

**City of Sydney**

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22 June 2012

Our Ref: 2012/163169

Your Ref: MP 09\_0145

Chris Ritchie  
NSW Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

Attention: Emma Barnet  
By e-mail: [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

Dear Mr Ritchie,

**Environmental Assessment for Macdonaldtown Gasworks Remediation Project  
(MP09\_0145)**

I refer to your letter, advising of the exhibition of the above mentioned Project Application.

The City provides its comments in relation to the proposed Environmental Assessment to remediate the former Macdonaldtown Gaswork site, located within RailCorp lands at Macdonaldtown and for the option of transporting contaminated material for treatment to RailCorp land within the Chullora Railway Workshops and Yards.

It is acknowledged that the project has the potential to remediate the site so that it is no longer considered to pose a significant risk of harm to humans and the environment and as such, deliver social and environmental benefits which contribute positively to the continued use of the site for rail infrastructure storage purposes.

Notwithstanding this, the former Macdonaldtown Gasworks Site is located within a sensitive context as residential dwellings are in close proximity and it is important the proposal mitigates potential detrimental environmental impacts to these residences. The following specific comments and concerns about the development are provided:

**Noise**

The site is bounded to the west by residential properties fronting Burren Street. The proposed use of highly intrusive equipment for excavation in close proximity to residential properties in Burren Street is of concern. The use of equipment such as Pile drivers and Hydraulic hammers should be restricted so that they are not operated before 8.00am and for suitable respite periods to be negotiated with residents and adhered to.

**Air Quality**

To ensure odour abatement technology is properly used and maintained throughout the life of the project, monitoring, mitigating and abating odour and gas emissions should form a critical part of the site management as contained in the submitted documentation.

*city of villages*



**Dust**

To ensure that dust is contained and controlled during demolition, excavation and construction, a condition should be included as a commitment and as a condition of any approval.

**Heritage**

The Burren Estate Heritage Conservation Area is located adjacent to the site. To ensure the proposed works do not create negative heritage impacts to the contributory items within the conservation area, the recommendations by City Plan on page 93 of the Environmental Assessment prepared by Eco Logical Australia, dated March 2012 should be implemented.

**Trees**

While the majority of the 47 trees recorded within the site are exempt from the City's Tree Preservation Order, it is considered that the trees located along the western boundary provide screening to the residents adjoining the site along Burren Street. Therefore, it is recommended that where possible, trees located along the western boundary be retained and protected.

Where trees are removed along the western boundary, replacement trees should be replanted in consultation with the adjacent Burren Street residents.

**Flora and Fauna**

To ensure the proposed works do not have a significant impact on flora and fauna species and habitat, it is recommended that the mitigation measures outlined in Section 6 of the Flora and Fauna Assessment prepared by Incoll Management Pty Ltd be implemented.

**Traffic**

The Traffic and Pedestrian Management Plan should be amended to include the City's Standard Requirements relating to movements of vehicles to and from the site.

**Community Consultation**

Ongoing consultation with residents is needed to explain the staging of the remediation and construction works, timing of works and how impacts will be mitigated. Residents must be provided with a site contact number to register and resolve issues. All contacts should be recorded.

The granting of consent for the proposal should include the recommended conditions of consent as detailed in Attachment A to this letter.

The City thanks you for the opportunity to provide input at this stage of the proposal.

Should you require further information, please contact Marearna Andreou, Planner, on 9265 9914 or by email at [mandreou@cityofsydney.nsw.gov.au](mailto:mandreou@cityofsydney.nsw.gov.au).

Yours sincerely,



**Monica Barone**  
Chief Executive Officer



## **ATTACHMENT A – RECOMMENDED CONDITIONS**

### **(1) EMISSIONS**

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

### **(2) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:
  - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.
  - (v) Confirmation of the level of ongoing consultation that has and will be undertaken with Building Managers and Burren Street residents likely to be most affected by the remediation and construction works. This is to include a methodology of how neighbouring properties will be kept informed of the timeframes for completion of each construction phase and how impacts will be mitigated.
- (b) Such statements must, where applicable, be in compliance with AS2601-1991 Demolition of Structures, the Occupational Health and Safety Act 2000 and Regulation; Council's Policy for Waste Minimisation in New Developments 2005, the Waste Avoidance and Resource Recovery Act 2001, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the Waste Avoidance and Resource Recovery Act 2001.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.



- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (xiii) Induction training for on-site personnel.
- (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.



- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any Work Cover Authority requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

### **(3) SITE AUDIT STATEMENT**

Upon finalisation of the project a Site Audit Statement (SAS) is to be provided to Council by the accredited Site Auditor containing a statement that the site is suitable for the proposed use and any conditions attached to the SAS are fully discussed with Council prior to the issue of the SAS.

### **(4) COMPLIANCE WITH RECOMMENDATIONS**

- (a) The recommendations within the Demolition and Remediation Environmental Management Plan JBS Environmental dated August 2011 reference BS 40913 – 15164 (Revision 4) and the Remedial Strategy Revision 8, JBS Environmental dated July 2011, reference JBS 40913 – 15505 shall be implemented at all times during the remediation works and in accordance with advice from the accredited site auditor.
- (b) A site specific noise management plan is to be prepared to implement the recommendations within the acoustic report prepared by Acoustic Logic. A copy of the plan is to be forwarded to the City's Health Compliance team prior to any works commencing.
- (c) The recommendations for monitoring, mitigating and abating the emissions of odours, vapour, particles and gas emissions contained within Environmental Procedures, the Air Quality Management Plan, JBS Environmental dated August 2011 reference JBS 40913-15972 and the Air Quality assessment, JBS Environmental dated August 2011 reference JBS40913-15136 Revision H are to be fully implemented and maintained at all times during the remediation works.
- (d) The recommendations by City Plan on page 93 of the Environmental Assessment prepared by Eco Logical Australia, dated March 2012 regarding the protection of the adjacent Burren Estate Heritage Conservation Area is to be implemented. The proposed work for the Gaswork site is to avoid any undermining or damage of the existing buildings and a mitigation plan is to be prepared to include:
  - (i) Recommendations from the geotechnical engineer for maximum batter angles near this boundary;
  - (ii) Recommendations from the structural engineers for requirements of any retaining structure design; and



- (iii) Recommendations from the acoustic engineer for the damage and amenity limits of neighbouring residences and the existing gasholders.
- (e) The mitigation measures outlined in Section 6 of the Flora and Fauna Assessment Remediation of Macdonaldtown Gasworks Site prepared by Incoll Management Pty Ltd, dated July 2010 is to be implemented.

## **(5) EXPORTATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997, and the NSW DECC (now EPA) *Waste Classification Guidelines, Part1: Classifying Waste (April 2008)*. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

## **(6) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

## **(7) USE OF HIGHLY INTRUSIVE EQUIPMENT**

The use of highly intrusive equipment such as pile drivers and hydraulic hammers, which are listed in Group A of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" are not operated before 8.00am and for suitable respite periods to be negotiated and agreed with residents and implemented throughout the working day.

## **(8) NOISE - MECHANICAL PLANT AND EQUIPMENT**

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:



- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ( $L_{A90, 15\text{minutes}}$ ) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" - DEC (EPA) AS1055 for sound level measurements.

## **(9) COMPLAINTS HANDLING**

Full details of the site contact for public complaints, issues, complaints handling and resolution procedures are to be made available to all neighbouring residents. Details of site contacts and complaint resolution procedures are to be forwarded to the City's Health Compliance team prior to any works commencing.

## **(10) HERITAGE**

A copy of the final archaeological excavation/monitoring report prepared by the commissioned archaeologist is to be sent to and deposited in the City of Sydney Archives for records and heritage database updating.

## **(11) ARBORICULTURAL IMPACT ASSESSMENT**

Prior to the commencement of any remediation works, an Arboricultural Impact Assessment by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 must be provided that includes:

- (a) A detailed list of trees recommended for removal and/or retention.
- (b) Tree numbers provided on a site plan.
- (c) An assessment and discussion of the likely impacts the proposed development will have on the trees. This should include above and below ground constraints on trees that should be retained.
- (d) Recommendations of any construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition & remediation works, and into the long term.
- (e) Information on the Arborist's involvement during the works is also required.
- (f) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site,
- (g) Details on the trunk protection (method / materials/ duration); and
- (h) Any other works that must be prohibited throughout construction and development on site.



- (i) Where possible trees located along the western boundary of the gasworks site are to be retained and protected (excluding trees listed as exempt species under the City's Tree Preservation Order).
- (j) All recommendations and tree protection measures contained in the Arborist's Report must be implemented throughout the remediation of the site.

## **(12) ADVANCE TREE PLANTING**

Where trees are removed along the western boundary of the site, replacement trees should be replanted in consultation with the adjacent Burren Street residents. Details of consultation with residents are to be submitted to the satisfaction of Council prior to replacement planting.

Any tree planting must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupancy Certificate.

- (a) The trees must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (b) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (c) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (d) Written confirmation is to be obtained from Council that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (e) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (f) Upon receipt and acceptance that all replacement tree planting/s have been completed to Council's satisfaction, an occupancy certificate will be issued.

## **(13) FOOTPATH DAMAGE BANK GUARANTEE**

- (a) A Footpath Damage Bank Guarantee calculated on the total lineal metres of the public frontage (90 linear metres concrete/asphalt material and 50 linear metres brick paving material) of site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The public domain area which requires protection includes the following:
  - (i) The northern end of Burren Street (15 linear metres concrete/asphalt material)



- (ii) The southern end of Burren Street, the Public Plaza and Erskineville Road (50 linear metres brick paving and 75 linear metres concrete/asphalt material).
- (b) The guarantee must be lodged with Council prior to issue of a Construction Certificate. The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

#### **(14) AMEND TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

The Traffic and Pedestrian Management Plan prepared by Transport and Traffic Planning Associates dated September 2010 is to be amended to include the City's Standard Requirements as Appendix B of the plan and includes the following:

- (a) All vehicles including trucks relating to the MacDonalddtown Gasworks Remediation site must access the site via an existing driveway on the northern side of Swanson Street, west of the railway line. Truck routes to and from the site must use state and regional roads as follows:
  - (i) Arriving to the site: via Parramatta Road, Stanmore Road, King Street, Wilson Street, Erskineville Road, Swanson Street and left to the site.
  - (ii) Departing the site: left only to Swanson Street, Copeland Street, Mitchell Road, Fountain Street, McEvoy Street, Botany Road, Cleveland Street Abercrombie Street, Wattle Street, Pyrmont Bridge Road, Anzac Bridge to City West Link Rd to Chullora.
  - (iii) Construction vehicles including trucks must not use residential streets within City of Sydney's Local Government Area.
- (b) The approved truck routes plan shall form part of the contract and must be distributed to all truck drivers.
- (c) All vehicles must enter and exit the site in a forward direction.
- (d) All Traffic Control Plans associated with this Gasworks Remediation must comply with Australian Standards and RMS Traffic Control at Work Sites Guidelines.
- (e) The applicant must provide Council with details of the largest truck that will be used during the excavation, disposal and remediation works, prior to the start of any work on site and obtain approval from City's Construction Regulation Unit for the use of this vehicle. NOTE: No dog trailers to be used without City's Construction Regulation Unit approval.
- (f) The applicant must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment or occupation on the public way.
- (g) No queuing or parking is permitted in any public road.



- (h) All vehicles associated with the development shall be parked wholly within the site. All site staff related with the works are to park in a designated off street area, no staff are to park on the street.
- (i) All loading and unloading must be within the development site or at an approved "Works Zone".
- (j) The applicant must comply with the construction hours for the MacDonaldtown Gasworks Remediation.
- (k) Traffic Controllers are NOT to stop traffic on the public street(s) to allow trucks to enter or leave the site. They MUST wait until a suitable gap in traffic allows them to assist trucks to enter or exit the site. The Roads Act does not give any special treatment to trucks leaving a construction site - the vehicles already on the road have right-of-way.
- (l) Trucks are not (at no time) allowed to reverse into the site from the road for safety reasons (unless specific approval is obtained from the City's Construction Regulation Unit).
- (m) Pedestrians may be held only for very short periods to ensure safety when trucks are leaving or entering BUT you must NOT stop pedestrians in anticipation i.e. at all times the pedestrians have right-of-way on the footpath not the trucks.
- (n) Physical barriers to control pedestrian or traffic movements need to be determined by the City's Construction Regulations Unit prior to commencement of work.
- (o) The applicant must apply to City's Construction Regulations Unit to organise appropriate approvals for cranes and barricades etc.
- (p) The applicant must apply to City's Building Compliance Unit to organise appropriate approvals for hoarding (if needed) prior to commencement of works.
- (q) The applicant must apply to the City's Work Zones Co-ordinator to organise appropriate approvals for the Work Zones.
- (r) The provision of any information in this Traffic Pedestrian Management Plan will not exempt the applicant from correctly fulfilling all the other conditions relevant to the MacDonaldtown Gasworks Remediation for the above site.
- (s) The owner/developer/builder/contractor undertakes MacDonaldtown Gasworks Remediation to follow and abide by the above conditions at all times during the remedial works of this site.