

NOTICE TO CARRY OUT ENVIRONMENTAL AUDIT PROGRAM

(Issued pursuant to Section 48(1) of the *Waste Management and Pollution Control Act 1998*)

ISSUED TO: Mr Michael Anthony and DWD Project Pty Ltd

OF: 4 Mavie Street, Darwin, Northern Territory

WHEREAS a delegate of the Northern Territory Environment Protection Authority (NT EPA) is satisfied for the reasons stated in **Attachment A** to this notice that you are a person required to carry out an Environmental Audit Program at a portion of land delineated in **Red** in **Attachment C** (within lots: 5280, 10881 and 10882, Town of Darwin, including the adjacent seabed as required), (the premises) to evaluate:

- (i) **the types, amount, distribution and mobility of contaminants present in the environment resulting from or in any way connected with the historical land filling/reclamation activities the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024**

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.

ISSUE DATE: 22 August 2025



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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 52 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 Notice to carry out an Environmental Audit. If you intend to apply for a review, YOU MUST MAKE AN APPLICATION NOT LATER THAN 28 DAYS after the day on which this Notice of the decision was given.** For information on how to lodge an application for review, contact the Northern Territory Environment Protection Authority, telephone 8924 4041.

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 NOTICE

As Delegate of the Northern Territory Environment Protection Authority (NT EPA) pursuant to Section 77 of the Waste Management and Pollution Control Act (“the Act”), I believe on reasonable grounds that:

1. The “premises” for the purposes of this notice and as depicted in **Red** in **Attachment C** (and the adjacent seabed as required) comprises portions of:
 - (i) Lot 5280 Town of Darwin, also known as 4 Mavie St, Darwin City NT 0800; and
 - (ii) North-western corner of Lot 10881 Town of Darwin, also known as 41 Stokes Hill Rd, Darwin City NT 0800; and
 - (iii) Northern end of Lot 10882 Town of Darwin, also known as 2 Stokes Hill Rd, Darwin City NT 0800;
2. DWD Project Pty Ltd is the owner and occupier of Lot 5280 Town of Darwin, also known as 4 Mavie St, Darwin City NT 0800;
3. Michael Adrian Anthony (Mr Anthony) is the sole director of DWD Project Pty Ltd;
4. DWD Project Pty Ltd took ownership of Lot 5280 (also known as 4 Mavie St, Darwin City NT 0800) on 20 October 2015;
5. Lot 10881 Town of Darwin (also known as 41 Stokes Hill Rd, Darwin City NT 0800) is vacant Crown Land under the control of the Department of Land, Planning and Environment;
6. Lot 10882 Town of Darwin, also known as (2 Stokes Hill Rd, Darwin City NT 0800) is vacant Crown Land under the control of the Department of Land, Planning and Environment;
7. A chronology of aerial photographs taken of the premises between 13 April 2013 and 24 June 2018 confirms land reclamation was undertaken by DWD Project Pty Ltd and Mr Anthony;
8. There are no historic or current approvals, licences or authorisations issued under the WMPC Act for the disposal of waste material at the premises;
9. There are no historic or current permits or approvals issued under the *Planning Act 1999* for land filling or land reclamation at the premises;
10. There are no historic or current licenses, permits or approvals issued under the *Crown Lands Act 1992* for land occupation, land filling or land reclamation at the premises;
11. The types, amount, distribution and mobility of contaminants present in the environment resulting from or in any way connected with the historical land filling/reclamation activities the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024 remains unknown;
12. Waste deposited and buried at the premises by Mr Michael Anthony and DWD Project Pty Ltd has the potential for environmental harm or risk of future environmental harm or adverse impact on the environment, including environmental harm and impacts to Darwin Harbour;
13. DWD Project Pty Ltd and Mr Anthony have failed to comply with Pollution Abatement Notices issued in relation to the premises on 12 October 2018, 10 January 2019 and 1 June 2020.

14. Accordingly, an audit is required to assess the types, amount, distribution and mobility of contaminants present in the environment resulting from or in any way connected with the historical land filling/reclamation activities in the area delineated in Attachment C and which is the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024.

ATTACHMENT B NOTICE REQUIREMENTS

1. Pursuant to section 48(1) of the *Waste Management and Pollution Control Act 1998* you are a person required to carry out an environmental audit program (the program) at the premises (as identified in **red** in **Attachment C**, including the adjacent seabed as required) to evaluate:
 - (i) **the types, amount, distribution and mobility of contaminants present in the environment resulting from or in any way connected with historical land filling/reclamation activities the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024**
2. The program must be performed by a person registered under section 68 of the *Waste Management and Pollution Control Act 1998* (the auditor)
3. By **25 August 2025**, you must engage the auditor, registered under section 68 of the *Waste Management and Pollution Control Act 1998*
4. You must provide the details of the auditor commissioned to conduct the program, via email to environmentalregulation@nt.gov.au within **10 business days** of engagement
5. By **25 August 2025**, you must submit via email to environmentalregulation@nt.gov.au the scope of works for the program endorsed by the auditor
6. By **1 December 2025**, you must submit, via email to environmentalregulation@nt.gov.au an update on the progress of the program.
7. By **31 March 2026**, you must submit, via email to environmentalregulation@nt.gov.au the results of the program in the form of an **Environmental Audit Report** prepared by the auditor
8. The **Environmental Audit Report** must include an assessment of actual environmental harm and potential risk of environmental harm from contaminants present in the environment at the premises resulting from or in any way connected with the historical land filling/reclamation activities the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024.
9. The **Environmental Audit Report** must assess the actual and potential risk of environmental harm at the premises from historical land filling/reclamation activities the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024, as determined by:
 - (i) review of systems, plans, procedures, monitoring programs, data, records, reports or information that is relevant to the scope of the audit as the auditor sees fit;
 - (ii) inspection of activities, processes, plant and equipment at the premises that is relevant to the scope of the audit as the auditor sees fit; and
 - (iii) collection and/or modelling of data that is that relevant to the scope of the audit as the auditor sees fit
10. **The Environmental Audit Report** must:
 - (i) consider all relevant guidance including, but not limited to, the National

Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) 1999 (amended 2013) and the Northern Territory Contaminated Land Guideline (CLG) 2017;

- (ii) determine if contaminants present in the environment at the premises resulting from or in any way connected with the historical land filling/reclamation activities the subject of the Supreme Court prosecution of Mr Michael Anthony and DWD Project Pty Ltd by the NT EPA on Indictment dated 22 March 2024 cause a risk of any possible harm to the environment;
- (iii) where a risk of possible harm to the environment at the premises has been identified recommend the measures necessary to reduce the risk to an acceptable level; and
- (iv) propose a reasonable timetable for implementation of recommended measures.

ATTACHMENT C

THE PREMISES (AUDIT AREA EXTENT AS DELINEATED IN RED)

