

D2016/140915

Ms Kelly McNicol
Team Leader
Industry Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attn: Nicola Chisholm

Dear Ms McNicol,

SSD 7917 – Warehouse/Distribution and Light Industrial Facility – Lot 3 Horsley Drive Business Park

Thank you for your letter dated 14 November 2016 requesting WaterNSW's comments on the above proposal.

WaterNSW owns and manages the critical water supply infrastructure – the Upper Canal that forms the western boundary of Horsley Drive Business Park. The corridor is categorised as a 'Controlled Area' under the *Water NSW Act 2014*, which means access is prohibited unless WaterNSW has provided its written consent. Additionally, the Upper Canal is State Heritage listed. The location of the proposed warehouse and distribution facility is adjacent to and downslope of the Upper Canal corridor. East of the Upper Canal security fence is a public cycle path located on land owned by WaterNSW and managed by Fairfield Council under a licence with WaterNSW.

In 2012 WaterNSW (the former Sydney Catchment Authority (SCA)) responded to the SSD application for the Horsley Drive Business Park (SSD 5169; our reference D2012/76601). The issues raised in that response are relevant to the current application, and should be considered by the proponent.

WaterNSW also previously responded to the request for Secretary's Environmental Assessment Requirements (our ref: D2016/98299). The SEARs mandated the proponent must consult with WaterNSW during the preparation of the EIS. The EIS states 'a meeting request has been sent to Water NSW to discuss the proposal further'. Our records indicate the meeting request was not received and no further consultation occurred.

In July 2015, WaterNSW granted consent for works on WaterNSW land to extend the stormwater culverts from the Upper Canal corridor into the stormwater management system on the site (Our ref: D2015/82840). However this was granted on the condition that consultation was undertaken with WaterNSW on the detail of the culvert extension works, which did not occur.

WaterNSW has conducted an inspection of the site on 16 December 2016 from the public cycleway and provides the following comments:

- WaterNSW notes that the stormwater extension works have been carried out by the proponent and/or contractors on WaterNSW land.

The land around the inlet pit on WaterNSW land located to the south of the site (Pit E1) has been scoured by runoff from the cycleway, demonstrating the pit is not properly engineered and/or located to capture this runoff. It is noted that sandstone rubble and geofabric have been

put in place in an attempt to prevent further erosion. This is not an acceptable solution, and the issue must be rectified immediately to the satisfaction of WaterNSW.

It was also noted that the soil in the corridor supporting the edge of the cycleway approximately 50 metres North of inlet pit E1 was falling away due to earthworks that had been carried out as part of the development. WaterNSW requires the proponent to rectify this issue immediately and install measures to prevent further deterioration of the land within the corridor.

- It was noted that part of the finished surface of the site between the ends of the retaining walls along the boundary with the Upper Canal corridor sits higher than the land within the corridor. This is leading to stormwater entering the corridor from the site, carrying soil and sediment due to the un stabilised surface. This was particularly evident around the northern inlet pit E5.

The proponent must immediately install sediment control measures such as sediment fencing on their land to arrest the ingress of sediment into the Upper Canal corridor, as well as re-shape or treat the development site to prevent stormwater from entering the corridor from the site.

- WaterNSW notes a large amount of stockpiled fill in the centre of the site. No further spreading of fill should be carried out near the boundary fence, exacerbating the issue identified above of stormwater entering the Upper Canal corridor from the development site. To this effect it is noted the retaining wall is proposed on the plans (Dwg SP4-WSPT-DA-003 Issue A; 5.10.2016) to run the entire length of the boundary, however on site the wall is constructed only at the northern and southern extents. Clarification is required as to whether the retaining wall will be continued for the entire length as per the plans.
- The existing 1.8 metre chain link security fence must be maintained on the boundary of the development site and the Upper Canal corridor (west of the public cycle path). Should the fencing be damaged requiring replacement, this will occur to WaterNSW's standards at the proponent's expense.
- WaterNSW must be advised in advance of any construction activities, including supplementary earthworks, which are to occur close to the Upper Canal boundary.
- Construction plans for bulk earthworks and civil works adjacent to the Upper Canal should be provided to Water NSW, and be to the satisfaction of Water NSW, prior to the issue of a construction certificate.
- All site preparation and construction work carried out adjacent to the Upper Canal corridor should not impact on water quality or damage the canal infrastructure. Should any damage occur to the water supply infrastructure or land in the corridor or impact on water quality as a result of works being carried out on the subject site, it will be the responsibility of the developer to rectify that damage to the satisfaction of Water NSW and compensate Water NSW for any associated costs. The proponent should consult with Water NSW regarding any works carried out adjacent to the Upper Canal corridor to ensure there is no impact on the corridor from those works.
- The EIS erroneously states (p.26) that the site "does not adjoin any heritage items identified under the Western Sydney Parklands SEPP". The adjoining Upper Canal is listed on the State Heritage Register, listed as the 'Upper Canal System'. It is also listed in Schedule 1 of the Parklands SEPP. The proposed development adjacent to the Upper Canal corridor should aim to not detract from the Canal's heritage significance.

WaterNSW requests that the Department continues to consult with us regarding any future developments for the Horsley Drive Business Park.

If you have any queries regarding the above please contact Alison Kniha, Catchment Protection Planning Manager on 4724 2451 or at alison.kniha@waterNSW.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Malcolm Hughes'.

MALCOLM HUGHES
Manager Catchment Protection

19/12/16

