use of the lot(s), shall have been carried out or bonded to the satisfaction of the Chief Executive Officer.

Development Contributions

- 7) Contribution of an amount of \$1 500.00 per allotment to be paid on a pro-rata basis for the provision of public garden or recreation space in the area. A credit of 1 allotment has been given for the existing allotment. The total sum of this contribution is \$3000.

Utilities

- 8) Submission to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of electricity to proposed Lots 1, 2 and 500.
- 9) Provision shall be made to submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of communication services to proposed Lots 1, 2 and 500.

Engineering

- 10) Unless otherwise approved in writing by the Chief Executive Officer, no construction work that makes or causes audible noise shall be carried out on site:
 - a. On a Sunday or Public Holiday at any time;
 - b. On a Saturday or business day before 6:30am or after 6:30pm
- 11) Physical access to the site, car parking and vehicle manouvering areas within the subject land shall be provided in accordance with Council's Development Manuals.
- 12) Provision shall be made for all necessary storm water drainage and erosion and sediment control measures including gross pollutant traps (both internal and external to the subject land) in accordance with Council's Development Manual on Engineering Works.
- 13) The land owner(s) of proposed Lots 1, 2 and 500 shall ensure that no ponding of stormwater from their lot flows onto adjacent lots and that no stormwater formerly flowing onto the site is diverted away, but incorporated into the drainage from each lot to the point of lawful discharge.
- 14) All runoff from stormwater naturally falling onto the proposed Lots (including roofwater) shall be collected within the property boundaries and discharged to Council's stormwater system.
- 15) The lawful and practical point of discharge for proposed Lots 1, 2 and 500 is the Nogoa River.
- 16) Provision of a reticulated water supply with one service connection point to proposed Lots 1, 2 and 500. The reticulated water supply must be in accordance with design plans approved by Council.

This will involve the extension of a water main down the length of the new road to the eastern boundary of proposed Lot 500. The capacity of the water main to Council's standards shall be demonstrated through the provision of a network analysis showing the impact on existing reticulation by the proposal. The

developer shall provide all upgrades to the water supply system identified in the network analysis to ensure current level of service to existing consumers is not diminished.

- 17) The existing water connection to the site through Lot 60 on SP140178 shall be disconnected.
- 18) Provision of a reticulated sewerage supply with only one service connection point for proposed Lots 1, 2 and 500. Each lot's connection must be capable of servicing the entire area of that lot.

The ablutions block that is serviced by the existing pump station is to be connected to the new pump station and rising main.

The reticulated sewerage network must be in accordance with design plans approved by Council.

- 19) The existing sewer pump station and any obsolete infrastructure associated with it shall be removed from the site.
- 20) The following civil works are required to fill the site:

- The site shall be filled to a minimum finished surface level above the Q100 flood level of 177.4 m AHD.
- At the northern and southern interface of the site with adjoining land the applicant shall construct a retaining wall, certified by an RPEQ engineer, to retain soil on site. The applicant shall be required to construct a minimum 1.2 m high fence wherever the retaining wall is greater than 0.3 m above the adjoining lot's finished surface level.
- At the eastern boundary interface of the site with Lot 60 on RP 901721 the applicant shall either:
 - a. construct a retaining wall, certified by a RPEQ engineer shall have to be constructed to retain soil on site. The applicant shall be required to construct a minimum 1.2 m high fence wherever the retaining wall is greater than 0.3 m above the adjoining lots finished surface level; or
 - b. Fill into the adjoining site to the extent of providing a 3.5 m wide Q100 flood free access strip and batter at a maximum gradient of 16.6 %. The area where fill is placed shall have to be certified that all contaminated soil has been removed prior to filling.

- 21) The following external roadworks for the construction of Cliffe Street are required at the minimum in accordance with Council's Development Manual Engineering:
 - a. provision of a 13.0 m wide carriageway to match the alignment and profile of the Opal and Cliffe Street round-a-bout within a 25 m road reserve .
 - b. provision of a turning head that contains a minimum turning dimension of 12.5 m radius.
 - c. upgrade the Opal and Cliffe Street intersection to provide a safe transition from a trunk collector road to an industrial road.
 - d. provision of Emerald Shire profile kerb and channel for the full length of both sides of the new road.
 - e. Provision of a minimum 2 m wide footpath on both sides of Cliffe Street.

Alternatively, if current Material Change of Use development applications are approved in the future, roadworks may be undertaken in accordance with a traffic report taking into account the optimum design for Cliffe Street to service the current development applications. This is likely to alter minimum road reserve (20m) and carriageway widths (10m), plus include points of constructed site access, turning lanes and limitations on onstreet carparking.

All construction of works for the new road must be in accordance with design plans approved by Council.

- 22) The street numbers, linemarking, road signs, verges service conduits and street lighting shall be provided in accordance with Council's Development Manual on Engineering Works.

Concurrence Agency: Environmental Protection Agency: Contaminated Land Unit
(Reference: 12473 Part : File Number BNE25292)

1. At all times while the use continues and the subject land is on the Environmental Management Register (EMR) the applicant must comply with the approved Site Management Plan (SMP) for Lot 91 on DSN561 issued under the *Environmental Protection Act 1994* by the Environmental Protection Agency (Contaminated Land Unit).

NOTE: Additional Comments or advice about the application

A copy of the current SMP, with an effective date of the 5 June 2006, is attached. The SMP has specific requirements which apply to excavation during site construction works and for the removal of soil from the site.

NOTE: Additional Information for Applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approvals for this development which may be required by this or other legislations, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

Concurrence Agency: Department of Main Roads
(E43372 830116 P44578)

Nil Conditions

FURTHER RECOMMENDED that the applicant be advised that:-

- (a) This approval extends only to the reconfiguration of lot. A further application will be required for:-
- (i) Operational Work Development Permit:
Operational Works including, but not limited to, construction of physical access to allotments, internal roadworks, stormwater drainage, water supply and sewerage provision and landscape treatment;
 - (ii) Building Work Development Permit:
Any new construction work, alterations, demolition, or change of class which must be applied for and obtained under the provisions of the Building Act;

- (iii) This approval does not include the advertising devices that will be part of the completed development. Separate and further approval may be required depending on the type of advertising devices proposed to be utilised. An advertising sign package showing location and type of all proposed signage should be submitted to Council for assessment and approval or advice as to further applications.
- (b) Further requirements may exist under and compliance will be required in accordance with the following legislation as administered by the Environmental Protection Agency:-
 - (i) Environmental Protection Act;
 - (ii) Regulations & Policies made under the Environmental Protection Act;
 - (iii) Aboriginal Cultural Heritage Act; and,
 - (iv) Any other relevant legislation.
- (c) Workplace amenities shall be provided in compliance with the Workplace Health and Safety Act and the Workplace Health and Safety Regulations as administered by the Department of Training and Industrial Relations.
- (d) Further requirements may exist under, and compliance will be required in accordance with, the Environment Protection Act and the Health Regulations Act . Contact should be made with Council's Environmental Health Officer in this regard.
- (e) All refuse storage, removal and disposal are to be in accordance with the Environmental Protection (Waste Management) Policy 2000 and Council's Policies to the satisfaction of the Environmental Health Officer.
- (f) Any monetary figures listed in the above conditions are subject to periodic review and Council reserves the right to review the monetary figures applying three (3) months from the issue of approval.

Advisory Notes:

1. The applicant is to be aware that a Development Permit under the Integrated Planning Act 1997 (IPA) to carry out Operational Works where the total cost of the work, whether directly or indirectly and inclusive of GST is \$80,000.00 or more, requires the payment of the Building and Construction Industry Portable Long Service Leave Levy.
2. Council advises that before a Development Permit, authorizing work is issued, Council has a legal obligation to ensure applicants under IPA provide proof of payment of the Portable Long Service Leave Levy and the Workplace Health and Safety fee.
3. Interference with meters and fittings (Local Law 24)
A person must not –
 - a. Cover over, fence in, lock, hinder access to or otherwise obstruct or obscure a water meter; or
 - b. Erect a building or structure over a water meter; or
 - c. Place any goods or materials near a water meter or permit growth of vegetation near a water meter.
 In such a manner as to prevent an authorized person from obtaining practicable and convenient access to the meter to read it or for any other lawful purpose.
4. It is noted that no development contribution toward water is required. It is further noted that each proposed lot has a credit of 35 equivalent persons per hectare,

based on site area of a proposed lot and that any development that generates a higher equivalent person demand will require payment of additional water supply headworks.

5. It is noted that no development contribution toward sewerage is required. It is further noted that each proposed lot has a credit of 35 equivalent persons per hectare, based on site area of a proposed lot and that any development that generates a higher equivalent person demand will require payment of additional sewerage supply headworks.
6. If contaminated soil is removed from the site and accepted by Council at its landfill site then the owner of the site will be required, among other actions, to undertake the following actions:
 - a. A letter to Council advising that they will be responsible for the material taken to landfill and if it can not be bio remediated they will need to remove it elsewhere to a facility that can bio remediate it.
 - b. An Operational Works Permit shall be required for the civil works involving the collection and removal of contaminated land from the site.
 - c. A Transport Permit from the Environmental Protection Agency shall be required for the transport of the contaminated material to the landfill site.

DATED THIS TWENTY-SIXTH DAY OF JULY, 2006

sch4p4(6) Personal information

BRYAN OTTONE
CHIEF EXECUTIVE OFFICER
D316.05