

DUE DATE FOR RESPONSE

15 May 2012

- Proposal:** MCU (DP) – Entertainment / Function Centre, Food Outlet, Indoor Recreation Facility, Local Utility, Medical Centre, Office (General), Office (Service), Retail Showroom, Shop, Supermarket and Park (Council App no. MCU/2012/1225)
- Site Address:** 27, 38 & 42 Victoria Street, 1 Dent Street, 222 Margaret Street, 16 Lamb Street, 21 & 25 Duggan Street and Lot 13 Jones Street, Toowoomba City
- Property Description:** Lot 1 on SP100762, Lot 100 on RP802875, Lot 1186 on AG4210, Lots 1 & 2 on RP850888, Lots 6 & 7 on RP82044, Lot 5 on RP82043, Part of Lot 13 on SP117162, Part of Dent Street road reserve, Part of Victoria Street road reserve, Lamb Street road reserve,
- Notifiable Activity:** Lot 6 & 7 on RP82044 on the EMR for N.A 34 - SERVICE STATIONS
- Lot 13 on SP117162 on the EMR for N.A 50 - HAZARDOUS CONTAMINANT (EMR comments: Possible high arsenic levels along rail corridor)

Records

- The proposal is for the redevelopment of, and extensions to parts of the existing Gardentown and Grand Central shopping centres including the linking of the two centres by the construction of a new retail bridge over the Victoria and Dent Street road reserves, a railway line and a council reserve.
- Current site use
 - The majority of the site is occupied by two existing large, inner city shopping centres
 - Lots 6 and 7 on RP82044 (listed on the EMR for past service station use) are currently used as temporary offices by Toowoomba Regional Council (Two large commercial buildings)
 - Lot 13 on SP117162 (listed on the EMR for Hazardous contaminant) is railway land
 - Lot 2 on RP850888 and lot 5 on RP82043 have existing electrical substations
- The proposed development will involve the following activities:
 - Demolition of existing buildings, associated carparks and utilities infrastructure to be replaced by new multistorey car parking areas, shopping areas, restaurants, cafes and landscaped areas.
 - Bulk excavations for a single-level basement carpark to be constructed on Lot 1 & 2 on RP850888 and Lot 6 & 7 on RP82044. Excavations to a maximum depth of 2m.
 - Minor soil disturbance to construct two piled foundations for a pedestrian bridge on Queensland Rail's land (Lot 13 on SP117162);
- The following Site Contamination Reports were submitted as supporting information with the subject application:
 - Report on Phase 1 Site Contamination Investigation, Lot 1 & 2 on RP850888, Lot 5 on RP82043, Lots 6 & 7 on RP82044 and Lot 13 on SP117162, prepared by Douglas Partners Pty Ltd, dated April 2011
 - Report on Preliminary Site Contamination Investigation, Lot 100 on RP802875 and Lot 1186 on AG4210, prepared by Douglas Partners Pty Ltd, dated May 2011
- The findings of the submitted CSI reports include the following:
 - No evidence to support the use of Lot 6 & 7 on RP82044 as a service station – evidence suggests use as a motor vehicle sales yard
 - Further contaminated site investigations are recommended following demolition of the existing buildings.
- The proposal poses Low risk with regard to contaminated land and human health concerns

Recommendation:

It is recommended to issue the attached Concurrence Agency Response with a condition regarding gross unexpected contamination and advice regarding soil disposal permit requirements

Assessor Name: Helen Bankes

Sign: sch4-Signature

Date: 27/04/2012

DUE DATE FOR RESPONSE
15 May 2012

Peer Reviewer: A. Johns

Sign: sch4-Signature

Date: 27/4/2012

Delegate: Kelli Ready

Sign: sch4-Signature

Date: 30/4/12

EHP RTI DL Release

Notice

Decision notice

This notice is issued by the Department of Environment & Heritage Protection (EHP) pursuant to section 287 (decision notice) of the Sustainable Planning Act 2009 ("the Act").

Toowoomba Regional Council
PO Box 3021
TOOWOOMBA VILLAGE FAIR QLD 4700

Cc: QIC Limited
GPO Box 2242
BRISBANE QLD 4001

Attention: Jessica Garratt
Your Ref: MCU/2012/1225

Attention: Scott Douglas

Our reference: 385790
File reference: BNE46609

Re: Concurrence Agency Response

1. Application Details

Date application made: 16 April 2012

Development approval applied for: Development Permit

Aspect of development: *Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 23 (MCU)*

Development description: Material Change of Use (Entertainment / Function Centre, Food Outlet, Indoor Recreation Facility, Local Utility, Medical Centre, Office (General), Office (Service), Retail Showroom, Shop, Supermarket and Park)

Property/Location description: 27, 38 & 42 Victoria Street, 1 Dent Street, 222 Margaret Street, 16 Lamb Street, 21 & 25 Duggan Street and Lot 13 Jones Street, Toowoomba City
(Lot 1 on SP100762, Lot 100 on RP802875, Lot 1186 on AG4210, Lots 1 & 2 on RP850888, Lots 6 & 7 on RP82044, Lot 5 on RP82043, Part of Lot 13 on SP117162, Part of Dent Street road reserve, Part of Victoria Street road reserve and Part of Lamb Street road reserve.)

2. The name and address of each referral agency is as follows.

Nil

3. The Chief Executive, decision notice, for the aspect of development involved with the application the subject of this Notice is as follows.

- (a) Conditions are attached to development approval.
- (b) The application is taken to have been approved under section 287 of the Act.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the Department as a referral agency for the relevant application and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, the Department as a referral agency for the relevant application has not provided notification to native title parties.

5. Additional comments or advice about the application

Nil

- 6. Information about the rights of appeal for the applicant any submitters are attached to this Notice.

sch4-Signature

Delegate
Kelli Ready
Delegate, Chief Executive administering the *Environmental Protection Act 1994*

Enquiries:
Helen Bankes
Contaminated Land
Phone: (07) 3330 5616
Fax: (07) 3330 5754
Email: helen.bankes@derm.qld.gov.au

Attachments

Permit No. SPCL04087512 (MCU)

Information Sheet – Appeals – *Sustainable Planning Act 2009* (extract from the *Sustainable Planning Act 2009*)

Sustainable Planning Act 2009

Permit¹ number: SPCL04087512 (MCU)

Assessment manager reference:	MCU/2012/1225
Date application received:	16 April 2012
Permit type(s):	Development Permit
Decision:	For a concurrence agency response conditions that must attach to any development permit
Relevant laws and policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction(s):	1. Material change of use - Contaminated land - <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 23

Development Description(s)

Property/Location	Development
Lot 1 on SP100762, Lot 100 on RP802875, Lot 1186 on AG4210, Lots 1 & 2 on RP850888, Lots 6 & 7 on RP82044, Lot 5 on RP82043, Part of Lot 13 on SP117162, Part of Dent Street road reserve, Part of Victoria Street road reserve and Part of Lamb Street road reserve.	Development Approval for making a Material Change of Use for Entertainment / Function Centre, Food Outlet, Indoor Recreation Facility, Local Utility, Medical Centre, Office (General), Office (Service), Retail Showroom, Shop, Supermarket and Park

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department.

Permit number: SPCL04087512 (MCU)

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The Department is recognised as a concurrence agency under the *Sustainable Planning Regulation 2009* for the protection of the environment by the management of contaminated land. The Department's concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Delegate

sch4-Signature

Kelli Réddy
Delegate, Chief Executive sch4-Signature *entering the
Environmental Protection Act 1994*

Date: 30/4/12

Enquiries:

Helen Bankes
Contaminated Land
Phone: (07) 3330 5616
Fax: (07) 3330 5754
Email: helen.bankes@derm.qld.gov.au

EHP RTI DL Release

CONDITIONS

1. If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action.

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

Additional comments or advice about the application:

The removal of any contaminated soil from land that is listed on the Environmental Management Register requires prior approval from the Department's Contaminated Land Unit under the section 424 of the *Environmental Protection Act 1994* (EP Act).

~ End of Conditions ~

EHP RTI DL Release



Our Reference: MCUI/2012/1226
 Contact Officer: Jessica Garratt
 Contact: Toowoomba Office, 4688 6943

ACKNOWLEDGMENT NOTICE
Sustainable Planning Act 2009 Section 267

QIC Limited
 GPO Box 2242
 BRISBANE QLD 4001

Attention: Mr Scott Douglas

10 April 2012

Dear Scott,

Development for: **Application** **Development Permit for Material Change of Use - Impact - Entertainment/Function Centre, Food Outlet, Indoor Recreation Facility, Local Utility, Medical Centre, Office (General), Office (Service), Retail Showroom, Shop, Supermarket and Park**

Location: **27, 38 and 42 Victoria Street, 1 Dent Street, 222 Margaret Street, 16 Lamb Street, 21 and 25 Duggan Street and Lot 13 Jones Street TOOWOOMBA CITY QLD 4350**

Property Description: **Lot 1 SP100762, Lot 100 RP802875, Lot 1186 AG4210, Lots 1 & 2 RP850888, Lots 6 & 7 RP82044, Lot 5 RP82043, Part of Lot 13 SP117162, Part of Dent Street road reserve, Part of Victoria Street road reserve, Lamb Street road reserve, Parish of Drayton**

Relevant Planning Scheme: **Toowoomba Planning Scheme 2003**

I acknowledge receipt of the above application and advise the following:-

1. Details of the Application

The application seeks development approval for –

	Material Change of Use	Contaminated Land
• Material change of use of premises under the planning scheme	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Material change of use where all or part of the premises involves contaminated land	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. IDAS Referral Agencies

The following referral agencies are applicable to this application -

Concurrence Agencies

Department of Environment & Resource Management
Permit and Licence Management
Implementation and Support Unit
GPO Box 2454
BRISBANE QLD 4001

Department of Transport & Main Roads
PO Box 645
TOOWOOMBA QLD 4350

Advice Agencies

Ergon Energy
Principal Town Planner
PO Box 15107
CITY EAST QLD 4002

You are required to give each referral agency a copy of:-

- The application (including application form and supporting material);
- This acknowledgment notice; and
- Any applicable concurrence agency application fee (refer to the *Sustainable Planning Regulation 2009* to confirm the applicable referral agencies).

You must give this material to each referral agency within 20 business days of receipt of this notice or your application will lapse in accordance with *Section 268* of the *Sustainable Planning Act 2009*.

You must also advise Council in writing of the date the application and supporting material was given to the referral agency.

3. Level of Assessment

Public Notification of the application must be given as this application:

- requires Impact Assessment – consequently, the whole of the application must be publicly notified under the provisions of *Section 297* of the *Sustainable Planning Act 2009*; and

Please note that public notification is required to be undertaken within legislative timeframes. Please refer to the attached Guide on Public Notification of Development Applications. You can electronically access the guide and templates on the Department of Local Government and Planning website (www.dlgp.qld.gov.au).

Please contact Council's Senior Planner, Jessica Garratt, on the above telephone number for the adjoining owner details once you are ready to commence public notification i.e. after all information request responses to all information requests have been made. Please allow at least 24 hours notice for receipt of a response to this request as the response is required to be in writing. **Failure to commence public notification within the legislative timeframes will result in your application lapsing.**

Public notification signs available for purchase at our relevant Customer Service Centres.

Please note that Council will accept electronic submissions (*Section 756 of the Sustainable Planning Act 2009*). Submissions must be emailed to info@toowoombaRC.qld.gov.au.

4. Status of Information Request

A further information request will be made by the assessment manager. Regardless of this advice, any concurrence agency for the application may make an information request.

5. Show Cause/Enforcement Notice

The application has not been made in response to a show cause notice/enforcement notice.

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or seek clarification about any of these details, please contact Council's Senior Planner, Jessica Garratt, on the above number.

Yours faithfully

sch4-Signature

Danielle Fitzpatrick
Manager, Development Assessment

EHP RTI DL Reference

EMR

Lot:	3	Plan:	SP260420
Category:	NOTIFIABLE ACTIVITY		
LGA:	Toowoomba Regional Council		
Site Name:	27 VICTORIA STREET TOOWOOMBA QLD 4350		
Street:	27 VICTORIA STREET		
Suburb:	TOOWOOMBA QLD	Post Code:	4350
Owner:	QIC LIMITED		
Address:	GPO BOX 2242		
	BRISBANE		
	QLD		
Post Code:	4001		

Rec Type:	BP	ID:	133236
Region:		Hist. ID:	
AMA/AN:			
Notified By:	OWNER	Notif. Rec'd:	
Entry Date:	07/11/2014	Last Altered Date:	25/11/2014
File:	101/12790		
Officer:			
Parcel Status:		Area:	6437 m2

External References

Hazardous Contaminants

Benzo(a)pyrene (10.8mg/kg) and BAP TEQ (17.2mg/kg) identified on site due to imported soil used as fill around 1960-1980.

Notifiable Activities

HAZARDOUS CONTAMINANT

Comments

Create Date	User ID	Corr No	Officer Name	Date Final	How Finalized
07/11/2014	francik		KELLYL		
NOTIFICATION OF LAND FORM RECEIVED VIA EMAIL FROM OWNER QIC LIMITED ADVISING BENZO(A)PYRENE (10.8MG/KG) AND BAP TEQ (17.2MG/KG) IDENTIFIED ON SITE DUE TO IMPORTED SOIL USED AS FILL AROUND 1960-1980. DETAILED REPORT OF SAMPLES TAKEN DURING DEMOLITION PHASE OF GRAND CENTRAL SHOPPING CENTRE DEVELOPMNENT ATTACHED TO APPLICATION. WLCA RECOMMENDED TO LIST FOR HAZARDOUS CONTAMINANTS 7/11/2014					
25/11/2014	francik		WILLEY BEN		
NEW FILE NUMBER ADDED SOIL DISPOSAL PERMIT RECEIVED 5/11/2014 FROM ALLROADS PROJECTS PTY LTD PROJECT 423171 APP ID 567660 CLEB04998514 TO REMOVE 10000 CUBIC METRES OF CONTAMINATED SOIL BETWEEN 12/11/2014 AND 12/11/2015 APPROVED AND EMAILED TO CLIENT 12/11/2014					

EMR

Lot:	6	Plan:	RP82044
Category:	NOTIFIABLE ACTIVITY		
LGA:	Toowoomba Regional Council		
Site Name:	SERVICE STATION - FALCONER MOTORS		
Street:	21 - 23 DUGGAN ST		
Suburb:	TOOWOOMBA	Post Code:	4350
Owner:	DUGGAN STREET PROPERTIES PTY LTD		
Address:	P O BOX 3178 TOWN HALL		
	TOOWOOMBA		
	QLD		
Post Code:	4350		

Rec Type:	BP	ID:	7105
Region:		Hist. ID:	149-45782
AMA/AN:			
Notified By:	DATA CONV	Notif. Rec'd:	
Entry Date:	27/06/1998	Last Altered Date:	01/05/2012
File:	BNE46609		
Officer:	NIL		
Parcel Status:	C	Area:	364 m2

External References

Hazardous Contaminants

Notifiable Activities

SERVICE STATIONS

Comments

Create Date	User ID	Corr No	Officer Name	Date Final	How Finalized
20/04/2012	fyfee				
ADDED FILE NUMBER					
01/05/2012	fyfee				
<p>SPA APPLICATION #491849 PROJECT #385790 RECEIVED FROM QIC LIMITED ON 16/04/2012 FOR A MCU TO BE CARRIED OUT ON L1 SP100762, L100 RP802875, L1186 AG42, L1 & L2 RP850888, L6 & L7 RP82044, L5 RP82043, L13 SP117162. GRANTED IN FULL WITH CONDITIONS (1. IF DURING ANY SITE EARTHWORKS OR EXCAVATION, OFFENSIVE OR NOXIOUS ODOURS AND/OR EVIDENCE OF GROSS CONTAMINATION NOT PREVIOUSLY DETECTED IS OBSERVED, SITE WORKS ARE TO CEASE IN THAT AREA AND ACTION TAKEN TO IMMEDIATELY ABATE THE POTENTIAL ENVIRONMENTAL HARM. THE ADMINISTERING AUTHORITY IS TO BE NOTIFIED IN WRITING WITHIN TWO (2) BUSINESS DAYS OF DETECTION AND ADVISED OF APPROPRIATE REMEDIAL ACTION.</p> <p>ANY REMEDIAL ACTION IS TO BE DEVELOPED BY AN APPROPRIATE QUALIFIED AND EXPERIENCED PERSON IN ACCORDANCE WITH SECTION 381 OF THE EP ACT.) ON 30/04/2102.</p>					