

Variation of Clean-up Notice



Ku-ring-gai Council
86 408 856 411
Locked Bag 1006
GORDON NSW 2072

Attention: Piran Subramaniam, Project Manager, Ku-ring-gai Council

Notice Number 3509206
Reference Number VN-1163
Date 28-05-2024

VARIATION OF NOTICE OF CLEAN-UP ACTION

BACKGROUND

- A. The Environment Protection Authority (**EPA**) is responsible for the administration and enforcement of the *Protection of the Environment Operations Act 1997 (the Act)*.
- B. Ku-ring-gai Council (ABN 86 408 856 411) (**the Council**) is the owner of land that forms part of Bicentennial Park West Pymble, known as 'Norman Griffiths Oval' at 2 LOFBERG ROAD WEST PYMBLE NSW 2073; Lot 6 in DP564939 (**the Premises**) for the purposes of s 91(1)(a) of the Act.
- C. The Premises is currently undergoing a major upgrade which includes the installation of a new synthetic surface, new lighting and pathways, and improved drainage system. The current sport field is closed to the public. The Premises is under the management and control of the Council. Upgrade works are being managed by Council, with Turf One Pty Ltd (ACN 659 410 778) contracted by Council to complete the installation of the synthetic fields at the Premises.
- D. The EPA issued Notice of Clean-up Action No. 3508795 (Notice No. 3508795) to Council on 26-04-2024 under section 91 of the Act.
- E. The Notice No. 3508795 relates to sediment laden water leaked, spilled or otherwise escaped or was deposited from the Premises into Quarry Creek on 6 April 2024, around 14 to 15 April 2024, and on 19 April 2024.
- F. In Summary, the Notice No. 3508795 required Council to take immediate action to stop the discharge (overland or underground) of sediment laden water from the Premises and into Quarry Creek, to adequately manage and maintain stormwater controls to prevent the offsite discharge of sediment laden water, and to remove deposited sediment from Quarry Creek.
- G. On 26 April 2024, the EPA issued Clean-up Notice No. 3508795 that required Council to engage a suitably qualified consultant to conduct a comprehensive inspection and assessment of the drainage systems beneath the Premises and provide a report to the EPA outlining any site improvement works or



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measures that have been taken as required or recommended by the assessment of drainage systems on the Premises. The report was to be submitted by 5:00pm on 30 May 2024.

- H. On 22 May 2024, the EPA received a request from Council proposing an extension to the timeframe to provide the final report on 31 July 2024. Council plans to reline the 1050 underground stormwater pipe on the Premises with an ultra-violet cured-in-place pipe (UV – CIPP) relining material, purchased from overseas with an arrival scheduled in early June and that additional time is required for the installation, cure, set and validation of the liner.
- I. Section 110 of the Act provides that a notice issued under section 91 of the Act may be varied by modification of, or addition to, its terms and specifications.

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By this notice the EPA varies Notice No. 3508795 in the following manner:

1. The Direction to take Clean-up action that states that Council must:

- A. By **5:00 pm on 30 May 2024**, Ku-ring-gai Council must provide a report to the EPA outlining any site improvement works or measures that have been taken as required or recommended by the assessment of drainage systems on the site.

Is replaced by:

- A. By **5:00 pm on 30 May 2024**, Ku-ring-gai Council must provide an **interim** report to the EPA with details of the assessment of the drainage system beneath the Premises and outlining any site improvement works or measures that have been taken as required or recommended by the assessment of drainage systems on the site.

2. The addition of a Direction to take clean-up action in the following manner:

- A. By **5:00 pm on 31 July 2024**, Ku-ring-gai Council must provide a **final** report to the EPA outlining any site improvement works or measures that have been taken as required or

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recommended by the assessment of drainage systems on the site, including the works done to reline any stormwater pipes on the Premises, and validation of the performance of such liner.

A handwritten signature in black ink, appearing to read 'Maria Moreno'.

Maria Moreno

Unit Head

(by Delegation)

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on the EPA's Public Register in accordance with section 308 of the Protection of the Environment Operations Act 1997.
- This notice is issued under section 110 of the Protection of the Environment Operations Act 1997.
- This notice operates from the date of issue of this notice unless a later date is specified in this notice.