



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Approval

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

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

Proposed action

| | |
|---|---|
| person to whom the approval is granted (approval holder) | Department of Veterans' Affairs & the Repatriation Commission and the military Rehabilitation and Compensation Commission |
| ABN of approval holder | 23 964 290 824 |
| Action | To remove all hazardous materials, demolish buildings and remove contaminated soil from the site, followed by sale of the site to the Brisbane City Council for the purpose of public parkland and other community uses, corner of Newdegate Street & Headfort Street, Greenslopes, Queensland; as described in the referral received by the department on 18 August 2021 [See EPBC Act referral 2021/8997] |

Approval decision

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| decision | My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows. | |
| | Controlling Provision | Decision |
| | Commonwealth Actions (section 28) | Approved |
| period for which the approval has effect | This approval has effect until 31 January 2042. | |
| conditions of approval | The approval is subject to conditions under the EPBC Act as set out in Annexure A. | |

Person authorised to make decision

| | |
|-------------------|---|
| name and position | Mark Say Acting Branch Head Environment Assessments Queensland and Sea Dumping Branch |
| signature |  |
| date of decision | 3 February 2023 |

Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

Part A – Conditions specific to the Action

- 1) Prior to the **commencement of the action**, the approval holder must install **boundary fencing** and **signage** along the whole of the **action area** perimeter prior to the commencement of the action. Once installed, the approval holder must ensure that the **boundary fencing** is maintained for the remainder of the life of the approval, or until the completion of the sale of the property, whichever comes first.

DEMOLITION STAGE

- 2) The approval holder must not undertake any **demolition work** outside of the **action area** as part of this Action.
- 3) The approval holder must implement the **Archaeological Finds Protocol** during the **demolition stage**.
- 4) The approval holder must implement the **Heritage Interpretative Strategy** where is it relevant to this Action during the **demolition stage**.
- 5) The approval holder must ensure that all **gate and brick facade structures** of the main hall building of historical value within the **action area** are retained for future re-installation.

ASBESTOS REMOVAL

- 6) The approval holder must ensure that all **Asbestos Containing Material** is only removed in accordance with the **How to Safely Remove Asbestos codes of practice**.
- 7) The approval holder must ensure that all **Asbestos Containing Material** is only managed in accordance with the **How to Manage and Control Asbestos codes of practice**.
- 8) The approval holder must ensure that all **demolition work**, and removal or demolition of any vegetation or equipment containing hazardous substances (including lead, pesticides, etc.), is only conducted in accordance with the **Demolition Work codes of practice**.

ASBESTOS AIR QUALITY MONITORING

- 9) The approval holder must ensure that all **air monitoring** is conducted in accordance with the **Membrane Filter Method Guidance Note**.

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- 10) The approval holder must ensure that **air monitoring** is undertaken during any removal of:
 - a) **friable Asbestos Containing Material**, and
 - b) more than 10m² of **bonded Asbestos Containing Material**.
- 11) The approval holder must ensure that removal of **friable Asbestos Containing Material** is only undertaken by **licensed asbestos assessor(s)**.
- 12) The approval holder must ensure that air quality within the **action area** does not exceed the **asbestos exposure standard**.
- 13) If **air monitoring** detects exposure levels exceeding 0.02 fibres/ml, within 2 **business days** of the exceedance being detected, the approval holder must:
 - a) notify the **department** in writing, and
 - b) submit, to the **department**, a Remediation Plan detailing measures to:
 - i) remediate the exceedance,
 - ii) minimise impact to the environment and human health, and
 - iii) avoid future exceedances of the **asbestos exposure standard** within the **action area**.
- 14) The approval holder must submit all **air monitoring** data to the **department** within five days of the completion of the **demolition work** and within five days of the completion of the **remediation and validation work**.

TRANSPORT AND HANDLING OF MATERIAL CONTAINING ASBESTOS AND HAZARDOUS SUBSTANCES

- 15) The approval holder must ensure that all transport of all **Asbestos Containing Material** and hazardous material is only undertaken in accordance with **ERA 57**.
- 16) The approval holder must ensure that all **Asbestos Containing Materials** and **hazardous substances** are only handled in accordance with the *Environmental Protection Regulation 2019 (Qld)*.

DISPOSAL OF MATERIAL CONTAINING ASBESTOS AND HAZARDOUS SUBSTANCES

- 17) The approval holder must ensure that all **Asbestos Containing Material** and hazardous materials are only disposed of in accordance with the **How to Safely Remove Asbestos codes of practice**.
- 18) The approval holder must ensure that removal of **Asbestos Containing Material** is only undertaken by **licensed asbestos assessor(s)**.
- 19) The approval holder must record all **regulated waste** tracking information. The approval holder must submit regulated waste tracking information records to the **department** within 10 **business days** of the regulated waste being disposed at a Queensland government approved asbestos disposal facility.

REMEDIATION AND VALIDATION PHASE

- 20) The approval holder must prepare a Remediation Action Plan (RAP) to manage environmental and public safety throughout the action. The RAP must detail **remediation and validation works** to be undertaken within the **action area**. The RAP must be reviewed and endorsed by an

independent contaminated land auditor. The approval holder must submit the endorsed RAP to the **department** within 10 **business days** of the RAP being endorsed by the **independent contaminated land auditor.** The approval holder must implement the endorsed RAP for the **remediation and validation phase.**

- 21) The approval holder must ensure all **excavation work** is undertaken in accordance with the **Excavation Work codes of practice.**
- 22) The approval holder must ensure that all imported fill is free of hazardous material contamination and is suitable for all future land uses.
- 23) The approval holder must not sell the **action area** until all **remediation and validation works** specified in the endorsed RAP are completed.
- 24) Prior to the sale of the **action area**, the approval holder must engage:
 - a) a **suitably qualified person** to prepare a Site Suitability Statement which evaluates the suitability of the **action area** for all potential future land uses, and
 - b) an **independent contaminated land auditor** to evaluate the **contaminated land investigation documentation**, and the Site Suitability Statement against the requirements of 389(1) and 392(2) of the *Environmental Protection Act 1994 (Qld)*.

Note: the suitably qualified person and the independent contaminated land auditor cannot be the same person.

- 25) The approval holder must submit the **contaminated land investigation documentation** and the Site Suitability Statement to the **department** within 15 **business days** of the date the approval holder receives the **independent contaminated land auditor's** evaluation of the **contaminated land investigation documentation** and the Site Suitability Statement.

SALE OF LAND

- 26) Prior to the sale of the **action area**, the approval holder must submit written evidence to the **department** demonstrating suitability of the **action area** for all future land uses, and that the **action area** has been removed from the Environmental Management and Contaminated Land registers under the Queensland *Environmental Protection Act 1994 (Qld)*.
- 27) Prior to the sale of the **action area**, the approval holder must provide an agreed selection of images contained within the **Heritage Impact Assessment**, to the purchaser. Both parties engaged in the sale of the **action area** must agree to the images provided.
- 28) Historical images provided to the purchaser of the **action area** must be of sufficient quality to be reproducible in A4 size.
- 29) Prior to the sale of the **action area**, the approval holder must provide a copy of the **Heritage Interpretative Strategy** to the purchaser for reference to assist in the preservation of historical values at the site as part of future land use.
- 30) If the **action area** is sold, the approval holder must notify the **department** in writing of the completion of the sale of the **action area** and provide the **department** with a copy of the deed of ownership within 30 **business days** of the settlement date.
- 31) If the approval holder has not sold the **action area** within 15 years from the date of this approval, then the approval holder must not sell the **action area** without the prior written agreement of the **Minister.**

SUBMISSION AND PUBLICATION OF PLANS

- 32) The approval holder must submit all **plans** and reports required by these conditions electronically to the **department**.
- 33) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on their **website** within 15 **business days** of the date:
- of this approval, if the version of the plan to be implemented is specified in these conditions, or
 - the **plan** is submitted to the **department** in accordance with a requirement of these conditions, if the **plan** does not require the approval of the **Minister**.
- 34) The approval holder must keep all published **plans** required by these conditions on their **website** until the expiry date of this approval.

Part B – Administrative conditions

NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

- 35) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days of commencement of the Action**.
- 36) If the **commencement of the Action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the Action** without the prior written agreement of the **Minister**.

COMPLIANCE RECORDS

- 37) The approval holder must maintain accurate and complete **compliance records**.
- 38) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 39) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the **department's Guide to providing maps and boundary data for EPBC Act projects (2021)**, or or as otherwise specified by the **Minister** in writing.
- 40) The approval holder must retain all **monitoring data**, surveys, maps, other spatial and metadata, electronically.
- 41) The approval holder must submit electronically to the **department** all requested **monitoring data**, surveys, maps, other spatial and metadata, within 14 business days of the date of request.

ANNUAL COMPLIANCE REPORTING

- 42) The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval, until the completion of the action, or as otherwise agreed to in writing by the **Minister**.

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- 43) Each **compliance report** must be consistent with the **department's Annual Compliance Report Guidelines (2014)**.
- 44) Each **compliance report** must include:
- Accurate and complete details of compliance and any non-compliance with the conditions and the **plans**, and any **incidents**.
 - A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.
- 45) The approval holder must:
- Publish each **compliance report** on the website within 60 **business days** following the end of the 12-month period for which that **compliance report** is required.
 - Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
 - Provide the weblink for the **compliance report** in the notification to the **department**.
 - Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval or completion of the action, whichever is first.

Note: **Compliance reports** may be published on the **department's** website.

REPORTING NON-COMPLIANCE

- 46) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.
- 47) The approval holder must specify in the notification:
- Any condition or commitment made in a **plan** which has been or may have been breached.
 - A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
 - The location (including co-ordinates), date, and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

- 48) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance, the details of that **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**. The approval holder must specify:
- Any corrective action or investigation which the approval holder has already taken
 - The potential impacts of the **incident** and/or non-compliance and/or non-compliance
 - The method and timing of any corrective action that will be undertaken by the approval holder.

INDEPENDENT AUDIT

- 49) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every five-year period following the **commencement of the Action** until this approval expires, unless otherwise specified in writing by the **Minister**.
- 50) For each **independent audit**, the approval holder must:
- Provide the name and qualifications of the nominated **independent** auditor, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
 - Only commence the **independent audit** once the nominated **independent** auditor, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
 - Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
 - Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
 - Keep every **audit report** published on the **website** until this approval expires.
- 51) Each **audit report** must report for the five-year period preceding that audit report.
- 52) Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the **department's** *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

COMPLETION OF THE ACTION

- 53) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.
- 54) Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**.

Part C - Definitions

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

Action area means the location of the action, the whole of the property located across LOTS 123, 124 and 125 of RP46047, Greenslopes, Queensland, represented in Attachment A by the zone enclosed within the red line labelled 'Action area'.

Air monitoring means the collection of air samples to assist in assessing the levels of airborne asbestos fibres present in either the **asbestos** removal area, or a worker's breathing zone.

Archaeological Finds Protocol means the Archaeological Finds Protocol which forms part of the Environmental Management Plan submitted as part of the preliminary documentation for the EPBC referral 2021/8997.

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Asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including actinolite asbestos, grunerite (or amosite) asbestos, anthophyllite asbestos, chrysotile asbestos, crocidolite asbestos, and tremolite asbestos.

Asbestos Containing Material means any material or thing that, as part of its design, contains asbestos. **Asbestos Containing Material** includes **bonded Asbestos Containing Material** and **friable Asbestos Containing Material**.

Asbestos exposure standard means a **respirable fibre** level of 0.1 fibres/mL of air measured in a person's breathing zone and expressed as a time-weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the **Membrane Filter Method Guidance Note**.

Asbestos Management Plan means a plan that sets out how asbestos or Asbestos Containing Material that is identified at the workplace or site will be managed, for example what, when and how it is going to be done. The information that must be included in an asbestos management plan is listed in Queensland Government *How to Manage and Control Asbestos in the Workplace Code of Practice 2021*.

Audit report means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

Bonded Asbestos Containing Material means material containing asbestos that is not friable, including material containing asbestos fibres reinforced with a bonding compound.

Boundary fencing means a barrier, to exclude public access into the **action area**.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the Action.

Commence the Action or **Commencement of the Action** means the date on which the first instance of any activity associated with the Action (including clearing and construction) is undertaken. **Commencement of the Action** does not include minor physical disturbance necessary to:

- a) Undertake pre-clearance surveys or monitoring programs.
- b) Install signage and /or temporary fencing to prevent unapproved use of the project area.
- c) Protect property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d) Install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they do not disturb any material containing asbestos or hazardous substances.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **department's** chosen format for spatial data is a **shapefile**.

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Completion of the Action means the date on which all activities associated with this approval have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

Contaminated Land Auditor means an auditor approved by the Queensland Government, engaged to independently evaluate the contaminated land investigation document prepared by suitably qualified persons and certify the document when it meets the regulatory requirements.

Contaminated land investigation documentation means contaminated land reports (including site investigation reports, site risk assessments, Sampling Analysis Quality Plans, remediation action plans, remediation and validation reports, etc) prepared in accordance with, for example, the *National Environment Protection (Assessment of site contamination) Measure 1999* (amended May 2013), the *Queensland auditor handbook for contaminated land* (DES 2018). All contaminated site data should be provided in ESdat compatible formats (for example, as EDIF files).

Demolition stage means the period between the first instance of **demolition work** and the completion of all **demolition work** within the **action area** as part of this Action.

Demolition work means any work to demolish, deconstruct or dismantle a structure, or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure.

Demolition work does not include the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or removal of power, light or telecommunication poles.

Demolition Work codes of practice means the Code of Practice: *Demolition work*, Safe Work Australia 2018, and the Code of Practice: *Demolition Work*, Queensland Government 2021.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

ERA 57 means the *Environmentally Relevant Activity Standard: Regulated waste transport (ERA 57) – Version 2*, Queensland Government 2019.

Excavation work means work to make an excavation and to fill or partly fill an excavation.

Excavation Work codes of practice means the model Code of Practice: *Excavation work*, Safe Work Australia 2018, and the Code of Practice: *Excavation Work*, Queensland Government 2021.

Friable Asbestos Containing Material means material that is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry, and contains asbestos.

Gate and brick facade structures means gate and property entrance structures which have been identified by the Heritage Impact Assessment , prepared by Catalyst Heritage Consultants, 14 September 2020, as holding heritage value.

Hazardous substances means a substance that may pose a risk to human health or the environment. For example, arsenic, asbestos, lead, PCBs, dichloro-diphenyl-trichloroethane (DDT) or oil.

Heritage Impact Assessment means the *Former Australian Red Cross Centre, Greenslopes, Queensland Heritage Impact Assessment* report, prepared by Catalyst Heritage Architects, 14 September 2020, submitted as part of the preliminary documentation for the EPBC referral 2021/8997.

Heritage Interpretative Strategy means the *Former Australian Red Cross Centre, Greenslopes, Queensland Heritage Interpretation Strategy* report, prepared by Catalyst Heritage Architects, 22 January 2022, submitted as part of the preliminary documentation for the EPBC referral 2021/8997.

How to Manage and Control Asbestos codes of practice means the Code of Practice: *Model Code of Practice: How to manage and control asbestos in the workplace*, Safe Work Australia 2020, and the Code of Practice: *How to manage and control asbestos in the workplace*, Queensland Government 2021.

How to Safely Remove Asbestos codes of practice means the Code of Practice: *How to safely remove asbestos*, Safe Work Australia 2020, and the Code of Practice: *How to safely remove asbestos*, Queensland Government 2021.

Incident means any event which has the potential to, or does, impact on any **protected matter**.

Independent means a person or firm who does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the project, the approval holder or the approval holder's staff, representatives, or associated persons.

*Other than for the purpose of undertaking the role for which an independent person is required

Independent audit means an audit conducted by an **independent** and **suitably qualified** person as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Licensed asbestos assessor means a person who holds a class A asbestos assessor licence issued under the *Work Health and Safety Regulation 2011 (Qld)*.

Membrane Filter Method Guidance Note means the *Guidance Note on The Membrane Filter Method For Estimating Airborne Asbestos Fibres - 2nd edition*, Commonwealth of Australia 2005.

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Regulated waste means commercial waste or industrial waste of a type, or containing a constituent of a type, listed in Table 1 in Appendix 1 (taken from Schedule 9, Part 1, Column 1 of the Queensland EP Regulation 2). This table includes the default category of regulated waste (category 1 or category 2).

Remediation and validation phase means the period between the first instance of **remediation and validation works** and the completion of all **remediation and validation works** within the **action area**.

Remediation and validation works means any work to remediate a site that is contamination or the process to evaluating the performance of any clean-up chosen as a remedial option.

Remediation and validation works includes:

- restoration of the site to the state suitable for all future land uses,
- the restriction, or prohibition, of access to, or use of, the site,
- the removal, destruction, reduction, containment, or dispersal of the substance causing the contamination,
- the reduction or mitigation of the effect of the substance, and
- the protection of human health, the environment, or any environmental value from the contamination.

Respirable fibre means any fibre that is less than 3 micrometres (μm) wide, is more than 5 micrometres (μm) long, and has a length to width ratio of more than 3:1.

Shapefile(s) means location and attribute information about the Action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Signage means signage securely attached to the **boundary fencing** which clearly:

- informs the reader that the **action area** is a demolition site containing hazardous substances,
- informs the reader that public access into the **action area** is prohibited, and
- displays the contact details of the approval holder, or the contact details of the approval holder's designated project or site manager.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative

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independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature. A suitably qualified person must have qualifications and experience relevant to the work being undertaken and must be a current member of a professional organisation prescribed under Schedule 14 of the Environmental Protection Regulation 2008 (Qld).

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.