

Variation of Clean-up Notice



Transport for NSW
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HAYMARKET NSW 1240

Attention:

Notice Number 3508334
Reference Number VN-1043
Date 28-02-2024

VARIATION OF NOTICE OF CLEAN-UP ACTION

BACKGROUND

- A. On 15 January 2024, the Environment Protection Authority (EPA) issued Notice of Clean-up Action No. 3507919 to Transport for NSW (TfNSW) (Notice).
- B. The Notice directs TfNSW to remove all mulch transported to and applied to land at the Rozelle Parklands (Lot 24 DP 1194941) (the Premises) and dispose of it at a facility that can lawfully receive it by 5pm on Thursday 29 February 2024.
- C. The Notice also requires TfNSW to provide the EPA with evidence that the mulch has been disposed of at a facility that can lawfully receive it by 5pm on Thursday 7 March 2024.
- D. On 22 January 2024, in Notice No 3507976, the EPA varied the definition of the Premises to include both the Rozelle Parklands and some surrounding areas, including some pocket parks/gardens near Victoria Road. The date for compliance was not varied at that time.
- E. On 23 February 2024, the EPA received a written request from TfNSW to extend the timeframe by which the mulch must be removed from the Premises. TfNSW provided further details about this request on 28 February 2024.
- F. The EPA understands that TfNSW and its contractors, John Holland Pty Ltd and CPB Contractors Pty Ltd, have been progressively removing mulch applied to land at the Premises.
- G. TfNSW has advised that the clean-up of some areas of the Premises is progressing more slowly, including because:



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- (a) some of the areas are adjacent to the road corridor and require week-night road occupancy licences, involving traffic management set-up, the establishment of a protected work-zone and decommissioning the same night,
 - (b) some areas require further risk assessment and control measures to manage the environmental and human health risks associated with the removal of mulch.
- H. The EPA has decided to vary the Notice to extend the timeframe for the removal of the mulch as set out in this notice.
- I. TfNSW has advised the EPA that once mulch has been removed from each area, a licensed asbestos assessor and a site auditor will certify the areas are clear and safe for their intended use. Clean mulch will then be reinstalled, and the areas will be progressively opened to the public.

VARIATION OF NOTICE OF CLEAN-UP ACTION

By this notice the EPA varies Notice of Clean-up Action No. 3507919 (“the previous notice”) in the following manner:

The following direction to take clean-up action:

“1. The EPA directs TfNSW to take the following clean-up action:

- 2. By **5pm on Thursday 29 February 2024**, remove all mulch that has been transported to and applied to land at the Premises and dispose of it at a facility that can lawfully receive it.*
- 3. By **5pm on Thursday 7 March 2024**, provide the EPA with evidence that the mulch has been disposed of a facility that can lawfully receive it.”*

is replaced by:

“The EPA directs Transport for NSW to take the following clean-up action:

- 1. By **5pm on Thursday 28 March 2024**, remove all mulch that has been transported to and applied to land at the Premises and dispose of it at a facility that can lawfully receive it.*
- 2. By **5pm on Thursday 4 April 2024**, provide the EPA with evidence that the mulch has been disposed of a facility that can lawfully receive it.*
- 3. TfNSW must provide the EPA with a copy of a clearance certificate(s) from a licensed asbestos assessor as soon as practicable.*

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A handwritten signature in blue ink, appearing to read 'Peter Bloem'.

Peter Bloem
Manager Regulatory Operations
(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.