

From: Sara-EHP [Sara-EHP@ehp.qld.gov.au]
Sent: Friday, 26 September 2014 11:42 AM
To: Industry and Development Assessment
Subject: FW: SPD-0914-011567 Notice requesting legacy application records

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Assessment Team 3

Hi,

This application has been processed as new and amended under project 385790.

Cheers

Liz James
Administration Officer

Industry and Development Support
Environmental Services and Regulation
Telephone: 07 3181 2425
Facsimile: (07) 3330 7574
Department of Environment and Heritage Protection
Level 8, 400 George Street, Brisbane. Q 4000
GPO Box 2454, Brisbane. Q 4001
www.ehp.qld.gov.au
ehp-email-signature



From: SARA Common Email [mailto:processmodel196@dssip.appiancloud.com]
Sent: Thursday, 25 September 2014 3:34 PM
To: Sara-EHP; Downs.South.West.IDAS@tmr.qld.gov.au
Subject: SPD-0914-011567 Notice requesting legacy application records



Our reference: [SPD-0914-011567](#)

Application street address:
Victoria Street, Toowoomba;

Dent Street, Toowoomba;

Margaret Street, Toowoomba;

Little Street, Toowoomba; and

Duggan Street, Toowoomba.

The Department of State Development, Infrastructure and Planning has received a request for a permissible change from QIC

Limited.

Advice request

The department seeks your consideration of this request. You are asked to advise the department if your agency supports this request by 10/10/2014. The relevant technical agency response template is now available for download from the "Internal Documents" section of the application's dashboard.

If you require any further information or clarification, please contact me on 4616 7303, or via email isaac.harslett@dndip.qld.gov.au and I will be pleased to assist.

Thank you for your assistance to date.

Regards
Isaac Harslett

From: Ian McHugh [Ian.McHugh@dsdip.qld.gov.au]
Sent: Monday, 13 October 2014 9:13 AM
To: KELLY Leesa
Subject: RE: SPD-0914-011567 Permissible change request

Hi Leesa,

I have not had any indication from Toowoomba Regional Council that the application will be either withdrawn or refused. I think they will at least wait until SARA responds. On this basis I look forward to your advice.

Regards

Ian McHugh
Principal Planner
Regional Services South
Department State Development, Infrastructure & Planning

Tel: 4616 7320
Post: Po Box 825, Toowoomba Qld 4350
Visit: 128 Margaret St, Toowoomba
Email: ian.mchugh@dsdip.qld.gov.au

www.dsdip.qld.gov.au

Business info and assistance – [click here!](#)



Great State - Great Opportunity

Please consider the environment before printing this email

From: KELLY Leesa [mailto:Leesa.Kelly@ehp.qld.gov.au]
Sent: Friday, 10 October 2014 9:26 AM
To: Ian McHugh
Subject: RE: SPD-0914-011567 Permissible change request

Hi Ian

Thanks for emailing so quickly.

So will the application be withdrawn or refused by the Assessment Manager?

Leesa Kelly
Environmental Officer, Industry and Development Assessment
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 8 | 400 George Street | Brisbane
Tel 07 3330 5616 |
www.ehp.qld.gov.au

cid:117193111@12092014-218D



From: Ian McHugh [<mailto:Ian.McHugh@dsdip.qld.gov.au>]
Sent: Thursday, 9 October 2014 4:19 PM
To: KELLY Leesa
Subject: FW: SPD-0914-011567 Permissible change request

Hi Leesa,

As you have highlighted it is the Assessment Manager's call on whether the proposed changes are permissible or not and we have not been advised by Toowoomba Regional Council that they have a problem considering the proposed changes as permissible changes.

I agree with your understanding of the recent changes to the way contaminated lands are handled.

Regards

Ian McHugh
Principal Planner
Regional Services South
Department State Development, Infrastructure & Planning

Tel: 4616 7320
Post: Po Box 825, Toowoomba Qld 4350
Visit: 128 Margaret St, Toowoomba
Email: ian.mchugh@dsdip.qld.gov.au

www.dsdip.qld.gov.au

Business info and assistance – [click here!](#)



Great State - Great Opportunity

Please consider the environment before printing this email

From: KELLY Leesa [<mailto:Leesa.Kelly@ehp.qld.gov.au>]
Sent: Thursday, 9 October 2014 3:26 PM
To: ToowoombaSARA
Subject: FW: SPD-0914-011567 Permissible change request

Hello

I have asked a question on the validity of this application but have not heard from Isaac as yet (see email below).

Our technical response is due tomorrow so could someone please look at this and let us know what the Assessment manager

wishes to do.

Thanks

Leesa Kelly

Environmental Officer, Industry and Development Assessment
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 8 | 400 George Street | Brisbane
Tel 07 3330 5616 |
www.ehp.qld.gov.au

cid:117193111@12092014-218D



From: KELLY Leesa
Sent: Friday, 3 October 2014 11:03 AM
To: 'isaac.harslett@dndip.qld.gov.au'
Subject: SPD-0914-011567 Permissible change request

Hi Isaac

Following our discussion on Tuesday can you please advise whether the Assessment Manager believes this proposal is considered a substantial change or a permissible change under the Sustainable Planning Act. I note that the client wants to now include an underground basement car park which may be considered a substantially different development under the DSDIP's statutory guidelines? I am not sure it is for us as the technically agency to determine this however.

My understanding is that from the 4 July 2014, the *Sustainable Planning Regulation 2009* changed the way contaminated lands are handled. In particular, schedule 18, states that compliance assessment will be required for development proposing an MCU where the land is listed on the Environmental Management Register (EMR) and the proposed MCU is (wholly or partly) for a sensitive purpose or a commercial purpose involving an accessible underground facility (including for example, a basement car park, workshop or office). Compliance assessment for such development may only be carried out by an auditor approved under the EP Act for contaminated land.

As such it would probably be up to the Assessment Manager to object to this permissible change and have the client apply for a new development if that is their interpretation?

Please let me know.

Thanks

Leesa Kelly

Environmental Officer, Industry and Development Assessment
Environmental Services and Regulation

Department of Environment and Heritage Protection
Level 8 | 400 George Street | Brisbane
Tel 07 3330 5616 |
www.ehp.qld.gov.au

cid:117193111@12092014-218D



The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

The information in this e-mail communication together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential, proprietary and/or privileged material. You should only read, disclose, re-transmit, copy, distribute, act in reliance on or commercialise the information if you are authorised to do so. If you are not the intended recipient of this e-mail communication, please reply by e-mail direct to the sender and then destroy any electronic or paper copy of this message.

Any views expressed in this e-mail communication are those of the individual sender, unless otherwise specifically stated. QIC does not represent, warrant or guarantee that the integrity of this communication has been maintained or that the communication is free of errors, virus or interference.

By sending information to QIC by email you agree that it may be used and disclosed in accordance with our Privacy Policy. In particular, you consent to overseas disclosure. Our [Privacy Policy](#) contains important information about the consequences of overseas disclosure.

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

From: JOHNS Allen [Allen.Johns@ehp.qld.gov.au]
Sent: Monday, 31 July 2017 11:40 AM
To: GLEESON Kelly
Subject: FW: Grand Central Toowoomba Lot 103 onPlan SP285428 removal from EMR

Hi Kelly,

FYI thanks Al

Allen Johns
Principal Environmental Officer
Waste and Contaminated Land | Industry & Development Assessment
Department of Environment and Heritage Protection
P 07 3330 5694
Level 8, 400 George Street Brisbane Q 4000
GPO Box 2454 Brisbane Q 4001

 Please consider the environment before printing this email

From: HARBERT Kate
Sent: Wednesday, 26 July 2017 2:44 PM
To: 'Scott Douglas'
Cc: JOHNS Allen; GIRARD Tina
Subject: Grand Central Toowoomba Lot 103 onPlan SP285428 removal from EMR

Hello Scott,

Just to summarise our telephone call yesterday, you enquired whether there was a process to get Lot 103 removed from the EMR without going through the process of submitting a contaminated land investigation document under s381 of the *Environmental Protection Act 1994* (EP Act).

I have reviewed this matter and have identified the following:

- Lot 13 on SP117162 was listed on the EMR on 2 March 2005 following notification by Qld Rail for possible high arsenic levels along a rail corridor. It does not appear that there was any error in the original EMR listing.
- On 30 September 2015, changes to the way contaminated land is assessed and managed in Queensland came into effect. The department maintains the EMR in accordance with provisions of the EP Act.
- Section 381 of the EP Act provides for the removal of land from the EMR. This can only occur where the department receives a site investigation report or validation report incorporating a site suitability statement which states that the land is not contaminated land and is suitable for any use. This contaminated land investigation document must be completed by a suitably qualified person and a contaminated land auditor from the list published on the government's website: <<https://www.qld.gov.au/environment/pollution/management/contaminated-land/auditor-engagement/>>
- On 30 August 2016 Lot 103 on Plan SP285428 (the volumetric subdivision) was created from Lot 13 on SP117162. The particulars of Lot 13 (including the EMR listing) were applied to the new volumetric subdivision because they applied to the old lot. It does not appear that there was any error in the listing of the new lot on the EMR.
- Accordingly, in order to remove Lot 103 on SP285428 from the EMR, the provisions of section 381 must be followed. There is no longer any discretion in the legislation that allows the department to unilaterally remove properties from the EMR.
- The only other mechanism for amending particulars of land on the EMR is via section 384 of the EP Act (a minor amendment of a clerical mistake or spelling/grammatical error). I can't find any information to suggest that Lot 103

(or lot 13) was incorrectly listed on the EMR.

- I note that you have received a letter from Toowoomba Regional Council dated 16 June 2017 advising that they do not object to the removal of the lot from the EMR. However, there is no process in the EP Act for Council to remove a lot from the EMR or for a lot to be removed on Council's recommendation.
- I note that you have provided a letter from Easterly Point Environmental dated 13 April 2017 which refers to it being 'EHP policy to list volumetric lots on the EMR as a way to inform potential buyers'. I am not aware any such policy. Listing of the particulars on the EMR occurs automatically on registration of a subdivision.

As discussed, there may be a process (that I am unaware of) for creation of the volumetric lot that would not have triggered an EMR listing because it was not derived from the underlying lot.

Given the low level of risk, it may be the case that the preparation of contaminated land investigation document is able to be conducted relatively simply using a desktop process that still complies with s389 of the EP Act. This is a matter for you and your suitably qualified person/auditor.

Please contact me if you have any queries in relation to this matter.

Kind regards,
Kate

Kate Harbert

A/Manager

Industry and Development Assessment

Environmental Services and Regulation

Department of Environment and Heritage Protection

Level 8, 400 George Street, Brisbane

GPO Box 2454, Brisbane Qld 4001

Tel 07 3330 5656

