

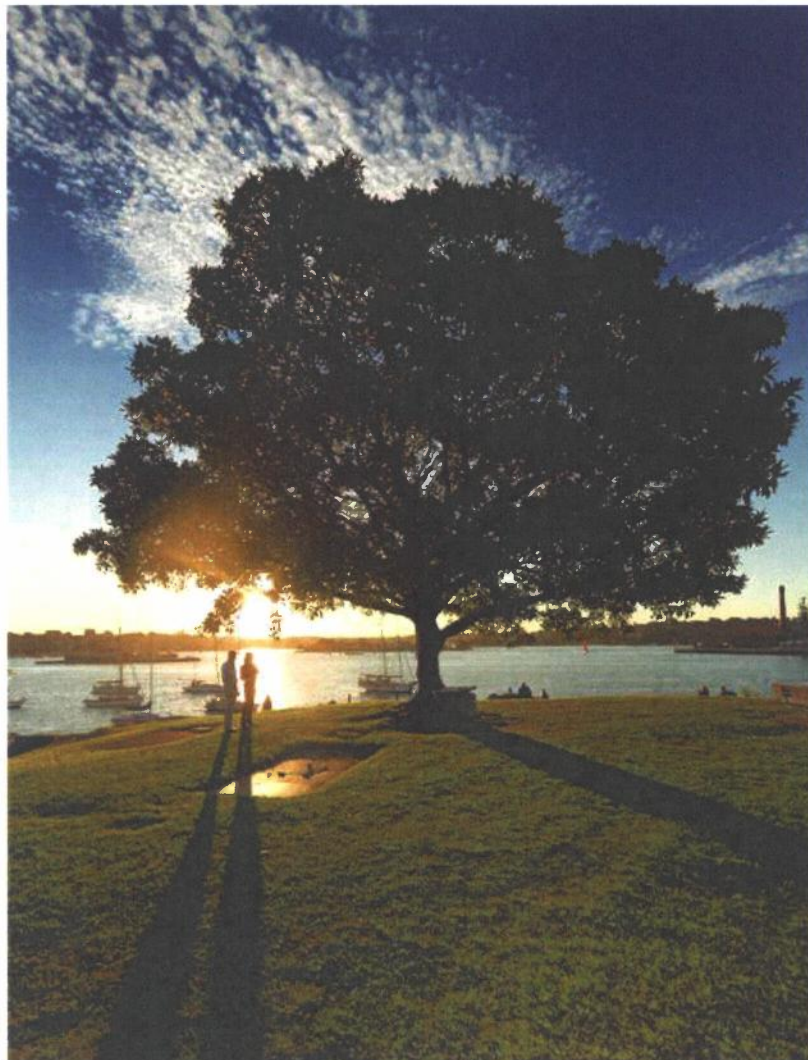


Sydney Harbour Federation Trust

Assessment of Environmental Impact

Connection of Sewer and Natural Gas Elkington Park, Balmain

Assessment Number 2016/17



Determined 3/ 2 / 2017

CONTENTS

1.	INTRODUCTION	3
2.	BACKGROUND TO THE PROJECT	3
3.	DESCRIPTION OF PROPOSED ACTION.....	3
3.1.	Proposed Works	4
3.2.	Proposed Use	5
4.	DESCRIPTION OF THE SITE	5
5.	STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	5
5.1.	Aims of the SEPP	5
5.2.	Division 9 – Development and maintenance of Gas Transmission or Distribution and Pipelines....	6
5.3.	Division 18 – Sewerage Systems.....	8
6.	LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013.....	11
7.	NSW LOCAL GOVERNMENT ACT 1993.....	11
8.	ELKINGTON PARK PLAN OF MANAGEMENT.....	12
9.	ENVIRONMENTAL ASSESSMENT.....	13
9.1.	Heritage	13
9.2.	Construction Management.....	14
9.3.	Environmental Impacts	15
9.3.1.	Contamination and Hazardous Materials	15
9.3.2.	Flora and Fauna	15
9.4.	Site Access	15
9.5.	Visual Impact.....	15
9.6.	Consultation with Other Government Organisations	17
9.6.1.	Gas Distributor	17
9.6.2.	NSW Roads and Maritime Services (RMS)	17
9.6.3.	Inner West Council	17
9.7.	Summary of Impacts.....	17
10.	CONDITIONS	17
11.	CONCLUSION.....	17
	ATTACHMENT 2 – APPROVAL CONDITIONS	19

Assessment of Environmental Impact – 2016/17

Connection of Sewer and Natural Gas in Elkington Park, Balmain

1. INTRODUCTION

This assessment has been prepared in accordance with *State Environmental Planning Policy (Infrastructure) 2007* by the Sydney Harbour Federation Trust. For the purposes of the *State Environmental Planning Policy (Infrastructure) 2007* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW), the Trust is a *public authority*.

The assessment has also been prepared in accordance with Section 28 of the *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) – Requirement for approval of activities of Commonwealth agencies significantly affecting the environment.

Its purpose is to determine whether the proposed action is consistent with *State Environmental Planning Policy (Infrastructure) 2007* and whether it has, will have or is likely to have a significant impact on the environment.

Elkington Park and White Street, Balmain are managed by Inner West (formerly Leichhardt) Council.

For the purposes of the planning and approval process on NSW Roads and Maritime (RMS) managed land, the Trust is a *Commonwealth department* and “is empowered to carry out certain developments via Commonwealth legislation”¹.

2. BACKGROUND TO THE PROJECT

In 2016, the Harbour Trust completed works to deliver improved services to Cockatoo Island. The works involved installation of four (2 x 75 mm and 2 x 63 mm) pipes in a single bundle, accommodating potable water, sewer, natural gas and a spare, between Cockatoo Island and Elkington Park, Balmain. Prior to commissioning, the natural gas and sewer lines need to be connected to the mains. The potable water supply was connected to the Sydney Water main at the northern tip of Elkington Park in 2016.

3. DESCRIPTION OF PROPOSED ACTION

The proposed action involves upgrading essential services for Cockatoo Island through connection to existing mains supplies in White Street, Balmain.

Three services mains (75 mm sewer, 63 mm gas and a 63 mm future services conduit) will be reticulated through Elkington Park from the existing services pits on the northern edge of the headland. The pipes will be trenched to a depth of 700 mm in accordance with authority regulations and standards. As agreed with Inner West Council, existing services and landscape features will be protected.

The gas main will continue to White Street (opposite Tilba Street), where a new above-ground metering unit will be constructed close to the edge of Elkington Park. The metering unit will be screened with planting and the final location is subject to the agreement of Inner West Council.

¹ “Planning and construction approval documentation – what’s required?” information sheet. Prepared by RMS and dated January 2011.

The sewer main will branch off prior to the gas meter unit and connect to an existing manhole in Lower White Street. All works will be carried out in accordance with applicable regulations and standards.

Finally, the Harbour Trust will enter into an agreement for an easement for services across Elkington Park.

3.1. Proposed Works

Excavate a single trench approximately 100 metres long, to a depth of 700 mm through Elkington Park, Balmain. The trench will then be extended a further 25 metres (approximately) through the Park opposite Tilba Street; a second trench will be extended a similar distance towards an existing sewer pit lid in the roadway of Lower White Street – see **Figure 1**.

The trench will accommodate a total of three conduits:

- 1 x 63 mm gas and 1 x 63 mm future services (to opposite Tilba Street)
- 1 x 75 mm sewer conduit (to the sewer pit in Lower White Street)



Figure 1 – Proposed works, Elkington Park, Balmain.

Note: The layout of the proposed service connections in Elkington Park is indicative, final arrangements are to be confirmed upon investigation of existing services and ground conditions.

The following works will occur at the termination of the trenches:

Gas Main and Future Services Conduit (opposite Tilba Street)

- Install an above-ground metering unit on the western edge of Elkington Park, opposite Tilba Street. The metering unit will be screened with planting and the final location is subject to the agreement of Inner West Council.

Sewer Main (Lower White Street)

- In the sewer pit, expose the existing temporary sewer main to Cockatoo Island and disconnect. Connect the Harbour Trust's recently installed sewer main to the main, and activate. No modifications to the lid of the pit are required.

The following works are also proposed in Elkington Park:

- Making good of two redundant service pits on the headland of Elkington Park

3.2. Proposed Use

The proposed works will provide a safe and secure connection of sewer and natural gas between Cockatoo Island and the mains at Elkington Park, Balmain. The proposed works are expected to be completed in approximately three weeks.

4. DESCRIPTION OF THE SITE

White Horse Point is at the northern end of Elkington Park. The park was named in 1883 after Mayor Alderman AE Elkington and is a picturesque park that is a popular spot for picnics, birthday parties and weddings. In 1863 Frederick Ward, later known as "Thunderbolt", escaped from Cockatoo Island by swimming to shore nearby, from where according to legend, he disappeared to northern NSW. The park contains a band rotunda constructed in 1936. Amenities close by include the Dawn Fraser Outdoor Swimming Pool (listed on the NSW State Heritage Register) and Balmain Rowing Club.

Prior to European settlement, local indigenous peoples were known to occupy the foreshores of the Parramatta River. Rock shelters and overhangs were used to provide campsites sheltered from wind, rain and sun. Numerous middens, composed predominantly of shells, have been identified in the Leichhardt Municipality including at Whitehorse Point in Elkington Park, Balmain and at Callan Point, Lilyfield.

Elkington Park and White Street are zoned Open Space in the *Leichhardt Local Environmental Plan 2013* (LLEP 2000). Elkington Park is identified as an item of local heritage significance in LLEP 2013.

5. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposed works are in connection with an existing gas pipeline that is licensed under the *NSW Gas Supply Act 1996*, and existing sewer infrastructure.

5.1. Aims of the SEPP

Works to these pipelines is permitted in accordance with the State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP). The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across of NSW, by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and

- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

The proposed works are consistent with the Aims of the Infrastructure SEPP.

5.2.Division 9 – Development and maintenance of Gas Transmission or Distribution and Pipelines

Division 9 of the Infrastructure SEPP relates to the **development and maintenance of gas transmission or distribution and pipelines**. The infrastructure SEPP defines certain works as permitted with consent, permitted without consent, or exempt development. The proposed works meet the criterion in Clauses 54 (Exempt Development) and 20 (General requirements for exempt development):

Table 1: Assessment against clauses 54 and 20 of State Environmental Planning Policy (Infrastructure) 2007

Subclause	Response
Clause 54 Exempt Development	
(1) Development for any of the following purposes is exempt development if the development is in connection with a pipeline that is the subject of a licence or authorisation under the <i>Gas Supply Act 1996</i> and complies with clause 20:	The gas distribution pipeline that the works relate to is licensed under the <i>Gas Supply Act 1996</i> . The proposed works will comply with clause 20 (refer below).
(a) installation, maintenance, repair or replacement of:	The proposed works involve installation and maintenance.
(i) gas metering at gas customers' premises, or	N/A
(ii) gas customer service lines connecting customers' premises to a gas distribution network,	The proposed works involve installation of a connection between the customers' premises (Cockatoo Island) and the gas distribution network (White Street, Balmain).
(b) maintenance or emergency works or routine maintenance to protect the pipeline, the environment or the public, if the works involve no greater soil or vegetation disturbance than necessary.	Any soil or vegetation disturbance will be minimised during the works.
Clause 20 General requirements for exempt development	
(1) This clause applies to any development that this Policy provides is exempt development. Note. Clause 20A and other provisions of this Policy identify kinds of development that are exempt development if they meet the requirements of this clause.	Noted.
(2) To be exempt development, the development:	
(a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> , or if there are no such relevant provisions, must	The proposed works will meet relevant provisions of the Building Code of Australia (National Construction Code) and be structurally adequate.

Subclause	Response
be structurally adequate, and	
(b) must not, if it relates to an existing building:	The works do not relate to an existing building.
(i) cause the building to contravene the <i>Building Code of Australia</i> , or	N/A
(ii) compromise the fire safety of the building or affect access to any fire exit, and	N/A
(c) must be carried out in accordance with all relevant requirements of the Blue Book, and	The works will be completed in accordance with relevant requirements of the Blue Book. Note: the “Blue Book” is also known as “Managing Urban Stormwater: Soils & Construction” (4th edition, Landcom, 2004).
(d) must not be designated development, and Note. Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.	The proposed works are not designated development.
(e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area, and	Elkington Park is listed as a heritage item of local significance in the Leichhardt Local Environmental Plan 2013. Elkington Park and White Street are in a Conservation Area. The proposed works may have a minor, temporary impact on the park or locality, but will not adversely affect their heritage significance – refer to Section 9.1 of this report.
(f) must be installed in accordance with the manufacturer’s specifications, if applicable, and	All works will be completed in accordance with manufacturer’s specifications (if applicable).
(g) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent. Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the <i>Native Vegetation Act 2003</i> .	The proposed works may require minimal pruning of vegetation; however development approval will not be required. The works site will be made good at the conclusion of the works, and replacement turf and / or shrubs planted as appropriate – refer to Sections 9.2 and 9.3 of this report.

The proposed works are consistent with the provisions of Clauses 54 and 20 of the Infrastructure SEPP.

5.3.Division 18 – Sewerage Systems

Division 18 of the Infrastructure SEPP relates to **Sewerage systems**. The infrastructure SEPP defines certain works as permitted with consent, permitted without consent, or exempt development. The proposed works meet the criterion in Clauses 107 (Exempt Development) and 20 (General requirements for exempt development):

Table 2: Assessment against clauses 107 and 20 of State Environmental Planning Policy (Infrastructure) 2007

Subclause	Response
Clause 107 Exempt Development	
(1) Development for any of the following purposes carried out by or on behalf of a public authority is exempt development if the development is in connection with a sewerage system and complies with clause 20:	The proposed works will be carried out by the Sydney Harbour Federation Trust (a public authority constituted under an Act of the Commonwealth of Australia). The proposed works will comply with clause 20 (refer below).
(a) emergency works or emergency maintenance or repairs to protect a sewerage system, if they involve no greater soil or vegetation disturbance than necessary,	N/A
(b) investigation for system development or to establish the condition or safety of existing infrastructure (including geotechnical and other testing, surveying and sampling) at, above or below the surface of the ground, if the investigation:	The works will involve assessing the condition of the condition of the existing sewer main in White Street, and ensuring it is connected to the Harbour Trust's main to Cockatoo Island.
(i) involves no greater disturbance to the ground or vegetation than necessary, and	The proposed works may require minimal pruning of vegetation; however development approval will not be required. The works site will be made good at the conclusion of the works, and replacement turf and / or shrubs planted as appropriate – refer to Sections 9.2 and 9.3 of this report.
(ii) does not result in any increase in stormwater drainage or run-off from the site concerned,	The proposed works will be carried out to ensure there is no increase in stormwater drainage or run-off.
(c) routine maintenance or associated landscaping works, including the following, if any disturbance to soil or vegetation is no greater than necessary:	The proposed works may require minimal pruning of vegetation; however development approval will not be required. The works site will be made good at the conclusion of the works, and replacement turf and / or shrubs planted as appropriate – refer to Sections 9.2 and 9.3 of this report.
(i) removal of litter or debris from stormwater quality improvement devices,	N/A
(ii) harvesting of macrophytes associated with a treatment system,	N/A
(iii) excavations to expose a pipeline for inspection or testing and the creation of temporary stockpiles associated with pipeline maintenance, repair or replacement,	The works will involve exposing an existing pipeline for inspection, to facilitate its connection to the Harbour Trust's main to Cockatoo Island. Stockpiles will be minimal and removed at the conclusion of works.

Subclause	Response
(iv) flushing or relining of a pipeline if access is by a manhole,	N/A
(v) maintenance of access tracks along corridors, pipelines and other infrastructure,	N/A
(vi) painting, servicing or minor alteration of existing equipment,	The works will involve altering an existing pipeline to facilitate connection of a permanent sewer connection to the Harbour Trust's main to Cockatoo Island.
(vii) alterations to existing enclosures or buildings,	The works will involve altering an existing pipeline to facilitate connection of a permanent sewer connection to the Harbour Trust's main to Cockatoo Island.
(viii) maintenance, repair, renewal or replacement of pumping station components other than for the purpose of substantially increasing the capacity of the pumping station or structural alteration,	N/A
(d) installation, maintenance or repair of a trunk drainage channel, pipeline marker or cathodic protection system,	N/A
(e) works for safety or security, such as:	The worksite will be made safe and secure.
(i) construction, maintenance or realignment of security fencing that has a height above ground level (existing) of not more than 3.2m, or	Any required temporary fencing will have a height above ground level (existing) of not more than 3.2m.
(ii) temporary fencing around work sites or around open excavations, or	Temporary fencing will be installed around the work site and any open excavations.
(iii) maintenance or repair of existing gates or installation of new gates,	N/A
(f) temporary structures associated with maintenance projects, but only if the structure has only one storey.	Any temporary structures will have a height of one storey.
Clause 20 General requirements for exempt development	
(1) This clause applies to any development that this Policy provides is exempt development. Note. Clause 20A and other provisions of this Policy identify kinds of development that are exempt development if they meet the requirements of this clause.	Noted.
(2) To be exempt development, the development:	

Subclause	Response
(a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> , or if there are no such relevant provisions, must be structurally adequate, and	The proposed works will meet relevant provisions of the Building Code of Australia (National Construction Code) and be structurally adequate.
(b) must not, if it relates to an existing building:	The works do not relate to an existing building.
(i) cause the building to contravene the <i>Building Code of Australia</i> , or	N/A
(ii) compromise the fire safety of the building or affect access to any fire exit, and	N/A
(c) must be carried out in accordance with all relevant requirements of the Blue Book, and	The works will be completed in accordance with relevant requirements of the Blue Book. Note: the "Blue Book" is also known as "Managing Urban Stormwater: Soils & Construction" (4th edition, Landcom, 2004).
(d) must not be designated development, and Note. Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.	The proposed works are not designated development.
(e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area, and	Elkington Park is listed as a heritage item of local significance in the Leichhardt Local Environmental Plan 2013. Elkington Park and White Street are in a Conservation Area. The proposed works may have a minor, temporary impact on the park or locality, but will not adversely affect their heritage significance – refer to Section 9.1 of this report.
(f) must be installed in accordance with the manufacturer's specifications, if applicable, and	All works will be completed in accordance with manufacturer's specifications (if applicable).
(g) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent. Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the <i>Native Vegetation Act 2003</i> .	The proposed works may require minimal pruning of vegetation; however development approval will not be required. The works site will be made good at the conclusion of the works, and replacement turf and / or shrubs planted as appropriate – refer to Sections 9.2 and 9.3 of this report.

The proposed works are consistent with the provisions of Clauses 107 and 20 of the Infrastructure SEPP.

6. LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

As the proposed works are being carried out under the provisions of the Infrastructure SEPP, it is not necessary to seek approval for the works under the provisions of the Leichhardt Local Environmental Plan 2013 (LLEP). Despite this, a summary of how the LLEP affects the land is depicted below:

Table 3: Leichhardt Local Environmental Plan 2013 as applies to Elkington Park

Clause	Response
2.1 Land Use Zone	RE1 Public Recreation (Elkington Park including the adjoining White Street)
5.10 Heritage Conservation	Yes – Local heritage item (landscape) (item number 1238) Conservation Area
6.1 Acid sulphate soils	Yes – class 5
6.3 Flood planning	Yes – part of Elkington Park is a Flood Control Lot and part is a Foreshore Control Lot
6.5 Limited development on foreshore area	Yes – part of Elkington Park is affected by Foreshore building line and Foreshore building area

The proposed works do not involve the construction of any structure within the foreshore area, and will not cause environmental harm such as pollution or siltation of the harbour or other waterways. Excavation is limited to approximately 150 metres of trenching, to a maximum depth of 700 mm through cleared areas of Elkington Park. Two redundant service pits at the tip of the headland will be made good. The works are not anticipated to impact acid sulphate soils. At the conclusion of the works, all areas affected by the works will be reinstated and returfed. The works will not have an adverse impact on the significance of the local heritage item or conservation area.

7. NSW LOCAL GOVERNMENT ACT 1993

Elkington Park is classified by Inner West Council as community land. The *Local Government Act 1993* restricts councils' ability to grant interests in community land. However, section 46 of the Act states that:

- 46 (1) A lease or other estate in respect of community land:
- (a1) may be granted for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises **adjoining the community land** [emphasis added] to a facility of the council or other public utility provider.

The Act defines "**adjoining**" in relation to an area, as *abutting or separated only by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division*. Therefore, despite being separated by the Parramatta River, Cockatoo Island *adjoins* Elkington Park, and therefore a council may grant an interest in Elkington Park to the Harbour Trust, for the purposes of public utilities.

At its meeting on 23 August 2016, the Administrator of Inner West Council determined that Council:

1. grants an easement in favour of Sydney Federation Harbour Trust (or other appropriate authority) burdening Elkington Park to allow underground pipes, conduits or other connections for connecting Cockatoo Island and other similar adjoining properties to facilities of public utility providers;
2. delegates authority to the General Manager to review environmental reports and decide their acceptability; to negotiate the location of the easement site, the nature, timing and other conditions of the works to be done, and the ongoing conditions of the easement; and to sign for and on behalf of Council all documents required to give effect to these resolutions; and
3. negotiates with the Sydney Harbour Federation Trust to have the proposed accessible entry to Elkington Park included as part of the Trust's works at its cost.

4. the matter be referred to the Leichhardt LRAC prior to determination by the General Manager.

The proposed works are consistent with this arrangement.

8. ELKINGTON PARK PLAN OF MANAGEMENT

Leichhardt Council's Plan of Management and Masterplan (PoM) for Elkington Park was adopted by Council on 19 October 2004. The PoM divides the park into a three precincts. The works are proposed to take place in *White Horse Point* and the *Heritage Precinct*.

Under the *Local Government Act 1993*, a council may grant an easement to an appropriate authority for the purposes of public utilities.



Figure 2 – Elkington Park – Masterplan (extract). Source: Elkington Park Plan of Management, adopted 19 October 2004

The plan states that “Elkington Park is one of Balmain’s larger open space areas. The park is ideally situated to take advantage of the picture postcard views from the foreshore areas of Balmain. It is also a park of historical significance because of its relationship with Dawn Fraser Pool and its early 1900’s planting and design”.

The Masterplan for the PoM (see **Figure 2**) notes the “sense of openness and the existing character of White Horse Point. The proposed works will not adversely affect this site character.

The proposed works will not adversely affect any proposed works to Elkington Park, or diminish the public’s enjoyment of the site.

9. ENVIRONMENTAL ASSESSMENT

This section of the report assesses and responds to the environmental impacts of the proposed action. It addresses the matters for consideration under Section 28 of the EPBC Act.

The main potential impacts and issues arising from the proposed action relate to:

- Heritage
- Construction Management
- Environmental Impacts
- Contamination and hazardous materials
- Site access
- Visual impacts
- Consultation with other government organisations

Each of these matters is discussed under separate headings below.

9.1. Heritage

The proposed works will provide safe and secure sewer and natural gas services to Cockatoo Island, by establishing connections with these services on the mainland. The works are consistent with the Harbour Trust’s efforts to upgrade all services to the Island and thus facilitate an active, vibrant destination for visitors, long term tenants and special events. The works complement the recently-completed improvements to the potable water and sewer services between Cockatoo Island and Balmain. Without completion of these works, it is possible that the current temporary sewer arrangement will fail, while in respect of natural gas, as there is currently no service to Cockatoo Island, tenants must bring bottled gas to the site. This is inefficient, not cost effective and potentially dangerous.

The works will be limited to a 700 mm deep trench through Elkington Park and part of Lower White Street, and the installation of a gas meter. All works will be completed so surface damage is minimised, and any disturbed vegetation will be replanted. A gas meter will be installed on western edge of Elkington Park, opposite the intersection with Tilba Street. The meter will be encased in a metal cage (or similar) and screened by vegetation to minimised visual impact.

Connection to the mains sewer system may require excavation of part of Lower White Street, between Elkington Park and the existing service pit lid. Any excavated roadway will be reinstated with an appropriate surface, and disruption to vehicle movements will be minimised.

To complement the proposed works, the Harbour Trust also proposes to make good two redundant service pits on the headland of Elkington Park (visible on the cover of this report). Redundant equipment will be removed from the pits, and any internal brickwork collapsed. The pits will be filled with clean material and topped with turf.

The proposed works will enable essential services to be fully commissioned, thus reducing the risk of damage to heritage assets and the environment caused by degradation. Existing aged services have recently been upgraded and were designed to be connected to mains on the mainland. All works will be carried out in a manner that is sympathetic to Elkington Park and surrounds, and are consistent with relevant planning and heritage documents, and have regard to the values of the land and will not have a significant impact on the heritage of any of the places.

9.2. Construction Management

The proposed works involve:

- Laying conduits in a single trench in Elkington Park, Balmain;
- Installation of and commissioning a new gas meter at the edge of Elkington Park;
- Opening of an existing service to connect the Harbour Trust's sewer line to the service pit in Lower White Street; and
- Making good two redundant service pits on the headland of Elkington Park, and covering with turf.

It is anticipated the works will take around three weeks to complete. Should a site compound be required, an appropriate location will be selected in consultation with Inner West Council.

Prior to the commencement of works, a thorough search will be completed to identify the presence of any underground services in the vicinity of the works site. Any excavation in the vicinity of services will be completed by hand, to minimise risk of disrupting services.

Works will be completed by qualified tradesmen and contractors engaged by the utility provider (Jemena) will be responsible for the installation and connection of the gas meter. Works will be completed in accordance with the following:

- NSW EPA standards;
- "Interim Construction Noise Guidelines", dated July 2009, prepared by the NSW Department of Environment and Climate Change;
- "Blue Book" ("Managing Urban Stormwater: Soils & Construction" (4th edition, Landcom, 2004); and
- Relevant parts of Ausgrid's NS 174C Handbook (Environmental Handbook for Construction and Maintenance).

In consultation with Inner West Council, works will be conducted so disturbance to public spaces is minimised. Further, as conditions of consent, detailed construction management plans are to be prepared prior to the commencement of works. The plans are to include:

- detailed works program;
- site management plan (including site fencing and erosion and sediment control measures);
- number and type of construction vehicles and machinery; and
- number of construction personnel.

Subject to the agreement of Council, the hours of works, including delivery of materials to each site, shall be restricted as follows:

1. Between 7am and 6pm, Mondays to Fridays inclusive; and
2. No works on Saturdays, Sundays and public holidays.

The proposed works will be carried out in areas that have previously been disturbed; any disturbed areas will be reinstated, and replanted (using species endorsed by Inner West Council). Consequently, the

proposed works are unlikely to affect any archaeological remains. Nevertheless, should any archaeological remains be uncovered, the proposed works will cease and the Harbour Trust and Inner West Council informed immediately.

9.3. Environmental Impacts

9.3.1. Contamination and Hazardous Materials

The works to Elkington Park involve digging a trench to a depth of 700 mm for the laying of conduits for services infrastructure, and the making good of two redundant service pits. Due to previous uses of the Park, there is the potential for some sub-surface contamination. As a result, any excavations will be limited to previously disturbed areas (thus limiting contact with potentially contaminated materials). In addition, should the works involve or encounter hazardous or potentially hazardous materials, works are to be undertaken in accordance with relevant Australian Standards, legislative requirements and any remedial action plans.

9.3.2. Flora and Fauna

As shown in the aerial photograph at **Figure 1**, the location of the proposed works is a generally grassed section of Elkington Park. The proposed works are not anticipated to require the removal or pruning of any existing mature vegetation, however vegetation will be planted to screen the proposed new gas meter and turf will be laid over any disturbed areas. All species used will be subject to approval of Inner West Council.

9.4. Site Access

The proposed works will involve the excavation of a trench through Elkington Park and a short section of Lower White Street. It is anticipated that up to five contractors' vehicles may be in the vicinity of the site during works. Vehicles will use the existing street parking in the vicinity of Elkington Park; one small excavator to be transported on a trailer) will be required to complete the trenching works.

During works to Lower White Street, it may be necessary to temporary block access to part of the road. This will occur in consultation with Inner West Council, and any potentially affected landowners.

Appropriate site fencing will be installed in Elkington Park during works to ensure public safety.

9.5. Visual Impact

Construction Stage

During the works, there may be a short term visual impact on Elkington Park. Temporary site fencing will be placed around the land-based work sites to ensure public safety.

To minimise adverse visual impacts resulting from the works:

- Trenched areas will be revegetated following the completion of works;
- Excavated sections of Lower White Street will be re-asphalted following the completion of works; and
- The area immediately adjacent to the gas meter will be landscaped to minimise visual impact (species will be selected in consultation with Inner West Council).

As White Horse Point can be a popular location for community events, weddings and other functions, the Harbour Trust is working closely with Council regarding scheduling of the proposed works. In addition, fenced areas will be minimised throughout the works, to limit visual impact.

The proposed gas meter requires an area of approximately 1.1 m x 2.0 m x 1 m – see **Figure 3**. It will be situated on a concrete slab, supported by a retaining wall, and protected by a metal cage (or similar) and screened to minimise visual impacts.

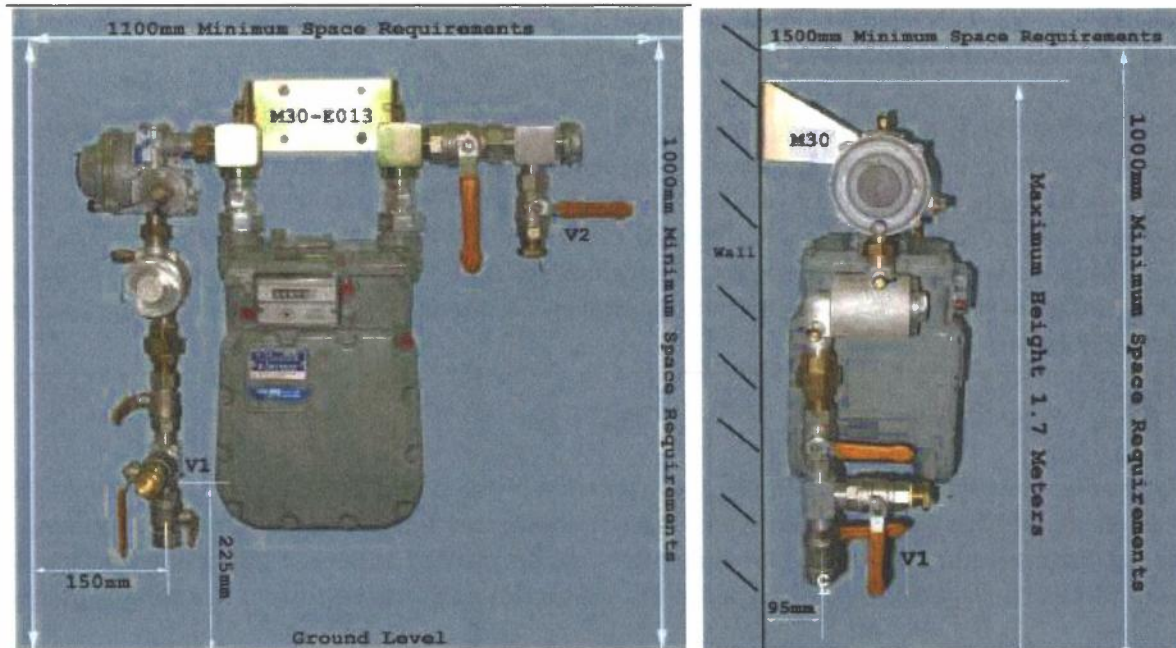


Figure 3 – Proposed gas meter

Due to its location in the roadway, there may be some temporary disturbance to Lower White Street during excavation to connect to the sewer main – see **Figure 4**. The Harbour Trust will ensure potentially affected businesses and residents are notified prior to the commencement of works.



Figure 4 – Approximate extent of trenching in Lower White Street

Operational Stage

Once works have been completed, operation and maintenance of the gas and sewer lines are not anticipated to disturb residents or businesses in Balmain. Other than the gas meter, all new works will be located underground. The gas meter will be located to ensure significant views are not interrupted and, in consultation with Inner West Council, the worksite will be landscaped to ameliorate any long term adverse visual impacts.

9.6. Consultation with Other Government Organisations

9.6.1. Gas Distributor

The Harbour Trust is working closely with the gas distributor (Jemena) regarding the proposed works including installation and commissioning of the gas meter. Jemena contractors will be responsible for ensuring the works, including the gas meter, are installed in accordance with its licence under the *Gas Supply Act 1996*.

9.6.2. NSW Roads and Maritime Services (RMS)

Should use of Lower White Street need to be limited during excavation works, the Harbour Trust will engage with RMS to determine if approvals for the road closure are required.

9.6.3. Inner West Council

As noted above, the Harbour Trust is working closely with Inner West Council regarding the proposed works. The Harbour Trust will ensure any relevant approvals are obtained from Council in relation to the works. In addition, the Harbour Trust will enter into an agreement for an easement for services across Elkington Park. Finally, consideration of Council's Elkington Park Plan of Management in respect of the works is at **Section 8** of this report.

9.7. Summary of Impacts

It is considered that the works are unlikely to have a significant impact on (a) ecosystems; (b) natural and physical resources; (c) qualities and characteristics of the area; (d) heritage values of the place; or (e) their associated social, economic and cultural aspects.

10. CONDITIONS

It is recommended that any approval be subject to the conditions at **Attachment 3**.

11. CONCLUSION

In accordance with Sections 12, 15B, 28 and 341ZC of the EPBC Act, the *State Environmental Planning Policy (Infrastructure) 2007*, and subject to the attached conditions, it is considered that the proposed action will not have a significant impact on the environment, or on the identified heritage values of Elkington Park.

As the works will be located on land outside the Harbour Trust's management, any and all required approvals from other authorities will be obtained prior to the commencement of works. Relevant stakeholders will be notified prior to the commencement of works.

It is therefore RECOMMENDED that the Proposed Action be approved in accordance with Schedule 3 of the Sydney Harbour Federation Trust Register of Delegations subject to the conditions at **Attachment 3**.

Prepared by:



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Recommended by:



Libby Bennett
Director,
Projects and Planning



Jamie Lonie
Director,
Asset Management and Operations

Approved by:



Susan Culverston
Acting Executive Director

31/2/2017

ATTACHMENT 1 – APPROVAL CONDITIONS

DOCUMENTATION

This approval relates to the reticulation of three services mains (75 mm sewer, 63 mm gas and a 63 mm future services conduit) through Elkington Park from the existing services pits on the northern edge of the headland. The pipes will be trenched to a depth of 700 mm in accordance with authority regulations and standards (Application Number 2016/17) and in accordance with the following supporting documentation:

- Specifications for meter M30-E013, prepared by Jemena Asset Management Pty Ltd
- Drawing No A1-MP-0118, revision 0, Medium Pressure Meter Set, Model M175, General Arrangement of Copper Meter Set, prepared by Jemena Asset Management Pty Ltd and dated 01/2016
- Drawing: *Indicative layout of proposed service connections in Elkington Park 20161122*, prepared by Sydney Harbour Federation Trust and undated

DESCRIPTION OF THE WORKS

Excavate a single trench approximately 100 metres long, to a depth of 700 mm through Elkington Park, Balmain. The trench will then be extended a further 25 metres (approximately) through the Park opposite Tilba Street; a second trench will be extended a similar distance towards an existing sewer pit lid in the roadway of Lower White Street – see **Figure 1**.

The trench will accommodate a total of three conduits:

- 1 x 63 mm gas and 1 x 63 mm future services (to opposite Tilba Street)
- 1 x 75 mm sewer conduit (to the sewer pit in Lower White Street)

The following works will occur at the termination of the trenches:

Gas Main and Future Services Conduit (opposite Tilba Street)

- Install an above-ground metering unit on the western edge of Elkington Park, opposite Tilba Street. The metering unit will be screened with planting and the final location is subject to the agreement of Inner West Council.

Sewer Main (Lower White Street)

- In the sewer pit, expose the existing temporary sewer main to Cockatoo Island and disconnect. Connect the Harbour Trust's recently installed sewer main to the main, and activate. No modifications to the lid of the pit are required.

The following works are also proposed in Elkington Park:

- Making good of two redundant service pits on the headland of Elkington Park

PROPOSED USE

The proposed works will provide a safe and secure connection of sewer and natural gas between Cockatoo Island and the mains at Elkington Park, Balmain. The proposed works are expected to be completed in approximately three weeks.

Approval is granted to the above action, subject to compliance with the following conditions:

Note:

Works or activities other than those authorised by this approval, including changes to building configuration or use are required to be submitted in writing for the Harbour Trust's review and approval.

The Harbour Trust may, at its absolute discretion, revoke approval for the proposed action should the conditions of the approval at any time not be met.

CONDITIONS 1-24

GENERAL

1. General Conditions

All works are to be carried out properly and in accordance with the conditions of this approval, including compliance with all relevant legislation, standards, regulations, codes and guidelines. This includes:

- Any relevant requirements in State Environmental Planning Policy (Infrastructure) 2007
- Guidelines prepared by NSW WorkCover, Department of Environment and Climate Change (in relation to noise, hazardous materials, and potentially polluting activities)
- "Blue Book" ("Managing Urban Stormwater: Soils & Construction" (4th edition, Landcom, 2004)
- Ausgrid's NS 174C Handbook (Environmental Handbook for Construction and Maintenance)
- Building Code of Australia
- All relevant Australian Standards
- *Disability Discrimination Act 1992* (Cth)
- All relevant Occupational/Workplace Health and Safety requirements, including the *Work Health and Safety Act 2011* (Cth)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Building and Construction Industry Long Service Payments Act 1986* (NSW)

2. Plumbing and Drainage

Any plumbing and drainage works must be carried out in accordance with the relevant legislation; including but not limited to the Plumbing Code of Australia, *Plumbing and Drainage Act 2011* and *Regulations 2012*. It is the responsibility of the plumber/person carrying out the works to ensure relevant documentation is submitted to NSW Fair Trading.

3. Lapsing of Consent

Any proposal for other works not incorporated in this approval must be re-submitted for the Harbour Trust's review.

Works must commence within five years of the date of this approval, otherwise this approval will lapse, unless otherwise agreed in writing by the Harbour Trust.

4. Other Approvals – NSW Roads and Maritime Services (RMS)

As some of the works will be on land that is subject to a licence NSW Roads and Maritime Services (RMS), relevant approvals must be obtained from RMS prior to the commencement of works.

5. Scheduling of Works

Works are to be carried out in accordance with the schedule agreed by the Harbour Trust.

6. Stakeholder Notification

Prior to the commencement of works, potentially affected residents and businesses in the vicinity of Elkington Park will be notified.

Methodology and timing for notification of these persons and / or organisations is subject to approval by the Harbour Trust.

7. Approved Use

All buildings and open spaces are to be used and occupied solely for the approved uses only. No change of use or additional use of any part of the premises shall take place without the Harbour Trust's approval.

8. Protection of Adjoining Areas

Prior to the commencement of any works, a temporary hoarding, fence or awning must be erected between the work site and adjoining public areas and private areas potentially affected by the works. Any such temporary hoarding, fence or awning must be removed when the work has been completed and prior to the commencement of trade.

9. Signs for Building Sites

A sign must be erected in a prominent position on any work site on which building work or demolition work is being carried out:

- showing the name of the person in charge of the work and a telephone number at which that person may be contacted outside work hours; and
- stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

10. Hours of Construction Work

Subject to the agreement of Council, the hours of works, including delivery of materials to each site, shall be restricted as follows:

1. Between 7am and 6pm, Mondays to Fridays inclusive; and
2. No works on Saturdays, Sundays and public holidays.

Construction works are to comply with the Interim Construction Noise Guideline prepared by Department of Environment and Climate Change NSW.

All works are to undertaken in accordance with the NSW Department of Environment and Conservation Environmental Noise Control Manual – Construction Noise Criteria.

PRIOR TO THE COMMENCEMENT OF WORKS

11. Construction Management Plan

A detailed construction management plan is to be submitted to the Harbour Trust for approval prior to the commencement of works. The plan is to include:

- Safe Work Method Statements;
- detailed works program;
- site management plan (including the location of site sheds, site fencing and erosion and sediment control [including the control of sediment] measures);

- undertaking works in the vicinity of “live” infrastructure;
- number and type of construction vehicles and machinery; and
- number of construction personnel.

The Safe Work Method Statement must address all aspects of the works and meet relevant Occupational/Workplace Health and Safety standards including WorkCover requirements and Australian Standards, detailing procedures that will be put in place throughout the works to ensure the safety of workers and people within adjacent public areas.

12. Protection of Existing Services

Prior to the commencement of works, a comprehensive investigation of existing above- and below-ground services in the vicinity of the work site/s (Elkington Park and Lower White Street), must be completed. This could include sourcing plans from Dial Before You Dig, utility providers and Inner West Council.

Any excavations in the vicinity of underground services are to be completed by hand.

13. Public Liability Insurance

Public Liability Insurance to the value of \$20,000,000 must be taken out by the contractors to protect any person, firm or company from injury, loss or damage sustained as a consequence of the carrying out of site works both within and outside the leased area. Copies of the policies and Certificates of Currency must be provided to the Harbour Trust upon request.

14. Damage to Infrastructure – Buildings, Services and Public Areas

Contractors shall bear the cost of all restoration works to any property owned or managed by the Harbour Trust or any other authority damaged during the course of works. The contractor shall advise the Harbour Trust, in writing, of any existing damage to public or private property before the commencement of the development.

Any infrastructure displaced, damaged or destroyed by the works will be required to be replaced with like for like replacement infrastructure, in terms of colour, texture, materials and sizing.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant’s interest for it to be as full and detailed as possible.

15. Landscaping of Elkington Park

Prior to the commencement of works, approval is to be obtained from Inner West Council for any proposed landscaping at Elkington Park. This includes obtaining approval for all plants (including screening plants and turf) to be used.

16. Other Approvals

Prior to the commencement of works, the contractor is to ascertain whether approvals from relevant land / water owners and consent authorities and obtain any required approvals for any aspect of the works.

Copies of all relevant approvals are to be provided to the Harbour Trust prior to the commencement of works.

DURING WORKS

17. Protection of Flora and Fauna

No land or marine flora or fauna is to be removed, pruned, lopped or otherwise damaged on by contractors while undertaking works at Elkington Park or in Lower White Street, Balmain.

Sydney Harbour Federation Trust, Inner West Council or RMS may impose penalties (payable by the contractor) if any flora or fauna is damaged during any aspect of the works.

18. Unforeseen Archaeological Discoveries

In the event that relics are unintentionally uncovered, work must cease in the area where the relics were found and the Harbour Trust and Inner West Council immediately informed. The Harbour Trust will arrange for an archaeologist to visit the site and undertake an assessment before determining the appropriate course of action.

19. Contamination and Hazardous Materials

In the event that the works involve hazardous or potentially hazardous materials, works are to be undertaken in accordance with relevant Australian Standard, legislative requirements and any remedial action plans.

20. Reversible Works

Any damage to grassed or hard surface areas at Elkington Park are to be made good by the contractor (at the contractor's expense) prior to their departure from site.

21. Refuse and Recycling Storage and Collection

No waste may be deposited into Sydney Harbour or in Elkington Park.

22. Reporting of Worksite Incidents

For the duration of works, the Harbour Trust is to be informed of any incidents that have been reported to WorkCover or any other NSW or Commonwealth government authority during the construction period.

23. Certification of Works

On completion of the works all relevant certification and documentation in relation to all works and services (including but not limited to engineering and services infrastructure) must be provided to the Harbour Trust.

The certification and documentation must demonstrate compliance with the NCC and relevant Australian Standards.

The Harbour Trust is to be provided with copies of all certifications required by any other government authority or service provider.

24. Easement for Services

The Harbour Trust is engage with Inner West Council to finalise an easement for services across Elkington Park. The easement is to enable the Harbour Trust to complete all required maintenance of the services.

