

8 April 2020

Contact: *Justine Clarke*
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Our ref: *D2020/31706*

Mr David Koppers
Industry Assessments
Department of Planning, Industry & Environment
320 Pitt Street
SYDNEY NSW 2001

Dear Mr Koppers

Exhibition comments - Horsley Drive Stage 2 – Building 1 (SSD 10404)

Thank you for your email dated 12 March 2020 inviting WaterNSW to comment on the Environmental Impact Statement (EIS) for the above State Significant Development project (SSD 10104). The application submitted by Charter Hall seeks approval for the development and construction of a light industrial warehouse facility to operate as a customer fulfilment centre (Building 1) at the Horsley Drive Business Hub Stage 2. It includes a warehouse facility, ancillary office, staff parking space, and loading areas.

WaterNSW understands the site (Lots 17-23 in DP 13961) was the subject of a Concept Plan and Stage 1 earthworks approval for the development of general industrial, light industrial, warehouse and distribution uses (SSD 7664 – November 2017).

WaterNSW owns and manages the critical water supply infrastructure – the Upper Canal corridor – that forms the western boundary of Horsley Drive Business Park. The Upper Canal corridor includes the open Canal as well as the land containing the public cycle path (managed as part of the Western Sydney Parklands). The corridor is categorised as a 'Controlled Area' under the *Water NSW Act 2014* and its associated Regulation.

WaterNSW has reviewed the SSD and conducted a site inspection from the public cycle path, and provides the following comments:

- The location of the proposed warehouse is in the south-west corner of the lots, adjacent to and downslope of the Upper Canal corridor.
- The key issues relating to environmental management practices required during the physical construction and operation of the facility have been assessed and the EIS considers WaterNSW's SEARs comments.
- It is noted that no works are currently proposed in the WaterNSW Upper Canal corridor.

Stormwater management

WaterNSW notes the Engineering Report (Costin Roe Consulting, Rev A, 27 February 2020) considers the upstream flows from the Upper Canal corridor that drain onto the subject site.

Requested condition:

- *The stormwater system for the site must be designed so as not to either impede upstream flows from the Upper Canal corridor or stormwater structures, nor result in increased flows onto WaterNSW land from the site.*

Bulk earthworks, landscaping and erosion and sediment controls

It is noted that extensive earthworks adjacent to the Upper Canal corridor, including significant cut and fill, is proposed as part of SSD 7664. Along the western boundary of the site, a landscaped batter is shown, and then battered bulk excavation approximately eight metres in depth to provide a level surface for the proposed hardstand area. It is unclear when the landscaping will occur on the batter. It is not included in this application according to the Landscape Plans at Appendix C (Geoscapes, 21/02/20). WaterNSW requests the applicant address when this landscaping works will occur on the slope adjacent to the Upper Canal in its response to submissions.

Requested conditions:

- *WaterNSW should be provided with the details of the proposed earthworks, retaining walls or other construction along the boundary of the Upper Canal corridor before such works commence, and be advised in advance of any proposed construction activities close to the boundary.*
- *All site preparation and construction work carried out adjacent to the Upper Canal corridor must not impact on water quality, or damage the Canal infrastructure or land. Should any damage occur as a result of the works being carried out on the subject site, it will be the responsibility of the developer to rectify that damage to the satisfaction of WaterNSW and/or compensate WaterNSW for any associated costs.*
- *Effective erosion and sediment controls must be installed prior to any activity adjacent to the Upper Canal corridor to prevent sediment, dust or polluted water entering the corridor. The controls must be regularly maintained and retained until the building works have been completed and the ground surface stabilised or groundcover re-established.*
- *No stockpiles are to be located close to the Upper Canal corridor.*

Vibration Impacts

The Upper Canal is more than 130 years old, and many parts are fragile and at risk of cracking or collapse. Vibration from excavation and construction works occurring close to the Canal can increase the potential for damage to occur.

The EIS and Operational Noise and Vibration Impact Assessment (Appendix D – SLR, February 2020) have not addressed the indirect impacts of vibration on the Upper Canal during construction or list it as a sensitive receiver. In addition, the EIS does not specify any mitigation measures to address vibration impacts.

WaterNSW accepts Line 3 of Table 3 from the current German Standard DIN 4150 – Part 3 - “Structural Vibration Part 3: Effects of vibration in structures” as the maximum allowable limit of vibration acceptable at WaterNSW assets.

WaterNSW requests the development proposal confirms velocity limits and the impact the works will have on WaterNSW assets and specify any required mitigation measures.

Requested conditions:

- *Vibration monitoring is to be undertaken at the property boundary during bulk earthworks and building construction, and vibration levels must remain within the maximum allowable limits under Line 3 of Table 3 from the current German Standard DIN 4150 – Part 3 - “Structural Vibration Part 3: Effects of vibration in structures.*

Impacts on Bulk Water Supply infrastructure

Further justification is required to demonstrate how the development meets Clause 13 of State Environmental Planning Policy (Western Sydney Parklands) 2009. There is potential for the proposed development to cause impacts outside the development footprint, specifically on the bulk water supply infrastructure. Development consent should not be granted to any development on land in Western Sydney Parklands unless the consent authority is satisfied that this clause has been addressed. WaterNSW requests that the development demonstrate it will have a neutral or beneficial impact on water quality based on Clause 13 of the SEPP.

Fencing

WaterNSW notes the fencing along the boundary of the subject site and the Upper Canal corridor is conditioned within SSD 7664. WaterNSW requests that the fencing be installed as part of that consent prior to the construction of building 1.

Heritage

The Upper Canal is State Heritage listed. The mitigation measures outlined in the EIS (section 7.7) to safeguard against any negative impacts on the heritage significance of the Upper Canal are supported by WaterNSW.

In providing advice for SSD 7664, WaterNSW requested that the State Heritage status of the Upper Canal be taken into account when designing development adjacent to the Upper Canal corridor. WaterNSW is satisfied that this has been undertaken as detailed in Appendix M – Historical Heritage Advice (Biosis, January 2020). However, if any changes to the design of the building occur, the impact on the heritage significance of the Upper Canal must be addressed.

Consent to enter

The Upper Canal corridor is categorised as a 'Controlled Area' under the *Water NSW Act 2014*, which normally means access is prohibited unless WaterNSW has provided its written consent. However, there is a public cycle path east of the Upper Canal security fence, which is located on land owned by WaterNSW and managed by Fairfield Council under a licence with WaterNSW.

As the cycle path is considered public land, consent to access this part of the Upper Canal corridor is not required. However, should the developer propose any works to be carried out on WaterNSW land, they must first obtain written landowner's consent from WaterNSW.

Notification of incidents affecting the Upper Canal

WaterNSW requires notification of any incident that affects the Upper Canal corridor. Any such incident should be reported to WaterNSW on the Incident Notification Number 1800 061 069 (24 hour service) as a matter of urgency.

Requested condition:

- *All incidents that affect or could affect the Upper Canal shall be reported to WaterNSW on the 24 Hour Incident Notification Number 1800 061 069 as a matter of urgency.*

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

WaterNSW would appreciate being advised when the EIS is exhibited for further review, and requests the Department continues to consult with us on any development that may impact on our assets, infrastructure or land, using the email address Environmental.Assessments@waternsw.com.au.

If you have any questions regarding this letter, please contact Justine Clarke at justine.clarke@waternsw.com.au.

Yours sincerely



CLAY PRESHAW
Manager Catchment Protection