

D2015/123097

Ben Lusher  
Director, Key Site Assessments  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Lusher

**Water NSW submission on State Significant Development Application for the Staged Commercial Precinct at 185-195 Fifteenth Avenue, West Hoxton (SSD 6407)**

Thank you for your letter dated 27 October 2015, inviting Water NSW to comment on the State Significant Development Application (SSD) for the staged commercial precinct at 185-195 Fifteenth Avenue, West Hoxton.

It is understood the development proposal includes:

- subdivision into seven leasehold lots and a residue lot (including road reserve)
- a Stage 1 concept proposal for commercial, retail, service station and child care uses with an overall maximum gross floor area of 5,350m<sup>2</sup>, and
- demolition, bulk earthworks and construction of estate infrastructure including private road.

The subject site is upslope and adjacent to the eastern boundary of the Upper Canal corridor which is owned and managed by Water NSW. The canal is critical infrastructure which supplies water to the Greater Sydney Region. As such it is vital there is no impact on the corridor, water supply infrastructure or on water quality in the open water parts of the Canal. The Upper Canal corridor is also categorised as a "controlled area" under the *Water NSW Act 2014* which means it is off limits to the public and heavy fines can result from any trespass, pollution, dumping or other illegal activity impacting the corridor.

Although there is a buffer between the development site and the Upper Canal corridor, including Twentyseventh Avenue, there is potential for impact on the Upper Canal if Water NSW's requirements as stated in this response are not adequately implemented during the construction and operational phases.

The key factors for Water NSW with regard to any works or development adjacent to the Upper Canal corridor include the following:

- There should be no impact on water quality within the open waters of the Upper Canal at any stage of the development.
- No damage should occur to the water supply infrastructure at any stage of the development, including the stormwater structures currently serving the Upper Canal.
- 24 hour all weather access to the Upper Canal corridor must be retained or provided for Water NSW staff and contractors.
- For security and safety purposes, there is to be no public access into the Upper Canal corridor at any time. If access is required by the proponent and/or their contractors for any purpose during the development process, access permits will be required from Water NSW.

- The heritage values of the State Heritage listed Upper Canal System must be taken into consideration and protected at all stages of the development.

Water NSW has reviewed the SSD Application and provides the following comments:

## **1. Stormwater Management**

Stormwater management measures for the Fifteenth Avenue Commercial Precinct are outlined in the Civil Engineering Report prepared by Costin Roe Consulting Pty Ltd (dated 19 June 2015).

Stormwater runoff from Fifteenth Avenue Commercial Precinct will be conveyed to a combined above ground detention basin and bioretention system to be located along the western boundary of the site. Treated stormwater runoff will then be discharged to the existing 750mm RCP culvert on Twentyseventh Avenue, which drains water from the site into the Upper Canal corridor.

The report notes that stormwater management measures have been designed to ensure that post development stormwater flows will be attenuated to pre-development stormwater flows. Water NSW supports this approach to minimise flooding and associated water quality risks within the Upper Canal corridor. It is also noted in the report that the proposed development will involve dewatering of the existing farm dam on the site. Clean drained water is proposed to be directed to the stormwater drainage system.

Water NSW is concerned with the management of stormwater from the proposed development and requests that any approval of this development includes the following conditions to address these concerns:

### Requested conditions

- 1.1 *No stormwater exceeding the existing levels shall enter the Upper Canal corridor from the Fifteenth Avenue Commercial Precinct.*
- 1.2 *Any stormwater directed into the existing 750mm RLP culvert on Twenty-seventh Avenue shall not exceed the existing stormwater levels, shall not exceed the capacity of the existing culvert and shall not impede any run off directed from existing Water NSW drains into that infrastructure.*
- 1.3 *Any future development applications at the site shall consider the cumulative stormwater impacts for the total site and shall ensure that stormwater shall not exceed the existing levels, as per conditions 1.1 above.*
- 1.4 *There shall be no modification to any existing stormwater structure within the Upper Canal corridor without the prior agreement of Water NSW.*
- 1.5 *Dewatering of the existing dam on Lot 2 DP 307334 shall be undertaken as per the Bulk Earthworks Plan (Dwg No. CO11995.00-DA30; Iss D; dated 19 June 2015) prepared by Costin Roe Consulting Pty Ltd, and shall ensure that no discharge from the dam is directed into the Upper Canal corridor and shall comply with Conditions 1.1 and 1.2 above.*

## **2. Erosion and Sediment Controls**

Given the extent of earthworks proposed within the Fifteenth Avenue Commercial Precinct, which is slightly upslope of the Upper Canal corridor, there is a risk of sediment or polluted runoff entering the canal unless adequate controls are installed and maintained during construction, and are retained post-construction until the site is stabilised. To minimise risks, Water NSW has the following conditions:

### Requested conditions

- 2.1 *Effective erosion and sediment controls shall be installed prior to any construction activity, including bulk earthworks, and shall prevent sediment or polluted water from entering the Upper Canal corridor and Upper Canal, as per the Erosion and Sediment Control Plan (Dwg No. CO11995.00-DA20; Iss D; dated 19 June 2015) and Erosion and Sediment Control Details (Dwg No. CO11995.00-DA25; Iss D; dated 19 June 201), both prepared by*

*Costin Roe Consulting Pty Ltd. The controls shall be regularly maintained and retained until works have been completed and the ground surface stabilised or groundcover re-established.*

- 2.2 *The sediment basin, diversion channels and bioretention system shall be designed and managed to prevent any overtopping into the Upper Canal corridor.*
- 2.3 *Adequate measures shall be implemented to suppress any dust raised during the construction phase, in order to minimise the potential for dust settling in and polluting the open waters of the Upper Canal.*

### **3. Protection of the Upper Canal corridor and infrastructure**

Although there is no development work proposed within the Upper Canal corridor, construction activities may impact on Water NSW's ability to safely and effectively access the Upper Canal corridor for management and emergency purposes. Water NSW requests that any approval of this development include the following conditions.

#### Requested conditions

- 3.1 *The Proponent shall ensure development activities associated with the development are undertaken in a manner that does not restrict Water NSW from operating and maintaining the Upper Canal. This includes not restricting vehicle or machinery access to the Upper Canal corridor or along the existing roadway within the corridor.*
- 3.2 *All works shall be undertaken in a manner that avoids any impact on the Upper Canal infrastructure and on water quality.*
- 3.3 *Any damage to the Upper Canal caused at any stage during the development process shall be repaired by the proponent, or the proponent shall pay all reasonable costs associated with repairing the damaged water supply infrastructure, in a timely manner and to the satisfaction of Water NSW.*
- 3.4 *Water NSW shall be consulted should there be any impact on existing drainage structures during the works within or adjacent to the Upper Canal corridor. Any impacted drainage structures shall be reinstated and/or restored on completion of works at the proponent's expense, to the satisfaction of Water NSW.*

### **4. Security Fencing and public safety**

The existing security fencing along the Upper Canal corridor to the west of the proposed development must be maintained and retained to ensure no unauthorised access to the Upper Canal corridor and infrastructure, and to reduce potential risks to water quality. Water NSW requests that any approval of this development include the following condition.

#### Requested condition

- 4.1 *The existing security fencing along the Upper Canal corridor shall be maintained and retained and any repairs to or replacement of the security fencing required as a result of damage caused by the construction or operation of the development shall be reinstated to Water NSW's requirements and with all reasonable costs met by the Proponent.*

### **5. Access permits**

The proponent must ensure that no contractors or site workers enter the Upper Canal corridor during any stage of the development process unless they have obtained an access permit from Water NSW. Any person who has been granted an access permit must carry that permit on them when they enter the Upper Canal corridor. Any new access permits will need to be applied for well in advance. It should be ensured that any permit is used only for the purpose for which it was issued. Information on access permits is available on the Water NSW website at the following link: <http://www.waternsw.com.au/water-quality/catchment/manage/special-areas/access>.

## 6. Notification of incidents affecting the Upper Canal

Water NSW requires notification of any incident such as a vehicle accident, discovery of any heritage items, spill or fire that affects or could affect the Upper Canal. Any such incident should be reported to Water NSW on the Incident Notification Number 1800 061 069 (24 hour service) as a matter of urgency.

### Requested conditions:

- 6.1 *All incidents that affect or could affect the Upper Canal shall be reported to Water NSW in the 24 hour Incident Notification Number 1800 061 069 as a matter of urgency.*

Water NSW would appreciate being involved in any further environmental assessment and consultation process associated with this SSD application or any future development applications at this site.

If you wish to discuss please contact Nicole Wallwood on 4724 2458 or [Nicole.wallwood@waternsw.com.au](mailto:Nicole.wallwood@waternsw.com.au).

Yours sincerely



**MALCOLM HUGHES**  
**Senior Manager Planning & Environment**

26/11/13