

POLLUTION ABATEMENT NOTICE

No. 2021/3

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

ISSUED TO: Crown Lands Estate
care of
Department of Infrastructure, Planning and Logistics

OF: Level 5, Energy House, Cavenagh Street, Darwin NT, 0800

WHEREAS the Northern Territory Environment Protection Authority (NT EPA) is satisfied for the reasons stated in **Attachment A** to this notice, that the Department of Infrastructure, Planning and Logistics (DIPL):

(i) is the owner and/or occupier of land that is polluted

and situated at 40 Richardson Drive, Ludmilla, NT (Lot 8434, Town of Darwin) also referred to as 'Richardson Park' (the premises), as delineated in Blue 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.

ISSUE DATE:

24/8/2021



AMY DENNISON
EXECUTIVE DIRECTOR
ENVIRONMENTAL REGULATION
DELEGATE OF THE NT EPA

Important Notice

Failure to comply with this notice is an offence under section 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. The Department of Infrastructure, Planning and Logistics (DIPL) acts as the controlling agency (the controller) on behalf of Crown Lands (the owner) for the property located at 40 Richardson Drive, Ludmilla, NT (Lot 8434, Town of Darwin) also referred to as 'Richardson Park' (the premises) and delineated in **Blue** in **Attachment C**;
2. DIPL is redeveloping the premises with the aim of creating a community purpose area in line with the current zoning of Organised Recreation (the project);
3. The project involves the demolition and removal of all buildings, upgrading of the existing Richardson Park playing surface to include redevelopment of surrounding grounds for recreational purposes and construction of toilet facilities and a visitor car parking area;
4. The project works will also involve an extension of Richardson Drive to enhance access to Ludmilla Primary School;
5. EcOz Pty Ltd (ACN 143 989 039) and OCITIEF Pty Ltd (ACN 163 772 478) were engaged as the environmental consultants for the project and conducted preliminary contaminated land investigations across the premises;
6. During preliminary works, an area of approximately 550m² of asbestos containing material (ACM) impacted soils were identified in the southern portion of the premises, as delineated in yellow in **Attachment D**;
7. Friable asbestos and asbestos fines (AF/FA) were identified in excess of the adopted site assessment criteria at several locations in the southern portion of the premises;
8. Additional investigation works were undertaken by the consultants, engaged for the project, to delineate the lateral and vertical extent of asbestos impacts at the premises;
9. The identified extent of asbestos impacted soils in the southern portion of the premises, was calculated at approximately 816 tonnes, with approximately 40 tonnes of impacted material already disposed off site at the Shoal Bay Waste Handling Facility;
10. An assessment of the management and disposal options for the impacted materials was undertaken, and in consultation with the contaminated land auditor engaged for the project, DIPL and NT EPA officers, the preferred remediation option was deemed to be the construction of an engineered containment cell on the premises; and
11. This pollution abatement notice details the requirements for the design, construction, operation, and close out including ongoing management of the containment cell.

ATTACHMENT B

POLLUTION ABATEMENT NOTICE REQUIREMENTS

Remedial Requirements for the Asbestos Impacted Area

1. The Asbestos impacted soils identified at the premises, as defined at point 5 in **Attachment A** to this notice are to be managed in accordance with a Remedial Action Plan (RAP);
2. The RAP referred to in requirement 1 above must be reviewed and endorsed by an environmental auditor accredited under the New South Wales or Victorian environmental auditor schemes;
3. The asbestos impacted soils identified at the premises, as defined at 5, in **Attachment A** to this notice, are to be placed within an appropriately constructed and engineered containment cell, in accordance with requirements 6 to 8 of this notice;
4. Validation of the asbestos impacted area, following the removal of asbestos impacted soils, must be undertaken in accordance with the RAP and results detailed in a validation report;
5. The validation report detailed in requirement 4, must be provided to the NT EPA via email to pollution@nt.gov.au and include formal endorsement of the remedial works and validation results by an environmental auditor, accredited under the NSW or Victorian environmental auditor schemes;

Containment Cell Construction Requirements

6. You must notify the NT EPA, 7 days prior to the commencement of any construction works covered by this notice via email to pollution@nt.gov.au;
7. Prior to commencing containment cell construction works, you must provide to the NT EPA (via email to pollution@nt.gov.au) the Design Documents for the containment cell, including, detailed plans, technical specifications and a construction quality assurance plan to guide the construction of the containment cell;
8. The containment cell, referred to in requirement 7, 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;
9. The Design Documents referred to in requirement 7 must include formal endorsement by an environmental auditor accredited under the New South Wales or Victorian environmental auditor schemes;
10. During construction of the containment cell, dust, noise (including vibration), odour and waste water (including contaminated storm water) must not be emitted or discharged beyond the boundary of the premises;
11. You must notify the NT EPA not more than 14 days after completion of construction works covered by this notice via email to pollution@nt.gov.au;

Containment Cell Operational Requirements

12. You must not commence placement of the asbestos impacted soils within the containment cell until the Design Documents, referred to in requirement 7:
 - (a) have been assessed and endorsed by an independent environmental auditor accredited under the NSW or Victorian environmental auditor schemes, as being appropriate for their purpose; and
 - (b) the required endorsed documents have been provided to the NT EPA;
13. Prior to the placement of any asbestos impacted soils within the containment cell, you must provide an Environmental Management Plan, endorsed by an environmental auditor accredited under the NSW or VIC environmental auditor schemes, to the NT EPA via email to pollution@nt.gov.au;
14. The Environmental Management Plan referred to in requirement 13 must include, but not be limited to, detailed information on:
 - (a) waste types 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;

Containment Cell Closure Requirements

15. By no later than 3 months following completion of the containment cell, you must provide to the NT EPA a Close Out Report detailing:
 - (a) the exact boundary coordinates of the containment cell and any associated infrastructure;
 - (b) the final quantities of waste material placed within the containment cell;
 - (c) the capping type and thickness used atop the waste materials in the containment cell;
 - (d) any ongoing monitoring requirements for the capping of the containment cell; and
 - (e) the Close Out Report must be submitted to the NT EPA via email to pollution@nt.gov.au;
16. For the purposes of requirement 15(d) a Long Term Environmental Management Plan (LTEMP), consistent with the *Aftercare Management* in Section 8.2 of the Landfill BPPEM, must be provided to the NT EPA via email to pollution@nt.gov.au;
17. The LTEMP referred to in requirement 16 must include formal endorsement by an environmental auditor accredited under the New South Wales or Victorian environmental auditor schemes; and
18. The LTEMP referred to in requirement 16, should, at a minimum, contain the following:
 - (a) An inspection regime of the cap to monitor for cracks or erosion;
 - (b) A maintenance regime of the cap to remediate and restore depressions or seal cracks (as necessary);
 - (c) restrictions on vegetation types to be grown in the area; and

(d) parties responsible for any ongoing monitoring and maintenance of the cell.

**ATTACHMENT C
THE PREMISES**



ATTACHMENT D
ASBESTOS IMPACTED AREA



