

2 October 2019

Contact: *Stuart Little*  
Telephone: *02 9865 2449*  
Our ref: *D2019/104513*

Ms Catherine Van Laeren  
A/Executive Director, Central River City and Western Parkland City  
Department of Planning, Industry and Environment (DPIE)  
GPO Box 39  
Sydney NSW 2001

Dear Catherine

**RE: Public Exhibition of Draft Wilton Growth Area Development Control Plan 2019 (DCP)**

I refer to the invitation to comment on the Draft Wilton Growth Area Development Control Plan 2019 (DCP). WaterNSW has previously provided advice on the development application (DA) for the Stage 1 development of the South East Wilton Precinct.

**Context**

The Upper Canal Corridor transects the South East Wilton Precinct from south to north (see Figure 1). The Corridor is owned and managed by WaterNSW and conveys bulk water from Pheasants Nest Weir through to the Prospect Reservoir. It is also a declared Controlled Area, where public access is prohibited unless written consent is obtained from WaterNSW. Within the South East Precinct, the Upper Canal lies underground in the Nepean Tunnel.

The southern boundary of the South East Wilton Precinct adjoins the Upper Nepean State Conservation Area, which forms part of the Metropolitan Special Area (see Figure 1) and lies within the Sydney Drinking Water Catchment. This land is designated as Schedule 1 land under the *Water NSW Regulation 2013* and public access is prohibited.

Special Areas are subject to the 'Special Areas Plan of Management' (SASPoM) and are jointly managed under the *Water NSW Act 2014* by WaterNSW and the National Parks and Wildlife Service Division within the Department of Planning, Industry and the Environment (DPIE).

It is particularly important to protect both the Upper Canal Corridor and Metropolitan Special Area in order to protect water quality and associated WaterNSW assets.

**Structure of Comments**

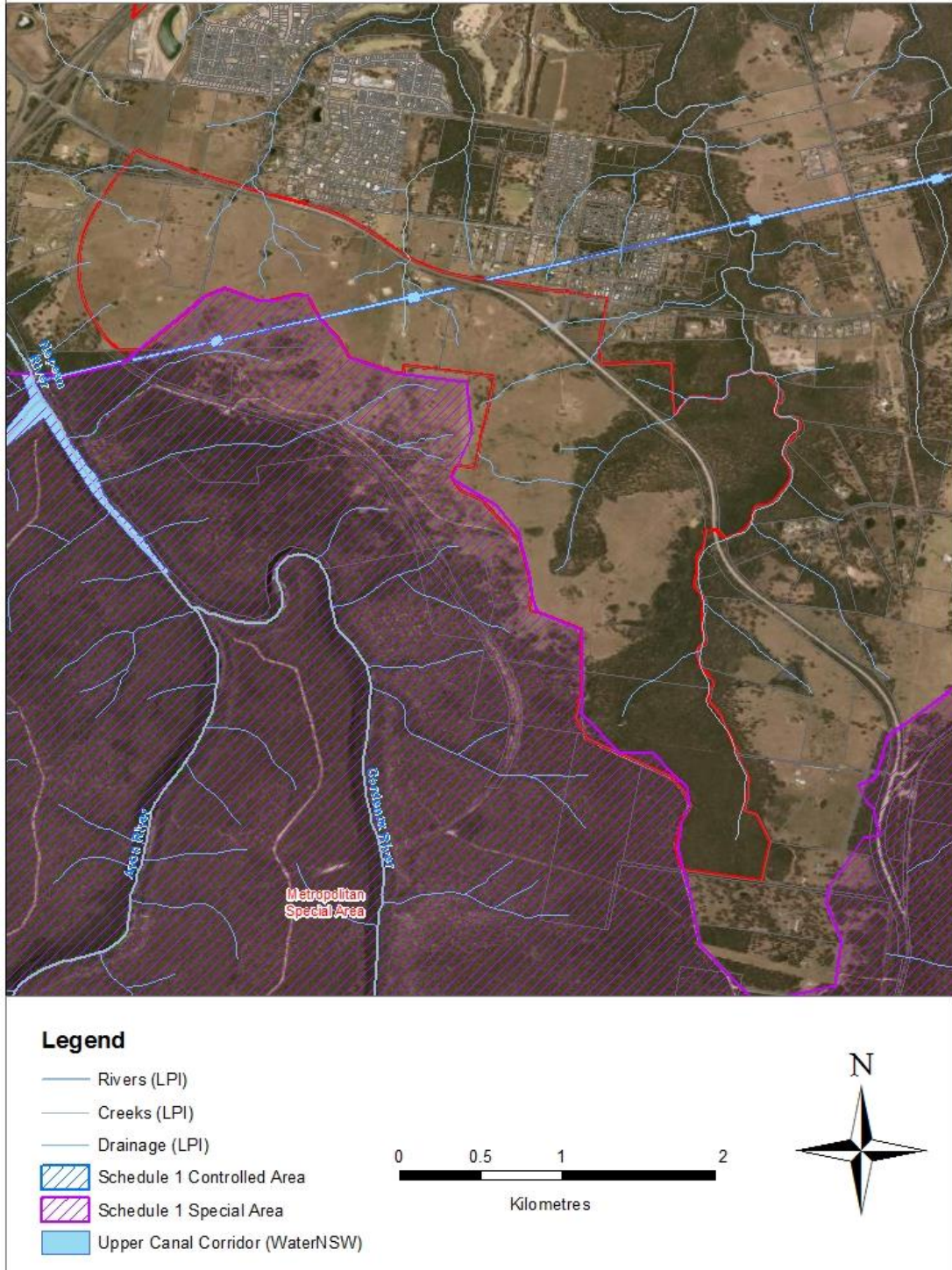
WaterNSW has carefully assessed the Draft DCP and provides comments on the following issues:

- DCP Plans and Design
- Upper Canal Corridor
- Metropolitan Special Area (including security, access and bushfire risk)
- Stormwater Management, and
- Terminology and Hierarchy.

**Request for Meeting**

Given the complexity of the issues raised in this letter (particularly in relation to bushfire risk), WaterNSW requests a further meeting with DPIE. It may also be appropriate to include the National Parks and Wildlife Service Division and the NSW Rural Fires Service to the meeting.

# South East Wilton Precinct



**Figure 1.** South East Wilton Precinct showing location of Upper Canal Corridor, Metropolitan Special Area and drainage features.

## DCP Plans & Design

The DCP relies on the plans and provisions of the South East and North Precinct Schedules to give its provisions effect at the Precinct level. However, for the South East Precinct (Schedule 1), the development designs and road layout patterns of the main Structure Plan (Figure 1-2) are inconsistent with those depicted in the other figures of Schedule 1.

This makes it difficult to assess how future development will interface with both the Upper Canal Corridor and Metropolitan Special Area. WaterNSW seeks clarification as to which development design is intended to prevail. The inconsistency also needs to be rectified to ensure that the DCP provisions for the South East Precinct are internally consistent, and the intended designs given effect across all stages and aspects of the development.

In terms of the Upper Canal, Figure 2-1 of Schedule 1 shows that two internal roads are proposed to cross the Upper Canal Corridor (Nepean Tunnel) whereas the Structure Plan (Figure 1-2) shows only one such road. In consultation with the proponents, WaterNSW has previously agreed to two road crossings for access between the northeast and southwest areas of the precinct.

In terms of the Metropolitan Special Area, the inconsistency between the Structure Plans and other figures presented in Schedule 1 means that it is unclear whether perimeter roads of sufficient width will interface with the Special Area, and the proportion of the how Special Area circumscribed by such roads. This has important implications for access and bushfire management as discussed later in this letter.

### Upper Canal Corridor

WaterNSW generally requires that any development in proximity to the Upper Canal Corridor to take into account WaterNSW [Guidelines for Development Adjacent to Upper Canal and Warragamba Pipelines](#) (the Guidelines).

Many parts of the Nepean Tunnel are fragile and at risk of cracking or collapse. The Guidelines advise that developers should be required to prepare a Construction Environmental Management Plan (CEMP) for new large subdivisions and major development adjacent to the Upper Canal Corridor. It would be useful for this requirement to be listed in the DCP.

In terms of urban design, the Guidelines state that:

WaterNSW's preference is for a local road or street to be located between new development areas and the controlled area boundaries. A soft landscaped verge, and/or footpath/bicycle path should be provided as a further buffer between the corridor boundaries and the local road carriageway. Subdivisions that locate residential lots backing directly onto the Upper Canal and Warragamba Pipelines corridors are not supported by WaterNSW as there is minimal ability to manage, control or prevent uses or activities occurring on adjoining individual properties that could impact on the corridors (page 19).

In the DCP, roads are not the primary means to border the Upper Canal. While designs for Stage 1 may have already been finalised, we request that the DCP ensures that all future Stages of the development adopt a design that creates a road to parallel and border the Upper Canal Corridor.

Despite the Controlled Area designation of the Upper Canal, we note that the DCP proposes that the land above the tunnel be open to the public. As per our previous advice on the Stage 1 development, WaterNSW requests that the area be retained as undeveloped open space maintained by Council (including weed control and mowing). This is consistent with the section of the Tunnel between Wilton and Wonson Streets in the existing Wilton township to the east.

WaterNSW does not support the proposed creation of a 2.5 m wide shared pedestrian and cycleway (see cl 2.5.2 and Figures 2-6 and 3-4 of Schedule 1). No landscaping, cycleways and pedestrian pathways are to be permitted on land within the Upper Canal Corridor. Instead, the proposed cycleway could be allocated to public open space running parallel to the Upper Corridor as advocated in the guidelines.

As the Upper Canal corridor is zoned SP2 Infrastructure, WaterNSW reserves the right to carry out future repairs, maintenance and replacement of critical water supply infrastructure in this area.

## **Metropolitan Special Area**

The DCP does not reference the Metropolitan Special Area, nor identify how it will be protected from the impacts of new development and associated population growth. The DCP controls appear to mainly focus on the environmental constraints, values, and risks occurring within the boundaries of the Precinct. However it does not consider how future development will be influenced by, or exert influence on, neighbouring areas such as the Metropolitan Special Area.

The two main issues of concern for WaterNSW is the influence of the future development on the security and access of the Special Area, and bushfire risk.

### ***Security and Access***

As raised earlier, the road designs are inconsistent between the Structure Plan (Figure 1-2 of Schedule 1) and all other Figures for the South East Precinct (ie Figures 2-1 to 3-7). It is therefore unclear as to which design is proposed for the Precinct's boundary with the Special Area, and whether the designs proposed in Stage 1 of the development, which proposed about 20 housing lots backing onto the Metropolitan Special Area without a perimeter road, are being reconsidered.

WaterNSW requires clarification regarding the planning designs proposed along the boundary with the Metropolitan Special Area and whether the designs of Stage 1 have altered to accommodate a greater perimeter road component.

WaterNSW supports a design whereby the entire Metropolitan Special Area is circumscribed by a perimeter road network to minimise the number of individual residences potentially interfacing the Special Area.

### ***Bushfire Risk***

The DCP includes bushfire management controls under cl. 2.8 and additional specific provisions for the South East Precinct under cl. 2.6.2 and Figure 2-4 of Schedule 1. WaterNSW strongly supports that all APZs should be wholly located within the Precinct as advocated in the DCP.

WaterNSW is also generally supportive of the other bushfire management provisions of the DCP. However, the detail is passed onto the South East Precinct Plan (Schedule 1) and later neighbourhood plans that not yet been prepared. WaterNSW has the following residual concerns:

- The exact APZ distances are unstated and are unable to be determined based on the scale of the map presented in Figure 2-4. WaterNSW has requested a more detailed map, but this has not yet been made available.
- Given the differences in planning designs at the interface with the Special Area, it is unclear whether the designs and housing lots at the interface will have sufficient setback distances to accommodate the necessary APZs.
- The exhibition documents did not include a supporting bushfire risk assessment report and it is unclear how the risk was assessed or how the proposed APZ distances were derived.
- It is unclear whether the APZs are of sufficient width. Two issues are relevant here.
  - *Planning for Bush Fire Protection 2006* and AS 3959 Protection of Buildings in Bushfire Prone Areas (2009) are about to be superseded by a new version of *Planning for Bush Fire Protection 2019*. This is likely to generate different APZ distances. APZ widths should meet the new minimum APZ distances proposed.
  - Based on Digital Globe (2019) imagery, the vegetation of the Metropolitan Special Area appears to be pasture (grassland) with emergent trees. The Holiday Coast Bushfire Solutions 'Bushfire Hazard Assessment Report' (23/01/2018) indicates that the vegetation assessed on the adjoining Special Area varies from grassland to woodland to forest.

Some distances were based on the vegetation types being grassland, although it appears that earlier APZ distances for the Stage 1 DA accommodated a 32 m APZ setback distance based on forest vegetation. As the Special Area will be fenced, forest regrowth will occur.

- WaterNSW notes that low density residential development is proposed on land adjoining the Metropolitan Special Area. Nevertheless, WaterNSW considers that the DCP should prohibit or discourage Special Fire Protection Purpose development (e.g. schools, tourist and aged care facilities) from the first row of lots facing the Special Area. Such developments require very large APZs and evacuation during bushfire emergencies.
- Clause 2.6.2 of Schedule 1 requires a 'Bushfire Management Plan' to be prepared detailing bushfire management measures such as Asset Protection Zones (APZs). But this only applies to DAs that will create residential allotments adjacent to land zoned E2 Environmental Conservation *under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Appendix 14* (emphasis added).

Strict application of this requirement would mean that the bushfire risk associated with the Metropolitan Special Area may go unrecognised. The bushfire provisions of cl. 2.6.2 are should be restructured to apply to all bushfire-prone land (regardless of zoning). It should also apply to any DA that allows a dwelling entitlement (irrespective of zoning) or that facilitates a Special Fire Protection Purpose development.

- Appendix I outlines biodiversity controls and includes ecological setbacks and ecological buffers within the APZs. However, the requirements of cl. 2.6.1 are confusing and there is a risk that APZs will not provide adequate vegetation treatment or distances. In particular, it is not clear in Figures 14 and 15 whether part of the ecological buffer is to be fully incorporated within the APZs (Figure 14) or partly outside it (Figure 15). Also, the 30% Crown cover threshold for bushfire safety is positioned as a minimum Crown cover requirement rather than a maximum.

## **Stormwater Management & Drainage Issues**

Section 2.5.1 of the DCP provides objectives and controls for water-related matters such as stormwater management, Water Sensitive Urban Design (WSUD), flood risk management, water quality targets and protection of waterways and riparian areas. WaterNSW supports the intention of these provisions but also offers the following comments:

- The Flood-Prone and Riparian Corridor Map for the South-East Precinct (Figure 3-7 of Schedule 1) does not depict all the drainage features. Figure 1 (of this letter) shows the drainage features within the Precinct and the respective locations of the Metropolitan Special Area and Upper Canal Corridor.

A number of drainage features transect the Upper Canal Corridor and may be subject to increased risk of stormwater runoff as a result of the Precinct's development. There are also drainage features within the Metropolitan Special Area that lie close by to the Precinct's southern boundary, and which drain into the Nepean River above Pheasants Nest Weir. These drainage elements are important for water quality protection given the proximity of these features to the commencement of the Upper Canal at Pheasants Nest Weir.

- All stormwater management measures and controls associated with the development must not infringe on the Upper Canal Corridor. Drainage and runoff from the development should be designed to be directed away from the Upper Canal Corridor. Similarly, it needs to be ensured that stormwater runoff from the development is not directed into the neighbouring Metropolitan Special Area.
- There is an absence of information articulating what the nature and design of key stormwater management measures and they will be located. It is also unclear how the proposed Open Space network for the South East Precinct will interact with proposed stormwater management controls and whether sufficient open space has been allocated for the stormwater management measures required.

This is important as the DCP relies heavily on stormwater being managed through Council's Design and Construction Specifications, and as there is likely to be limited soft landscape areas available on private allotments for water absorption, retention and treatment measures.

In light of the above comments, WaterNSW requests the DCP incorporate provisions for the Neighbourhood Plans to:

- identify the nature and location of stormwater management measures
- ensure that stormwater management measures are located solely within the Precinct and do not occur within the boundary of the Upper Canal Corridor
- ensures that post development flows are not greater than pre-development flows, and
- ensure that all stormwater runoff arising from the development is managed within the confines of the development site and that no stormwater is directed onto the Upper Canal Corridor or across into the adjoining Metropolitan Special Area.

### **Terminology and Hierarchy**

There appears to be confusion in the terminology used by the DCP, particularly in relation to Precinct Plans and Precinct Schedules, and the hierarchy of documents that apply. This confusion partly relates to how the Growth Centres SEPP gives effect to Precinct Plans in its Schedules, and how the DCP gives effect to its own Precinct Schedules.

The DCP would benefit by:

- a flow diagram identifying the order and hierarchy of Precinct Plans, Precinct Schedules, Precinct Planning Principles and distinguishing which plans, schedules and principles are governed by the SEPP and which are governed by the DCP.
- using consistent terminology
- removing the term 'Precinct Schedules' from Table 2, and
- expanding the glossary (Appendix A) to include a more comprehensive definition of 'Precinct Schedules' along with definitions of 'Precinct', 'Precinct Plan', 'Precinct Planning Principles', 'Precinct Structure Plan', 'Neighbourhood Plan'.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@waternsw.com.au](mailto:stuart.little@waternsw.com.au).

Yours sincerely



**CLAY PRESRAW**  
**Manager Catchment Protection**