

ATTACHMENT A
REQUEST FOR ADDITIONAL INFORMATION REQUIRED FOR
ASSESSMENT BY PRELIMINARY DOCUMENTATION

**Remediation and Sale of Contaminated Former Australian Red Cross Hall in Greenslopes,
corner of Newdegate Street & Headfort Street, Greenslopes, QLD (EPBC 2021/8997)**

On 16 September 2021, your proposed action was determined to be a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), subject to the following controlling provisions:

- Commonwealth action (s 28) ¹.

At the same time, it was determined that your proposed action will be assessed on preliminary documentation.

This document sets out the specified information required by the Minister under section 95A of the EPBC Act for the assessment of the impacts of your proposed action (the 'preliminary documentation').

The preliminary documentation should be sufficient to allow the Minister (or delegate) to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

1. Format, style and content

It is important to the integrity of the assessment process that your preliminary documentation, consisting of a main document and any number of indexed appendices, is presented in a way that is intelligible to the general public, who may not be familiar with the history of your proposed action or with the technical aspects of its assessment. You should:

- Present your documentation in standard formats, noting that it will be published in hardcopy (e.g. A4 / A3 hardcopies) and electronic formats (e.g. PDF or MSWord files).
- Include all key claims, findings, proposals and undertakings in the main document.
- Use maps and / or diagrams where appropriate to support textual information.
- Present all maps and diagrams at an appropriate size and scale.
- Explain (or avoid) technical jargon and acronyms.
- Reference all supporting documentation (including websites) clearly and consistently using the Harvard standard.
- Publish key supporting documents (e.g. survey data, technical reports) as appendices.
- Ensure that other supporting documents (e.g. academic studies, regulatory standards) are publicly accessible, with electronic links provided where possible.

¹ Note that under subsection 23(3)(f) of the EPBC Act, an action cannot have section 26 (action on Commonwealth land) as a controlling provision in addition to section 28 (action by the Commonwealth).

Your preliminary documentation must include all the information provided in your referral documentation (updated or corrected as necessary), as well as the additional information requested in this document. It may be useful to include the original referral itself as an appendix.

Where information updates, replaces or clarifies information that was provided at the referral stage, this should be made clear in the response to the information requirements specified below.

Your preliminary documentation should enable the Minister (or delegate) and any other interested stakeholders to understand the impacts of the proposed action. Variables, assumptions and uncertainties must be clearly identified.

Names, roles and qualifications (where relevant) of all persons involved in preparing the preliminary documentation must be provided.

If it is necessary to rely on any confidential material, you should consult the department on the handling of that material before submitting your preliminary documentation for publication.

2. Description of the action

The preliminary documentation must include a description of the action including:

- a. The location, boundaries and size of the disturbance footprint and of any adjoining areas which may be indirectly impacted by the proposal.
- b. A description of all components of the action, including:
 - the anticipated timing and duration (including start and completion dates) of each component of the project
 - the demolition techniques to be used during the proposed works.
- c. Details of any other approvals that are required to be obtained.
- d. Any feasible alternatives to the proposed action, to the extent reasonably practicable, including the alternatives of repair or maintenance of the buildings and the alternative of taking no action. Include a comparative description of the impacts of each alternative on each MNES and/or heritage values, and sufficient detail to make clear why any alternative is preferred to another. The short, medium and long-term advantages and disadvantages of the options should be discussed.

3. Impacts of the Proposal

Clearly state and discuss the direct and indirect impacts of the proposal on the environment that may occur as a result of all elements and project phases of the proposed action, including impacts on:

- a) ecosystems and their constituent parts, including people and communities; and
- b) natural and physical resources

Components of paragraphs a) and b) must be considered including but not limited to traffic increases, dust, noise and vibration.

- c) the qualities and characteristics of locations, places, and areas
- d) heritage values of places

- e) the social, economic, and cultural aspects of a thing mentioned in paragraph (a), (b), (c) or (d).

Social, economic and cultural impacts must be considered, including Indigenous values of the proposed site.

Refer to the [Significant Impact Guidelines 1.2: Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies](#).

4. Proposed avoidance and mitigation measures

The preliminary documentation package must provide information on proposed avoidance and mitigation measures to avoid, prevent or minimise impacts. The preliminary documentation packages should also detail the likely effectiveness of the proposed mitigation measures, and the associated confidence in impact mitigation. Wherever possible, mitigation measures should be substantiated by referencing relevant guidelines, literature, and relevant case-studies.

Any specific action management plans to be implemented should be listed here and attached as appendices to the main document.

For each measure proposed, indicate the:

- i. Responsible party.
- ii. Outcomes to be achieved.
- iii. Millstones / performance / completion criteria / proposed monitoring and evaluation program.

Contaminants

Provide with the preliminary documentation a revised Environmental Management Plan (EMP), including:

- a. Air quality criteria for the management of asbestos and pesticide analytes. Noting that proposed performance criteria in the EMP for construction air quality are:

'Asbestos fibre counts reported from boundary monitoring instruments to be below the adopted criteria during each day of asbestos removal works.'

'Dust particulate and OC/OP pesticide concentrations reported from the quantitative analysis of pre-filters in boundary sampling instruments to be below the adopted criteria during each week of contaminated soil excavation and offsite disposal works.'

Include all relevant air quality criteria in the EMP. Criteria should be clearly stated, including the relevant Units of Measure and associated monitoring requirements.

- b. Soil, fill, and stockpile control measures, and quality criteria for land farming, including the expected volumes of soil that will be diverted to land farming. There is currently no information on what soil will be diverted for landfarming.

The department understood that contaminated soil was to be disposed in an appropriately licenced facility rather than treated or used for “land farming”. It is not clear why land farming is now the preferred disposal option, and whether land farming is an appropriate disposal option. If soils from the site are to be diverted to treatment (for example, to land farming for surface attenuation) this information should be incorporated into the site Remediation Action Plan or similar document.

Ensure information is consistent across site investigation reports and management plans.

- c. Attach the WHSE Site Inspection Checklist to the EMP.
- d. In relation to contaminated stockpiles, provide additional details on the duration and other controls around temporary storage. Methods and materials used to contain stockpiled materials should also be specified and be appropriate for the duration of on-site storage².
- e. Include information on how construction water will be monitored and managed, to ensure all discharges are free from contaminants. Include detail on how construction will be managed on-site, how discharges off-site will be avoided, and how any contaminants that may be present in the construction water will be managed.
- f. Provide additional detail to strengthen the management of organochlorine pesticides such as aldrin, dieldrin, and chlordane contamination and improve remediation objectives. The EMP states that: *‘Excavations are not expected to be >0.3m across the site.’* However, results investigations at the site indicate that dieldrin+aldrin concentrations in soil exceeded the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) Health Investigation Levels for Residential A soil at a depth of 0.45 m (dieldrin+aldrin was 9.51 mg/kg in one sample [10 - 0.45]). The department recommends remediating organochlorine pesticides to below the limits of detection.
- g. Specify waste criteria to be applied as part of the Waste Management Plan. Currently it is stated that *‘All waste material to be appropriately classified for reuse, recycling or offsite disposal’* and *‘Waste to be disposed of lawfully.’* This is not sufficient information to ensure waste is being appropriately disposed of, reused, recycled, or destroyed.
- h. Update the EMP to cite the specific regulations and criteria for the disposal of contaminated soil.
- i. Remove the following struck through text: *‘Contaminated soil ~~will be managed as per Soil and Water Management Plan and will be disposed in accordance with relevant QLD government regulations in effect at the time of works.~~’*
- j. Provide further information in the Soil and Water Management Plan on how contaminated soil and water will be managed. In its current form the text only addresses how contamination of soil and water might be avoided with a focus on physico-chemical water quality stressors such as suspended sediments, and sediment runoff.

² It is not, for example, sufficient to state that *‘contaminated soil will be situated on hardstand areas wherever possible, or on heavy-duty plastic sheeting’* (Enviroacific Services Rev 02: 7).

- k. Address how water quality will be managed for toxicants. For example, provide information on particle associated chemicals such as dieldrin in the water. For chemical levels, the water will need to be analysed.

Provide with the preliminary documentation a site Remediation Action Plan (RAP) for approval by the department and the Auditor prior to work commencing, including, but not limited to:

- a. content consistent with requirements set out in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the ASC NEPM), and with the more general guidance provided in CRC CARE's *Remediation Action Plan Development, Remediation Action Plan Implementation, and Post-remediation Considerations*.³
- b. purpose of the site RAP (e.g., to identify and design remedial action/s to meet the stated remediation objectives).
- c. Remediation objective(s) (e.g., removing contaminants from the subject area to levels that are unlikely to impact human health and the environment).
- d. Remediation goals and performance criteria. Site-specific remediation goals and performance criteria should provide appropriate quantitative targets to support remediation objectives, for example, within nominated timeframe the chemical concentrations in soil will be less than performance criteria. The focus should be on criteria for chemicals of concern (i.e., asbestos, dieldrin, aldrin, chlordane, and lead) and any other chemicals of potential concern as identified by monitoring or an unexpected finds protocol. Provide a rationale for these criteria that is based on site-specific impact or risk assessment and includes consideration of future land use.
- e. Remediation options, assessment, and selection.
- f. Validation principals and strategy, including:
 - i. remedial action success measures, validation methodology, e.g., statistical analysis and evaluation of remediation criteria.
 - ii. Requirements to address residual contamination and non-conformity with remediation criteria

In relation to **monitoring** connected to the Environmental Management Plan and the site Remediation Action Plan, provide more details information on all sampling and analysis activities, including but not limited:

³ See CRC CARE's remediation guidance at: www.remediationframework.com.au/national-remediation-framework/download-nrf-guidelines. Site RAPs are, for example, discussed in *Guidelines on Regulatory Considerations* (CRC CARE 2019a), *Remediation Action Plan Development – Guidelines on Establishing Remediation Objectives* (CRC CARE 2019b), and *Remediation Action Plan Development – Guidelines on Performing Remediation Options Assessment* (CRC CARE 2019c). Site validation and closure is similarly discussed in *Post-remediation Considerations – Guideline on validation and closure* (CRC CARE 2019d).

- a. statistically robust information detailing the location, timing, and frequency of all air, water, and soil monitoring, including which analytes will be tested for during each monitoring event, Limits of Reporting, etc;
- b. more detailed information on sampling equipment, quality assurance / quality control measures, and analytical methods;
- c. an analysis of the statistical power of the proposed monitoring program.

For example, more detail is needed on analytes than “*OC/OP pesticides*”. The requested information will help to understand the adequacy of the proposed monitoring and its capacity to identify and assess risks to human health and the environment, determining if remediation objectives are being met, and to help ensure the site remediation has been effective.

Clarify and consolidate the proposed **management measures** to be implemented during the project and refer to or cross reference associated documents in the EMP. For example, the referral package includes several documents with management measures for asbestos and other hazardous materials such as lead paint. Examples include a hazardous Material Register and Asbestos Management Plan and two further asbestos management plans (dated 2015 and 2019). While these documents provide important information, it is not clear which of these documents will be referred to and followed during demolition and remediation.

The site investigations did not reference the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the ASC NEPM)⁴. The department strongly recommends that the ASC NEPM inform the characterisation of site contamination, and the proposed remediation activities. This will help ensure that the Commonwealth’s management of site contamination is consistent with Commonwealth and Queensland Government approaches.

Provide with the preliminary documentation a revised conceptual site model which is consistent with the requirements in the ASC NEPM. In addition, include the following:

- a) Consideration of sensitive human receptors such as those attending the Greenslopes Private Hospital, and children and elderly residents on adjoining properties
- b) Identify areas of asbestos containing material and asbestos fibres in the cross-sectional illustration and the chemical transport pathways linking these source zones with potential human receptors.
- c) Include a completed ASC NEPM Field Checklist⁵.

⁴ National Environment Protection (Assessment of Site Contamination) Measure 1999 amended May 2013 (the ASC NEPM) at: <http://www.nepc.gov.au/nepms/assessment-site-contamination>.

⁵ See: <http://www.nepc.gov.au/system/files/pages/9b067155-4726-423b-989b-5263263b9c16/files/nepm-field-checklist-draft-2010.xls>.

Heritage

Provide clear justification for proposed mitigation measures and how they will reduce adverse heritage impacts. Clarify which measures have been committed to by DVA.

As part of the preliminary documentation package, include the Heritage Interpretation Strategy.

The preliminary documentation package must:

- a) Include a heritage management covenant in the sale contract for the ongoing management and interpretation of the historical values of the place following divestment and provide the draft of this in the preliminary documentation.
- b) Revisit and acknowledge the existing recognition of the social heritage of the place at the local level or conduct further consultation to better reflect the social significance of the site, including consultation with the Australian Red Cross community in Brisbane and the WWII Veterans community in Brisbane who had strong association with the place.
- c) Identify and engage with all relevant traditional owners, including the Yugara and Ugarapul People to clarify and confirm that no Aboriginal cultural heritage values occur on site.

5. Economic and social matters

Your preliminary documentation must provide information about the expected economic and social impacts of the proposed action. This should include, but not necessarily be limited to, the following:

- Consideration of both costs (e.g. disruption to existing community infrastructure or environmental features) and benefits (e.g. increased housing or employment) expected to be generated by the project. This must include the basis for their estimation through cost/benefit analysis or similar studies.
- Consideration of different scales of impact where relevant. Economic and social impacts should be considered at the local, regional and national level.
- The estimated capital value and ongoing economic value, using specific dollar or other numerical values where relevant.
- Details of consultation with relevant stakeholders and their outcomes, including consultation with Registered Aboriginal Organisations. For the latter, please refer to our [Engage Early](#) guidelines.

6. Ecologically sustainable development

The preliminary documentation must provide a description of how the proposed action meets the principles of ecologically sustainable development, as defined in section 3A of the EPBC Act. The *National Strategy for Ecologically Sustainable Development* (1992) is available on the following web site: <http://www.environment.gov.au/resource/national-strategyecologically-sustainable-development>

7. General Requirements

Environmental history of the person proposing to take the action

Your preliminary documentation must provide details of any proceedings under a Commonwealth, state or territory law for the protection of the environment, or the conservation and sustainable use of natural resources against the person proposing to take the action (or if the person is a corporation, its executive officers).

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must be provided.

Other approvals and conditions

If applicable, the preliminary documentation should include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:

- a) A description of any approval that has been obtained or is required to be obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply (or are reasonably expected to apply) to the action, and
- b) A description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

Relevant policies and other considerations

Various [policy statements](#) and other [publications](#) that may be relevant to your assessment can be found on the department's website, including:

- The department's guide [Working Together: Managing Commonwealth Heritage Places](#)
- The department's [Significant Impact Guidelines 1.2: Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies](#).

Be sure to identify where Commonwealth definitions, methodologies and standards differ from those required or recommended by state government agencies. Ensuring that Commonwealth survey and identification requirements are incorporated into surveys at the earliest opportunity will reduce the likelihood of additional surveys being required. Ask your assessment officer if you are unsure.

Outcomes based conditions

Outcomes-based conditions can provide approval holders with greater flexibility and autonomy while still holding them accountable for achieving sound environmental outcomes. The department promotes the use of outcomes-based conditions where possible, in accordance with its [Outcomes-based Conditions Policy 2016](#).

However, outcomes-based conditions are generally only appropriate where the person proposing to take the action has a good environmental record and the baseline condition of a site is well understood and documented.

Please advise your Assessment Officer if you would like to pursue this approach. Your preliminary documentation would need to:

- thoroughly document the baseline condition of the relevant impacted matter(s)
- identify conservation objectives (outcomes) for the relevant impacted matters, preferably with reference to any applicable conservation advices, recovery plans and threat abatement plans
- outline how performance against specified objectives will be measured and reported