



PO Box 323 Penrith NSW 2750
Level 4, 2-6 Station Street
Penrith NSW 2750
Tel 1300 722 468 Fax 02 4725 2599
Email info@sca.nsw.gov.au
Website www.sca.nsw.gov.au

Ref: D2012/76601

Ben Eveleigh
Department of Planning and Infrastructure
GPO Box 38
Sydney NSW 2001

Dear Mr Eveleigh,

Horsley Drive Business Park – State Significant Development (SSD-5169)

I refer to the application for the Horsley Drive Business Park which is being assessed as a State Significant Development (SSD) identified site under Schedule 2 of the State and Regional Development State Environmental Planning Policy.

It is understood the development proposed by the Western Sydney Parklands Trust will involve subdivision, demolition and remediation, bulk and detailed earthworks, estate infrastructure and landscaping. The lots created are proposed to be leased for industrial purposes.

The 21 hectare subject site is located adjacent to the Sydney Catchment Authority's (SCA) Upper Canal corridor which is a "controlled area" under the *Sydney Water Catchment Management Act 1998* (SWCM Act). This part of the Upper Canal corridor is Lot 1 DP 596354. Public access to the controlled area corridor is prohibited for safety and security reasons and in order to ensure that water supply infrastructure and water quality within the open canal is protected. The Upper Canal is also listed on the State Heritage Register under the *Heritage Act 1977*.

As a significant adjoining landowner and a public authority with an interest in the proposed development, the SCA is disappointed it was not consulted or notified by the proponent or the Department of Planning and Infrastructure (DP&I) at any point before or during the application process. As a result of this, the SCA only became aware of the proposal on its last day on exhibition. The SCA appreciates DP&I granting an extension for this submission.

Requirements for development adjacent to the Upper Canal

The SCA has a number of requirements for development occurring adjacent to the Upper Canal. The general and specific requirements listed below are for the purpose of public safety and protection of water supply infrastructure and water quality. The SCA requests that these are included as conditions of approval to the development.

1. Prior written approval shall be obtained from the SCA for any access that may be required to the Upper Canal corridor during the investigation and construction stage of the development.
2. Access points to the Upper Canal for SCA staff and contractors to carry out inspections and maintenance shall be retained or provided where necessary.

3. The SCA shall be provided with details of proposed earthworks, retaining walls or other construction along the SCA boundary before such works commence and be advised in advance of any proposed construction activities close to the boundary of SCA lands.
4. All site preparation and construction work carried out adjacent to the Upper Canal corridor shall 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 the SCA and compensate the SCA for any associated costs.
5. Stormwater systems shall be designed to accommodate and not impede upstream flows from any systems that convey stormwater across, along or under the Upper Canal. The stormwater management system should ensure that it makes allowance for all flow emanating from land to the west of the Upper Canal and from the corridor itself. The SCA shall be provided with details of these stormwater systems located along the SCA boundary before such works commence.
6. Appropriate security fencing shall be provided along the length of development boundary with the Upper Canal corridor. As a minimum the fence should be a 1.8 metre chain wire fence topped with three barbed wire strands.
7. The State Heritage status of the Upper Canal shall be taken into account when designing development adjacent to the Upper Canal corridor.

The SCA is in the process of updating a set of guidelines providing more information on the Upper Canal and issues that need to be considered by proponents and planning authorities when designing or assessing a proposal adjacent to the Upper Canal corridor. These will be provided to the DP&I and the proponent on completion in the near future.

The SCA provides the following comments to provide context for the above conditions.

Stormwater Management

The Upper Canal is upslope of the development site and is therefore unaffected by stormwater flows from the site. The subject site is affected by overland flows emanating upstream of the Upper Canal corridor from catchments 2a and 3a (shown in the Existing Catchment Plan in Appendix 7).

According to the Environmental impact Statement (EIS), allowance has been made in the drainage network to convey the two external catchments in the drainage system through a piped stormwater drainage easement to accommodate a 20 year ARI storm even system and additional dedicated flow paths to convey all storms up to and including the 100 year ARI.

The EIS considers the proposed piped stormwater drainage easement is sufficient to carry flows from the southernmost external catchment (2a) because flows from that catchment "will be blocked from entering the site by the Upper Canal so only minor flows are required to be allowed at this location." (page 14 Civil Engineering Report Appendix 6).

This statement is incorrect. Water is conveyed from the entire western side of the Upper Canal across the corridor and is discharged onto the subject site. There is also stormwater run-off from the corridor itself discharged onto the subject land. This stormwater system has been in place since the Upper Canal was constructed in the 1880s.

As stated in Condition 5 above, the stormwater management system should ensure that it makes allowance for all flow emanating from land to the west of the Upper Canal and from the corridor itself. This will require the proponent to reinvestigate whether the proposed piped stormwater drainage easement will be sufficient to accommodate those flows.

Bulk and Detailed Earthworks

The proposal will involve a significant amount of cut and fill, require some retaining structures to create building pads and the realignment of an overland flow path from the northernmost upstream catchment (3a) to facilitate the earthworks.

Cut and fill works and the building of retaining structures are proposed to be undertaken in Pads 4, 5 and 6, which border the Upper Canal corridor. The SCA therefore requires that no site preparation or construction work impact on the Upper Canal structures or water quality and any damage that does occur as a result of these works shall be rectified by the developer (Condition 4).

Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan shows a silt fence is proposed around the boundary of the site, including the boundary along the Upper Canal corridor to prevent sediment entering adjoining lands. As the works are occurring downslope of the Upper Canal, these controls are considered sufficient to prevent any impact on the water supply infrastructure.

The SCA supports the proposed dust and other pollution control measures stated in the provisional Construction Management Plan and requests these are applied to any work occurring adjacent or near to the Upper Canal corridor. As stated in Condition 3, the developer should consult with the SCA on any construction work occurring adjacent to the Upper Canal prior to those works commencing.

State Heritage

The EIS and archaeological and cultural heritage assessment report for the site do not identify the Upper Canal as an item that is listed on the State Heritage Register under the *Heritage Act 1977*. The Upper Canal is listed as the "Upper Canal System". The listing includes the entire length of the Upper Canal corridor as well as dams and other associated water supply components.

Development proposed adjacent to the Upper Canal corridor should aim not to detract from the canal's heritage significance.

Consultation with the SCA

The SCA requests that it is consulted in future on any further environmental assessments or management plans relevant to the SCA and on future stages of the proposal that are adjacent to the Upper Canal corridor.

If you have any queries with regard to any of the above matters please contact Fran Kelly, Senior Land Use Planner, on 4724 2223.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Dinning', with a stylized flourish at the end.

SARAH DINNING
A/Chief Executive

3 September 2012