

Attachment 3 – Reasons for Refusal

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the EPA Act. As such, it is recommended that Development Application No. DA-24/0212 be refused for the following reasons:

1. Pursuant to Section 4.15(1)(b) the proposed development will have an unacceptable Economic Impact on the Moss Vale Town Centre and therefore does not satisfy Clause 4.15(1)(b) of the EP & A Act 1979 in respect of the likely economic impacts of the development in the locality.
2. Pursuant to Section 4.15(1)(b) the proposed development results in an unacceptable Urban Design and Planning perspective in respect of:
 - (a) Landscaping across the site is inadequate with large areas of at grade car parking provided without any landscaping.
 - (b) Access to the site if you walk to the site is awkward and difficult.
 - (c) The design doesn't have regard to future use of Lot 2.
 - (d) The site is not suitable for the proposed development with limited street frontage.
3. Pursuant to Section 4.15(1)(b) the proposed development will have an unacceptable traffic and access impacts in respect of:
 - (a) The applicant fails to provide sufficient information to address the additional traffic impact on the road network as a result of the development. Particularly, the submitted Traffic Assessment does not address the anticipated increase in traffic volumes turning right from Hoskins Street to Suttor Road, does not address the potential impacts on intersection performance, safety, sight distance and any additional safety measures at this intersection.
 - (b) Vehicles over 12.5m can no longer turn into Valetta Street from Argyle Street. Insufficient information has been provided for the traffic impact on the surrounding road network and businesses for this proposal as a result of this traffic diversion
 - (c) The proposed pedestrian footpath relies on acquiring a portion of 229 Argyle Street Moss Vale and dedicate this portion of land as road reserve. No owner's consent has been provided for the dedication of the land as public road reserve.
 - (d) Insufficient information has been provided on the proposed realigned footpath on the western side of the main entry to Woolworths, particularly no right of access for public use or equivalent has been proposed over the realigned footpath.

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- (e) The development will generate additional traffic that will impact Hoskins Street and Hawkins Street. This triggers Hoskins Street and Hawkins Street to be upgraded for the full width, including kerb and gutter on both sides, from the secondary access point up to 8 Hawkins Street Moss Vale to service the development.
 - (f) No Concept Road and Drainage Upgrade Plan has been provided for Hoskins Street and Hawkins Street upgrade to demonstrate how the road upgrades will impact the existing features within the road reserve, including driveway crossings, services, overhead powerlines and street trees.
 - (g) Inadequate access arrangement on Proposed Lot 2.
4. Pursuant to Section 4.15(1)(a) the Pylon sign fronting Argyle Street is located on land zoned SP2 which is a prohibited.
 5. Pursuant to Section 4.15(1)(b) the applicant has provided no details of how the Proposed Lot 2 could be developed which is considered essential given the awkward and irregular leftover parcel of land with limited street frontage.
 6. Pursuant to Section 4.15(1)(a) the Applicant has not provided owner consent in respect of works on Lot 2 DP 1192022 and Lot 2 DP 1070183.
 7. Pursuant to Section 4.15(1)(a) the applicant has not provided owners consent in respect of the legal point of discharge into Lot 2 DP 10006620.
 8. Pursuant to Section 4.15(1)(b) the application proposes boom gates fronting Argyle Street located on SP2 land which is considered not appropriate on Council land.
 9. Pursuant to Section 4.15(1)(c) the proposed development does not satisfactorily demonstrate that the site is suitable for the proposed development.
 10. Pursuant to Section 4.15(1)(b) the proposed development does not satisfy the objectives of the zone when considered against the provisions of Clause 4.15(1)(b).
 11. Pursuant to Section 4.15(1)(e) having regard to the above matters, the granting of development consent is not considered to be in the public interest.