



8 May 2024

**To: David Marshall, General Manager, Peter Lichaa, Acting Director Operations, and Councillors of Ku-ring-gai Council**

Thank you for your Peter Lichaa's reply to my letter of 8 April 2024.

We appreciate the new level of transparency around this project. This is refreshing.

The financial cost of this oval does not constitute value for money on any level particularly since it is not even a full-sized oval. There are questions about why ratepayers are footing the bill for delays for issues that were flagged in the REF appendixes. The issues and problems being faced were predicted and could have been easily examined with proper assessment and consultation time.

On top of this is, the promises in the REF are not being actioned - the construction mitigation strategies have failed on multiple occasions. Ratepayers' questions about the project need to be answered.

### **Sign off on oval design**

Of great concern to us is that Mr Liccahias' email states its design has been independently assessed and signed off. This is incorrect.

It may be necessary to give some context as to why it is so important that the council know the design is floodproof and will act as a detention tank.

### **Doubts about the Project**

1. The oval was rejected as a synthetic field on the basis of two comprehensive flood studies (Jacobs and BMT).
2. Council's environmental engineer had doubts whether the current designs detention tank would work, stating he had 'concerns about inundation of a synthetic field with Stormtech chambers underneath'.

The original tender envisaged a conventional 2.4ML detention tank (either a Humes Stormtrap or Atlantic Flo-Tank) but council aborted this tender and negotiated directly with the Turf One for a proposed Stormtec and Gravel design detention tank.

For this reason, he requested that the design be signed off by a 3<sup>rd</sup> party experienced and accredited flood engineer.

As a result the contract was amended so that for 'the provision for third party review (our emphasis) and certification of the proposed stormwater design' (Letter dated 11 August)

3. The project purported to deal with flood risks on the basis that:

- i. The Stormtec/gravel pit would function as a 2.4ML detention tank
- ii. The surface of the oval would be raised above the 1% flood level and so prevent wash of synthetic turf into catchment.

But no evidence has been produced to confirm this as no flood study, nor modelling of the Probable Maximum Flood risks, has been done on the current designs (see page 8 REF)

### **Doubts arising from litigation.**

1. An expert, whom the judge found 'was well known to the court' and 'highly regarded' in his field, gave evidence that:
  - i. the design as it stood would not act as a 2.4ML detention tank in flood conditions because of physical laws,
  - ii. the council had not done a flood study and so the extent of flooding could not be determined and
  - iii. there was a 'high likelihood that flood water will enter the synthetic field and cork and microplastics washed into bushland and Quarry Creek in a flood event'.
2. Council's own expert in court said further design changes were required. He did not provide an opinion that the design would meet the two design features to avoid flooding. He stated 'it will be *possible* to design a gravel sub base' which might act as a detention tank '**once this preliminary design is refined and embellished as part of the design process**'.

### **Incomplete assessments**

1. The original REF failed to address legal requirements relating to flood and water assessments – Regulation 171A. These regulations require experts to assess effects on water quality and flow, effect of erosion and sedimentation, impact of extreme floods. The Revised REF's comments on Regulation 171A were not accompanied by any expert comment on these matters.
2. The law requires an examination of the Probable Maximum Flood (PMF) events. The REF declined to do this as it says it had a probability of less than 1%. Regulation 171A requires that it be examined even if its likelihood is less than 1% and requires the investigation of a PMF on 'the release of pollutants that may have an adverse impact on water quality'.

### **Problems arising during construction**

1. We now have concrete evidence of the shortcomings of the REF which have led to substantial financial and environmental costs.
  - i. The presence of asbestos and unconsolidated fill. Appendix 4 and 5 are superficial reports but highlighted the probability of this occurring but also outlined further studies were needed.
  - ii. The failure of the "Construction Environmental Management Plan' in keeping sedimentation out of the creek.

### **Need for an independent sign off**

1. Council have not had an independent flood specialist confirm the design will work as a detention tank nor be flood proof:
  - Appendix 9 is not an independent sign-off of whether the oval is floodproof or will work as a detention tank for two reasons. Appendix 9 is by the same

person who designed the stormwater system. He is not independent. It also assumes the system will work on the basis of assumptions that have not been tested (ie it will work as a detention system and it is floodproof at 1% AEP.

- The stormwater certificate is not a review or assessment of whether the oval will work.

Council's environmental engineer's concerns were repeated independently by NGANG's expert (without having seen his concerns). On top of this the council's own expert said the design needed to be refined.

An independent sign off and flood study of the oval, including modelling of a Probable Maximum Flood is crucial.

### **Microplastic Monitoring**

Thank you for your confirmation that council have been doing baseline sampling before construction.

Can you confirm how often council will be monitoring Quarry Creek after this baseline information is gathered and who will be undertaking the ongoing monitoring?

Could you also confirm whether any baseline monitoring has been sent to AUSMAP and whether this is publicly available?

### **Important Request**

***We request the documentation that assures the community that this sports field will work as a detention basin and is floodproof. This will require a comprehensive flood assessment and modelling of the entire system including modelling the probably of maximum flood.*** This documentation will give the community assurances that this design will work given the seriously concerning background we have highlighted in this letter.

Given the amount of time and money hundreds of community members have spent on the court case to reveal serious issues which Council's own expert acknowledged, alongside current events that highlight the inadequacies of the assessments and assurances within them, Council needs to take their responsibilities and liabilities seriously.

I look forward to your prompt response.

Kind Regards,  
Kristyn Haywood

**Convenor**

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