

## NOTICE TO CARRY OUT ENVIRONMENTAL AUDIT PROGRAM

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

**ISSUED TO:** Voyages Indigenous Tourism Australia Pty Ltd  
ACN 146 482 591

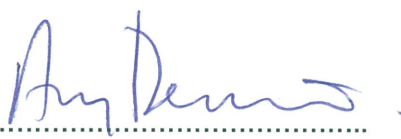
**OF:** Level 9, 179 Elizabeth Street  
Sydney NSW 2000

**WHEREAS** 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 of the current fire station, the fire training ground, and the former interim fire station as delineated in yellow in **Attachment E** and the surrounding areas as delineated in yellow in **Attachment F** (secondary sources of PFAS) and broader Yulara Airport area as delineated in blue in **Attachment D** (the premises) to evaluate:

- (i) *the types, amount, distribution and mobility of contaminants or wastes present in the environment namely per- and poly-fluoroalkyl substances (PFAS) and other contaminants of concern present in the environment at the premises resulting from or in any way connected with Airservices Australia's activities.*

**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:** 14 December 2021

  
.....  
AMY DENNISON  
EXECUTIVE DIRECTOR  
ENVIRONMENTAL REGULATION  
DELEGATE OF THE NT EPA

### Important Notice

Failure to comply with this notice is an offence under Section 51 and section 52 of the *Waste Management and Pollution Control Act 1998* and may incur significant penalties and/or other statutory action.

Section 51(2) of the *Waste Management and Pollution Control Act 1998* states that a person is not to be taken to have submitted results to the NT EPA in accordance with an environmental audit program unless he or she submits with the results: (a) a statutory declaration signed by him or her stating that he or she has provided all relevant information to the auditor and has not provided to the auditor information that the person knows or suspects to be false or misleading; and (b) a statutory declaration signed by the auditor stating that the results are accurate to the best of his or her knowledge or belief and that he or she has not included in the results information that he or she knows or suspects to be false or misleading or failed to include in the report information that he or she knows to be relevant.

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 Program. If you intend to apply for a review, YOU MUST MAKE AN APPLICATION WITHIN 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

1. Northern Territory of Australia as the landowner and principal lessor, leases part of Lot 101 Town of Yulara otherwise known as the premises as delineated in blue in **Attachment D**, to Voyages Indigenous Tourism Australia Pty Ltd (VITA) (ACN 146 482 591) as the principal lessee (lease cover page provided in **Attachment C**), which shows the original lessee was Perpetual Trustee Company Limited (ACN 000 001 007), which assigned its rights and interests under the lease to VITA);
2. Within the premises, VITA occupy, control and operate Yulara Airport;
3. Airservices Australia (AA) occupy the current fire station (CFS) and the fire training ground (FTG) within the premises at Yulara Airport, and AA previously occupied the former interim fire station (FIFS) collectively termed the Airservices Australia occupied areas as delineated in yellow in **Attachment E**. AA currently occupies or previously occupied the Airservices Australia occupied areas under sub-leases from VITA;
4. VITA has superintendence of the premises which also includes the Airservices Australia occupied areas;
5. VITA has obligations under the terms of its lease with the Northern Territory of Australia that extends to mitigating environmental harm from contaminants or polluting event(s);
6. AA provide aviation rescue fire-fighting (ARFF) services for Yulara Airport;
7. AA has conducted activities (ARFF services and training) within the Airservices Australia occupied areas that have the potential to cause pollution resulting in environmental harm, due to the use of aqueous film forming foams (AFFF) containing PFAS;
8. AA has been an occupier and controller of one or more of the three parcels of land within the Airservices Australia occupied areas, since May 2004;
9. In December 2016, a report provided by AA and titled, The Report on Soil Sampling and Analysis at Yulara Airport Fire Station and ARFF Drill Ground by Low Ecological Services, analysed annual soil sampling between 2009 and 2016 at Airservices Australia occupied areas, and linked contamination to AA's activities;
10. The Report on Soil Sampling and Analysis at Yulara Airport Fire Station and ARFF Drill Ground identified that the land is contaminated with per- and poly-fluoroalkyl substances (PFAS) at the CFS and the FTG parcels of land within the Airservices Australia occupied areas;
11. In October 2017, AA commissioned a preliminary site investigation (PSI) titled Airservices Australia, Ayers Rock (Yulara) Airport Preliminary Site Investigation October 2017 and a preliminary sampling report (PSR) titled, Airservices Australia Ayers Rock (Yulara) Airport Preliminary Sampling Report October 2017, to assess the areas of potential PFAS contamination as a result of historical ARFF activities by AA at the Airservices Australia occupied areas which included:
  - (a) CFS and surrounding areas within the VITA lease;
  - (b) FTG and surrounding areas within the VITA lease; and
  - (c) FIFS and surrounding area within the VITA lease;

12. The PSI stated that AA training practices have occurred at the Airservices Australia occupied areas and “training practices included the use of unleaded petroleum, kerosene as accelerants and extinguishment of fires using AFFF, dry chemical powder and water”;
13. The PSI also stated that:
  - (a) AA used Ansulite AFFF within the Airservices Australia occupied areas from 2004 – 2009;
  - (b) there was no evidence of appropriate control measures (concrete bunding or wastewater collection systems) at the Airservices Australia occupied areas pre-2005 to prevent pollution occurring from AA activities;
  - (c) there was no evidence of an impermeable concrete pad on which to conduct training activities, pre-October 2004;
  - (d) AA conducted fire training activities without a pad for up to 5 months, from May 2004 – October 2004; and
  - (e) AA failed to prevent the release of contaminants and wastewater from its activities to land at and from Airservices Australia occupied areas and surrounding land;
14. The PSI identified the following AA activities within the Airservices Australia occupied areas as being primary sources of PFAS contamination (see locations in **Attachment E**) that included:
  - (a) FTG - discharge of foam during training events from 2004 to 2010;
  - (b) CFS - including but not limited to the vehicles and hoses, wash-down areas and drainage channels; and
  - (c) FIFS - including but not limited to the AFFF temporary storage area and the vehicle wash-down areas;
15. The PSI identified the following activities and areas as secondary sources of PFAS contamination (see locations in **Attachment F**):
  - (a) stockpiled soils near the FTG;
  - (b) open drain near the CFS and drainage area from the AFFF refill station;
  - (c) discharge of treated effluent from the FTG at the sewage treatment plant (STP) area; and
  - (d) wastewater underground storage tank (UST) and vehicle wash down area associated with the FTG;
16. The PSI acknowledged that while the risk of new PFAS contamination has now been reduced by switching from Ansulite to Solberg RF6, polluted secondary sources of PFAS still remain at and from the Airservices Australia occupied areas. These include:
  - (a) contaminated infrastructure (concrete pads and drains);
  - (b) residual soil and sediment contamination; and
  - (c) the soil material stockpiled near the FTG;
17. In July 2019, AA undertook sampling of a decommissioned bore RN012065, located within the premises (see location of bore in **Attachment E**) and the results indicate contamination by PFAS of groundwater;
18. Further contamination is indicated by:

- (a) the contamination by PFAS of stockpiled soil within the Airservices Australia occupied areas; and
  - (b) the contamination by PFAS of surface water drainage lines at the Airservices Australia occupied areas;
19. PFAS contamination is environmentally significant due to its persistence in the environment, its potential for bioaccumulation and high solubility in water, readily leaching from soil to groundwater and can move long distances;
  20. The full nature and extent of PFAS contamination and pollution at and beyond the Airservices Australia occupied areas is unknown and has the potential for environmental harm or risk of future harm or adverse impact on the environment;
  21. An environmental audit program is required to assess and understand the full nature and extent of contamination at and from the Airservices Australia occupied areas and the measures that may be required to address areas of contamination.

## ATTACHMENT B

### NOTICE REQUIREMENTS

1. The environmental audit program (the program) must be performed by a person who is registered under section 68 of the *Waste Management and Pollution Control Act 1998* (the Act), in this case an environmental auditor accredited under the New South Wales or Victorian auditor accreditation schemes;
2. The program must relate to all activities undertaken by or in any way associated with AA activities at the premises, including ARFF and related training, since AA began its occupation of Airservices Australia occupied areas within the premises;
3. As part of the program VITA must complete a Detailed Site Investigation (DSI) to determine *the types, amount, distribution and mobility of contaminants and waste*, including but not limited to PFAS present in the environment from activities undertaken by or in any way associated with AA activities within the premises;
4. Where applicable, the DSI must be undertaken in accordance with the requirements of the *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (ASC NEPM) as amended, *the Northern Territory Contaminated Land Guideline 2017* (NTCLG) and the *PFAS National Environmental Management Plan Version 2.0*, January 2020 (PFAS NEMP) as amended;
5. The DSI must determine the nature and extent of contamination at and beyond the Airservices Australia occupied areas within the premises, to a sufficient degree that an appropriate level of risk assessment may be undertaken and, if necessary, provide the basis for the development of an appropriate remediation or management strategy;
6. As part of the DSI, VITA must develop a Sampling and Analysis Quality Plan (SAQP);
7. The SAQP must be provided to the NT EPA for review **no later than 3 months from the date of issue of this notice**;
8. The SAQP must include, but be not limited to:
  - (a) assessment methods to be used to characterise soil, surface water and groundwater;
  - (b) data quality objectives;
  - (c) sampling locations within the premises;
  - (d) extent and number of samples to be taken within the premises and any potential areas of concern; and
  - (e) where initial sampling and analysis indicates that the area of impact has the potential to extend beyond the boundary of the premises, the steps which will be taken to provide further sampling and analysis;
9. The SAQP must be reviewed and endorsed in writing by the qualified person registered under Section 68 of the Act;
10. By **no later than 9 months from the date of issue of this notice** VITA must submit the results of the program in the form of an Environmental Audit Report prepared by the person referred to in requirement 1 which must include, but be not limited to:
  - (a) a summary of the methods used for sampling, classification and analysis;
  - (b) all soil and groundwater sample results and documentation;

- (c) identification of all environmental risks relating to any identified contamination; and
- (d) recommendations to prevent, rectify, clean up, rehabilitate or minimise potential environmental harm arising from any identified contamination.

# ATTACHMENT C

## "VOYAGES INDIGENOUS TOURISM AUSTRALIA PTY LTD (VITA) LEASE"

Dealing 424353

*Real Property Regulations*

FORM 18 Section 116

NORTHERN TERRITORY OF AUSTRALIA

**L** **S** No. 424353



424353

Commissioner of Taxes use only  
LODGED AT THE REGISTRAR - GENERAL'S OFFICE

ON ~~REPT~~ AT  
BY Oridlands CORRECTION TO

NT STAMP DUTY 11/03/99  
3070 05559301 LSC duty \$93,750.00

FEE <sup>1/35</sup> RECEIPT  
DUPLICATE LEASE TO

THIS IS  
Oridlands

LEASE

The Owner leases to the tenant the land described and the tenant accepts this lease of the land for the term and at the rent stipulated and subject to the covenants and conditions contained below or on the back of this document.

Register	Volume	Folio	Location	Parcel	Plan	Unit
Grant in Fee simple	<u>34</u> 563	<u>56</u> 147	Townsite of Yulara	Lot 101 (part only)	581/079	

**OWNER** Name only: NORTHERN TERRITORY OF AUSTRALIA

**TENANT** Name: PERPETUAL TRUSTEE COMPANY LIMITED  
(ACN 000 001 007)  
Address for the service of notices:  
PO Box 46 Yulara, NT 0872

**TERM OF LEASE** Commencing: 1 July 2007      Expiring: 30 June 2032      Right of Renewal: Clause 2.2

**CONSENTS**

Signed by the Owner  
on (Date) 2/11/98  
In the presence of  
DION JOHN WHITEHEAD  
of 1 Castlereagh Street  
Sydney, New South Wales  
Justice of the Peace

PERPETUAL TRUSTEE COMPANY LIMITED  
by its Attorneys pursuant to Registered Power of  
Attorney 341531  
on (Date) 2/11/98  
Brendan Howett  
James Thomas McNally

Signed by the the Hon Barry Coulter on behalf of  
the Owner on 1 in the presence of  
Registered on 3/2/99 at Darwin  
Lawrie  
Commissioner for Oaths (NT)  
Telephone: (08) 8985 5151

Correct for the purposes of the Real Property  
[Signature]  
A Practitioner of the Supreme Court of the Northern  
Territory of Australia



**ATTACHMENT D**

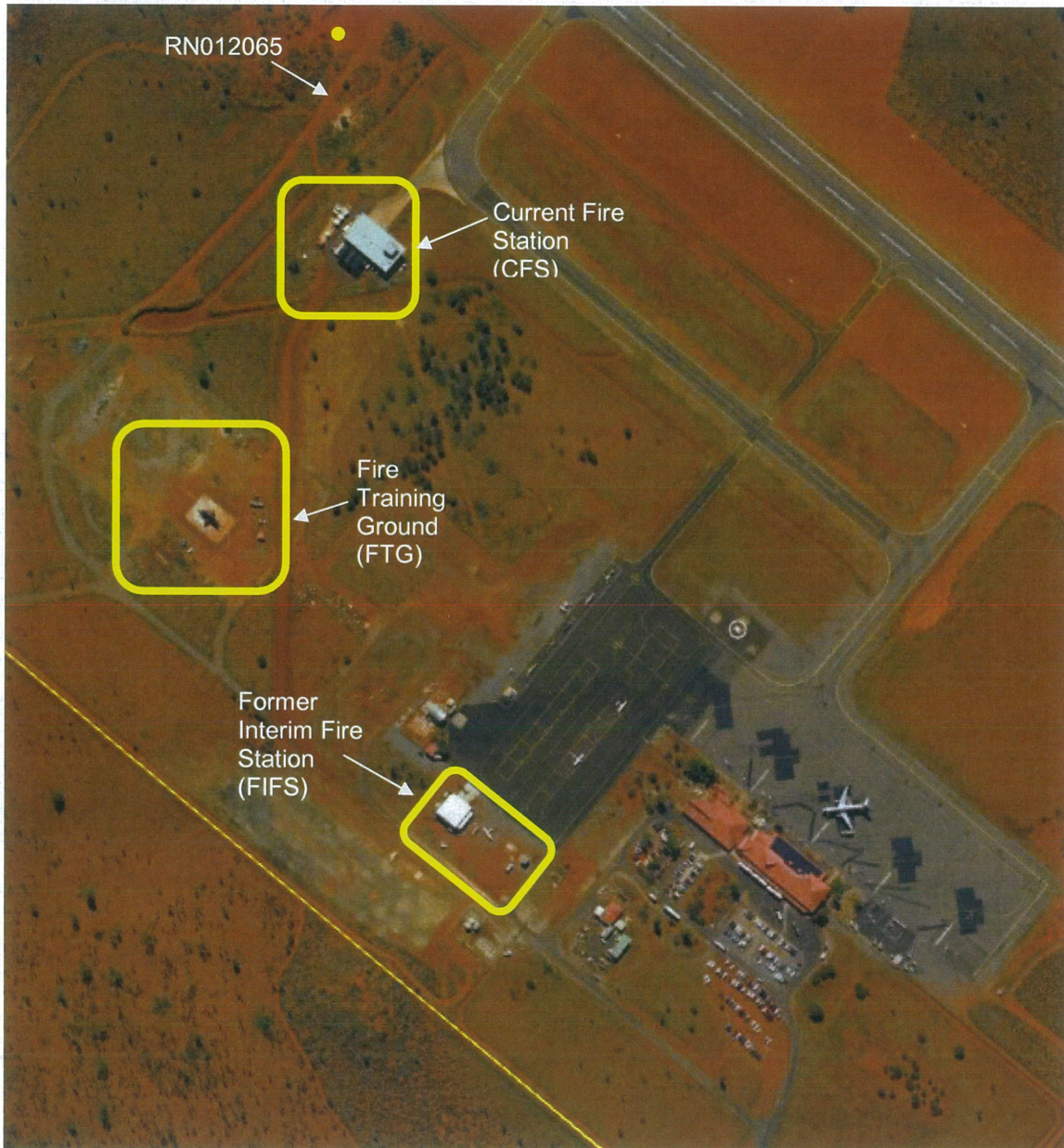
**“THE PREMISES”**

**(VOYAGES INDIGENOUS TOURISM AUSTRALIA PTY LTD (VITA) LEASE AREA).**



ATTACHMENT E

“THE AIRSERVICES AUSTRALIA OCCUPIED AREAS”



ATTACHMENT F

“SECONDARY SOURCES OF PFAS”

