



Our reference: P-458789-M7S7
Contact: Kathryn Saunders, Principal Planner
Telephone: (02) 4732 8567

31 March 2023

Department of Planning and Environment
Attn: Shaun Williams

Email: shaun.williams@planning.nsw.gov.au

Dear Shaun,

**SSD-45510464 – BlueScope Erskine Park Metal Coating Line 7 – 25-55
Templar Road, Erskine Park - Penrith City Council Review Advice**

Thank you for providing Council with the opportunity to comment on the State Significant Development Application (**SSDA**). Please see the below matters for consideration in the Department of Planning and Environment's (**DPE**) assessment of the proposal.

1. Planning matters

- (a) Should consent be granted a condition is to be included requiring payment of applicable development contributions prior to the issue of a Construction Certificate or Subdivision Works Certificate, whichever is issued first.
- (b) An ESD Report could not be located and is required to address the sustainability requirements of State Environmental Planning Policy (Industry and Employment) 2021. The proposal must deliver sustainability measures such as solar panels, Water Sensitive Urban Design (WSUD) features, urban heat mitigation measures, EV Charge Stations and the like.
- (c) High quality and appropriately sized and located staff amenities and end of trip facilities are to be provided. Secure and undercover bicycle parking is to be provided for staff.
- (d) Consideration shall be given to providing 5% of all new car parking spaces with EV Charge stations.
- (e) In accordance with Council's DCP applicable Urban Heat Chapter, 40% of the car parking area is to be provided with canopy shade. Landscape plans are to demonstrate that this is achievable.

The Department is strongly encouraged to ensure compliance with this requirement for any new car parking spaces. DPE is also encourages to require amendments to existing car parking areas to enable compliance with this control, or closer to.

Further, Council's DCP applies to the site and requires planting within the car parking area to have canopy trees spaced at 6 car space intervals and no less. Landscape plans are not compliant with this requirement.

Additional tree planting may be included in existing blister at the southern existing aisle ends.

DPE is to review if existing landscaping is adequate or requires refreshing, replanting or irrigation to ensure the visual, amenity and heat island impacts of the new development are addressed.

An arborist report is to address impacts of the construction of the proposed fire sprinkler tank and nearby infrastructure, to ensure that mature trees nearby are not removed or detrimentally impacted.

- (f) Safe and separated access for bicycles and pedestrians is to be provided to the Street.
- (g) The layout of the development shall ensure (and demonstrate) how practical maintenance to the easement for the creek is provided and maintained.
- (h) The security fence forward of the building and along Templar Road is to be Diplomat style black metal palisade fencing and not chain link and/or barbed wire. Landscape plans currently indicate '2.1m fence to architect's detail'.
- (i) DPE is to ensure compliance with Council's DCP in relation to Signage, particularly that which is proposed at the upper level of the high bay. This signage shall not be visible outside of the Industrially zoned land.

2. Development engineering matters

(a) General review advice

Stormwater discharge is proposed to be directed to the existing pipe network within the site, which runs to the existing basin within the adjoining property protected by an existing drainage easement.

The application (as has been lodged) proposes minor modifications to the existing basin and discharge structure. As the proposed discharge point and modification works are within the adjoining property and existing easement extent, the application shall be supported by consent from the adjoining property owner and any beneficiary or burdened party of the existing drainage easement.

No objections are raised to this aspect of the development subject to the above matter being addressed. Draft recommended Council engineering conditions are at **Appendix A**.

(b) Assets and separate application made.



Council's City Assets Team have received an application for a temporary driveway access at the southern end of the site to accommodate an oversized vehicle that will be used to deliver materials to the site during the construction period for the proposed. The access proposes the partial removal (tail end) of a Council owned water quality drainage basin located within the centre of Templar Road.

This SSD Application does not make mention of this separate application and has not addressed:

- the proposed temporary access at the southern end of the site,
- the proposed partial removal of the Council owned drainage basin within the centre of Templar Road,
- remediation works at the completion of the construction works, and
- impacts of the oversized vehicle on Council's Road network.

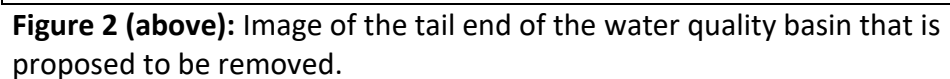
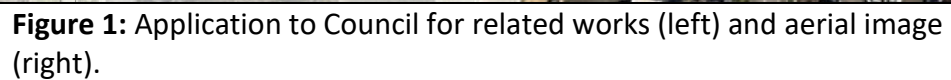
Prior to further assessment, the following matters must be addressed by the applicant:

- Full details of the temporary access proposed at the southern end of the site to accommodate an oversized vehicle during the construction period,
- The impact upon the existing drainage, including water quality, of Templar Road upon the partial removal of the drainage basin located within the centre of Templar Road and replacement with road pavement,

The application shall address the current functionality of the basin, the gaps in the kerb for the collection of runoff from the road pavement, and the existing grated drainage pit that is proposed to be converted to a sealed lid,

- Assessment of the removal of the trees and vegetation currently located in the subject area of the basin,
- Assessment of the oversized vehicle upon the local road network,
- The duration of construction,
- The Remediation of Templar Road at the completion of the internal construction works.

See image below of proposed works submitted to Penrith City Council's Asset Management Team (not forming part of this SSD application):



The current operation at the site is subject to an Environmental Protection Licence (**EPL**) from the NSW EPA. The site operates under EPL-12495 for Metallurgical Activities and will require assessment by the EPA and licence review.

Council agrees with the recommendations stated in the accompanying environmental reports. Of significant importance is the requirement to prepare a Remediation Action Plan (**RAP**) to address hazardous ground gas (**HGG**) and other contamination issues identified in the PSI and DSI.

This will also require preparation of Validation Reporting.



4. Traffic engineering matters

(a) Site traffic summary

Vehicle access to the project area is located off Templar Road for heavy vehicles and light vehicles. There are three driveways to the site; the central driveway provides light vehicle access via a two-way driveway while heavy vehicles enter and exit via separate driveways to the far north and south of the site.

There is an on-site car park consisting of 80 car parking spaces and eight (8) motorcycle spaces.

(b) Traffic analysis

Council has reviewed the traffic impact assessment and provides the following advice:

- The traffic impact of the proposed development on adjoining road network is considered acceptable subject to the below identified need for approval from National Heavy Vehicle Regulator (**NHVR**) for use of the road for PBS 2B Vehicle Access.
- Currently, there are 80 parking spaces on-site and eight (8) motorcycle spaces. It is proposed to provide a total of 121 parking spaces to accommodate the future peak parking demand generated by the existing and proposed development with two (2) accessible parking spaces are to be provided associated with the development.
- The additional on-site car parking layout has been designed to comply with Australian Standards 2890.1-2004 with parking aisle width of 5.8m, bay width of 2.4m and bay length of 5.4m.
- Accessible parking spaces are designed to comply with AS2890.6 – 2022.
- It is proposed to service the development by PBS 2B vehicles.

Templar Road is not approved for servicing by PBS 2B vehicles. BlueScope shall apply/obtain PBS 2B Vehicle Access Permit from the NHVR to access the site via Templar Road. Vehicle Access Permit shall also be obtained from Council's Asset Section.

5. Landscape design matters

Council's Landscape Review Advice was not available at the time of writing and will be forwarded under separate cover.

6. Waterway health and design matters

(a) MUSIC Model

As no MUSIC modelling or detailed drawings for the bioretention system was submitted, Council was not able to complete a full assessment against the requirements of Council's WSUD Policy and related DCP sections. The applicant shall address these deficiencies.

Notwithstanding the above, based in the information provided it is noted that the development proposes to discharge into an existing 1,035m² bioretention system.

An existing GPT is also proposed, however the plans also indicate that the bioretention basin and GPT requirements are currently under review. Clarification is required prior to completing the assessment of the application.

(b) General waterways matters

It is noted that while an indicative maintenance schedule is included in the civil report, it is not clear who is responsible for the maintenance of the existing bioretention system and is not clear if it has been maintained sufficiently.

Further, as a best practice approach, bioretention systems are not brought on-line until 80-90% of the catchment they serve have been developed, due to the risk of being compromised by sediment from the construction phase.

As such, further clarification is required on how the proposed treatment measures would be maintained.

(c) Water conservation

With respect to water conservation, the applicant's report notes that the final configuration and sizing of the rainwater tanks is subject to detail design considerations and optimum site utilisation.

At this stage, inadequate information has been provided to demonstrate compliance with Council's WSUD Policy and DCP.

Additional information is required to demonstrate that a minimum of 80% non-potable water would be met with harvested rainwater.

The following comments are made for the department's consideration:

- The engineering plans indicated that the bioretention basin and GPT requirements are currently under review. It is suggested that an updated and final set of engineering plans and supporting information (e.g., MUSIC modelling) be provided for review.
- Updated information and supporting calculations should be prepared to demonstrate how the proposed development will comply with Council's WSUD Policy and DCP with respect to water conservation. The strategy shall demonstrate compliance with Section 3.1 of Council's WSUD Policy. It is suggested that



conditions in any consent should be provided in the case it is not provided prior to approval.

- While an indicative maintenance schedules for the treatment systems are included in the civil report, it is not clear who is responsible for the maintenance of the existing bioretention system and is not clear if it has been adequately maintained to date. As such, further clarification is required on how the proposed treatment measures would be maintained. Further, it is suggested that conditions requiring maintenance of all stormwater treatment measures (in perpetuity by the owner) should also be included in any consent.
- Bioretention systems are not brought on-line until a minimum of 80-90% of the catchment they serve have been developed, due to the risk of being compromised by sediment from the construction phase. A condition may be applied to ensure that the adequate safeguards are in place to ensure that the bioretention system is not compromised during the construction phase, and that ensures corrective action is taken in the case the basin is compromised during construction.
- Positive covenants for all stormwater treatment measures should be registered on the title of the property. The restriction as to user and positive covenant should be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

Should you require any further information, please do not hesitate to contact me on (02) 4732 8567.

Yours sincerely,

Kathryn Saunders
Principal Planner



Appendix A

Draft recommended engineering conditions:

K201 - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first.

The bond and applicable fees are in accordance with Council's adopted Fees and Charges. An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

K210 - Stormwater Management

The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by Costin Roe Consulting, reference number WS72510 to WS72587, revision B, dated 14/10/22.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate or Subdivision Works Certificate.

K222 - Access, Car Parking and Manoeuvring

Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

K224 - Construction Traffic Management Plan

Prior to the commencement of any works on-site (including demolition works), a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW.

The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

K503 - Works As Executed - Stormwater Management



Prior to the issue of any Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design Technical Guidelines.

An original set of Works-As-Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

K504 - Stormwater Compliance

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design)

- have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
- have met the design intent with regard to any construction variations to the approved design, and,
- any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

K601 - Stormwater Management System Operation and Maintenance

The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Traffic Conditions

All vehicle parking spaces, parking aisles and driveways/circulating roads must be in accordance with AS2890.1-2004, AS2890.2-2018, AS2890.6-2022 and Council's requirements.

All car parking spaces are to be sealed / line marked and dedicated for parking of vehicles only, and not be used for storage of materials/products/waste material etc.

The required sight lines around the driveway entrances are not compromised by landscaping, fencing or signage.

All vehicles to enter/exit in a forward direction.

Prior to the issue of the Construction Certificate, BlueScope shall apply/obtain PBS 2B Vehicle Access Permit from the National Heavy Vehicle Regulator to access Templar Road. Vehicle Access Permit for PBS 2B vehicles shall also be obtained from Council's Asset Section.