

NOTICE TO CARRY OUT ENVIRONMENTAL AUDIT PROGRAM

Issued pursuant to section 48 of the *Waste Management and Pollution Control Act*

Issued to: Probuild (NT) Pty Ltd.
(ACN 059 042 009)
70 Alder Street
Alice Springs
NT 0870

Relating to the premises at: Lot 05120, Town of Alice Springs,
Commonly known as: 55 Heath Road, Kilgariff, or
Pioneer Park Racecourse

TAKE NOTICE THAT I, William John Freeland, Chairperson and authorised delegate of the Northern Territory Environment Protection Authority (NT EPA) for the purposes of section 48 of the *Waste Management and Pollution Control Act* (the Act), have reason to believe that:

- 1) On 11 May 2015 the NT EPA received a report of the alleged disposal of waste by burial at lot 05120, Town of Alice Springs, commonly known as 55 Heath Road, Kilgariff, or Pioneer Park Racecourse (the premises);
- 2) Alice Springs Turf Club Incorporated (the 'Turf Club') are the holders of Crown Lease in Perpetuity 742 for the premises;
- 3) On 14 May 2015 an NT EPA officer attended the premises and observed evidence that waste was being disposed of by burial in an excavated trench within the central section of the premises;
- 4) The waste has been brought into the premises by Probuild (NT) Pty Ltd ('Probuild') under an agreement with the Turf Club;
- 5) Waste as defined by the Act means:
 - (a) a solid, a liquid or a gas; or
 - (b) a mixture of such substances,that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances;
- 6) The constructing, installing or carrying out works in relation to premises for disposing of this waste by burial is an activity that requires an Environment Protection Approval under section 30(1) of the Act;
- 7) The NT EPA has no record of an Environment Protection Approval for the premises or activity; and

- 8) Unclassified material being disposed of by burial at the premises has the potential to cause harm to or have an adverse effect on the environment, or any potential harm (including the risk of harm and future harm) to, or potential adverse effect on, the environment;

AND I HEREBY REQUIRE, for the reasons specified above and pursuant to section 48 of the Act, Probuild (NT) Pty Ltd (ACN 059 042 009) to conduct the environmental audit program specified below:

Environmental Audit Program

A preliminary site assessment to evaluate the types, amount, distribution and mobility of wastes in the environment resulting from or in any way connected with the disposal of waste by burial at the premises by Probuild, in accordance with the following notice conditions.

Notice Conditions

1. Probuild must conduct the preliminary site assessment in accordance with in the National Environment Protection (Assessment of Site Contamination) Measure,
2. Probuild must develop a detailed Environmental Audit Plan to evaluate the types, amount, distribution and mobility of wastes buried at the premises ("the plan").
3. The plan must be developed:
 - (a) by a qualified person as required by s67 of the Act; and
 - (b) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure.
4. Include a section of the plan detailing a sampling and analysis program and sampling methodology, which must (without limiting any other requirements) include details of:
 - (a) evaluation methods to be used including sampling, classification or analysis methods;
 - (b) sampling locations within the premises;
 - (c) extent and number of samples to be taken within and at the boundary of the premises and any potential area used for the disposal of waste by burial within the premises as well as identified control sites; and
 - (d) steps which will be taken to provide for further sampling and analysis where initial sampling and analysis indicates that the premises' potential area of impact has the potential to extend beyond the boundary of the premises or impact on groundwater.
5. Prior to conducting the sampling and analysis described in the plan, the plan must:
 - (a) be submitted for written acceptance by the NT EPA within 28 days from the date of this notice; and
 - (b) Include an endorsement of the plan by a qualified person as defined by s67 of the Act.

6. The NT EPA may not accept the plan and may require Probuild to revise, amend and or resubmit the plan. Where the NT EPA requires the plan to be revised or amended, the date for the resubmission will be specified in the requirement and forms part of the condition of this notice;
7. Probuild must commence conducting the sampling, classification and analysis described in the plan within 10 business days of the date the plan has been accepted in writing by the NT EPA.
8. The results of the Environmental Audit Program must be submitted to the NT EPA by close of business 31 July 2015, in the form of an Environmental Audit Report ("the report").

The report must at a minimum:

- (a) be prepared in accordance with the requirements of the National Environment Protection (Assessment of Site Contamination) Measure;
 - (b) include details of the qualified person as defined by s67 of the Act;
 - (c) include a summary of the methods used or sampling, classification an analysis;
 - (d) include all sample results and documentation;
 - (e) identify all environmental risks, including risks to groundwater as a result of waste being disposed of by burial at the premises;
 - (f) where it is determined that potential environmental risks exist, include recommendations to prevent, rectify, clean up, rehabilitate or minimise potential environmental harm; and
 - (g) include an endorsement of the report by the qualified person
9. All submissions to the NT EPA required as a condition of this notice are to be provided in electronic and hard copy to the following address:

Northern Territory Environment Protection Authority

GPO Box 3675, Darwin NT 0801

Email: Pollution@nt.gov.au and Waste@nt.gov.au

END OF CONDITIONS



William John Freeland

22/5/15
Date

**Chairperson of the NT EPA
Delegate of the Northern Territory Environment Protection Authority**

Important Notice

1. Failure to comply with a notice to conduct an environmental audit is an offence under section 51(1) of the Act and may incur significant penalties and/or other statutory action.
2. You will not be taken to have submitted the results of the environmental audit program required by this Notice until the requirements of section 51(2) of the Act have been satisfied.
3. Additional offences specific to the conduct of an environmental audit are established under section 52 of the Act.
4. Pursuant to section 67 of the Act, a person must not perform an environmental audit for the purposes of an environmental audit program unless the person is registered in a register established under section 68 of the Act or is specifically exempted from that requirement by Regulation. A current register of qualified persons is available from: http://www.ntepa.nt.gov.au/waste-pollution/compliance/audits/qualified_persons or by contacting the NT EPA on telephone (08) 8924 4218.
5. The NT EPA is as defined in the Act or it's authorised Delegate.
6. This notice takes effect on the date on which it is served upon you.