



Your Ref:-
Our Ref:- 435-22(700-01)PK/**
Contact:- Mr P.W. Kennedy

29871 L.
25-2-94.

Mr David Miles
Director Waste Management Branch
Department of Environment & Heritage
P O Box 155
BRISBANE Q 4002

Dear Sir

034-014399 PRO

NOTIFICATION OF POSSIBLE CONTAMINATED LAND SITE

Local Authority Area: REDLAND SHIRE COUNCIL

Information provided by:-

Name: HEALTH AND COMMUNITY SERVICES DIRECTORATE

Contact Telephone No: 286 8595

Organisation: REDLAND SHIRE COUNCIL

Address: PO BOX 21
CLEVELAND

Postcode: 4163

Name by which the property is known locally:-

Location:-

Street Address

Town/Suburb

R.P. No.

Lot 1 424-426 rt Cather Road
Copalaba Postcode
857456.

Land Titles Register Volume and Folio Number for each parcel (see also above remarks in brackets concerning multiple land parcels).

Sub of Portion 127
Rough of Copalaba.

REDLAND SHIRE COUNCIL

Box 21 Cleveland 4163 Queensland
Phone 2860584

Name and Postal Address of Owner:-

Name: * *EUROSAFE Pty Ltd.*
Address: * *1250 Malvern Road*
* *Malvern Victoria*
Postcode: * *3144.*

Description of the source of the suspected contamination or the prescribed purpose for which the land is or has been used (a short description of the land use or cause of contamination).

Service Station

Area of each parcel in square metres (this information is useful as a cross-check on the land description details):-

_metres *0.70618*_ha

Current local authority zoning of the land:-

Special Facilities - Service

Attached for your information please find -

- (a) a regional map depicting the proximity of the site; and
- (b) a locality map depicting the site location.

Should you require further information please contact Mr Peter Kennedy by telephoning 286 8595.

Yours faithfully

E P Cleary
Director Health and Community Services

Notification of Contaminated Site

The following information should be supplied by people providing notification to the CHEM Unit of contaminated land or land used for a prescribed purpose under the *Contaminated Land Act 1991* and the *Contaminated Land Regulation 1991*.

Essential Information

Local Authority Area:- REDLAND SHIRE COUNCIL

Information provided by:-

Name: _____ Contact Telephone No: 221 1244

Organisation: BARKER GOSLING SOLICITORS

Address: LEVEL 4, 307 QUEEN STREET, BRISBANE

Postcode 4000

Name by which the property is known locally:-

Location:-

Street Address 420-426 MOUNT COTTON ROAD

Town/Suburb CAPALABA Postcode 4157

Lot-on-Plan Description of each parcel of land (individual parcels of land which make up the property should be included. Please make a separate attachment if there is more than one parcel).

LOT 1 ON RP 857456

Land Titles Register Volume and Folio Number for each parcel (see also above remarks in brackets concerning multiple land parcels).

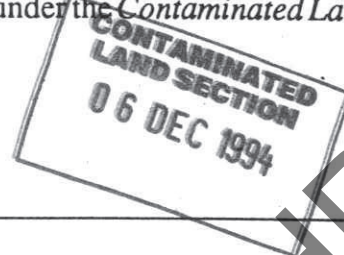
8676 / 209

Name and Postal Address of Owner:-

Name EUROSAFE PTY LTD ACN

Address c/- BARKER GOSLING, SOLICITORS

GPO BOX 67, BRISBANE Postcode 4001



See, please confirm with

Cont'd /2

Description of the source of the suspected contamination or the prescribed purpose for which the land is or has been used (*a short description of the land use or cause of contamination will be sufficient. A separate attachment can be made if space is insufficient*).

SERVICE STATION

Desirable and additional Information

Area of each parcel in square metres (*this information is useful as a cross-check on the land description details*):-

4021 SQUARE METRES

Current local authority zoning of the land:-

Redland Shire Council.
Special Facilities (Service Station & Shop) Zone.

The processing of this information would be greatly assisted by the inclusion of a map or locality plan.

If further information is required please contact:

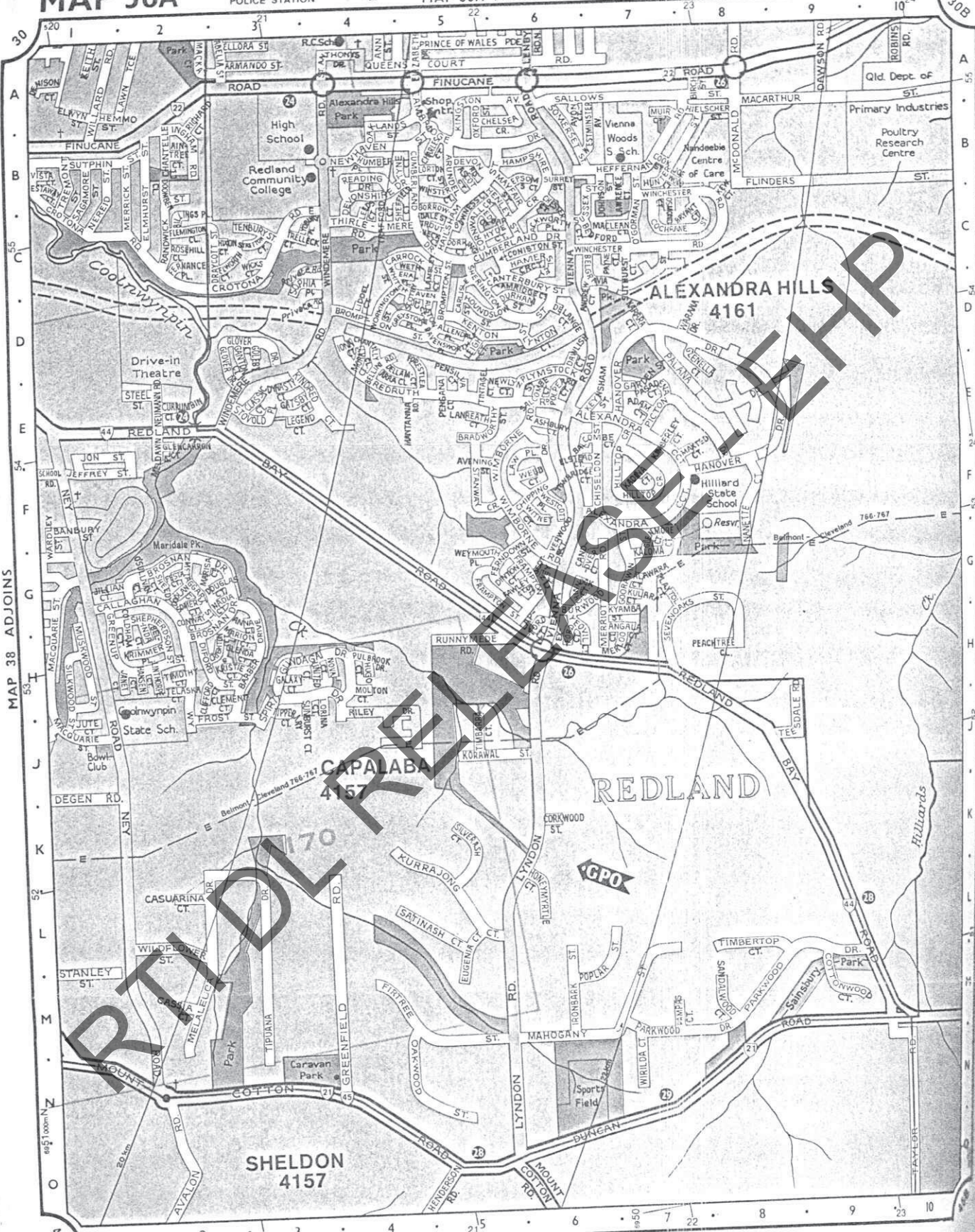
The Clerk (Contaminated Land),
CHEM Unit,
A Division of the Bureau of Emergency Services
G.P.O. Box 1425
Brisbane, Qld 4001
Telephone (07) 227 4144
Facsimile (07) 227 4466

MAP 38A

PUBLIC TELEPHONE
SCHOOL
POLICE STATION

SCOUTS
GIRL GUIDES
MAP 30A ADJOINS

PLACE OF WORSHIP
HOSPITAL
POST OFFICE



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L.J.HOOKER

CAPALABA

BAYSIDES N° 1 AGENT

■ RESIDENTIAL ■ COMMERCIAL ■ BUSINESS

390 2000 82 OLD CLEVELAND RD, CAPALABA — MAP REF 38A

EMR

Lot:	1	Plan:	RP857456
Category:	NOTIFIABLE ACTIVITY		
LGA:	Redland City Council		
Site Name:	SERVICE STATION CAPALABA		
Street:	424-426 MT COTTON ROAD		
Suburb:	CAPALABA QLD	Post Code:	4157
Owner:	EUROSAFE PTY LTD		
Address:	1250 MALVERN ROAD		
	MALVERN		
	VICTORIA		
Post Code:	3144		

Rec Type:	BP	ID:	4612
Region:		Hist. ID:	34-14399
AMA/AN:			
Notified By:	DATA CONV	Notif. Rec'd:	
Entry Date:	27/06/1998	Last Altered Date:	28/08/2012
File:	BNE46951		
Officer:	NIL		
Parcel Status:	C	Area:	0 m2

External References

Hazardous Contaminants

Notifiable Activities

SERVICE STATIONS

Comments

Create Date	User ID	Corr No	Officer Name	Date Final	How Finalized
24/08/2012	finniganb				
FILE NUMBER ADDED					
28/08/2012	wilcoxj		JOHNSA		
APPLICATION TO REMOVE AND DISPOSE OF CONTAMINATED SOIL FROM 420-426 MT COTTON RD, CAPALABA (LOT 1 ON RP857456) RECEIVED 20 AUGUST 2012. PERMIT CLEB03266412 GRANTED WITH THE FOLLOWING CONDITIONS: THE VOLUME OR MASS OF THE CONTAMINATED SOIL SHALL NOT EXCEED 16M3. 16 CUBIC METRES OF CONTAMINATED SOIL IS TO BE DISPOSED THE DISPOSAL FACILITY AS DESCRIBED IN THE CORRESPONDENCE DATED 14 AUGUST 2012, TI TREE BIOENERGY/ 55 CHAMPIONS WAY, WILLOWBANK (LOT 3 ON SP168875 & LOT 8 ON RP24574). THIS PERMIT IS VALID FROM 27 AUGUST 2012 UNTIL 27 AUGUST 2013.					

90/014

Johns Allen

From: Koorockin Peter
Sent: Thursday, 25 October 2012 10:42 AM
To: Johns Allen
Subject: FW: Duty to notify of environmental harm (ammended form)
Attachments: Duty to notify of environmental harm version 2.pdf

Importance: High

Peter Koorockin
Principal Scientific Advisor
Contaminated Land Unit
Environmental Services & Regulation
Department of Environment & Heritage Protection
Level 7, 400 George Street, Brisbane Qld 4000

Telephone: (07) 3330 5691 **Facsimile:** (07) 3330 5634
Email: peter.koorockin@ehp.qld.gov.au
Website: www.ehp.qld.gov.au

From: Koorockin Peter
Sent: Friday, 13 July 2012 11:56 AM
To: 'allan.tan@redland.qld.gov.au'
Cc: 'ASmith@woolworths.com.au'; 'ATripi@woolworths.com.au'; 'chris@preciseenvironmental.com.au'
Subject: FW: Duty to notify of environmental harm (ammended form)
Importance: High

Attention: Allan TAN

Allan

As discussed, please find attached "notification" (**Duty to notify of environmental harm**) by consultants "Precise Environmental" about hydrocarbon contaminated groundwater migrating from the Woolworths Service Station (424-126 Mount Cotton Road) at Capalaba to adjacent residential land.

Under s101(b)(i) of the Environmental Protection Regulation 2008, this activity is devolved to local government.

Contact details for Chris Butler of Precise Environmental (Consultants) and Anthony Tripi (Woolworths) are provided at the bottom of this email thread.

Regards

Peter

Peter Koorockin
Principal Scientific Advisor
Contaminated Land Unit
Environmental Services & Regulation
Department of Environment & Heritage Protection
Level 7, 400 George Street, Brisbane Qld 4000

Johns Allen

From: Johns Allen
Sent: Thursday, 12 July 2012 9:21 AM
To: Koorockin Peter
Subject: FW: Duty to notify of environmental harm (ammended form)
Attachments: Duty to notify of environmental harm version 2.pdf

Importance: High

Hi Peter,

Please see attached amendment

Regards

Allen Johns
Principal Environmental Officer, Contaminated Land
Environment and Natural Resource Regulation
Department of Environment

7th Floor, 400 George Street
Brisbane 4000.
Tel: (07) 33305694
Fax: (07) 33305634
E-mail: allen.johns@derm.qld.gov.au
Visit us online at <http://www.derm.qld.gov.au>

From: Chris Butler [<mailto:chris@preciseenvironmental.com.au>]
Sent: Wednesday, 11 July 2012 5:13 PM
To: Pollution Hotline
Cc: Tripi Anthony; Smith Andrew (Petrol); Johns Allen
Subject: Duty to notify of environmental harm (ammended form)
Importance: High

Attention: Pollution Hotline

Please find attached an amended version of our previous correspondence.

We apologise for any inconvenience.

Regards

Chris Butler BEnvSc DipAppSc MEIANZ
Director | Principal Scientist
M: 0431 565 210

 **PRECISE
ENVIRONMENTAL**
Consulting Environmental Scientists

T: 07 5593 7848
F: 07 5593 7020
www.preciseenvironmental.com.au

GOOD PEOPLE | SOUND ADVICE | PRACTICAL SOLUTIONS | AUSTRALIA WIDE

Johns Allen

From: Bradshaw Tony
Sent: Tuesday, 17 December 2013 5:36 PM
To: Armstrong Kate; Johns Allen
Subject: Section 78B(2) RTI Act alleged contamination ex Woolworths Capalaba Service Station

Hi Kate and Allen, I've reviewed the three reports you provided on the above site (2 X PE, 1 X Lloyd Consulting).

I concur with the assessment of Lloyd consulting that the PE reports provided insufficient information and assessment to support the conclusion made that the site as remediated "is suitable for ongoing residential use". Risks from petroleum vapours to residents are not addressed nor impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the *Environmental Protection (Water) Policy 2009*. Risks of environmental harm to the environment e.g. the nearby creek and wetland are not addressed.

Also, given shallow groundwater, it is not clear whether other properties have been affected. Another risk is safety to person on the Woolworths site and workers e.g. from vapour build up in service pits and stormwater infrastructure.

Imposition on Woolworths of an environmental evaluation to ascertain the source cause and extent of harm and need for a TEP is recommended. I have an example we could use.

It is also recommended that investigation of the circumstances of removal of contaminated soil from the investigated, as at this stage, it appears that no soil disposal permit covered the removal from that site. (A valid permit was obtained for soil derived from Woolworths site at the same time).

Cheers Tony

Tony Bradshaw
Senior Principal Environmental Officer
Project Support

Environmental Services & Regulation
Department of Environment & Heritage Protection
Level 9, 400 George Street, Brisbane Qld 4000
Telephone 07 3330 5704
Fax (07) 3330 5875

Email tony.bradshaw@ehp.qld.gov.au
Website www.ehp.qld.gov.au

Myers Mark

From: Armstrong Kate
Sent: Tuesday, 3 December 2013 10:39 AM
To: Myers Mark
Subject: Section 78B(2) RTI Act

Mark I believe Ross Blake from Brisbane North spoke to the client. Please make a note of Ross Blake as the Regional Contact.

Reports to be delivered in the next day or so.

Thanks
kate

From: Myers Mark
Sent: Tuesday, 3 December 2013 9:27 AM
To: Bankes Helen; Armstrong Kate
Subject:

Hi Helen,
I spoke to Kate about this one this morning. I can't see anything having been sent through and Kate is going to request the email they are talking about and get it resent

Cheers, MM

From: Bankes Helen
Sent: Monday, 2 December 2013 3:39 PM
To: Myers Mark
Subject:

Hi Mark,
Kate asked me to email you regarding an email with attached Site Investigations (prepared by Precise Environmental and Lloyd Consulting) that was allegedly sent to the WLCA regarding the above site. The email was sent by either the complainant or his solicitor sometime in the last couple of weeks.

The original complaint was made to the pollution hotline, forwarded to WLCA and logged in the share point tracker 22/11/2013. However, we haven't been able to locate the follow up email. Can you help??

Thanks

Helen Bankes
Environmental Officer

Waste and Land Contamination Assessment Unit
Environmental Services & Regulation | Department of Environment and Heritage Protection
Phone +61 (07) 3330 5616
Email: helen.bankes@ehp.qld.gov.au
400 George Street, Brisbane, QLD 4001
GPO Box 2454, Brisbane QLD 4001

Myers Mark

From: Hawas Olga
Sent: Monday, 25 November 2013 12:21 PM
To: WLCA; Fenech Aaron
Cc: Armstrong Kate; Murphy Shari; Blake Ross
Subject: RE: Pollution Incident - CR61016

Categories: Kate

Checked in ECOTRACK – this lot and plan is in Redland City local government area. Unfortunately, it is ours. Brisbane South is off the hook.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au

Great state.
Great opportunity.



Queensland
Government

The Department of Environment and Heritage Protection (the department) has released its new regulatory strategy which sets out how it will carry out its role as Queensland's environment and heritage regulator. More information on the changes in departmental approaches that this will result in can be found at: <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>

Click here
to report littering
or illegal dumping



From: Myers Mark On Behalf Of WLCA
Sent: Monday, 25 November 2013 12:02 PM
To: Fenech Aaron
Cc: Armstrong Kate; Hawas Olga
Subject: FW: Pollution Incident - CR61016

Hi Aaron, FYI
Kate mentioned you were looking after this for EHP rather than Shari

Regards,

Mark

Mark Myers
Project Officer
Waste and Land Contaminated Assessments Unit

Environmental Performance & Coordination Branch
Environmental Services & Regulation
Department of Environment and Heritage Protection
Level 9, 400 George Street, Brisbane QLD 4001
Ph: (07) 3330 6025 Fax: (07) 3330 5875
Website: www.ehp.qld.gov.au

Please consider the environment before printing this email



Littering and illegal dumping is an unnecessary and preventable problem that harms the environment.

The department's Littering and Illegal Dumping Online Reporting System provides an avenue for people to report instances of littering and illegal dumping online, including from most mobile phones and mobile devices.



From: Hawas Olga
Sent: Monday, 25 November 2013 10:54 AM
To: Murphy Shari; Blake Ross
Cc: Mooney Chris; Birch Kerynne; Wilson Vicki (EHP); Adams Tim; Armstrong Kate; WLCA
Subject: RE: Pollution Incident - CR61016

Ross will look into this, however, it is under Council's jurisdiction until environmental harm is proven. There may be conditions under DA that are relevant for which Council is the Assessment Manager;.

Best regards

Olga Hawas
Principal Environmental Officer
Brisbane North
Southern Region (East) | Environmental Services and Regulation
Telephone: 07 3330 5540

Department of Environment and Heritage Protection
Level 8, 400 George Street Brisbane Q 4000
PO Box 2554 GPO Brisbane Q 4001
e-mail: olga.hawas@ehp.qld.gov.au | www.ehp.qld.gov.au



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Click here
to report littering
or illegal dumping



From: Pollution Hotline
Sent: Friday, 22 November 2013 3:03 PM
To: Murphy Shari
Cc: Mooney Chris; Birch Kerynne; Hawas Olga; Wilson Vicki (EHP); Adams Tim; Armstrong Kate; WLCA
Subject: Pollution Incident - CR61016

Hello Shari

Pollution Incident – CR61016

Section 78B(2) RTI Act

Sch 3, provision 10(1)(b) - Confidential Source

ne: sch 4 - mobile

Section 78B(2) RTI Act

Complainant has reported fuel smell and sheen on his property

Complainant explained this is an historical issue that he can date back 18 months at the time machinery was used on his property to install a transpiration bed for the house toilet system.

an oil sheen was visible from ground level on water. On another occasion machinery was used to lay a shed slab and a trench was dug 1-2 metres into the ground which filled with water and an oil sheen appeared during that occasion. Complainant has approached Woolworths who have responded by drilling holes into Complainant's concrete slabs. Complainant has noticed what he believes is fuel in the pit and slab works and observed established trees are dying and a strong fuel smell on occasions. Lloyd's Consultancy have carried out a site inspection and their report is with the Complainant's Solicitor and has advised that he will be contacting his Solicitor for a copy of the report for EHP records.

It is uncertain if the water table is contaminated.

Woolworths have attended Complainant's property and carried out drilling holes into slabs.

Contaminants are believed to be petroleum product.

Volume is uncertain.

Shari,

Kate Armstrong has advised that any assistance the Regional Office requires from Waste & Land Contamination Assessments, in regards to this alleged contamination investigation, do not hesitate to contact her, ph:3330 5530.

Kind regards

Wendy Moffat
A/Team Leader (Wildlife)
Permit and Licence Management
Environmental Regulatory Support
Environmental Performance & Coordination Branch

Telephone: 1300 130 372 (Option 4)

Facsimile: 07 3330 5875

Email: palm@ehp.qld.gov.au

Department of Environment and Heritage Protection

Level 9, 400 George Street, Brisbane Q 4000

GPO Box 2454, Brisbane Q 4001

www.ehp.qld.gov.au



RTI DL RELEASE - EHP

Myers Mark

From: Pollution Hotline
Sent: Friday, 22 November 2013 3:03 PM
To: Murphy Shari
Cc: Mooney Chris; Birch Kerynne; Hawas Olga; Wilson Vicki (EHP); Adams Tim; Armstrong Kate; WLCA
Subject: Pollution Incident - CR61016
Categories: Kate

Hello Shari

Pollution Incident – CR61016

Sch 3, provision 10(1)(b) - Confidential Source

phone: sch 4 - mobile

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Section 78B(2) RTI Act

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RTI DL RELEASE - EHP

Bring Up Details Report

391600 - Movement, Treatment Or Disposal Of Contaminated Soil/420-426 Mt Cotton Road, Capalaba/Precise Environmental Pty Ltd, ATF Precise Environmental Unit Trust

Ref:	<input type="text" value="87181"/>	Created Date:	<input type="text" value="22/AUG/12"/>
Status:	<input type="text" value="Submitted"/>	Closed Date:	<input type="text"/>
Assigned To:	<input type="text" value="RITCHIE, Paul"/>	Due Date:	<input type="text" value="27/AUG/12"/>
Email Address:	<input type="text" value="paul.ritchie@ehp.qld.gov.au"/>	Reminder Date:	<input type="text"/>
Project Director:	<input type="text"/>		
Project Manager:	<input type="text"/>		
CC:	<input type="text" value="WILCOX, Jan"/>		
CC:	<input type="text"/>		
Subject:	<input type="text" value="Disposal Permit-App No:501667"/>		

Comments: Disposal Permit

Project Number: 391600
 Permit Number: CLEB03266412
 TPR: N/a
 Client: Precise Environmental Pty Ltd
 Lot on Plan: Lot 1 on RP857456
 Location: 420-426 Mt Cotton Road, Capalaba
 Applic Valid Date: 21/8/2012
 Applic Due Date: 4/9/2012

Dear Paul

A Disposal Permit application has been received and entered into Ecotrack

The application will be forwarded to Contaminated Land Unit on the 22/08/12.

Regards,

Liz James



Project Running Report

Project Ref 391600	Project Name Movement, Treatment Or Disposal Of Contaminated Soil/420-426 Mt Cotton Road, Capalaba/Precise Environmental Pty Ltd, ATF Precise Environmental Unit Trust	Status Active	Project Director RITCHIE, Paul	Project Manager WILCOX, Jan	Office Responsible Contaminated Land - Central Office
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Assessing Officers

Name

Applications: 1

Date 21-AUG-2012	Status Application Validation	Decision Level 2
----------------------------	---	----------------------------

Primary Clients

Name	Address Line 1	Address Line 2	Suburb	Postcode	State
Precise Environmental Pty Ltd, ATF Precise Environmental Unit Trust	7/14 Fremantle Street		BURLEIGH HEADS	4220	QLD

Activities

Name
Movement, Treatment Or Disposal Of Contaminated Soil

Locations

Name	Address Line 1	Address Line 2	Suburb	Postcode	State
420-426 Mt Cotton Road, Capalaba					

Agency Interests/Ratings

Category	Type	Rating
----------	------	--------

Permits: 1

Permit Ref	Permit Type	Status
CLEB03266412	Contaminated Soil Disposal Permit	Assessment

Ref: BNE46951

sch 4 - personal information

Section 78B(2) RTI Act
CAPALABA QLD 4157

Dear [REDACTED]

Thank you for your submission regarding potential contamination of your property, located at [REDACTED] from the activity being undertaken on the neighbouring service station located at 424-426 Mount Cotton Road, Capalaba (Lot 1 on RP857456).

The Department of Environment and Heritage Protection (EHP) as the administering authority under the *Environmental Protection Act 1994* (EP Act) has reviewed the Site Contamination Review (the review) and the two earlier site investigation reports you provided as evidence of potential contamination of your property. This review has concluded that whilst these reports show there is potential contamination of the groundwater on your property, this has not been conclusively established. On this basis consideration has been given to the listing of your land on the environmental management register (EMR), in accordance with the provisions of Chapter 7, Part 8 of the EP Act, but as the presence of a hazardous contaminant has not been demonstrated it has been decided not to list your property on the EMR.

Notwithstanding that the administering authority has not decided to list your property on the EMR you are advised that you have an obligation to notify potential owners and/or occupiers that an environmental evaluation has been required to investigate the nature and extent of any contamination affecting your property.

I can advise that EHP's regional office is taking steps to determine the nature and extent of any material or serious environmental harm that may have occurred, based on the information you have provided. These steps may include the issuing of an environmental evaluation which requires and investigation be conducted to determine the nature and extent of any environmental harm. The contact officer for this investigation is Mr Ross Blake and he is available on the telephone number 07 33306180.

Should further information be provided to EHP that confirms the presence of a hazardous contaminant and another decision could then be made with regard to listing the property on the EMR. If you become aware of any additional information about contamination on your site you are required to notify the administering authority within 22 business days.

Regards,

Kate Armstrong

Level 9
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5530
Facsimile + 61 7 3330 5875
Website www.ehp.qld.gov.au
ABN 46 640 294 4156

A/Manger

Waste and land Contamination Assessments and Project Support, State-wide Environmental Assessments

Date:

RTI DL RELEASE - EHP



Department of
Environment &
Heritage Protection

Ref: BNE46951

[redacted] sch 4 - personal information

Section 78B(2) RTI Act
CAPALABA QLD 4157

23 January 2014

Dear [redacted]

Thank you for your submission regarding potential site contamination migrating from the Woolworths Caltex service station located at 424-426 Mount Cotton Road, Capalaba (Lot 1 on RP857456) on your property located at [redacted]

Section 78B(2) RTI Act

The Department of Environment and Heritage Protection (EHP) has reviewed the Site Contamination Review (the review) and the two earlier site investigation reports you have provided as evidence of potential contamination of your property by the service station on Lot 1 on RP857456. This review has concluded that there is potential contamination of the groundwater on [redacted] (your property). As a result under the provisions of Chapter 7, Part 8 of the *Environmental Protection Act 1994* (EP Act), your property, being [redacted] is being considered for listing on the Environmental Management Register (EMR) by EHP as the administering authority under the EP Act.

A notice of consideration of listing the land on the environmental management register (the notice) is enclosed with this letter as well information about the manner in which the administering authority manages land that is or potentially is contaminated in Queensland. Additionally the enclosure includes details of how you can make a submission to the administering authority about whether or not the land the subject of the notice is contaminated, for consideration by the administering authority. If you have any queries about the enclosed notice please contact Allen Johns on 07 3330 5694.

I can also advise that EHP's regional office is taking steps to determine the nature and extent of the contamination you have reported and is investigating the potential for material or serious environmental harm to have occurred. Should you have any queries about that investigation and the steps being undertaken, you can contact Mr Ross Blake on 07 33306180. The matter is also being referred to our compliance branch for investigation?

Regards,

Lindsay Delzoppo
Director
State-wide Environmental Assessments

Level 9
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5530
Facsimile + 61 7 3330 5875
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Enclosed: Notice of consideration of listing land on the Environmental Management Register.

RTI DL RELEASE - EHP



Department of
Environment &
Heritage Protection

Ref: BNE46951

sch 4 - personal information

CAPALABA QLD 4157

23 January 2014

sch 4 - personal information

Thank you for enquiry regarding potential site contamination caused by Woolworths Caltex service station located at 424-426 Mount Cotton Road, Capalaba (Lot 1 on RP857456) on your property located at [redacted] Capalaba [redacted] Section 78B(2) RTI Act

The Department of Environment and Heritage Protection (EHP) has reviewed the Site Contamination Review (the review) and the two earlier site investigation reports you have provided as evidence of potential contamination of your property by the service station on Lot 1 on RP857456. This review has concluded that there is potential contamination of the groundwater on your property, being [redacted] Section 78B(2) RTI Act. As a result under the provisions of Chapter 7, Part 8 of the *Environmental Protection Act 1994* (EP Act), your property, being [redacted] Section 78B(2) RTI Act is being considered for listing on the Environmental Management Register (EMR).

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Additionally I can advise that EHP's regional office is taking steps to determine the nature and extent of the contamination you have reported and investigating the potential for material or serious environmental harm to have occurred. Should you have any queries about this investigation and the steps being undertaken, you can contact Mr Ross Blake on 07 33306180. If you have any queries about the enclosed notice please contact Allen Johns on 07 3330 5694

Regards,

Lindsay Delzoppo
Director
State-wide Environmental Assessments

Enclosed: Notice of consideration of listing land on the Environmental Management Register.

Level 9
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5530
Facsimile + 61 7 3330 5875
Website www.ehp.qld.gov.au
ABN 46 640 294 485



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

03 January 2014

Site ID: 125175
File Number:
Enquiries to: emr.clr.registry@ehp.qld.gov.au

sch 4 - personal information

Section 78B(2) RTI Act
CAPALABA QLD 4157

NOTICE OF CONSIDERATION OF LISTING LAND ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 373 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below is being considered for inclusion on the Environmental Management Register (EMR).

Lot: Plan: Section 78B(2) RTI Act
Redland City Council

Section 78B(2) RTI Act
CAPALABA QLD 4157

The Department of Environment and Heritage Protection (EHP) has been notified that the parcel of land has been used for the following notifiable activities or affected by the following hazardous contaminants pursuant to section 373 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

Reports received by Environment & Heritage Protection (EHP) refer to site assessment of	
Capalaba Qld.	
Precise Environmental – Environmental Site Assessment	Capalaba Qld. April 2013 for
Woolworths Limited	
Precise Environmental – Soil Validation Assessment	Capalaba, Qld. September 2012 for
Woolworths Limited.	
Lloyd Consulting – Site Contamination Review	Capalaba Queensland. 15 October 2013.

EHP Officers have reviewed these reports and in conclusion the administering authority has grounds for a reasonable belief the following contamination exists.

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

Petroleum Hydrocarbons BTEX compounds (Benzene, Toluene, Ethyl Benzene and Xylenes) and Naphthalene are present on site.

You may make a submission relating to this notice about whether or not the land has been, or is being used, for a notifiable activity or is contaminated land. Submissions must be accompanied by a statutory declaration by the owner, declaring 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 administering authority.

Submissions should be lodged with EHP within 22 business days after receipt of this notice. Your submission must be received no later than Friday, 07 February 2014.

After this date, if no submission has been received from the owner, the land will be entered on the EMR, in accordance with section 374 of the *EP Act*. The enclosed leaflet explains the EMR and how potentially contaminated land in Queensland is managed.

Please note that the listing of a site on the EMR does not mean that the EHP requires that the land be investigated and remediated, or that it is unsuitable for its current use, nor does it imply that you are in breach of any conditions set out in any existing Development Approval issued for this site. In the event that the site is redeveloped, EHP may require that remediation of any contamination be conducted to protect public health and the environment. Remediation would be needed if there were evidence that the site presented an unacceptable health or environmental risk for its current use.

It should also be noted that, with the issuing of this notice under section 373, the following requirement applies under section 421 of the *EP Act*:

If the owner proposes to dispose of the land to someone else, the owner must, before agreeing to dispose of the land, give written notice to the buyer that the owner has been given notice under section 373 and the particulars about the notice.

Further information about contaminated land matters may be obtained by visiting our web-site at:
<http://www.ehp.qld.gov.au/land/contaminated-land/>

Wendy Moffat
Senior Administration Officer – Registrar
Environmental Services and Regulation
BRISBANE

Delegate of Administering Authority
Environmental Protection Act 1994



Department of Environment and Heritage
ABN 46 640 294 48
400 George St Brisbane, Queensland
GPO Box 2454 Brisbane QLD 400
Email: emr.clr.registry@ehp

What compliance
action are we
taking?

Check with Ross
SOP issue

Site ID: 125175
File Number:
Enquiries to: emr.clr.registry@ehp.qld.gov.au

sch 4 - personal information

CAPALABA QLD 4157

NOTICE OF CONSIDERATION OF LISTING LAND ON THE EMR REGISTER

In accordance with section 373 of the *Environmental Protection Act*, a parcel of land described below is being considered for inclusion in the EMR.

Lot: [redacted] Plan: [redacted]
Redland City Council

Section 78B(2) RTI Act
CAPALABA QLD 4157

The Department of Environment and Heritage Protection (EHP) has been used for the following notifiable activities or affected by the to section 373 of the *EP Act*. Notifiable activities are mainly industrial known to cause contamination of land and refer to both past and present activities.

Reports received by Environment & Heritage Protection (EHP) refer to site assessment of [redacted] Capalaba Qld.
Precise Environmental – Environmental Site Assessment [redacted] Capalaba Qld. April 2013 for Woolworths Limited
Precise Environmental – Soil Validation Assessment [redacted] Capalaba, Qld. September 2012 for Woolworths Limited.
Lloyd Consulting – Site Contamination Review [redacted] Capalaba Queensland. 15 October 2013.

EHP Officers have reviewed these reports and in conclusion the administering authority has grounds for a reasonable belief the following contamination exists.

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

Petroleum Hydrocarbons BTEX compounds (Benzene, Toluene, Ethyl Benzene and Xylenes) and Naphthalene are present on site.

You may make a submission relating to this notice about whether or not the land has been, or is being used, for a notifiable activity or is contaminated land. Submissions must be accompanied by a statutory declaration by the owner, declaring 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 administering authority.

Submissions should be lodged with EHP within 22 business days after receipt of this notice. Your submission must be received no later than Friday, 07 February 2014.

After this date, if no submission has been received from the owner, the land will be entered on the EMR, in accordance with section 374 of the *EP Act*. The enclosed leaflet explains the EMR and how potentially contaminated land in Queensland is managed.

Please note that the listing of a site on the EMR does not mean that the EHP requires that the land be investigated and remediated, or that it is unsuitable for its current use, nor does it imply that you are in breach of any conditions set out in any existing Development Approval issued for this site. In the event that the site is redeveloped, EHP may require that remediation of any contamination be conducted to protect public health and the environment. Remediation would be needed if there were evidence that the site presented an unacceptable health or environmental risk for its current use.

It should also be noted that, with the issuing of this notice under section 373, the following requirement applies under section 421 of the *EP Act*:

If the owner proposes to dispose of the land to someone else, the owner must, before agreeing to dispose of the land, give written notice to the buyer that the owner has been given notice under section 373 and the particulars about the notice.

Further information about contaminated land matters may be obtained by visiting our web-site at:
<http://www.ehp.qld.gov.au/land/contaminated-land/>

Wendy Moffat
Senior Administration Officer – Registrar
Environmental Services and Regulation
BRISBANE

Delegate of Administering Authority
Environmental Protection Act 1994

KA redraft



Department of
Environment &
Heritage Protection

Koss
re: contact
with [redacted]

Ref: BNE46951

[redacted] sch 4 - personal information

Section 78B(2) RTI Act
CAPALABA QLD 4157

Dear [redacted]

Thank you for enquiry regarding potential site contamination caused by Woolworths Caltex service station located at 424-426 Mount Cotton Road, Capalaba (Lot 1 on RP857456) on your property located at [redacted] Capalaba [redacted]

The Department of Environment and Heritage Protection (EHP) has reviewed the Site Contamination Review (the review) and the two earlier site investigation reports you have provided as evidence of potential contamination of your property by the service station on Lot 1 on RP857456. This review has concluded that there is potential contamination of the groundwater on your property, being [redacted] on [redacted]. As a result under the provisions of Chapter 7, Part 8 of the *Environmental Protection Act 1994* (EP Act), your property, being [redacted] will need to be listed on the Environmental Management Register (EMR). The notice listing the land on the EMR is attached to this letter (attachment 1).

Your property can be removed from the EMR if a site investigation report prepared by a suitably qualified person is submitted to EHP in accordance with Chapter 7, Part 8 of the EP Act. This report must include evidence that the site is not contaminated in a manner that would prevent the land from being suitable for any use and it must make a recommendation that the site can be removed from the EMR. You can find additional information about contaminated land matters on EHP's web site: <http://www.ehp.qld.gov.au/land/contaminated-land/index.html>

Additionally I can advise that EHP's regional office is taking steps to determine the nature and extent of the contamination you have reported and they are further investigating the matter of potential environmental harm. The contact officer for this investigation is Mr Ross Blake (33306180).

Regards,

Kate Armstrong
A/Manger

Waste and land Contamination Assessments and Project Support, State-wide Environmental Assessments

Date:

Attachment 1: Notification of listing land on the Environmental Management Register.

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of the information
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date
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had
correspondence
with
ex
recpt

obligation to
notify any
prospective purchasers
of land

of the ee - process

Original
draft



Department of
**Environment &
Heritage Protection**

Ref Our File Number – BNE46951

Sch 4 - personal information

Section 78B(2) RTI Act

CAPALABA QLD 4157

Dear [REDACTED]

Thank you for enquiry regarding potential site contamination from the Woolworths Caltex service station located at 424-426 Mount Cotton Road, Capalaba and your property located at [REDACTED] Capalaba.

The Department of Environment and Heritage Protection (EHP) has considered the submission of the site investigation reports regarding potential site contamination from the Woolworths Caltex service station.

The information supplied in the reports indicates potential of site contamination in the groundwater located on [REDACTED] Capalaba.

As a result under the provisions of Chapter 7, Part 8 of the *Environmental Protection Act 1994* the land [REDACTED] will need to be listed on the Environmental Management Register (EMR). The notice listing the land on the EMR will follow this letter shortly. Land will be removed from the EMR if, at any time, the landowner provides evidence to the department that that the land has not been contaminated.

When land has been investigated by a suitably qualified person (<http://www.ehp.qld.gov.au/land/contaminated-land/suitably-qualified-persons.html>) (SQP) or contaminated land approved auditor (<http://www.ehp.qld.gov.au/land/contaminated-land/land-auditors.html>), a site investigation report about the land is submitted to the department for assessment. If the department is satisfied that the land is not contaminated, the land is removed from the EMR.

For further information on contaminated land matters please visit EHP's web page: <http://www.ehp.qld.gov.au/land/contaminated-land/index.html> or by sending an e-mail request to wica@ehp.qld.gov.au

Any civil matters related to the listing on the EMR and removal costs would need to be discussed with Woolworths Caltex service station.

Notwithstanding the above information, this matter has been referred to EHP's regional team for further investigation of potential environmental harm. The contact officer for this investigation is Mr Ross Blake (33306180).

Level 9
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 5530
Facsimile + 61 7 3330 5875
Website www.ehp.qld.gov.au
ABN 46 640 294 485 66

Regards,

Kate Armstrong
A/Manger

Waste and land Contamination Assessments and Project Support, State-wide Environmental Assessments

Date:

RTI DL RELEASE - EHP

Armstrong Kate

From: Blake Ross
Sent: Wednesday, 15 January 2014 11:25 AM
To: Armstrong Kate
Cc: Murphy Shari; Hawas Olga
Subject: Update: Woolworths Caltex 424-426 Mount Cotton Road Capalaba

Hi Kate,

I am currently:

- In communication with council regarding their past involvement, reminding them that a DA for a non-transitional ERA remains and is attached to the land.
- Using Tony's draft EE to flesh out an EE for Woolworths caltex

Ross Blake | Environmental Officer
Brisbane North | Southern Region
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 8, 400 George St, Brisbane Q 4000
PO Box 2454 GPO Brisbane Q 4001
☎07 3330 6180 | #26180 | Fax: 07 3330 5754
🌐Visit us online at www.ehp.qld.gov.au



QUEENSLAND
GOVERNMENT

My notes from a meeting

to AI

AI,

See AI
1st thing

> please retrieve the file from Shari Murphy -
do a file note of the risks.
> draft a letter to [redacted] re:

Sch 4 - personal information

- Not listing his land until the nature & extent is known.

- dept. taking steps to ascertain nature & extent

- would be necessary to advise future residents & future site users of the issue ->

Ref: BNE46951 (edocs number)

22 January 2013

Sch 4 - personal information
Section 78B(2) RTI Act

CAPALABA QLD 4157

Dear [REDACTED]

Thank you for your submission regarding potential contamination of your property, located at [REDACTED] which may be as a result of the activity being undertaken on the neighbouring service station located at 424-426 Mount Cotton Road, Capalaba (Lot 1 on RP857456).

Firstly I can advise that the Department of Environment and Heritage Protection's (EHPs) regional office is taking steps to determine source cause and extent of any material or serious environmental harm that may have occurred in response to the information you have provided. These steps to investigate the nature and extent of any environmental harm that may have been caused. The contact officer for this investigation is Mr Ross Blake who can be contacted by telephone on 07 33306180.

Further EHP as the administering authority under the *Environmental Protection Act 1994* (EP Act) has reviewed the Site Contamination Review (the review) and the two earlier site investigation reports you provided as evidence of potential contamination of your property. In response we have issued a Notice of decision to undertake a site investigation and provide a report about Lot 2 on SP225948 (your property). The outcome of this investigation will determine if the administering authority

After making its decision, the administering authority may—

- (a) if the administering authority is satisfied the land is not contaminated land—remove particulars of the land from the environmental management register; or
- (b) if the administering authority is satisfied the land is contaminated land but can be used for stated uses with further management—leave particulars of the land on the environmental management register and prepare, or require another person to prepare, a site management plan for the land; or
- (c) if the administering authority is satisfied the land is contaminated land and action needs to be taken to remediate the land to prevent serious environmental

harm to a person, animal or another part of the environment—record particulars of the land in the contaminated land register; or
(d) in any other case—leave particulars on the environmental management register

Administering authority may then require a further investigation or additional information (385)

Section 386 – You as the land owner will receive a copy of the report within 8 business of our receipt of it

Section 391 Administering authority may require remediation of contaminated land

(1) The administering authority may require the following persons to conduct or commission work to remediate land for which particulars are recorded in the contaminated land register and submit a validation report about the work to the administering authority—

- (a) if the person who released the hazardous contaminant contaminating the land is known and can be located—the person;
- (b) the relevant local government;
- (c) the owner of the land.

Under 391 EHP can also require the recipient of the notice to provide a validation report to EHP and this. On the basis of the recommendations in the validation report EHP can make a decision to remove the land from the EMR if it has been shown to be suitable for any use.

This review has concluded that whilst these reports show there is potential contamination of the groundwater on your property, this has not been conclusively established. On this basis consideration has been given to the listing of your land on the environmental management register (EMR), in accordance with the provisions of Chapter 7, Part 8 of the EP Act, but as the presence of a hazardous contaminant has not been demonstrated it has been decided not to list your property on the EMR. Should you become aware of additional evidence that confirms the presence of a hazardous contaminant then that information would need to be provided to EHP within 22 days business days and another decision could then be made with regard to listing the property on the EMR.

As the neighbouring property is subject to an environmental evaluation the administering authority will reconsider the listing of your land on the EMR once the information required by the notice is received. Notwithstanding that the administering authority has not decided to list your property on the EMR at this time, you are advised that you have an obligation to

notify potential owners and/or occupiers that an environmental evaluation has been required to investigate the nature and extent of any contamination affecting your property.

Regards,

Kate Armstrong

A/Manger

**Waste and land Contamination Assessments and Project Support, State-wide
Environmental Assessments**

RTI DL RELEASE - EHP

Johns Allen

From: Armstrong Kate
Sent: Friday, 17 January 2014 5:28 PM
To: Johns Allen
Subject: FW: Section 78B(2) RTI Act alleged contamination ex Woolworths Capalaba Service Station

Al please include this on the file for Ney road.

Thanks
kate

From: Bradshaw Tony
Sent: Tuesday, 17 December 2013 5:36 PM
To: Armstrong Kate; Johns Allen
Subject: [REDACTED] alleged contamination ex Woolworths Capalaba Service Station

Hi Kate and Allen, I've reviewed the three reports you provided on the above site (2 X PE, 1 X Lloyd Consulting).

I concur with the assessment of Lloyd consulting that the PE reports provided insufficient information and assessment to support the conclusion made that the site as remediated "is suitable for ongoing residential use". Risks from petroleum vapours to residents are not addressed nor impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the *Environmental Protection (Water) Policy 2009*. Risks of environmental harm to the environment e.g. the nearby creek and wetland are not addressed.

Also, given shallow groundwater, it is not clear whether other properties have been affected. Another risk is safety to person on the Woolworths site and workers e.g. from vapour build up in service pits and stormwater infrastructure.

Imposition on Woolworths of an environmental evaluation to ascertain the source cause and extent of harm and need for a TEP is recommended. I have an example we could use.

It is also recommended that investigation of the circumstances of removal of contaminated soil from [REDACTED] be investigated, as at this stage, it appears that no soil disposal permit covered the removal from that site. (A valid permit was obtained for soil derived from Woolworths site at the same time).

Cheers Tony

Tony Bradshaw
Senior Principal Environmental Officer
Project Support

Environmental Services & Regulation
Department of Environment & Heritage Protection
Level 9, 400 George Street, Brisbane Qld 4000
Telephone 07 3330 5704
Fax (07) 3330 5875

Email tony.bradshaw@ehp.qld.gov.au
Website www.ehp.qld.gov.au

File Note

Issue: Impact on [redacted] Section 78B(2) RTI Act [redacted] Redland City Council area) of Woolworths Petroleum Service Station, Capalaba Road, Capalaba

Date: 24 December 2013

Woolworths carries out a service station activity at a site (lot 1 on RP 857456) located at Mt Cotton Road Capalaba, Queensland. The site includes a service station/commercial premises. Fuels including petrol and diesel are transferred into, stored and dispensed from underground storage tanks to above ground bowzers.

Several reports investigating the contaminated land status of an adjoining property at [redacted] Section 78B(2) RTI Act [redacted] Capalaba have shown that soils and groundwater have been contaminated with petroleum hydrocarbons. These are two reports by Precise Environmental (2012 and 2013) and one by Lloyd Consulting (2013) (See Woolworths site file BNE46951).

Precise Environmental - Environmental Site Assessment [redacted] Capalaba Qld. April 2013 for Woolworths Limited

Precise Environmental - Soil Validation Assessment [redacted] Capalaba Qld. September 2012 for Woolworths Limited.

Lloyd Consulting - Site Contamination Review [redacted] Capalaba Queensland 15 October 2013

The two reports by Precise Environmental (PE) identify areas of observed soil contamination that have been excavated and removed. However, the PE reports do not provide sufficient information and assessment to support the conclusion made that the [redacted] as remediated "is suitable for ongoing residential use". This is due to the reports being inconsistent with the *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (NEPM 1999). These inconsistencies include:

- validation sampling of excavated areas did not include sampling of excavation side walls;
- the soil sampling program and assessment was not designed to fully characterise the site in accordance with the sampling densities envisaged by the NEPM 1999 or sampling densities endorsed by the Qld EHP (former Qld EPA);
- there was no detailed historical review of the Woolworths property;
- monitoring of ground water on site was not included despite an apparent high groundwater table; and assessment of risks due to vapour intrusion were not in accordance with the NEPM.

The Lloyd Consulting report concurs with the inadequacy of the PE reports.

More recent observations of the property show fresh petroleum staining emerging at the ground surface, indicating unresolved potential environmental harm. Risks from petroleum vapours to residents are not adequately addressed nor impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the *Environmental Protection (Water) Policy 2009*. Risks of environmental harm to the environment e.g. the nearby creek and wetland are not addressed.

The site is in the catchment of Coolnwynpin Creek, a waterway that eventually flows into Tingalpa Creek and Moreton Bay. The groundwater table is reportedly high in the area, as suggested by wetland type vegetation near [redacted] Section 78B(2) RTI Act [redacted]

The administering authority has grounds for a reasonable belief under section 373(1)(e) that the land is contaminated land, due to contamination by petroleum hydrocarbons, including BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.

Listing should be for presence of hazardous contaminant namely: Petroleum hydrocarbons BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.

sch 4 - signature

24 11/13

Tony Bradshaw
Senior Principal Environmental Officer
Project Support

Please list this site. being Lot 2
on SP225940. 
sch 4 - signature

Please pass the notice of consideration
to Kylie Coleman in the New Year to
permit a letter to go with it.

Please note the file is with E S Southern,
particularly with Shari Murphy
BNE46951

please note this ~~was an administrative error~~
was an administrative error -

please remove.

Grounds

needs to say

accordance section 376(1) ^{listed} (a) + ^{potential} (b) + ^{exposed} (c).

in assessment report reflect where the report says this is so.

Under section 376 (2) - the ~~ad~~ a a L as decided to require a SIR by (2)(a) being the person who referred.

Enquiries: Ross Blake
Telephone: 07 3330 6180
Our Ref: BNE46951

21 May 2013

Woolworths Limited (Woolworths)
PO Box 8000
Baulkham Hills NSW 2153

Attention: Steven Chesher

RE: Capalaba Service Station – Extension of Environmental Evaluation timeframe

Dear Mr Chesher,

I refer to the correspondence between the Department of Environment and Heritage Protection (the department) and Precise Environmental consultants received on by the department on 15 May 2014 regarding the extension of time for submission of the Environmental Evaluation requested by notice dated 7 February 2014.

The department does not object to the extension of the due date for submission of the Environmental Evaluation to 31 July 2014.

The department is committed to achieving beneficial environmental outcomes and looks forward to your co-operation in environmental management of the site.

Should you have any further enquiries, please contact Ross Blake, Environmental Officer of the department on telephone (07) 3330 6180.

Yours sincerely,

sch 4 - personal information

Olga Hawas
A/Manager (Brisbane North)
Southern Region
Environmental Services and Regulation
Department of Environment and Heritage Protection

Enquiries:
Ross Blake
Southern Region
Environmental Services and Regulation
Level 8, 400 George Street
GPO Box 2425
BRISBANE QLD 4001
Phone: (07) 3330 6180

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to sections 321 and 326B of the Environmental Protection Act 1994.

Woolworths Limited (Woolworths)
PO Box 8000
Baulkham Hills NSW 2153

Your reference: Capalaba Service Station

Our reference: BNE46951

7 February 2014

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Woolworths Limited (Woolworths) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Woolworths Limited (Woolworths) at the premises on land described as Lot 1 on RP857456 situated at 424-426 Mount Cotton Road Capalaba QLD 4157 (Woolworths premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

in accordance with section 326B of the *Environmental Protection Act 1994* that the administering authority is satisfied on reasonable grounds that an activity or proposed activity is causing or is likely to cause environmental harm while an activity was being carried out.

The facts and circumstances forming the basis for these grounds are:

Woolworths carries out an activity described as a service station and associated product storage activity at the Woolworths premises.

Fuels including petrol and diesel are transferred into, stored and dispensed from underground storage tanks to above ground bowsers.

Several reports investigating the contaminated land status of an adjoining property at Section 78B(2) RTI Act Capalaba described as property) have shown that soils and groundwater have been contaminated with petroleum hydrocarbons. These reports are:



Notice to conduct or commission an environmental evaluation

- Precise Environmental – Soil Validation Assessment (September 2012) [PE September 2012 report]
- Precise Environmental – Environmental Site Assessment (April 2013) [PE September 2013 report]

The PE September 2012 report states that the remedial works were commissioned due to the detection of a petroleum leak and confirmation of contaminant migration Section 78B(2) RTI Act property from Woolworths premises. Both the PE September 2012 report and the PE April 2013 report identify areas of observed soil contamination that have been excavated and removed from the Section 78B(2) RTI Act property. The PE April 2013 report concludes that the site is suitable for ongoing residential use.

A report by Lloyd Consulting entitled Site Contamination Review Section 78B(2) RTI Act Capalaba, Queensland (15 October 2013) [Lloyd Consulting report] reviews the two reports prepared by PE and concludes that they do not provide sufficient information and assessment to support the conclusion made that the property as remediated "is suitable for ongoing residential use". This is due to the reports being inconsistent with the *National Environmental Protection (Assessment of Site Contamination) Measure 1999*. These inconsistencies include:

- validation sampling of excavated areas did not include sampling of excavation side walls;
- the soil sampling program and assessment was not designed to fully characterise the site in accordance with the sampling densities envisaged by the NEPM 1999 or sampling densities endorsed by EHP (former Qld EPA);
- the report did not include a detailed historical review of the Woolworths premises;
- monitoring of groundwater on site was not included despite an apparent high groundwater table;
- impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the Environmental Protection (Water) Policy 2009 were not addressed;
- assessment of risks due to vapour intrusion including risks from petroleum vapours to residents were not in accordance with the NEPM and were not adequately addressed; and
- risks of environmental harm to the environment e.g. the nearby creek and wetland are also not addressed.
- given the shallow groundwater table, it is not clear whether other off-site properties have been affected.

The Lloyd Consulting report cites results of sampling of the Section 78B(2) RTI Act property undertaken on 19 July 2013 as indicating:

- The likely presence of residual hydrocarbon compound contamination at the site in soil and groundwater;
- The likely residual contaminants are to be potentially mobile in groundwater;
- The observed characteristics of the site soils suggest limited adsorption/absorption capacity for contaminants identified within site groundwater;
- The residual contamination present at the site at levels warranting further investigation.

The Lloyd Consulting report cites anecdotal information from the Section 78B(2) RTI Act property owner that while excavating the soil at the property in 2012 the owner observed fuel within the soils and groundwater in various parts of the property and that the owner was noticing sheens on surface water in the northern part of the property.

The Lloyd Consulting report notes that a site inspection of the Section 78B(2) RTI Act property site was undertaken by a senior contaminated land consultant on 19 July 2013 and the following observations were made:

- The site appeared to be approximately 2m below ground level of the adjacent Woolworths premises;
- There was surface water ponded around the site and that there was a 'hydrocarbon' sheen rising up in one of the ponded areas;

Notice to conduct or commission an environmental evaluation

- That there were no other obvious potentially contaminating activities identified around the site;
- There was a slight odour coming from an excavation at the rear of the site;
- The middle of the site appeared to be a wetland.

The apparent ongoing presence of hydrocarbons in surface soils at the property indicates that the service station and associated product storage activity at the Woolworths premises is likely to be causing environmental harm in the form of an unreasonable interference with environmental values, i.e. quality or physical characteristics of the environment that are conducive to ecological health or public amenity, of soils and groundwater. This interference is caused by an unhealthy, offensive or unsightly condition because of contamination by petroleum hydrocarbon originating from the Woolworths premises. This form of contamination also presents a risk of forming explosive atmospheres in nearby services and other enclosed structures and harmful vapour intrusions.

The ongoing presence of hydrocarbons in the soil in an area where there is a shallow water table are also likely to cause environmental harm to groundwater for which environmental values are listed in the Environmental Protection (Water) Policy 2009.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. Determine the cause and source of the hydrocarbon products release to soil and groundwater from hydrocarbon delivery, storage, transfer and dispensing activities carried out on the premises. The determination must consider, without limiting the possible causes and sources investigated, infrastructure, maintenance, any relevant monitoring programs and management practices.
2. Determine the extent of offsite contamination and resultant risk to human health and the environment as a result of the operation if the activity on Woolworths premises as described above.
3. Having regard to the outcomes of determinations 1 and 2, determine the options available to remediate the contamination and avoid future releases of hydrocarbon products to the environment and the need for a temporary environmental program to implement remedial actions.
4. Having regard to the outcomes of determinations 1 to 2, you must advise any persons likely to be adversely affected by the relevant risks and measures to avoid those risks until any relevant remediation is affected.
5. Outline any actions required to be undertaken to confirm that the property is remediated and "is suitable for ongoing residential use" and the contamination does not present further risks to the adjoining properties based on criteria outlined in the National Environmental Protection (Assessment of Site Contamination) Measure 1999.

The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined as a person who has qualifications and experience relevant to performing the function. An auditor can be appointed to audit the work of the suitably qualified person. Auditors approved under the *Environmental Protection Act 1994* can provide certainty on the regulatory function performed and may assist in streamlining the decision process for land contamination matters. A list of approved auditors is published on EHP's web page www.ehp.qld.gov.au.

The environmental report must be submitted to the department on or before:

- 30 June 2014

Notice to conduct or commission an environmental evaluation

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (EM494).¹

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (EM471).

Take notice:

1. the requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
2. this notice remains in force until further notice from the department; and
3. you are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the:

1. Information sheet - internal review and appeal to the Planning and Environment Court (EM1866).
2. Information sheet - internal review and appeal to the Land Court (EM1157).

You may have other legal rights or obligations and should seek your own legal advice.

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

Notice

Notice to conduct or commission an environmental evaluation

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

1. The maximum penalty for an individual is 300 penalty units, totalling \$33,000.
2. The maximum penalty for a corporation is 1500 penalty units, totalling \$165,000.

Should you have any queries in relation to this notice, please contact Ross Blake of the department on telephone number 07 3330 6180.

Sch 4 - signature

Signature *U*

7 Feb 14

Date

Shari Murphy

Manager, Environmental Services and Regulation

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Brisbane City North

Ph: (07) 3330 6180

Email: ross.blake@ehp.qld.gov.au

+ a notice
for a closure
Notice

Woolworths Service Station
424-426 Mt Cotton Road
Capalaba Q.

Environmental Protection Act 1994**Notice to conduct or commission site investigation**

This information notice is issued by the administering authority¹ in accordance with section 377 of the Environmental Protection Act 1994 (EP Act).

Our reference: BNE46951

Trust Company Limited Woolworths
PO Box 1811
Collin St
EAST VIC 8003

CC: sch 4 - personal information
Section 78B(2) RTI Act
CAPALABA QLD 4157

Own
notice?

~~Attn: Trust Company Limited remove.~~

Re: Consideration to conduct or commission site investigation for
CAPALABA QLD 4157.

Section 78B(2) RTI Act

In relation to the above land, the administering authority has reviewed a report⁵ titled:

- Lloyd Consulting – Site Contamination Review [REDACTED] CAPALABA QLD dated October 2013.
- Precise Environmental – Environmental Site Assessment [REDACTED] CAPALABA QLD dated April 2013.
- Precise Environmental – Soil Validation Assessment [REDACTED] CAPALABA QLD dated September 2012.

and has made the following decision.

In accordance with section 377 of the *Environmental Protection Act 1994* (EP Act), the administering authority (being the Department of Environment and Heritage Protection (EHP)) requires additional information from the University of Queensland, who is required to conduct or commission a site investigation.

needs to
ref
the
secta pl.

Grounds on which the requirement is made

The administering authority considers that there ^{the} may be contaminated material off site that may be harmful to the environment and human health.

Facts and circumstances forming the basis for the grounds

Report has identified:

¹ The administering authority is the Department of Environment and Heritage Protection.

Notice to conduct or commission a site investigation

- Groundwater contamination by petroleum hydrocarbons, including BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.
- Unknown risk from the contamination on site ^{with} and the current land use.
- Offsite migration of contaminants associated with the Woolworths Caltex service station located at 424-426 Mount Cotton Road (Lot 1 on RP857456) CAPALABA QLD 4157.

Relevant matters for the information required

A site investigation / validation report must be prepared and submitted in accordance with the Chapter 7 Part 8 of the Environmental Protection Act 1994 (EP Act) the Guideline for Contaminated Land Professionals and the Guideline for Assessing Qualified Persons, specifying that the land is suitable for the intended use or enabling a statement of suitability with a Site Management Plan (SMP).

The investigation must cover the entire residential area and also include an assessment risk of petroleum vapours to the residents and the impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the Environmental Protection (Water) Policy 2009. The risk of environment harm to the environment e.g. the nearby creek and wetlands must also be addressed in the investigation.

You are requested to by which a report on the site investigation must be submitted to the administering authority by **28 February 2014**.

Review or Appeal Details

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court. Information outlining the review and appeal processes under the Environmental Protection Act 1994 is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

Should you have any questions in relation to this matter, please contact Allen Johns on (07) 3330 5694 or

e-mail: allen.johns@ehp.qld.gov.au.



Signature



Date

Delegate

Lindsay Delzoppo
Delegate, Chief Executive administering the
Environmental Protection Act 1994

Enquiries:

Allen Johns
Principal Environmental Officer
Waste and Land Contamination Assessment Unit
GPO Box 2454 BRISBANE QLD 4001
Phone: (07) 3330 5694
E-mail: allen.johns@ehp.qld.gov.au

Extracts from the *Environmental Protection Act 1994* regarding reviews and appeals

Procedure for review

521.

- (1) A dissatisfied person may apply for a review of an original decision.
- (2) The application must—
 - (a) be made in the approved form to the administering authority within—
 - (i) 10 days after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the *review date*); or
 - (ii) the longer period the authority in special circumstances allows; and
 - (b) be supported by enough information to enable the authority to decide the application.
- (3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
 - (a) notice of the application (the *review notice*);
 - (b) a copy of the application and supporting documents.
- (4) The review notice must inform the recipient that submissions on the application may be made to the administering authority within 5 business days (the *submission period*) after the application is made to the authority.
- (5) If the administering authority is satisfied the applicant has complied with subsections (2) and (3), the authority must, within the decisions period—
 - (a) review the original decision; and
 - (b) consider any submissions properly made by a recipient of the review notice; and
 - (c) make a decision (the *review decision*) to—
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (6) The application does not stay the original decision.
- (7) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision.
- (8) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice of the original decision.
- (9) The notice must—
 - (a) include the reasons for the review decision; and
 - (b) inform the person of their right of appeal against the decision.
- (10) If the administering authority does not comply with subsection (5) or (8), the authority is taken to have made a decision confirming the original decision.
- (11) Subsection (7) applies despite section *Acts Interpretation Act 1954*, section 27A.
- (12) This section does not apply to an original decision made by—
 - (a) for a matter, the administration and enforcement of which has been devolved to a local government, the local government itself or the chief executive officer of the local government personally; or
 - (b) for another matter—the chief executive personally.
- (13) Also, this section does not apply to an original decision to issue a clean-up notice.
- (14) In this section—

decision period means—

 - (a) if a submission is received within the submission period—15 business days after the administering authority receives the application; or
 - (b) if no submissions are received within the submission period—10 business days after the administering authority receives the application.

Stay of operation of original decisions

522.

- (1) If an application is made for review of an original decision mentioned in schedule 2, part 1 or 2, the applicant may immediately apply for a stay of the decision to-
 - (a) for an original decision mentioned in schedule 2, part 1 - the Land Court; or
 - (b) for an original decision mentioned in schedule 2, part 2 - the Court.
- (2) The Land Court or Court may stay the decision to secure the effectiveness of the review and any later appeal to the Land Court or the Court.
- (3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.

Who may appeal

531.

- (1) A dissatisfied person who is dissatisfied with a review decision, other than a review decision to which subdivision 1 applies, may appeal against the decision to the Court.
- (2) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- (3) A dissatisfied person who is dissatisfied with an original decision to which section 521 does not apply may appeal against the decision to the Court.

Armstrong Kate

From: Blake Ross
Sent: Wednesday, 15 January 2014 11:25 AM
To: Armstrong Kate
Cc: Murphy Shari; Hawas Olga
Subject: Update: Woolworths Caltex 424-426 Mount Cotton Road Capalaba

Hi Kate,

I am currently:

- In communication with council regarding their past involvement, reminding them that a DA for a non-transitional ERA remains and is attached to the land.
- Using Tony's draft EE to flesh out an EE for Woolworths caltex

Ross Blake | Environmental Officer
Brisbane North | Southern Region
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 8, 400 George St, Brisbane Q 4000
PO Box 2454 GPO Brisbane Q 4001
☎ 07 3330 6180 | #26180 | Fax: 07 3330 5754
🌐 Visit us online at www.ehp.qld.gov.au



QUEENSLAND
GOVERNMENT

Al,
*
> please retrieve the file from Shari Murphy
> do a file note of the risks.
> draft a letter to [redacted] re:

Sch 4 - personal information

- Not listing his land until the nature & extent is known.
- dept. taking steps to ascertain nature & extent
- would be responsible to advise future users of the site of the issue →

Johns Allen

From: Coleman Kylie
Sent: Tuesday, 7 January 2014 10:32 AM
To: Johns Allen
Subject: RE: consideration of listign residential site at capalaba.

Yeah leave this one with me.

Kylie Coleman
Principal Project Officer

Waste and Land Contamination Assessments | Statewide Environmental Assessments
Environmental Performance and Co-ordination Branch
Environmental Services and Regulation
Email: kylie.coleman@ehp.qld.gov.au
Website: www.ehp.qld.gov.au

Tele: (07) 3330 5717



From: Johns Allen
Sent: Tuesday, 7 January 2014 10:29 AM
To: Coleman Kylie
Subject: RE: consideration of listign residential site at capalaba.

Kylie,

Just checking I think you said you're ok on this one ta Al

Regards
Allen Johns
Principal Environmental Officer | Waste and Land Contamination Assessment Unit |
Environmental Services & Regulation | Department of Environment and Heritage Protection
Phone +61 (07) 3330 5694
Email: allen.johns@ehp.qld.gov.au
Level 9, 400 George Street, Brisbane, QLD 4001
GPO Box 2454, Brisbane QLD 4001

 Please consider the environment before printing this email



From: Coleman Kylie
Sent: Monday, 6 January 2014 9:12 AM

To: Moffat Wendy
Cc: Johns Allen
Subject: FW: consideration of listign residential site at capalaba.

Hi Wendy

Can we discuss the below when you are free.
AI – FYI and to progress

Thanks

Kylie Coleman
Principal Project Officer

Waste and Land Contamination Assessments | Statewide Environmental Assessments
Environmental Performance and Co-ordination Branch
Environmental Services and Regulation
Email: kylie.coleman@ehp.qld.gov.au
Website: www.ehp.qld.gov.au

Tele: (07) 3330 5717



From: Armstrong Kate
Sent: Tuesday, 24 December 2013 1:45 PM
To: Coleman Kylie
Cc: Ameer Omar; Rowland Philip
Subject: consideration of listign residential site at capalaba.

Kylie.

Please see the attached file note that went to registry today. I have asked registry to provide the notice to you rather than posting it out directly. This is because I think the notice needs to be accompanied by a letter which explains the process to the land owner and considers the circumstances of the matter. Can you liaise with Wendy Moffat to develop this letter, Wendy is an expert at the manner in which we have communicated this in the past. Particularly you should make sure we clarify the position where the land owner wishes to sell and what they are obligated to do in terms of notifying potential buyers. I have received advice from the client that he is trying to sell and further that he intends to auction in February.

You will find the hard copy file with Shari Murphy on Level 8 when you need it.

Thanks
Kate

Kate Armstrong
A/Manager, Waste and Land Contamination Assessments and Project Support Team
Environmental Performance and Co-ordination Branch
Environmental Services & Regulation Division

T: (07) 3330 5530 || F: (07) 3330 5634
E: kate.armstrong@ehp.qld.gov.au
A: Level 9, 400 George Street, Brisbane
M: GPO Box 2454, BRISBANE QLD 4001

Great state.
Great opportunity.



Queensland
Government

RTI DL RELEASE - EHP

Johns Allen

From: Moffat Wendy
Sent: Monday, 6 January 2014 10:06 AM
To: Coleman Kylie
Cc: Johns Allen
Subject: RE: consideration of listign residential site at capalaba.

Hi Kylie

I have a notice of consideration on my desk completed by Karen on Friday 3/1/2014 in regards to this site. I'm not happy with the wording of the notice and will be providing wording of the reasons for EHP's decision to consider listing. I'll draw that wording from Tony's file note. Is there something more you need to discuss?

Thanks, Wendy.

From: Coleman Kylie
Sent: Monday, 6 January 2014 9:12 AM
To: Moffat Wendy
Cc: Johns Allen
Subject: FW: consideration of listign residential site at capalaba.

Hi Wendy

Can we discuss the below when you are free.
AI – FYI and to progress

Thanks

Kylie Coleman
Principal Project Officer

Waste and Land Contamination Assessments | Statewide Environmental Assessments
Environmental Performance and Co-ordination Branch
Environmental Services and Regulation
Email: kylie.coleman@ehp.qld.gov.au
Website: www.ehp.qld.gov.au

Tele: (07) 3330 5717



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Cc: Ameer Omar; Rowland Philip
Subject: consideration of listign residential site at capalaba.

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You will find the hard copy file with Shari Murphy on Level 8 when you need it.

Thanks
Kate

Kate Armstrong
A/Manager, Waste and Land Contamination Assessments and Project Support Team
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A: Level 9, 400 George Street, Brisbane
M: GPO Box 2454, BRISBANE QLD 4001



Johns Allen

From: Coleman Kylie
Sent: Monday, 6 January 2014 9:12 AM
To: Moffat Wendy
Cc: Johns Allen
Subject: FW: consideration of listign residential site at capalaba.
Attachments: Section 78B(2) RTI Act.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Wendy

Can we discuss the below when you are free.
AI – FYI and to progress

Thanks

Kylie Coleman
Principal Project Officer

Waste and Land Contamination Assessments | Statewide Environmental Assessments
Environmental Performance and Co-ordination Branch
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Email: kylie.coleman@ehp.qld.gov.au
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From: Armstrong Kate
Sent: Tuesday, 24 December 2013 1:45 PM
To: Coleman Kylie
Cc: Ameer Omar; Rowland Philip
Subject: consideration of listign residential site at capalaba.

Kylie.

Please see the attached file note that went to registry today. I have asked registry to provide the notice to you rather than posting it out directly. This is because I think the notice needs to be accompanied by a letter which explains the process to the land owner and considers the circumstances of the matter. Can you liaise with Wendy Moffat to develop this letter, Wendy is an expert at the manner in which we have communicated this in the past. Particularly you should make sure we clarify the position where the land owner wishes to sell and what they are obligated to do in terms of notifying potential buyers. I have received advice from the client that he is trying to sell and further that he intends to auction in February.

You will find the hard copy file with Shari Murphy on Level 8 when you need it.

Thanks
Kate

Kate Armstrong
A/Manager, Waste and Land Contamination Assessments and Project Support Team
Environmental Performance and Co-ordination Branch
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T: (07) 3330 5530 || F: (07) 3330 5634
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A: Level 9, 400 George Street, Brisbane
M: GPO Box 2454, BRISBANE QLD 4001



RTI DL RELEASE - EHP

File #
↓
File

File Note

Section 78B(2) RTI Act

Issue: Impact on [redacted] (Section 78B(2) RTI Act) (Redland City Council area) of Woolworths Petroleum Service Station, Capalaba Road, Capalaba

Date: 24 December 2013

Woolworths carries out a service station activity at a site (lot 1 on RP 857456) located at Mt Cotton Road Capalaba, Queensland. The site includes a service station/commercial premises. Fuels including petrol and diesel are transferred into, stored and dispensed from underground storage tanks to above ground bowzers.

Section 78B(2) RTI Act
Several reports investigating the contaminated land status of an adjoining property at [redacted] Capalaba have shown that soils and groundwater have been contaminated with petroleum hydrocarbons. These are two reports by Precise Environmental (2012 and 2013) and one by Lloyd Consulting (2013) (See Woolworths site file BNE46951).

Precise Environmental - Environmental Site Assessment [redacted] Capalaba Qld. April 2013 for Woolworths Limited

Precise Environmental - Soil Validation Assessment [redacted] Capalaba Qld. September 2012 for Woolworths Limited.

Lloyd Consulting - Site Contamination Review [redacted] Capalaba Queensland 15 October 2013

The two reports by Precise Environmental (PE) identify areas of observed soil contamination that have been excavated and removed. However, the PE reports do not provide sufficient information and assessment to support the conclusion made that the [redacted] as remediated "is suitable for ongoing residential use". This is due to the reports being inconsistent with the *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (NEPM 1999). These inconsistencies include:

- validation sampling of excavated areas did not include sampling of excavation side walls;
- the soil sampling program and assessment was not designed to fully characterise the site in accordance with the sampling densities envisaged by the NEPM 1999 or sampling densities endorsed by the Qld EHP (former Qld EPA);
- there was no did not include a detailed historical review of the Woolworths property;
- monitoring of ground water on site was not included despite an apparent high groundwater table; and assessment of risks due to vapour intrusion were not in accordance with the NEPM.

The Lloyd Consulting report concurs with the inadequacy of the PE reports.

More recent observations of the property show fresh petroleum staining emerging at the ground surface, indicating unresolved potential environmental harm. Risks from petroleum vapours to residents are not adequately addressed nor impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the *Environmental Protection (Water) Policy 2009*. Risks of environmental harm to the environment e.g. the nearby creek and wetland are not addressed.

The site is in the catchment of Coolnwynpin Creek, a waterway that eventually flows into Tingalpa Creek and Moreton Bay. The groundwater table is reportedly high in the area, as suggested by wetland type vegetation near [redacted] Road.

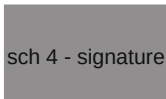
The administering authority has grounds for a reasonable belief under section 373(1)(e) that the land is contaminated land, due to contamination by petroleum hydrocarbons, including BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.

Listing should be for presence of hazardous contaminant namely: Petroleum hydrocarbons BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.

sch 4 - signature

24 11/13

Tony Bradshaw
Senior Principal Environmental Officer
Project Support

Please list this site. being Lot 2
on SP225948.  AKH

Please pass the notice of consideration
to Kylie Coleman in the New Year to
permit a letter to go with it.

Please note the file is with E S Southern,
particularly with Shari Murphy

File Note – File Review

RE: Compliance Review Regarding Site Contamination from a Woolworths Service Station located at 424-426 Mt Cotton Road, Capalaba, QLD (Lot 1 on RP857456).

File Ref: BNE46951

Background:

Two file notes were completed one dated 18 Dec 2013 by Allen Johns and one file note by Tony Bradshaw regarding the above subject matters under the Environmental Protection Act 1994.

Attached are the file notes for reference

Lloyd consulting has made comments in his report (page 14) dated 15/10/2013 regarding the exceedances of groundwater criteria on the adjacent residential property. (See attached results and sample plan location).

Lloyd consulting has mentioned in his report (page 17) that further works are considered to be required to determine the contamination for residual contamination to be present at the site.

It has been mentioned to EHP that the owner of the residential property is trying to sell and if the site is not listed the buyer may not be aware of the potential risks which may make EHP responsible.

Based on the information supplied a notice to conduct a site investigation on the residential property could be issued under section 377(3) of the EP Act based on further information is needed regarding the state of contamination on site.

Recommendation:

Based on the information at hand it is recommended that EHP issues a notice under section 377(3) of the EP Act.

Assessing Officer: Allen Johns

Date: 22 Jan 2014

sch 4 - signature

sch 4 - signature

Approving Officer: Kate Armstrong

Date:

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17800813
Search Date: 22/01/2014 09:21

Title Reference: 18676209
Date Created: 12/01/1994

Previous Title: 13142031
14111218

REGISTERED OWNER

Dealing No: 711605086 28/04/2008

TRUST COMPANY LIMITED A.C.N. 004 027 749

ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 857456
County of STANLEY Parish of CAPALABA
Local Government: REDLAND

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10885158 (POR 127)
2. EASEMENT No 601174114 (L862620W) 02/03/1994
BENEFITING THE LAND
OVER EASEMENT B ON RP817685
3. EASEMENT IN GROSS No 701207535 13/03/1996 at 15:26
burdening the land to
COUNCIL OF THE SHIRE OF REDLAND
over
EASEMENT C ON RP895444
4. LEASE No 705745786 27/06/2002 at 11:13
WOOLWORTHS LIMITED A.C.N. 000 014 675
5. MORTGAGE No 706188990 11/12/2002 at 09:51
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2014]
Requested By: SMIS .



Valuations Administration

FRANCISK(1)

Property - 6250 : Property 219043 ISS A

Walk By : < 1 >

Delay Execution No

Summary

Property

LG

Use

Summary

Property Id : 219043

Property Type : ISSUING

PVM : NON-RURAL

LG/Div : (6250) REDLAND

SMA : (1) CAPALABA COMMERCIAL

Walk the Road : 28292

Previous Reference : NA

Property Address : 424 MOUNT COTTON RD, CAPALABA QLD 4157

Owner (VOLA) : TRUST COMPANY LIMITED

Service Address : PO BOX 18011, COLLIN ST EAST, COLLINS STREET EAST VIC 8003

RPD : L1 RP857456:PAR CAPALABA

Area : 4021 M2

Volume : 0 M3

Primary L/Use : (30) SERVICE STATION

Secondary L/Use : (0) NONE

As Valued L/Use : (350) COMMERCIAL

Sale Date : 26/06/2002

Sale Price : \$2,277,733

Sale Type : NORMAL SALE

D/Effect	D/Valuation	Value	S/C	D/Issue	Unadjusted Value	DSI Total	Offset Amount
30/06/2013	01/10/2012	\$900,000	21	20/03/2013	\$900,000		

6 LIMITED SITE SAMPLING RESULTS

6.1 Sampling Results

Results of the laboratory analytical program for soil monitoring locations for the project site are presented in **Table 6-1**. Highlighted results indicate exceedances of criteria. Laboratory certificates are provided in **Appendix A**.

Results of the laboratory analysis of soil samples indicated the following:

- All analytes in the soil samples were below guideline criteria;
- One soil sample detected BTEXN and TPH (C₆-C₁₀).

The results from the laboratory analysis of the groundwater sample indicated:

- TRH C₆-C₁₀ (20 mg/L) exceeded the Dutch Intervention Value (0.6 mg/L);
- Benzene (0.458 mg/L) exceeded the Dutch Intervention Value (0.03 mg/L) and the ANZECC Freshwater 95 % protection guideline (0.3 mg/L);
- Ethylbenzene (0.188 mg/L) exceeded the Dutch Intervention Value (0.15 mg/L);
- meta & para-Xylene (1.13 mg/L) exceeded the NEPM criteria (0.2 mg/L);
- ortho-xylenes (0.693 mg/L) exceeded the NEPM criteria (0.35 mg/L);
- Total xylenes (3.12 mg/L) exceeded the Dutch Intervention Value (0.07 mg/L).

Table 6-1 Results Table

ANALYTE	Sample ID			
	BH1 (mg/kg)	BH2 (mg/kg)	BH3 (mg/kg)	Water BH2 (mg/L)
TRH C ₆ -C ₁₀	20	<10	<10	5.46
TRH >C ₁₀ -C ₁₅	<50	<50	<50	NA
TRH >C ₁₅ -C ₂₉	<100	<100	<100	NA
TRH >C ₂₉ -C ₄₀	<100	<100	<100	NA
TRH C ₆ -C ₁₀ minus BTEX	14	<10	<10	2.34
Benzene	<0.2	<0.2	<0.2	0.458
Toluene	0.8	<0.5	<0.5	0.647
Ethylbenzene	0.6	<0.5	<0.5	0.188
meta & para-Xylene	3.4	<0.5	<0.5	1.13
ortho-xylenes	1.4	<0.5	<0.5	0.693
Sum of BTEX	6.2	<0.2	<0.2	1.82
Total xylenes	4.8	<0.5	<0.5	3.12
Naphthalene	<1	<1	<1	0.017

File Note – File Review

RE: Compliance Review Regarding Site Contamination from a Woolworths Service Station located at 424-426 Mt Cotton Road, Capalaba, QLD (Lot 1 on RP857456).

File Ref: BNE46951

Background:

It was inferred in the precise environmental reports that the Woolworths Service Station "Site" bowser had leaked resulting in the migration of petroleum product to adjacent residential land located on [REDACTED]

Section 78B(2) RTI Act

Attached is the information regarding the duty to notify of environmental harm for the Woolworths Service Station located at 424-426 Mt Cotton Road, Capalaba, QLD (Lot 1 on RP857456). The assigned Environmental Officer (Peter Koorockin) from EHP then referred the duty to notify of environmental harm to Redlands City Council (Mr Allan Tan) before the legislation changes happen on 31 March 2012 under s101 (b)(i) of the Environmental Protection Act 1994 (EP Act) as this activity was devolved to local government at that time.

History:

On 21 August 2012 (Permit No: CLEB03266412) EHP received an application soil disposal permit under section 424 of the EP Act to remove 16 cubic metres of contaminated soil from the Site located at 424-426 Mt Cotton Road, Capalaba, QLD (Lot 1 on RP857456). **Attached** is a copy of the permit. It is noted that the landfill acceptance letter dated 14 August 2012 (**see attached**) had accepted to receive 16 cubic metres the contaminated materials from Lot 1 on RP857456. The soil disposal application is located on BNE46951 for further reference.

On the 30 October 2012 an e-mail was received from Chris Butler Precise Environmental (PE) regarding if the conditions on the soil disposal permit was met (**see attached**). The Veolia letter attached the e-mail dated 22 October 2012 refers to Lot 1 on RP857456. Upon closer examination is noted that the 16 cubic metres was removed from Lot 2 on SP225948 as mentioned in attachment A – Tonnage Reports. *Latest submission on date + list reports.*

The PE report dated September 2012 mentions further removal of contaminated soils from [REDACTED] on [REDACTED]. **Attached** in the report is a letter dated 27 July 2012 of acceptance from TI Tree confirming at the landfill has received the material.

Section 78B(2) RTI Act

The PE reports were reviewed by Lloyd consulting regarding the migration of petroleum product to [REDACTED]. Environmental Officers Tony Bradshaw and Allen Johns has reviewed the file history and reports and concur with the assessment of Lloyd consulting that the PE reports provided insufficient information and assessment to support the conclusion made that the site as remediated "is suitable for ongoing residential use". Risks from petroleum vapours to residents are not addressed nor impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the Environmental Protection (Water) Policy 2009. Risks of environmental harm to the environment e.g. the nearby creek and wetland are not addressed (**see attached e-mail from Tony Bradshaw**)

Section 78B(2) RTI Act

Actions required:

Imposition on Woolworths of an environmental evaluation to ascertain the source cause and extent of harm and need for a TEP is recommended.

no reply given by EHP.

The case for the proposed compliance actions are based on the information attached in this report which indicates non compliance of Section 425 of the EP Act and possible contravention of the ERA condition.

Recommendation:

WLCA informs the regions regarding compliance matters to be undertaken.

1. *What?* Imposition on Woolworths of an environmental evaluation to ascertain the source cause and extent of harm and need for a TEP is recommended
2. Non compliance of Section 425 of the EP Act.
3. Possible contravention of the ERA condition.

Assessing Officer: Allen Johns

Date: 18 Dec 2013

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Approving Officer: Kate Armstrong

Date:

for WLCA compliance

*enforcement guideline
warning letter template*

*to be done by
WLCA.*

*to be done by
WLCA.*

File Note

File to
BNE 46951

Issue: Impact on [Section 78B(2) RTI Act] Capalaba [Section 78B(2) RTI Act] Redland City Council area) of Woolworths Petroleum Service Station, Capalaba Road, Capalaba

Date: 24 December 2013

Woolworths carries out a service station activity at a site (lot 1 on RP 857456) located at Mt Cotton Road Capalaba, Queensland. The site includes a service station/commercial premises. Fuels including petrol and diesel are transferred into, stored and dispensed from underground storage tanks to above ground bowzers.

Several reports investigating the contaminated land status of an adjoining property [Section 78B(2) RTI Act] Capalaba have shown that soils and groundwater have been contaminated with petroleum hydrocarbons. These are two reports by Precise Environmental (2012 and 2013) and one by Lloyd Consulting (2013) (See Woolworths site file BNE46951).

Precise Environmental - Environmental Site Assessment [Section 78B(2) RTI Act], Capalaba Qld. April 2013 for Woolworths Limited

Precise Environmental - Soil Validation Assessment [Section 78B(2) RTI Act] Capalaba Qld. September 2012 for Woolworths Limited.

Lloyd Consulting - Site Contamination Review [Section 78B(2) RTI Act] Capalaba Queensland 15 October 2013

The two reports by Precise Environmental (PE) identify areas of observed soil contamination that have been excavated and removed. However, the PE reports do not provide sufficient information and assessment to support the conclusion made that the [Section 78B(2) RTI Act] as remediated "is suitable for ongoing residential use". This is due to the reports being inconsistent with the *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (NEPM 1999). These inconsistencies include:

- validation sampling of excavated areas did not include sampling of excavation side walls;
- the soil sampling program and assessment was not designed to fully characterise the site in accordance with the sampling densities envisaged by the NEPM 1999 or sampling densities endorsed by the Qld EHP (former Qld EPA);
- there was no did not include a detailed historical review of the Woolworths property;
- monitoring of ground water on site was not included despite an apparent high groundwater table; and assessment of risks due to vapour intrusion were not in accordance with the NEPM.

The Lloyd Consulting report concurs with the inadequacy of the PE reports.

More recent observations of the property show fresh petroleum staining emerging at the ground surface, indicating unresolved potential environmental harm. Risks from petroleum vapours to residents are not adequately addressed nor impacts on groundwater quality, for which environmental values and water quality objectives are prescribed under the *Environmental Protection (Water) Policy 2009*. Risks of environmental harm to the environment e.g. the nearby creek and wetland are not addressed.

The site is in the catchment of Coolnwynpin Creek, a waterway that eventually flows into Tingalpa Creek and Moreton Bay. The groundwater table is reportedly high in the area, as suggested by wetland type vegetation near [Section 78B(2) RTI Act]

The administering authority has grounds for a reasonable belief under section 373(1)(e) that the land is contaminated land, due to contamination by petroleum hydrocarbons, including BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.

Listing should be for presence of hazardous contaminant namely: Petroleum hydrocarbons BTEX compounds (benzene, toluene, ethyl benzene and xylenes) and naphthalene.

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24/12/13

Tony Bradshaw
Senior Principal Environmental Officer
Project Support

Delivered to Registry
23/12/2013.