

POLLUTION ABATEMENT NOTICE

No. 2022/02

(Issued pursuant to section 77 of the *Waste Management and Pollution Control Act 1998*)

ISSUED TO: Citiland Corporation Pty Ltd
ACN 009 651 496 ("You")

OF: 356 Bagot Road, Millner, Northern Territory, 0810

WHEREAS a delegate of the Northern Territory Environment Protection Authority (NT EPA) for the reasons stated in **Attachment A** to this notice:

(i) **Is satisfied that You are the occupier of land that is polluted**

at land situated at **ABC** Dickward Drive, Ludmilla, NT (portion of Lot **XYZ**, Town of Darwin), "the premises", as delineated in **YELLOW** in **Attachment C**.

NOW TAKE NOTICE that you are required to comply with each of the requirements specified in **Attachment B** to this notice on and from the date of issue of this notice or such later date as may be specified in this notice.

ISSUE DATE:

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**EXECUTIVE DIRECTOR
ENVIRONMENTAL REGULATION
DELEGATE OF THE NT EPA**

Important Notice

Failure to comply with this notice is an offence under section 80 of the *Waste Management and Pollution Control Act 1998* and may incur significant penalties and/or other statutory action.

This notice takes effect on the date on which it is served upon you. Pursuant to section 108 of the *Waste Management and Pollution Control Act 1998*, **you have the right to apply for a review of the decision to issue you with this Pollution Abatement Notice. If you intend to apply for a review, YOU MUST MAKE AN APPLICATION NOT LATER THAN 7 DAYS after the date you were served with this notice.** For information on how to lodge an application for review, contact the Northern Territory Environment Protection Authority, telephone 8924 4218.

Pursuant to section 112 of the *Waste Management and Pollution Control Act 1998* the person issued with this notice must fulfil certain obligations before selling, leasing, sub-leasing, giving or exchanging land, premises, a vehicle or business which is the subject of this Notice.

ATTACHMENT A

REASONS FOR ISSUING THIS POLLUTION ABATEMENT NOTICE

1. Gwalwa Daraniki Association Incorporated (GDA) is the owner of the land delineated in **YELLOW** in **Attachment C**
2. In 2015, Citiland Corporation Pty Ltd (ACN 009651496) (Citiland) signed a non-lapsing caveat as sub-lessee for a portion of Lot 05182, Town of Darwin, located at 213 Dickward Drive, Ludmilla, NT (the premises) as delineated in **BLUE** in **Attachment D**
3. Citiland Corporation Pty Ltd (ACN 009651496) (Citiland) is the **owner** of the land located at **Lot XXX**, Town of Darwin, located **at XXX Dickward Drive**, Ludmilla NT (the premises) as delineated in **YELLOW** in **Attachment C**
4. Planit Consulting Pty Ltd (Planit) (ABN 20 099 261 711), acting on behalf of Citiland, engaged SLR Consulting Australia Pty Ltd (ABN 29 001 584 612) to conduct a contaminated land assessment to facilitate a statement of environmental audit across the premises
5. On 22 January 2021, Planit provided a report to the NT EPA titled "*Preliminary Site Investigation – 213 Dickward Drive Ludmilla*", (the PSI Report) dated 20 October 2020
6. The PSI Report relates to the entirety of the premises and states:
 - (a) The south-western portion of the land is the apparent location of a Cyclone Tracy waste burial area;
 - (b) Illegal "fly-tipping" of residential/commercial demolition wastes was widespread across the premises;
 - (c) Fly-tipped wastes identified across the premises included bricks, scrap metal, drums, tyres, concrete footings, tiles, glass, asphalt, bitumen, asbestos containing pipes, asbestos sheeting and abandoned vehicles;
 - (d) Highly weathered (poor condition) asbestos containing material (ACM) (pipes and sheeting) was observed across the premises, likely a result of fires in the area, suggesting friable asbestos and asbestos fines (AF/FA) may be present;
 - (e) Imported uncontrolled fill was identified in some areas of the premises; and
 - (f) Potential offsite contamination sources were identified, including historical RAAF Base operations and up-gradient petrol stations;
7. In the intervening period, Sargeant Planning Pty Ltd (Sargeant) (ABN 46 649 524 489) assumed responsibility for the project on behalf of Citiland
8. On 22 September 2021, Sargeant provided to the NT EPA a report titled "*Detailed Site Investigation – 213 Dickward Drive Ludmilla*" (the DSI Report) dated 16 July 2021
9. The DSI was conducted across the majority of the premises (excluding areas of cultural constraint identified in a concurrent archaeological and cultural heritage assessment, conducted by In Depth Archaeology).
10. The DSI involved:
 - (a) Excavation of 88 test pits;
 - (b) Assessment of 30 stockpiles (fly-tipped materials); and
 - (c) Advancement, installation and sampling of 5 groundwater monitoring bores;
11. The DSI report identified impacts across the premises including:
 - (a) Surface and sub-surface waste comprising construction/residential demolition wastes, including ACM fragments, concrete rubble, corrugated

iron, waste rubber, mesh, electrical wire, PVC conduit, rope, plastic, bricks, timber, tile and glass chips was encountered in test pits at depths that ranged from the ground surface to 1.2 m below ground level (bgl);

- (b) ACM debris was observed across the ground surface, however, visibility was limited due to the presence of thick vegetation;
 - (a) Zinc was detected in soils, at concentrations of 1960 mg/kg, exceeding the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) Ecological Investigation Limits (EIL) specified for the protection of terrestrial ecosystems within a commercial/industrial setting at some test pit locations (TPA8 and TPA10B);
 - (b) Nickel (detected at a concentration of 0.013 mg/L) and Zinc (detected at a concentration of 0.009 mg/L) were reported in groundwater at concentrations exceeding the nominated investigation levels for groundwater at the premises;
 - (c) Perfluorooctanesulfonic acid (PFOS) was reported at a concentration of 0.04 ug/L within groundwater (monitoring well location MW3), exceeding the 99% species protection level of 0.00023 ug/L provided in the Heads of EPAs Australia and New Zealand (HEPA) Per- and poly-fluoroalkyl substances (PFAS) National Environmental Management Plan (NEMP) Version 2.0 (January 2020). Impacts were attributed to the activities undertaken at the up gradient Darwin Airport/Darwin RAAF Base;
 - (d) Some fly-tipped stockpiles across the premises were impacted with:
 - i. ACM associated with illegal “fly tipping”;
 - ii. Friable Asbestos and Asbestos Fines (AF/FA) detected above the land use criteria for all land use settings in STP82;
 - iii. Zinc, detected at a concentration of 2, 040 mg/kg above the NEPM EIL (specified for the protection of terrestrial ecosystems within a commercial/industrial setting);
12. Asbestos, identified at the premises, is a naturally occurring mineral that was widely used in construction due to its superior strength and heat resistant properties;
13. Asbestos is a known human carcinogen causing asbestosis, mesothelioma and lung cancers;
14. PFAS and their derivatives (including PFOS), are a group of synthetic chemicals that have been identified, internationally, as emerging contaminants of concern, due to their high solubility, mobility and persistence in the environment. The known properties of PFAS allow them to readily leach from soil to groundwater and surface water, where they can travel long distances and enter the food chain, resulting in bioaccumulation; and
15. Citiland as the occupier of the premises, is aware of the contamination present and has responsibilities under the *Waste Management and Pollution Control Act 1998* (WMPC Act) to return the premises as far as possible to a condition suitable for the intended land use.

ATTACHMENT B

POLLUTION ABATEMENT NOTICE REQUIREMENTS

Pursuant to Section 79(1)(d) of the *Waste Management and Pollution Control Act 1998*.

General Requirements

1. By **31 March 2026**, you must engage a suitably qualified and experienced environmental / contaminated land consultant (the consultant) to coordinate and oversee all remedial activity undertaken at the premises (as depicted in **YELLOW** in **Attachment C**)
2. You must provide the details of the consultant commissioned to conduct the works to the NT EPA via email to environmentalregulation@nt.gov.au within **10 business days** of engagement
3. By **7 April 2026**, you must engage a suitably qualified and experienced contaminated land auditor (the auditor), accredited under section 68 of the *Waste Management and Pollution Control Act 1998* (WMPC Act)
4. You must provide the details of the auditor commissioned to conduct the works to the NT EPA via email to environmentalregulation@nt.gov.au within **10 business days** of engagement.

Remedial Requirements

5. By **21 April 2026**, you must submit a Remedial Action Plan (RAP), prepared by the consultant and endorsed in writing by the auditor, to the NT EPA via email to environmentalregulation@nt.gov.au;
6. The RAP, referred to in requirement 5 above, must detail all management, remediation and validation requirements to address the impacts identified at the premises
7. You must implement the RAP, referred to in requirement 5, under the supervision of the auditor for the duration of the remedial activities (as specified in the RAP) at the premises
8. At completion of remediation of an area, a Validation Report must be provided to the NT EPA via email to environmentalregulation@nt.gov.au within **90 business days** following completion of all remedial works undertaken at the premises
9. The Validation Report, referred to in requirement 7 above, must be accompanied by a formal Statement of Environmental Audit prepared by the auditor
10. The Statement of Environmental Audit must;
 - (a) detail the suitability of the land for the intended land use, or
 - (b) detail any residual contamination and resultant restrictions for the intended land use.

Additional Requirements

Stockpile Management:

11. If temporary stockpiling of impacted materials is to occur at the premises, you must submit a Stockpile Management Plan, prepared by the consultant and endorsed by the auditor as suitable to prevent environmental harm, via email to environmentalregulation@nt.gov.au;
12. The Stockpile Management Plan, referred to in Requirement 11, must be provided by **21 April 2026**.
13. The Stockpile Management Plan, referred to in Requirement 11, must detail all management requirements for the temporary stockpiling of impacted materials and be complied with from the date of the auditors endorsement

Onsite Containment:

14. If onsite containment is required as part of the RAP, you must provide the Design Documents for the containment cell, prepared by a suitably qualified and experienced engineer via email to environmentalregulation@nt.gov.au;
15. The containment cell, referred to in requirement 14, must be designed and constructed in accordance with the intent of the Victorian EPA Publication 788.3 titled "*Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills*" (Landfill BPEM) dated August 2015, as amended
16. At all times during construction of the containment cell, dust, noise (including vibration), odour and waste water (including contaminated storm water) must not be emitted beyond the boundary of the premises
17. You must not commence placement of the impacted material within the containment cell until the Design Documents, referred to in requirement 14, have been assessed and endorsed by the auditor and you have provided the required documents via email to environmentalregulation@nt.gov.au;
18. Prior to the placement of any impacted material into the containment cell, you must provide an Environmental Construction Management Plan (ECMP), prepared by the consultant and endorsed by the auditor as suitable to prevent environmental harm, via email to environmentalregulation@nt.gov.au;
19. The ECMP referred to in requirement 18 must include, but not be limited to, detailed information on:
 - (a) waste types and estimated volumes to be accepted within the containment cell;
 - (b) waste prohibited from placement within the containment cell;
 - (c) waste placement methods;
 - (d) dust control and monitoring;
 - (e) noise control and monitoring;
 - (f) stormwater, surface water and groundwater management (as necessary);
 - (g) decontamination measures;
 - (h) signage and fencing to be established and maintained during works;
 - (i) measures to ensure staff and contractors are aware of the requirements detailed in this Pollution Abatement Notice; and
 - (j) reporting requirements for potential contraventions of this Pollution Abatement Notice;
20. If impacted materials are contained on site, a Long-Term Environmental Management Plan (LTEMP) must be submitted via email to environmentalregulation@nt.gov.au at completion of all remedial activity

21. The LTEMP referred to in requirement 20, must at a minimum, contain the following:

- (a) an inspection regime of the cap of the containment cell to monitor for cracks or erosion;
- (b) a maintenance regime of the cap of the containment cell to remediate and restore depressions or seal cracks (as necessary);
- (c) restrictions on vegetation types to be grown in the area of the containment cell; and
- (d) parties responsible for any ongoing monitoring and maintenance of the cell.

DRAFT

ATTACHMENT C - Lot XYZ, Town of Darwin

