



**Premise**

## **233 Argyle Street, Moss Vale**

### **STATEMENT OF ENVIRONMENTAL EFFECTS**




Report No: 323091\_SEE\_001 Final

4 August 2023

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Document reference: 323091\_SEE\_001 Final

DOCUMENT AUTHORISATION					
Version	Version Date	Proposal Details			
Draft	01/06/23	Draft for internal review			
DraftRev1	14/06/23	Draft for client review			
Final	04/08/23	Final for issue			
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**APPENDIX B** - SEPP (industry and employment) 2021 -Schedule 3 Assessment

# 1. INTRODUCTION

Premise has been commissioned by Fabcot Pty Ltd ('Applicant') to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a neighbourhood shopping centre development and associated subdivision at 233 Argyle Street, Moss Vale. The development also includes the construction of road access over the adjoining 231 Argyle Street and intersection works (including traffic signals) at the intersection of Argyle Street, Valetta Street and the aforementioned road access construction.

This SEE has been prepared pursuant to Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 and is provided in the following format.

- **Section 2** details the project background.
- **Section 3** of this report provides a description of the subject site and its locality.
- **Section 4** outlines the background to and the proposed development.
- **Section 5** details the planning framework applicable to the proposed development.
- **Section 6** identifies the impacts of the proposed development.
- **Section 7** provides a conclusion to the SEE.

This SEE should be read in conjunction with the plans and reports also accompanying the DA and listed in **Table 1** below.

**Table 1 – Plans & Reports**

<b>Plans: Survey</b>	
<b>Consultant</b>	<b>Drawing Ref:</b>
LTS	51874 002DT
<b>Plans: Architectural</b>	
<b>Consultant</b>	<b>Drawing Ref:</b>
Nettleton Tribe	11663
<b>Plans: Civil Engineering</b>	
<b>Consultant</b>	<b>Drawing Ref:</b>
Henry & Hymas	22T73_DA
<b>Plans: Landscaping</b>	
<b>Consultant</b>	<b>Drawing Ref:</b>
Ground Ink	20230214
<b>Plans: Subdivision</b>	
LTS	51874
<b>Report: Civil Engineering Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Henry & Hymas	A22T73-C1/AF
<b>Report: Rainwater Harvesting Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Michael Frost & Associates Pty Ltd	23015
<b>Report: Acoustic Assessment</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Acoustic Logic	20230225.2
<b>Report: Traffic Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Colston Budd Rogers Kafe	11948/2

<b>Report: Statement of Heritage Impact</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Extent Heritage	0223059
<b>Report: Arborist Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Naturally Trees	20/04/2023
<b>Report: Detailed Site Investigation</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Geo-Logix	2301009
<b>Report: Geotechnical Report</b>	
<b>Consultant</b>	<b>Drawing Ref:</b>
Geo-Logix	2301009
<b>Report: Accessibility Design Assessment Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Hontas Hatzi & Co	ADAR_23010_R1.1
<b>Report: BCA and Fire Safety Assessment Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Hontas Hatzi & Co	BCADAR_23012_R1.1
<b>Report: Electrical Services Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Northrop	SY230398-00-EL-RP01
<b>Report: Waste Management Plan</b>	
<b>Consultant</b>	<b>Report Ref:</b>
Elephants Foot Company	4867
<b>Report: Registered Quantity Surveyor's Report</b>	
<b>Consultant</b>	<b>Report Ref:</b>
TCubed Consulting	19 May 2023

## 2. BACKGROUND

On 7 February 2023 a Pre-Development Application meeting was held with Council staff to discuss a proposed shopping centre and subdivision at 233 Argyle Street, Moss Vale. The following **Table 1** details the matters raised by Council in the Meeting Minutes (dated 4 March 2023 and received on 2 June 2023) and comments in response to each matter.

**Table 2- Pre-DA Meeting Minutes**

Matter	Comment
<u>Wingecarribee Local Environmental Plan 2010</u>	
<p><i>The subject land is zoned Zone B5 Business Development under Wingecarribee Local Environmental Plan 2010, as shown below.</i></p> <p><i>A shopping centre and subdivision is permitted with consent within the B5 Business Development Zone subject to the development consent of Council.</i></p>	<p>Since the Pre-DA Meeting was held, the Department of Planning and Environment have introduced the Employment Zones Reform and the site is now zoned E3 Productivity Support.</p> <p>The permissibility of the development within the E3 land use zone is addressed in the Wingecarribee Local Environmental Plan 2010 discussion at Section 5.7 of this SEE.</p>
<p><i>The site is also within proximity to the Moss Vale Railway Station item of heritage, and Argyle Street North Conservation Area identified under Wingecarribee Local Environmental Plan 2010, as shown below, therefore the impact of the proposed development upon nearby heritage will need to be addressed in accordance with Clause 5.10 of WLEP 2010.</i></p>	<p>The DA is accompanied by a Statement of Heritage Impact which considers the Moss Vale Railway Station and the Argyle Street North Conservation Area.</p> <p>Refer to the detailed discussion at Section 5.7 of this SEE.</p>
<p><i>The site is subject to a maximum building height of 12.5 metres, and a maximum floor space ratio of 0.9:1 under Wingecarribee Local Environmental Plan 2010.</i></p>	<p>The proposed development achieves compliance with the maximum building height requirement, refer to the detailed discussion at Section 5.7 of this SEE.</p>
<u>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Ch 8 Sydney Drinking Water Catchment</u>	
<p><i>The site is within the Sydney Drinking Water Catchment; therefore the proposed development must address the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Ch 8 Sydney Drinking Water Catchment to prove the development achieves a neutral or beneficial effect on water quality.</i></p>	<p>The DA is accompanied by a Civil Engineering Report which has undertaken a NorBE Assessment.</p> <p>On 21 November 2022, Chapter 8 (Sydney drinking water catchment) of the Biodiversity and Conservation SEPP was repealed. The provisions of Chapter 8 have been incorporated into Chapter 6 (Water catchments).</p>

Matter	Comment
	Refer to the detailed discussion at Section 5.3 of this SEE.
<u>State Environmental Planning Policy (Resilience and Hazards) 2021 – Ch 4 Remediation of Land</u>	
<i>The proposed development must address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Ch 4 Remediation of Land.</i>	The DA is accompanied by a Detailed Site Investigation (DSI) to consider the suitability of the site for the proposed retail development. Refer to the detailed discussion at Section 5.2 of this SEE.
<u>Moss Vale Town Development Control Plan</u>	
<p><i>The DCP sets numerous controls which must be addressed by the proposed development.</i></p> <p><i>In particular, Section B 19 of the DCP identifies that the site is contained within the Hawkins Street Precinct, and contains provisions detailing preferred development outcomes for the precinct, and development controls including:</i></p> <ul style="list-style-type: none"> <li><i>• Encourage the appropriate amalgamation of sites to ensure efficient redevelopment while still maintaining a scale of the development which is in keeping with surrounding development</i></li> <li><i>• Respect the maximum building height</i></li> <li><i>• Provide an attractive streetscape and substantial areas for landscaping and screen planting, including screen planting to screen railway corridor</i></li> <li><i>• Protection of heritage items</i></li> <li><i>• Adequate provision is made for ingress and egress points to ensure that traffic flows along Argyle Street are not impeded.</i></li> </ul>	The provisions of Section B19 have been considered in detail at <b>Appendix A</b> of this SEE.
<p><i>Section A 12.1 is also applicable to the development, as the site is adjacent to the railway corridor. Particularly controls are relevant including:</i></p> <ul style="list-style-type: none"> <li><i>• The protection of the stability of the nearby rail corridor and railway land during excavation and</i></li> </ul>	The provisions of Section B19 have been considered at <b>Appendix A</b> and Section 5.4 of this SEE.

Matter	Comment
<p><i>construction of any development must be ensured</i></p> <ul style="list-style-type: none"> <li>• <i>Any excavation greater than 2m in depth and within 25 metres of the rail corridor will require concurrence with the relevant authority under clause</i></li> <li>• <i>2.99 of State Environmental Planning Policy (Transport and Infrastructure) 2021.</i></li> <li>• <i>Drainage from the development is to be adequately disposed of so as not to be diverted on to the rail corridor</i></li> <li>• <i>Appropriate landscaping and fencing is to be installed to screen and soften views of the rail tracks from the development and to help alleviate the 'sense' of exposure of the development to the source of rail noise</i></li> </ul>	
<u>Access</u>	
<p><i>The development proposes access over the adjoining Lot 11 DP 1192264 to obtain access to Argyle Street. Lot 11 DP 1192264 is owned by Wingecarribee Shire Council. In order to maintain a clear separation of roles between Council as the consent authority assessing the development application, and Council as the owner of Lot 11 DP 1192264, you will need to approach Council as owner of Lot 11 DP 1192264 independently and separate to the development assessment process.</i></p>	<p>Landowners consent has been granted by Council.</p>
<p><i>While the site has access to Hoskins Street, this access point will increase traffic impacts upon the adjoining residential area. Minimal traffic impacts from customer vehicles, service vehicles and delivery trucks upon the residential area is required, so that residential amenity is maintained. Impacts will need to be addressed in a Statement of Environmental Effects, Traffic report and Acoustic report. Designing the proposal so that traffic accessing the proposed shopping centre is directed away from the adjoining residential area is strongly encouraged.</i></p>	<p>Refer to the Traffic Report and Noise Impact Assessment that accompany the DA as well as the discussion at Section 6.6 of this SEE.</p>



<b>Matter</b>	<b>Comment</b>
<p><i>Similarly, should a subdivision component form part of the application, details will need to be provided regarding the likely use of a subdivided lot, to ensure that any commercial use should direct traffic away from the adjoining residential area.</i></p>	<p>The development includes a two lot Torrens title subdivision of 233 Argyle Street, Moss Vale to create the following lots:</p> <ul style="list-style-type: none"> <li>Proposed Lot 1 - 2.217ha comprises the proposed development site;</li> <li>Proposed Lot 2 - 1.195ha comprises a residual lot for future development.</li> </ul> <p>At this stage, the future use of the residual lot is not known. The future development of proposed Lot 2 will be subject to a separate DA to Council.</p>
<p><u><i>Pedestrian movement through the site from Hoskins Street to Argyle Street</i></u></p>	
<p><i>While it is understood the proposed design is at an early conceptual stage, future design will need to show clear pedestrian movement through the site from Hoskins Street to Argyle Street.</i></p>	<p>The Architectural and Landscape Plans which accompany the DA delineate the pedestrian paths through the site. A pedestrian path is provided along the site's north-western boundary from Hoskins Street and a pedestrian path is also provided along the site's south-western boundary from Argyle Street.</p>
<p><u><i>Signage</i></u></p>	
<p><i>Section A10.6.3 of the Moss Vale Township DCP states that a free-standing sign shall be located within an overall sign structure envelope with dimensions not exceeding a height of 4.5 metres, width of 1.5 metres and depth of 300mm.</i></p>	<p>A variation to this requirement has been sought, please refer to the detailed discussion at Section 5.10 of this SEE.</p>
<p><u><i>Landscaping</i></u></p>	
<p><i>Landscape species and materials which respect existing Moss Vale character are encouraged, including the use of Photinia hedging, Plane trees, Boston Ivy on retaining walls, and the use of dry stone basalt walls.</i></p>	<p>The DA is accompanied by a Landscape Plan which incorporates a range of trees and shrubs.</p>
<p><i>A reduction in proposed shade sails in carpark area to enable an increase in provision of large shade trees in the carpark (including diamond planter tree bays placed at one per 6 – 12 car spaces) would better respect the existing landscaped character of Moss Vale. Plane trees have been used in Council carparks and Coles Moss Vale carpark in Moss Vale.</i></p>	<p>Landscaped bays are proposed within the carpark area in conjunction with shade sails. Along the outer edges of the carpark, shade trees have been provided generally at a rate of one per 6-12 spaces. Within the central carpark area, shade sails are proposed to minimise areas for concealment and</p>

Matter	Comment
	enhance visibility through the central portion of the carpark.
<u>External Materials</u>	
<i>The inclusion of external building materials such as elements of Bowral blue bricks, which are characteristic in the Moss Vale locality, is encouraged.</i>	The DA is accompanied by a Colour Schedule which details the proposed materials and colours. The Statement of Heritage Impact which accompanies the DA relevantly provides that the <i>new development will be a contemporary addition to the broader streetscape. Despite its increased massing and height, the new Woolworths shopping centre will sit comfortably within the landscape owing to its visually recessive materiality and considered siting on a descending topography, located at the rear of existing contemporary commercial developments along Argyle Street.</i>
<u>Voluntary Planning Agreement</u>	
<i>Should a Voluntary Planning Agreement be in consideration, discussions will need to be undertaken with Council's Executive Manager Strategic Outcomes Michael Park.</i>	Several discussions have been held with Michael Park regarding the VPA. It is understood that a VPA Letter of Offer has been reported to Council.
<u>Development Engineer comments</u>	
<p><b>Access and Traffic:</b></p> <p><i>Please submit the Traffic Report and road upgrade plans at DA stage, showing any road and any intersection upgrade at both Argyle Street and Hoskins Street.</i></p> <ul style="list-style-type: none"> <li><i>Hoskins Street is currently a very low trafficked road. The pavement will unlikely be able to sustain the extra heavy vehicle traffic, to be further investigated at Section 138.</i></li> <li><i>Please confirm if there will be any measures in place to prevent shoppers from using Hoskins Street.</i></li> </ul>	<p>The DA is accompanied by a Traffic Report which has addressed the two proposed vehicular access points at Hoskins Street and Argyle Street. Refer to Section 6.6 of this SEE for a detailed discussion of the Traffic Report.</p> <p>The use of Hoskins St as a secondary customer access forms part of the proposal as this mitigates pressure on the Argyle Street access. Further, it has been specifically requested by TfNSW. In a meeting on 4 November 2021, where TfNSW advised <i>it would be our expectation that a secondary access is provided to enable residents from the catchment east of the site to access via local roads (i.e. facilitate local trips on local roads). This is</i></p>

Matter	Comment
<ul style="list-style-type: none"> <li><i>There will be community disapproval from people on Hoskins Street and possibly Suttor Road. Delivery times may be able to be restricted to reduce impacts on residents.</i></li> <li><i>The main access to Woolworths is proposed via Argyle Street which is a State Road managed by TfNSW. The proposed signalised intersection upgrade, right turn treatment and left turn treatment shall be done in consultation with TfNSW and Council.</i></li> <li><i>Access is proposed via a Council's owned land (Lot 11 DP 1192264), please ensure to discuss with Property team for any land purchase or access easement enquiry.</i></li> <li><i>Delivery and service vehicles are proposed to gain access via Hoskins Street via a driveway crossover. The crossover and the internal driveway dimension will be sized to suit the turning swept path of the largest service vehicle.</i></li> <li><i>The applicant will need to liaise with Andrew Maskiell (WSC's Project Manager) to discuss the impact the bypass will have on Argyle Street traffic volumes – Andrew.Maskiell@wsc.nsw.gov.au</i></li> <li><i>Sight distance is limited around the bend at Hoskins Street, especially for when large trucks manoeuvring in and out of the site. Please provide sight distance analysis and if not sufficient, please provide with additional warning measures for incoming vehicles.</i></li> <li><i>Kerb, gutter, drainage and pavement upgrade shall be provided along Hoskins Street to the Hoskins St and Hawkins St intersection.</i></li> <li><i>As discussed in the meeting, it is unclear how the "future development site 12180m<sup>2</sup>" being developed – whether it will be residential / commercial purpose. Access, stormwater,</i></li> </ul>	<p><i>particularly important to minimise congestion on Argyle Street and especially at the roundabout with Suttor Road/Illawarra Highway.</i></p> <p>The shopping centre loading dock is proposed to operate between the hours of 5.00am to 8.00pm. This has been addressed as part of the Noise Impact Assessment which accompanies the DA.</p> <p>Refer to the Traffic Report which details consultation undertaken with TfNSW.</p> <p>Landowners consent has been granted by Council.</p> <p>Refer to the Traffic Report and Civil Plans which accompany the DA.</p> <p>Noted.</p> <p>Refer to the Traffic Report which accompanies the DA.</p> <p>Refer to the Civil Plans which accompany the DA which provide details of kerb, gutter, drainage and pavement upgrades.</p>

<b>Matter</b>	<b>Comment</b>
<i>sewer, water, etc arrangement shall be provided for the future lot, to either Hoskins Street for residential development or to Argyle Street if developed for commercial usage.</i>	The future development of the residue lot will form part of a separate Development Application to Council.
<p><b>Stormwater and Overland Flow:</b></p> <ul style="list-style-type: none"> <li><i>There is an existing stormwater channel within the site that discharges across Hoskins Street. Please provide an overland flow analysis when filling in the channel and ensure that there is no impact leaving the site.</i></li> <li><i>It was discussed during the meeting that the applicant wishes to pipe the existing overland flow within the drainage channel to build the carpark over it. This is acceptable from an engineering point of view, but please double check within Section 88B instrument for any drainage restriction and covenant that might prevent piping the channel or changing the shape of the easement.</i></li> <li><i>The applicant has indicated in the meeting that the site existing overland flow within the existing easement will be piped and will discharge at ARTC land. As part of the DA assessment the assessing officer will refer this DA to ARTC and further requirements might arise from their end. Council will need to be satisfied that a legal point of discharge is provided for the development site (i.e. to ARTC land) at the full cost of the developer. The developer might be required to come into a drainage licence / infrastructure licence / drainage easement arrangement with ARTC.</i></li> </ul>	<p>Refer to the Civil Plans and Civil Engineering Report which accompany the DA. As part of the proposed works, the existing swale will be removed to allow carpark formation and replaced with a 600mm stormwater pipe, which is a continuation of the existing upstream 600mm stormwater pipe network.</p> <p>Refer to the Subdivision Plan which accompanies the DA which identifies the required easements to drain water.</p> <p>Noted.</p>
<p><b>Sewer and Water:</b></p> <ul style="list-style-type: none"> <li><i>Water and Sewer modelling will be required. The applicant does not have to include this as part of the DA Application as the requirement can be conditioned, but it is strongly suggested to undertake this report prior to DA submission as it will help inform any potential capacity issues related to the proposed demand. The sewer/water modelling fact sheet can be found in the following link which details the process</i></li> </ul>	Noted, this work has commenced.

Matter	Comment
<p><i>to be followed: <a href="https://www.wsc.nsw.gov.au/Services/Water-Sewer/Water-Sewer-Modelling-Services">https://www.wsc.nsw.gov.au/Services/Water-Sewer/Water-Sewer-Modelling-Services</a></i></p> <ul style="list-style-type: none"> <li><i>The applicant has previously been advised (via duty enquiry) that no building over sewer or within the 3m centrally placed easement would be allowed. This sewer trunk main is critical for Moss Vale and Council requires free and full access to operate/maintain the asset in the future. If a relocation of the existing asset is required, concept design plans for the proposed location of the asset in relation to the proposed building works would be required as part of the Development Application.</i></li> <li><i>All private sewer within the proposed development site will need to connect to a point in Council's sewer networks via gravity – applicant to show this location on DA plans</i></li> <li><i>Show proposed potable water and fire connection points on the DA plans.</i></li> </ul>	<p>Refer to the Civil Plans and Civil Engineering Report which accompany the DA. The existing sewer main is proposed to be diverted to accommodate the proposed development.</p> <p>Refer to the Civil Plans and Civil Engineering Report which accompany the DA.</p> <p>Refer to the Civil Plans and Civil Engineering Report which accompany the DA.</p>
<u>Accredited Certifier comments</u>	
<p><i>Proposed development shall comply with the provisions of the Building Code of Australia.</i></p>	<p>The DA is accompanied by an Accessibility Design Assessment Report which has undertaken an accessibility design assessment of the proposed development against the relevant Deemed to Satisfy provisions of the National Construction Code (NCC) / Building Code of Australia (BCA) 2022.</p> <p>The DA is also accompanied by a BCA and Fire Safety Assessment Report which has conducted a preliminary assessment of the proposed architectural design documentation against the relevant Deemed to Satisfy provisions of the BCA 2022.</p>

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<b>Matter</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li><i>MUSIC modelling and Water Quality Management Report</i></li> </ul>	<p>The DA is accompanied by Civil Plans and a Civil Engineering Report which includes details of MUSIC modelling and water quality management.</p>
<p><u><i>Determination</i></u></p>	
<p><i>Should the proposed development exceed \$30,000,000 in value, the application will be presented to the Southern Regional Planning Panel for determination.</i></p> <p><i>Should 10 or more submissions be received objecting to the proposed development, the application will be presented to the Local Planning Panel for determination.</i></p>	<p>The DA is accompanied by a QS Report which provides that the CIV of the development does not exceed \$30 million.</p> <p>Noted.</p>



### 3. THE SITE & ITS LOCALITY

#### 2.1 The Site

The subject site comprises Lot 1 DP 1192022 (233 Argyle Street, Moss Vale) and Lot 11 DP 1192264 (231 Argyle Street, Moss Vale). The site is irregular in shape and has a total area of 3.47 hectares. It is located at the northern end of the Moss Vale Town Centre, on the north western side of Argyle Street, opposite Valetta Street and abutting the Moss Vale train station commuter car park and the Main Southern Railway corridor. The site also has a road frontage at its northern boundary to Hoskins Street, approximately 120m from the Hoskins Street / Hawkins Street intersection.



**Figure 1 – The Site** (source: Nearmap, 2023)

Further site particulars are set out in **Table 3** below:



**Table 3- Site Particulars**

Improvements	<p>The site is predominantly vacant, with the southern portion including an informal, unsealed car parking area. The balance of the site is grassed, with an open, unlined drainage channel traversing the southern portion of the site, in a southeast to northwest direction.</p> <p>There are retaining walls ranging in height from approximately 2 to 3 metres along the south-eastern boundary of the site, associated with the adjoining service station and KFC developments.</p>
Easements & affectations	<p>The site is currently subject to several easements as identified on the Survey Plan which accompanies the DA. These relate to rights of carriageway, easements for electricity purposes, easements to drain water, easements for services, easements for batter and easement to drain sewage.</p>
Topography	<p>The site falls approximately 8.5 metres from RL679.5 at Argyle Street to RL671.00 at Hoskins Street, across the length of the site.</p>
Vegetation	<p>The site is largely clear of vegetation with the exception of patches of grass and 17 trees, which are concentrated along the unlined drainage channel traversing the site in a southeast to northwest direction.</p>
Flooding	<p>The site is not identified as being flood affected on the Flood Planning Map.</p>
Services	<p>There is an existing sewer main traversing the site as well as a combination of 600mm stormwater pipes and swales running through the site that collect an upstream catchment from the low point on Argyle Street and eventually drain towards the Railcorp land.</p>
Heritage	<p>The site is not identified as a heritage item and is not within a heritage conservation area. The site is located in proximity to the Argyle Street North Conservation Area to the south of the site. The conservation area includes the following item which are in proximity to the site:</p> <ul style="list-style-type: none"> <li>• Moss Vale Railway Station (Lot 4 DP 1101186) – State significance.</li> </ul>

## 2.2 The Locality

The site is located at the northern end of the Moss Vale Town Centre and surrounding development comprises a mix of land uses:

North-east	Adjoining the site to the north-east is existing residential development.
North	To the north of the site, on the northern side of Hoskins Street is Goode Park, with established residential beyond.
East	Located immediately to the east of the site is employment zoned land, with existing residential development beyond.
South-east	Immediately adjoining the site to the south-east is employment land, with a recently constructed Mobil service station, Dominoes and KFC restaurants. On the southern side of Argyle Street are existing car dealerships, with residential development beyond. Further south of the site, along Argyle Street is a shopping strip which includes a range of retail and food and drink land uses.
West	Adjoining the site to the west is the Railway Line and associated Railcorp assets, with the Moss Vale Railway Station located to the south-west of the site. Development on the western side of the railway line comprises existing industrial development, with established residential development beyond.
South-west	Immediately adjoining the site to the south-west is the railway commuter carpark and Endeavour Energy land, which includes a decommissioned substation structure.

## 4. THE DEVELOPMENT

### 4.1 Development Description

The proposed development is a part 1 and part 2 storey neighbourhood shopping centre having a total Gross Floor Area ('GFA') of 7,248.9m<sup>2</sup> and comprising the following:

- Woolworths supermarket development of 4,428.8 GFA, comprising the supermarket itself (3,774.9sqm GFA), Home Delivery and Direct to Boot (459.7m<sup>2</sup> GFA).
- Specialty retail component with a total GFA of 1,208m<sup>2</sup>, which will include a BWS liquor store.
- Commercial (business and office) premises with a total GFA of 842.5m<sup>2</sup>.
- Lobby / mall (240.7m<sup>2</sup> GFA)
- Amenities / Centre Managers Office (total of 168m<sup>2</sup> GFA)
- Carwash (25m<sup>2</sup> GFA).

There are two vehicular entry points to the site as follows:

#### Entry/exit driveway off Argyle Street

The access driveway off Argyle Street is proposed to be the primary access point for passenger vehicles to the carpark. Access to the development via this entry is controlled by boom-gates which will be timed to operate during business hours.

#### Entry/exit driveway off Hoskins Street

The Hoskins Street access driveway is proposed to function as a secondary access point for passenger vehicles and is the only access point for service vehicles which will include garbage collection and deliveries. This access will service vehicles ranging in size from 6.4 metre small rigid trucks to 19.0 metre semi-trailers. This access point will also be restricted by boom gates.








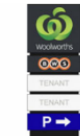








The development includes the construction of a fourth leg of the Valetta Street/Argyle Street intersection, with the intersection also to be upgraded to traffic signal control.

A total of 283 onsite car parking spaces plus 8 Direct to Boot (DTB) onsite parking spaces are proposed. The development also includes a loading dock capable of servicing 2 semi-trailers. A separate loading dock is proposed for 3 small rigid vehicles associated with the home delivery service.

The landscape design for the development incorporates a range of trees, shrubs and groundcovers, that predominantly comprises native species. The landscaping assists with delineating the boundary of the site through hedging along the site boundaries and enhances the amenity of the development by incorporating planting bays across the carpark area.

The development includes the erection of business identification signage across the north-western, south-western, western and northern building elevations. In addition to the building signage, 1 x pylon sign and 1 x carpark entry sign are also proposed along the site's Argyle Street and Hoskins Street frontages, respectively. The proposed signage comprises the following:

233 ARGYLE STREET, MOSS VALE  
STATEMENT OF ENVIRONMENTAL EFFECTS

Signage Schedule					Signage Schedule				
SIGN NO.	GRAPHIC	DESCRIPTION	DIMENSION	COUNT	SIGN NO.	GRAPHIC	DESCRIPTION	DIMENSION	COUNT
SIGN 01		Tenancy Blade Sign	600 X 600mm	x1 Per Tenancy	SIGN 11		Tenant Shopfront Signage	3000 x 600mm High	x1
SIGN 02		Tenant Shopfront Signage	2200 x 600mm High	x1 Per Tenancy w/o Alfresco, x2 Per Tenancy w. Alfresco	SIGN 12		Woolworths Entrance Town Name Signage	1600 X 800mm High	x1
SIGN 03		Woolworths External Facade Sign - Horizontal - Single sided Illuminated (1250mm icon)	SDB B55 1250mm Icon	x1	SIGN 13		Pylon Sign - Double-Sided Illuminated	2140 X 8000mm High above footpath	x1
SIGN 04		Tenant Shopfront Signage	2200 x 600mm High	x3	SIGN 14		Small Pylon Sign - Double-Sided Illuminated	2140 X 5000mm High above footpath	x1
SIGN 05		DIRECT TO BOOT SIGN	7000mm wide x 900mm high	x1	SIGN 15		BWS External Facade Sign - Horizontal - Single sided Illuminated (1250mm icon)	SDB B55 1250mm Icon	x1
SIGN 06		Woolworths 3D Direct to boot Logo	1750mm wide x 2450mm high	x1	SIGN 16		DTB Destination Wall (Graphic TBC)	12600x2850mm High	x1
SIGN 07		Woolworths External Facade Sign - Vertical - Single sided Illuminated (1372mm icon)	SDB B54 1372mm Icon	x4	NOTE: All Signage Internally Illuminated unless otherwise noted.				
SIGN 08		BWS External Facade Sign - Vertical - Single sided Illuminated (1372mm icon)	SDB B54 1372mm Icon	x3					
SIGN 09		Parking Direction Signage	1600 X 620mm High	x1					
SIGN 10		L1 Tenancy Entrance Logo	1600 X 800mm High	x1					

**Figure 2 – Proposed signage** (source: Nettleton Tribe, 2023)

The development proposes the following hours of operation:

- Woolworths shopping centre 7.00am to 10.00pm Monday to Sunday (inclusive)
- Retail and commercial tenancies 7.00am to 10.00pm Monday to Sunday (inclusive)
- Operation of the loading dock 5.00am to 10.00pm Monday to Sunday (inclusive)

The development includes a two lot Torrens title subdivision to create the following lots:

- Proposed Lot 1 2.217ha Proposed development site;
- Proposed Lot 2 1.195ha Residual lot for future development.

The development also includes civil works across proposed Lot 1 to facilitate building construction. The civil works include the installation of drainage infrastructure, diversion of an existing sewer main through the site and bulk earthworks comprising 9,932m<sup>3</sup> of cut and 5,459m<sup>3</sup> of fill.

## 5. STATUTORY PLANNING FRAMEWORK

This section provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the EP&A Act, including the following Acts, Regulations, Environment Planning Instruments and Development Control Plans:

### **Acts:**

- *NSW Environmental Planning & Assessment ('EP&A') Act 1979*
- *Commonwealth Environment Protection and Biodiversity Conservation ('EPBC') Act 1999*

### **Environmental Planning Instruments:**

- State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience & Hazards SEPP')
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity & Conservation SEPP')
- State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport & Infrastructure SEPP')
- State Environmental Planning Policy (Industry and Employment) 2021 ('Industry & Employment SEPP')
- State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')
- Wingecarribee Local Environmental Plan 2010 ('WLEP 2010')

### **Development Control Plans**

- Moss Vale Township Development Control Plan ('DCP').

## 5.1 EP&A Act

### **Objects**

The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment. In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- *To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- *To promote the orderly and economic use and development of land,*
- *To promote the delivery and maintenance of affordable housing,*
- *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- *To promote good design and amenity of the built environment,*
- *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

- *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is consistent with the above objects. It is consistent with facilitating the intended development outcomes for the site within the Moss Vale Town Centre.

### **Section 1.7 – Application of Biodiversity Conservation Act 2016**

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species or ecological communities or their habitats. The matters to be taken into account and an assessment against those matters is provided in **Table 4** below:

**Table 4 – BC Act Part 7 Matters**

<b>Matter</b>	<b>Assessment</b>
<ul style="list-style-type: none"> <li>• in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</li> </ul>	The site is not known to contain any threatened species.
<ul style="list-style-type: none"> <li>• in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—</li> <li>• is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</li> <li>• is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</li> </ul>	The site is not known to contain any endangered ecological community or critically endangered ecological community. .
<ul style="list-style-type: none"> <li>• in relation to the habitat of a threatened species or ecological community—</li> <li>• the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</li> <li>• whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</li> </ul>	The site is not known to contain any habitat of a threatened species or ecological community.

Matter	Assessment
<ul style="list-style-type: none"> <li>the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</li> </ul>	
<ul style="list-style-type: none"> <li>whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</li> </ul>	The site does not contain any declared area of outstanding biodiversity value.
<ul style="list-style-type: none"> <li>whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</li> </ul>	The proposed development is not part of a key threatening process and is not likely to increase the impact of a key threatening process.

#### Section 4.47 – Integrated Development

For the purposes of the EP&A Act, Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the approvals listed at Section 4.46. This application is not for integrated development.

## 5.2 State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience & Hazards SEPP')

The Resilience & Hazards SEPP relevantly consolidates 3 SEPPs, including State Environmental Planning Policy No 55 – Remediation of Land ('SEPP 55').

Pursuant to Clause 4.6 (Contamination and remediation to be considered in determining development application), a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The DA is accompanied by a Detailed Site Investigation (DSI) to consider the suitability of the site for the proposed retail development. The investigation area has been limited to the portion of 233 Argyle Street that is proposed to be developed by Woolworths and an additional parcel known as 231 Argyle Street, which will provide access to the southern portion of the site from Argyle Street.

The subject site is former railway land and site assessment and remediation was conducted on a larger area that includes the majority of the site during the early 2000s. A Site Audit was issued, stating that the site was suitable for residential land use.

To assess for potential soil contamination on the site the following scope of works was completed:

- Systematic soil sampling at 112 locations (TP1 to TP112) across the site on a 14.5 m grid- based sampling plan. The sampling frequency meets NSW EPA (2022) minimum sampling density requirements and is sufficient to identify contamination hotspots of a minimum diameter of 17.1 m at a 95% degree of statistical certainty; and
- Fill samples collected at each location were analysed for the above COPC (visual asbestos assessment only).

The results of the assessment did not identify any conditions requiring the site to be remediated. The site is considered suitable for the proposed commercial retail development.

### 5.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity & Conservation SEPP')

The Biodiversity & Conservation SEPP relevantly consolidates 11 SEPPs, including State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 ('Drinking Water SEPP').

On 21 November 2022, Chapter 8 (Sydney drinking water catchment) of the Biodiversity and Conservation SEPP was repealed. The provisions of Chapter 8 have been incorporated into Chapter 6 (Water catchments).

Part 6.5 (Sydney Drinking Water Catchment) is applicable to the site; the objectives of this part are:

- (a) *to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and*
- (b) *to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.*

Section 6.61 provides that development consent must not be granted to development relating to any part of the Sydney Drinking Water Catchment unless the consent authority is satisfied the carrying out of the development would have a neutral or beneficial effect on water quality (the NorBE test). Section 6.64 further states that the concurrence of the Regulatory Authority must be obtained prior to the granting of consent to the carrying out of development.

The Civil Engineer Report which accompanies the DA which acknowledges that, as per the NorBE Water Quality Assessment guidelines (2011), neutral or beneficial effect on water quality is satisfied if the development has "no identifiable potential impact on water quality", i.e., pollutant loads discharging from the site are not increased as a result of the proposed development.

MUSIC modelling of the provided Stormwater Quality Improvement Devices (SQIDs) confirm that pollutant loads under the post-development condition are reduced below their pre-development condition counterparts as a result of the treatment train.

As such, the provided treatment train meets the requirements of the NorBE Water Quality Assessment Guidelines (2011).



## 5.4 State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport & Infrastructure SEPP')

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) relevantly consolidates 4 SEPPs, including State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP') that is applicable to the proposed development.

The relevant chapter of the Transport and Infrastructure SEPP is Chapter 2 (Infrastructure), with the relevant Divisions being Division 15 Railways and Division 17 Roads and Traffic.

### **Division 15 Railways**

The site adjoins the Main Southern Railway corridor.

**Section 2.98** applies to development on land that is in or adjacent to a rail corridor, if the development—

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor, or
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

In respect to the above, (i) it is not considered that the development have an adverse effect on rail safety, (ii) the rail corridor concerned is not used by electric trains, (iii) the development would not involve the use of a crane in air space above the rail corridor and (iv) the development is not located within 5 metres of an exposed overhead electricity power line that is used for the purpose of the corridor or corridor infrastructure facilities.

**Section 2.99** applies to development the penetration of ground to a depth of at least 2m below ground level (existing) on land—

- (a) within, below or above a rail corridor, or
- (b) within 25m (measured horizontally) of a rail corridor, or
- (c) within 25m (measured horizontally) of the ground directly below a rail corridor, or
- (d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

The development would involve the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m (measured horizontally) of a rail corridor. Accordingly, section 2.99 requires that Council to give written notice of the development to the rail authority for the corridor and take into consideration any response to the notice that is received from the authority within 21 days after the notice is given. Council is also required to take into consideration any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.

Section 2.99 notification is a matter for the Council. If required, the Applicant can provide additional submissions to any response provided by the rail authority.

The relevant publication for the purposes of section 2.99 is *Development near rail corridors and busy roads*.

### **Division 17 Roads and Traffic**

As Argyle Street is classified as a State Road and the development is for commercial premises greater than 2,500sqm GFA and meets the referral 'thresholds' at Schedule 3 of the SEPP, section 2.119 (Development with frontage to a classified road) and section 2.122 (Traffic-generating development) are of relevance here.

**Section 2.119** requires that Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

**Table 5 – Section 2.119 Assessment**

Subsection	Comment
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	The DA is accompanied by a Traffic Report which relevantly provides that vehicular access is proposed to be gained from both Argyle Street and Hoskins Street, with practicable and safe vehicular access able to be gained via both streets.
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or  (ii) the emission of smoke or dust from the development, or  (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.	<p>The DA is accompanied by a Traffic Report which relevantly provides that the proposed driveways off Argyle Street and Hoskins Street will be designed in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS2890.1:2004 and AS 2890.2:2018, with adequate queuing provided prior to the proposed access controls (boom gates).</p> <p>To accommodate traffic accessing the site via Argyle Street, access is proposed via the fourth leg of the Valetta Street/Argyle Street intersection with the intersection proposed to be upgraded to a traffic control signal.</p> <p>The proposed use of the site does not have the potential to generate smoke or dust that could impact the safety, efficiency and ongoing operation of Argyle Street.</p> <p>The Traffic Report which accompanies the DA concludes that the road network will be able to cater for the traffic generation of the proposed development.</p>
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The proposed development is not of a type that is sensitive to traffic noise or vehicle emissions.

**Section 2.122** requires Council to give written notice of the development to Transport for NSW ('TfNSW') and take into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given. This notification is a matter for the Council. If required, the Applicant can provide additional submissions to any response provided by TfNSW.

## 5.5 State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 ('Industry and Employment SEPP') relevantly consolidates two SEPPs, including State Environmental Planning Policy No 64 – Advertising and Signage ('SEPP 64'), which is applicable to the proposed development.

The relevant chapter of the Industry and Employment SEPP is Chapter 3 (Advertising and signage).

In accordance with Section 3.6 (Granting of consent to signage) a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied of the following:

**Table 6 – Section 3.6 Assessment**

Clause	Comment
<i>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i>	The proposed business identification signage is consistent with the objectives of Section 3.1(1)(a). The signage is compatible with the desired amenity and visual character of the E3 Productivity Support land on which it is located. The proposed building and freestanding signs provide effective communication of the business. The signage has been designed to integrate with the development and will be constructed of high quality finishes.
<i>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5</i>	A detailed assessment of the proposed signage against the provisions of Schedule 5 is provided at <b>Appendix B</b> to this SEE.

## 5.6 State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

The Planning Systems SEPP relevantly consolidates the provisions of 3 SEPPs, including State Environmental Planning Policy (State and Regional Development) 2011 ('State & Regional Development SEPP').

The Planning Systems SEPP commenced on 1 March 2022. The provisions of the repealed State & Regional Development SEPP have been transferred to Chapter 2 (State and regional development) and Schedule 6 (Regionally significant development) of the Planning Systems SEPP.

Schedule 6 relevantly provides that development that has a Capital Investment Value ('CIV') of more than \$30 million is regionally significant development, pursuant to the provisions of Part 2.4 (Regionally significant development). The development has a CIV which is below the regionally significant development threshold.

## 5.7 Wingecarribee Local Environmental Plan 2010 ('WLEP 2010')

**Table 7** below sets out an assessment of the development against the relevant provisions of WLEP 2010.

**Table 7 – WLEP 2010 Assessment**

Clause	Assessment	Complies?
1.2 Aims of Plan	Consistent with Particular aims 2(a), (b), (c), (d), (g), (h).	Yes
2.2 & 2.3 Zoning, objectives and land use	<p>Development for the purpose of <i>shops</i> (supermarket and associated kiosk and tenancies), <i>business premises</i> (car wash), <i>commercial premises</i> (commercial tenancy) and <i>business identification signage</i> are permitted with consent in the E3 Productivity Support zone.</p> <p>The development is consistent with the relevant objectives of the E3 land use zone:</p> <ul style="list-style-type: none"> <li><i>To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.</i></li> <li><i>To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.</i></li> <li><i>To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.</i></li> <li><i>To ensure new development has regard to the character and amenity of adjacent and nearby residential areas.</i></li> </ul> <p>The development is providing an employment generating land use within the Moss Vale local centre that will service the retail and commercial needs of the local community, and is of a size and scale that will not detract from the larger local centres.</p> <p>The development has been designed to have regard to the existing surrounding residential development by way of mitigating acoustic impacts, traffic impacts and streetscape impacts, to maintain the character and amenity of the established residential areas.</p>	Yes
4.1 Minimum subdivision lot size	No minimum lot size standard applies.	N/A
4.3 Height of Building Maximum 12.5 metres	The proposed building has a maximum building height of 10.5 metres.	Yes
4.4 Floor Space Ratio (FSR) Maximum 0.9:1	The development comprises a total gross floor area of 7,248.9m <sup>2</sup> which equates to a maximum FSR of 0.33:1.	Yes

Clause	Assessment	Complies?
5.10(4) Heritage Conservation	<p>The site is not identified as a heritage item and is not within a heritage conservation area. The site is located in proximity to the Argyle Street North Conservation Area (C1836) to the south of the site . The conservation area includes the following item which are in proximity (within 100 metres) to the site:</p> <ul style="list-style-type: none"> <li>• Moss Vale Railway Station (Lot 4 DP 1101186) – State significance (I244).</li> </ul> <p>The DA is accompanied by a Statement of Heritage Impact (SoHI) which has analysed the proposed development and potential impacts on the heritage significance of the heritage items in the vicinity of the site.</p> <p>The SoHI relevantly concludes that the <i>new development will be a contemporary addition to the broader streetscape. Despite its increased massing and height, the new Woolworths shopping centre will sit comfortably within the landscape owing to its visually recessive materiality and considered siting on a descending topography, located at the rear of existing contemporary commercial developments along Argyle Street.</i></p> <p><i>The subject site has been assessed as having a low potential for the survival of substantial archaeological remains of local heritage significance associated with its former use as railway stockyards. Although that evidence could inform our understanding of undocumented elements of this particular site, it would otherwise be of low research potential. It is also unlikely that potential archaeological remains would provide significant insight that could not be obtained from resources such as historical records and stockyard sites at other railheads across New South Wales.</i></p> <p><i>While it is located adjacent to the Argyle Street North Conservation Area, the proposed works is assessed to have an overall minor and acceptable heritage impact to the views and settings of the heritage items in its vicinity. As the proposed works are wholly located within the defined site, there will be no physical impact to heritage items in the vicinity and the proposed development will have an overall positive impact to the public amenity of Moss Vale and the broader region.</i></p> <p>The SoHI makes the following recommendations, which could readily be incorporated into conditions of consent, should the DA progress to a favourable determination:</p> <ul style="list-style-type: none"> <li>• The SOHI should be provided to Council as part of the DA for heritage approval.</li> <li>• No building or construction materials should be stockpiled against heritage listed buildings or significant landscaped features along Argyle Street.</li> <li>• Any accidental damage to heritage items is to be treated as an incident, with appropriate recording and notification.</li> </ul>	Yes

Clause	Assessment	Complies?
5.10(4) Heritage Conservation (cont'd)	<ul style="list-style-type: none"> <li>All work areas must be made good upon completion of the project.</li> <li>Any proposed ground disturbance within the area designate of low archaeological potential (proposed carpark and landscaping area) should be subject to archaeological testing to determine if physical or archaeological elements associated with the trucking yards survive.</li> <li>Archaeological testing for potential relics of local significance should be carried out by a suitably qualified archaeologist under a section 139(4) excavation permit exception. This would not require approval under the Heritage Act 1977 but will require record keeping in accordance with Heritage NSW guidelines.</li> <li>Should archaeological remains be found during the archaeological testing they will need to be assessed to determine if they are of local or State significance.</li> <li>As a protocol during all phases of work an Unidentified Finds Procedure should be in place prior to undertaking any excavation.</li> <li>The historically attested presence of the former truckyards provides a meaningful connection of part of the site to the wider historic railway complex. In this instance the former presence of truckyards could be alluded to through on-site interpretation or through design within the development. This could be further informed by any archaeological evidence should they be uncovered during any archaeological testing or groundworks.</li> </ul> <p>Having regard to the above, the development satisfies the provisions of Section 5.10(4).</p>	
5.21 Flood Planning	The site is not mapped as being within the Flood Planning Area.	N/A
7.3 Earthworks	<p>As the site exceeds 2,500m<sup>2</sup> in area and the site is located within the Sydney Drinking Water Catchment, development consent is required for the proposed earthworks.</p> <p>Before granting consent, Council must consider the following matters:</p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p>The DA is accompanied by an Erosion and Sediment Control Plan which identifies measures to be installed and maintained for the duration of the construction works.</p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p>The proposed development of the site will not preclude the future redevelopment of the land.</p> <p><i>(c) the quality of the fill or of the soil to be excavated, or both,</i></p>	Yes

Clause	Assessment	Complies?
	<p>The bulk earthworks required comprise 9,932m<sup>3</sup> of cut and 5,459m<sup>3</sup> of fill. The DA is accompanied by a DSI which relevantly concludes that the site is suitable for the proposed use, with no remediation works required. The cut material will be used for filling of the site.</p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p>The proposed earthworks do not have the potential to adversely impact the amenity of the adjoining properties.</p> <p><i>(e) the source of any fill material or the destination of any excavated material,</i></p> <p>The bulk earthworks will not require any fill material to be imported to the site. The excess cut material will be disposed of in accordance with the construction waste management plan.</p> <p><i>(f) the likelihood of disturbing Aboriginal objects or other relics,</i></p> <p>The site is not identified as containing any Aboriginal objects. The DA is accompanied by a Statement of Heritage Impact which has assessed the likelihood of relics being present on the site and made a recommendation for the implementation of an unexpected finds protocol, should any relics be located during the works.</p> <p><i>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p>The DA is accompanied by a Civil Engineering Report which has demonstrated that the proposed development will have a Neutral or Beneficial Effect on water quality. The site is not in proximity to any environmentally sensitive areas.</p>	

## 5.8 Draft Remediation of Land State Environmental Planning Policy

The Draft Remediation of Land State Environmental Planning Policy ('Draft Remediation of Land SEPP') was placed on public exhibition from 31 January 2018 to 13 April 2018.

The Remediation of Land SEPP will replace the current SEPP 55. It is proposed that the Remediation of Land SEPP will:

- provide a state-wide planning framework for the remediation of land
- maintain the objectives and reinforce those aspects of the existing framework that have worked well
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land
- clearly list the remediation works that require development consent
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

A new provision is proposed to give a consent authority the discretion not to waive the requirement for a report of an investigation if it knows that the land is not contaminated or is otherwise suitable for the proposed use. The consent authority must have sufficient evidence or information about the status of the land to properly exercise this discretion.

The proposed development does not offend the provisions of the Draft Remediation of Land SEPP; refer to the discussion at Section 5.2 of this SEE.

## 5.9 Draft Environment State Environmental Planning Policy

The Draft Environment State Environmental Planning Policy ('Draft Environment SEPP') was placed on public exhibition from 31 October 2017 to 31 January 2018.

The Draft Environment SEPP will consolidate and repeal seven existing State Environmental Planning Policies:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property

The Draft Environment SEPP will provide a consolidated instrument with a single set of planning provisions for catchments, waterways, bushland and protected areas. The instrument will continue existing protections for the Sydney Drinking Water Catchment, improve protections for Sydney Harbour and improve protection of urban bushland in the Sydney metropolitan area.

The proposed development does not offend the provisions of the Draft Environment SEPP.


## 5.10 Moss Vale Township DCP

The proposed development has been assessed against the provisions of the Moss Vale DCP. The proposed development is generally compliant with the applicable provisions of the Moss Vale DCP, with the exception of the following, for which a variation is sought:

Control	Discussion
<b>A10.6.3 Free Standing Business Identification Signs in Business and Industrial Zones</b>  (c) A free-standing sign shall be located within an overall sign structure envelope with dimensions not exceeding a height of 4.5 metres, width of 1.5 metres and depth of 300mm.	<p>The development includes a freestanding sign on each of the street frontages, i.e., the Argyle Street frontage and the Hoskins Street frontage. The signs are supported by simply designed pole supports. The pylon sign on the Argyle Street frontage has the dimensions 2.14m (W) x 8m (H) x 600mm (D) and the Hoskins Street pylon sign proposes the dimensions 2.14m (W) x 5m (H) x 600mm (D).</p> <p>The following numerical variations are sought:</p> <p><u>Argyle Street Pylon Sign</u></p> <p>Height 3.5m – 77.7% variation</p> <p>Width 640mm – 42.6% variation</p> <p>Depth 300mm – 50% variation</p>



Control	Discussion
	<p><u>Hoskins Street Pylon Sign</u></p> <p>Height 0.5m – 11.1% variation</p> <p>Width 640mm – 42.6% variation</p> <p>Depth 300mm – 50% variation</p> <p>The proposed freestanding sign dimensions are site responsive, noting that the building and carpark areas do not have a direct frontage to either Argyle Street or Hoskins Street. The signage serves an important role in identifying the site and vehicular entry points for customers. The height of the Argyle Street pylon sign takes into account the existing electricity substation building to the south-west of the site in addition to the fact that the site itself is situated in the order of 2-3 metres lower than Argyle Street, both of which hamper the visibility of the sign. To ensure the sign graphics are visible, the sign posts, which comprise simple poles, are 3.71m from the ground, with the signage display area maintaining a total height of 4.29m, width of 2.14m and depth which varies from 350mm to 600mm.</p> <p>The proposed Hoskins Street sign design also includes two simply designed poles which have a height of 710mm from ground level. The signage display area has a total height of 4.29m, width of 2.14m and depth of 600mm. The pole design for both signs is visually recessive, comprising a dark colour and slim configuration.</p> <p>The two freestanding signs maintain consistency with the signage objectives, as follows:</p> <p><i>a) Signage shall:</i></p> <p><i>(i) be compatible with the desired amenity and visual character of an area</i></p> <p><i>(ii) provide effective communication in suitable locations</i></p> <p><i>(iii) be of high quality design and finish</i></p> <p><u>Comment:</u></p> <p>The freestanding signs are limited to one per site frontage and comprise a simple design that effectively communicates the land uses proposed on the site. The signs are to be constructed of high quality materials and finishes.</p> <p><i>b) Signage shall respect and not compromise the contribution, both individually and collectively, that buildings and other streetscape features make towards the established urban character and environmental quality of the locality.</i></p> <p><u>Comment:</u></p> <p>The signage has been sited and designed to contribute positively to the streetscape, whilst not impacting the viewing rights of existing signage in the locality.</p>

Control	Discussion
	<p><i>c) Signage shall respect and complement the heritage integrity of the locality.</i></p> <p><u>Comment:</u></p> <p>The DA is accompanied by a Statement of Heritage Impact which has assessed the impact of the development (including the signage) on the locality, relevantly providing that <i>the development will be a contemporary addition to the broader streetscape. Despite its increased massing and height, the new Woolworths shopping centre will sit comfortably within the landscape, owing to its visually recessive materiality.</i></p> <p><i>d) Signage shall add to the visual interest and vitality of a locality.</i></p> <p><u>Comment:</u></p> <p>The proposed freestanding signs add visual interest to the locality, through their identification of the proposed uses, which will make a positive economic and social contribution to the locality through the provision of a supermarket, specialised retail and commercial land uses to service the locality. The signage design and colour palette is simple and consistent with established signage in the locality.</p> <p><i>e) Signage shall only relate to a business or activity carried out within the Shire.</i></p> <p><u>Comment:</u></p> <p>The proposed signage only relates to the Woolworths supermarket, speciality retail and commercial uses proposed on the site.</p> <p><i>f) Signage shall be simple, clear and effective in conveying its message and should inspire confidence in the business or product being advertised.</i></p> <p><u>Comment:</u></p> <p>The freestanding signage comprises a simple design that is consistent with established Woolworths shopping centres in the Shire, particularly the Highlands Marketplace at Mittagong, which includes a raised pylon sign at the intersection of Roscoe Street and the Old Hume Highway, see below.</p> 

Control	Discussion
	<p><i>g) Signage shall not comprise objects such as cans, bottles or other three dimensional proprietary and like representations. Separated from (f) above, resulting in new numbering below.</i></p> <p><u>Comment:</u></p> <p>The proposed signage does not include any objects, other than business logos.</p> <p><i>h) Signage shall not offend or adversely affect in any way the amenity of the people who live in, work in, or visit the locality, particularly with regard to, but not restricted to, location, size, bulk, scale, appearance (including colours), wording, illumination or overshadowing.</i></p> <p><u>Comment:</u></p> <p>The proposed freestanding signs have been located to achieve the highest visibility for customers accessing the development. The location, size, bulk and scale of the signs does not offend or adversely affect the amenity of the people who live in, work in, or visit the locality. The signage design is not out of character with existing freestanding signage in the locality, noting the car dealership signage and McDonalds signage on the south-eastern side of Argyle Street, which in parts have been raised above the road level, due to retaining walls along those site's frontages. The signage does not generate any adverse overshadowing impacts and the illumination of the signs has been designed to achieve compliance with the relevant AS.</p> <p><i>i) Signage shall not be of such quantity as to create an unacceptable level of density and proliferation.</i></p> <p><u>Comment:</u></p> <p>The proposed freestanding signs are limited to one per site frontage, with each sign rationalising the multiple land uses proposed within the development, i.e., supermarket, speciality retail tenancies and commercial premises.</p>
<p><b>B4.6 Use of Parking Areas</b></p> <p>(b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking are not permitted.</p>	<p>Boom gates are proposed at the Argyle Street and Hoskins Street carpark entrances. The boom gates are proposed to restrict access to the car parking area after hours and assist with achieving the crime prevention principles of access control and territorial reinforcement. The carpark is intended to be used during operating hours and the boom gates will assist with minimising the potential for unsocial behaviour, consistent with objective (c); to ensure that car parking areas are safe and functional. The operation of the boom gates has been considered as part of the Traffic Report which accompanies the DA, which acknowledges that the boom gate system will utilise number plate recognition and provide two (2) hours' free parking.</p>

The proposed variations are considered acceptable on merit, for the reasons detailed above.

Refer to the detailed discussion at Section 5.10 of this SEE and the assessment table at **Appendix A**.

## **6. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST**

### **6.1 4.15(1)(a)(i) The provisions of any environmental planning instrument**

The proposed development has been assessed against the relevant provisions of the following environmental planning instruments:

- State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience & Hazards SEPP')
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity & Conservation SEPP')
- State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport & Infrastructure SEPP')
- State Environmental Planning Policy (Industry and Employment) 2021 ('Industry & Employment SEPP')
- State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')
- Wingecarribee Local Environmental Plan 2010 ('WLEP 2010')

The development is consistent with the provisions of these environmental planning instruments, refer to the detailed discussion at Sections 5.2 to 5.7 of this SEE.

### **6.2 4.15(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act**

The proposed development has been assessed against the provisions of the following draft instruments that have been the subject of public consultation under the Act:

- Draft Remediation of Land State Environmental Planning Policy
- Draft Environment State Environmental Planning Policy

The development is consistent with the provisions of these draft instruments, refer to the detailed discussion at Sections 4.11 and 4.12 of this SEE.

### **6.3 4.15(1)(a)(iii) The provisions of any Development Control Plan**

The proposed development has been assessed against the provisions of the Moss Vale DCP.

The development achieves compliance with the provisions of the Moss Vale DCP, refer to the detailed discussion at Section 5.10 of this SEE and the assessment table at **Appendix A**.

#### 6.4 4.15(1)(a)(iiia) The provisions of any planning agreement or draft planning agreement under Section 7.4

The site is not subject to any planning agreement or draft planning agreement pursuant to Section 7.4 of the EP&A Act. However, it is understood that a VPA Letter of Offer has been reported to the 21 June 2023 Council Meeting.

#### 6.5 4.15(1)(a)(iv) The provisions of the Regulations

This DA is being made in accordance with the Environmental Planning and Assessment Regulations 2021.

#### 6.6 4.15(a) The likely impacts of the development

##### **Services Infrastructure**

The proposed development will be serviced by potable water and sewer. Electrical supply will be provided via an underground service from the existing HV underground network to the new substation within the site boundary.

##### **Vegetation**

The DA is accompanied by an Arboricultural Impact Appraisal and Method Statement (AIA) which investigates the impact of the proposed development on trees and provides guidance on appropriate management and protective measures. The AIA relevantly provides the following conclusions:

- The proposed development will necessitate the removal of one high category tree situated in the south-western portion of the site (Tree 1 – *Eucalyptus sp.*). To compensate for loss of amenity, consideration should be given to replacement planting on the site.
- Trees 9, 10, 11, 12, 13 & 14 located within the Argyle Street and Valetta Street road reserves are important trees with high potential to contribute to amenity and any impacts on them should be minimised. The proposed road alignment works will come close to these trees; however, it is the project Arborist's experience that these trees could successfully be retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed Arboricultural method statement.
- Tree 8 which is located in the Argyle Street road reserve can be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed Arboricultural method statement.
- The proposed development will necessitate the removal of 12 trees of low and very low retention value, i.e., Trees 2, 3, 4, 5, 6, 7, 15, 16, 17, 18, 19 & 20 which are dispersed throughout the development site. None of these trees are considered significant or worthy of special measures to ensure their preservation. It is noted that Trees 2, 3, 4, 5, 6, 7, 19 & 20 are exempt from Council's Tree Preservation Order.

Having regard to the removal of Tree 1, the Landscape Plans which accompany this DA have incorporated the planting of 1 x *Eucalyptus amplifolia* and 3 x *Eucalyptus cinerea* along the site's south-western property boundary. The proposed *Eucalyptus amplifolia* has a mature height of 15-20 metres and a pot size of 200L and is considered to be an adequate replacement planting to compensate for the loss of Tree 1, which maintains a height of 16 metres. The supplementary *Eucalyptus cinerea* have a mature height of 10-15 metres and a pot size of 200L.

**Stormwater**

The proposed stormwater management system as detailed in the Civil Plans and Civil Engineering Report, which accompanies the DA, has been designed to reduce the overall impact of the development on the existing onsite and surrounding stormwater systems and flow regime. The proposed stormwater management system responds to the architectural layout and incorporates the natural topography and site constraints to produce a layout that meets best industry practices and water quality and quantity objectives.

There are a combination of 600mm stormwater pipes and swales running through the site that collect an upstream catchment from the low point on Argyle Street and eventually drain towards the Railcorp land. As part of the proposed works, the existing swale will be removed to facilitate the construction of the carpark and replaced with a 600mm stormwater pipe, as a continuation of the existing upstream 600mm stormwater pipe network. As such, the site's ability to drain the existing upstream catchment will not be impeded by the proposed development.

The stormwater management system for the proposed development has been designed to collect all concentrated flows from the proposed impervious areas such as roofs, hardstand areas as well as stormwater runoff generated by pervious areas, such as landscaping. As per Council engineering requirements, on-site detention is required for the site, to ensure that post-developed flows are reduced to pre-developed flows for the 100, 50, 20, 10 and 5 year ARI storm events. Accordingly, on-site detention is proposed to be provided in the form of a below ground tank with a volume of 353m<sup>3</sup> and a 305mm orifice.

The Rainwater Harvesting Report which accompanies the DA further provides that the development includes a concept design for a rainwater collection system from the roof gutters via downpipes to be conveyed via an inground piping system to a combined OSD and rainwater harvesting tank. Harvested rainwater will be distributed via a pump and filter system to landscaped areas and water closets within the building and the car wash.

**Water Quality**

The Civil Engineer Report which accompanies the DA which acknowledges that, as per the NorBE Water Quality Assessment guidelines (2011), neutral or beneficial effect on water quality is satisfied if the development has "no identifiable potential impact on water quality", i.e., pollutant loads discharging from the site are not increased as a result of the proposed development.

MUSIC modelling of the provided Stormwater Quality Improvement Devices (SQIDs) confirm that pollutant loads under the post-development condition are reduced below their pre-development condition counterparts as a result of the treatment train.

As such, the provided treatment train meets the requirements of the NorBE Water Quality Assessment Guidelines (2011).

**Traffic, Access and Parking**

The DA is accompanied by a Traffic Report which has examined the traffic and parking implications of the proposed development. The Traffic Report relevantly concludes the following:

- The site is accessible by public transport;
- The proposed parking provision is appropriate;
- Vehicular access, internal circulation and servicing arrangements will be provided in accordance with AS2890.1:2004 and AS2890.2:2018;
- Traffic signals are proposed at the intersection of the site access/Argyle Street and Valetta Street;

- TfNSW warrants for traffic signals are satisfied; and
- The road network will be able to cater for the traffic generation of the proposed development.

**Acoustic**

The DA is accompanied by a Noise Impact Assessment which has undertaken an assessment of the potential noise impacts associated with the following:

- Traffic noise generation;
- Operational noise emissions from the carpark and loading dock; and
- Noise emissions from mechanical plant to service the project site.

The Noise Impact Assessment relevantly provides that predicted noise levels from the operation of the proposed development show that it is capable of meeting the noise emission requirements at all times. It is noted that the noise level from loading dock and carpark activities (identified as the most noise intensive use) meets the early morning shoulder period noise emission level and is not currently proposed to operate between 10pm – 5am.

It is recommended that a review and detailed design of all mechanical plant associated with the site be undertaken prior to the issue of a CC to ensure plant noise levels meet the noise emission requirements.

All feasible and reasonable noise mitigation measures have been applied to reduce noise levels and the following recommendations are presented:

- Engines should be turned off during loading and unloading movements, thus effectively having no idling noise during the loading and unloading operations.
- Only four truck movements are to be allowed in any given 1-hour period during the day and evening 7am-10pm period. Deliveries shall be managed accordingly.
- Only two truck movements are to be allowed in any given 1-hour period during the early morning 5am- 7am period. Deliveries shall be managed accordingly.
- Trucks are to minimise usage of air brakes as much as practicable.

In addition to the above operational mitigation measures, the Noise Impact Assessment also recommends the installation of minimum 3 metre high localised imperforate acoustic barriers around the loading dock ingress and egress paths. The barrier may be constructed of lapped and capped timber, plexiglass, 4mm Perspex, Colorbond, 9mm fibrous cement sheet or equivalent, installed with no gaps between the panels and a maximum 20mm gap at the base, if required.

Subject to the implementation of the above recommendations, the Noise Impact Assessment relevantly concludes that the operation noise emissions of the development will satisfy the requirements of the NSW Environmental Protection Authority (EPA) Road Noise Policy (RNP) 2011, the NSW EPA Noise Policy for Industry 2017 and the Moss Vale Township DCP.

**Accessibility & Fire Safety**

The DA is accompanied by an Accessibility Design Assessment Report (ADAR) which has undertaken an accessibility design assessment of the proposed development against the relevant Deemed to Satisfy provisions of the National Construction Code (NCC) / Building Code of Australia (BCA) 2022. The ADAR relevantly concludes that the new works are capable of complying with the relevant accessibility provisions



outlined in the NCC/BCA 2022, The Disability (Access to Premises – Buildings) Standards 2010 and Australian Standards, subject to the satisfactory resolution of all recommendations outlined in the ADAR, as part of the Construction Certificate (CC) stage.

The DA is also accompanied by a BCA and Fire Safety Assessment Report (BFSA) which has conducted a preliminary assessment of the proposed architectural design documentation against the relevant Deemed to Satisfy (DtS) provisions of the BCA 2022. The BFSA relevantly concludes that the new works are capable of complying with the relevant provisions of the NCC/BCA and referenced Australian Standards, subject to the resolution of all recommendations, including the consideration of performance solutions for the following elements of the Woolworths building:

- Use of glulam timber for the Woolworths building – the laminated beam is combustible construction;
- Use of combustible signage attached to the external façade and/or external face of an external wall;
- Exit travel distances;
- Operation of latch to doorways and doors;
- Fire hydrant system;
- Smoke hazard management;
- Exit signs; and
- Waterproofing of external walls.

The BFSA provides that further detailed reviews will need to be progressively undertaken to ensure the design is capable of achieving CC approval.

### **Waste Management**

The DA is accompanied by a Construction Waste Management Plan and an Operational Waste Management Plan, which outlines best practice waste management for the supermarket components of the development, including waste generation estimates and waste disposal and collection procedures. The Woolworths supermarket has a designated waste area, within the BOH area. A private waste collection contractor will be engaged to service the supermarket bins per an agreed schedule. On the day of service, the private waste collection vehicle will park in the loading bay adjoining the waste collection area. The tenancies have a separate designated bin room and bin collection point, which will also be serviced by a private waste collection vehicle.

### **Environmental**

Environmental impacts generated during the construction phase of the development will be managed through the implementation of erosion and sediment control measures for the duration of the construction works to mitigate impacts on adjoining sites. Noise impacts generated during the construction phase will be managed through construction works being limited to standard construction hours. Waste generated during the construction phase of the development will be managed through the implementation of a Waste Management Plan.

### **Social and Economic**

The development will generate positive social and economic impacts in the locality, through the provision of an employment generating land use that will service the retail and commercial needs of the locality through the provision of a supermarket, 4 specialty retail tenancies and 1 commercial tenancy. The development will



generate positive economic impacts for the duration of the construction phase and on-going positive social and economic impacts for the locality.

## 6.7 4.15(1)(c) The suitability of the site for the development

Having regard to the assessment undertaken by this SEE and the supporting technical documents and plans, it is considered that the site is suitable to for the proposed development. The site is zoned for business development and the proposed development is consistent with the objectives of the E3 Productivity Support zone. The development is consistent with the objectives of the zone as it will contribute to the viability of the local Moss Vale centre, providing an employment generating land use to meet the retail and commercial needs of the community.

## 6.8 4.15(1)(d) Any submissions made in accordance with the Act or the Regulations

Any public submission will be considered as part of the assessment process as required by the provisions of the *Environmental Planning and Assessment Act 1979*.

## 6.9 4.15(1)(e) The public interest

The proposal is in the public interest as it will provide an employment generating land use that will provide a retail and commercial service to meet the needs of the local community.

# 7. CONCLUSION

The development the subject of this SEE seeks approval for a neighbourhood shopping centre development and associated subdivision at 233 Argyle Street, Moss Vale. The development also includes the construction of road access over the adjoining 231 Argyle Street and intersection works (including traffic signals) at the intersection of Argyle Street, Valetta Street and the aforementioned road access construction.

This SEE has considered the development against the relevant considerations of the *Environmental Planning and Assessment Act 1979*, relevant State Planning Policies, WLEP 2010 and the Moss Vale Township DCP. The development is permissible with consent and satisfies the relevant provisions of the Act, SEPPs, LEP & DCP.

Potential environmental impacts from the development have been considered by this SEE, with the benefit of the supporting technical documents and plans supporting the development application. The assessment of relevant environmental considerations, including heritage, water quality, acoustic impacts, traffic, soil and water management and social and economic has found that the development will not have unacceptable impacts with the adoption of the recommended mitigation, management and monitoring measures. The development will have a positive social and economic impact in the locality. Approval of the development is in the public interest as it will facilitate the delivery of an employment generating land use that will support the retail and commercial needs of the local community.

Having considered all the relevant matters, it is considered that the development can be supported.

# **APPENDIX A**

## **MOSS VALE TOWNSHIP DCP ASSESSMENT**

**PART A – All Land**

<b>Section</b>	<b>Assessment</b>	<b>Complies?</b>
Section 7 Subdivision, Demolition, Siting and Design		Yes
A7.1.1 Minimum Lot Sizes	The site is not subject to a minimum lot size pursuant to the WLEP 2010.	
A7.1.2 Building Envelopes	Given the nature of the proposed development, a building envelope restriction is not considered necessary.	
A7.1.4 Landscape Embellishment	The DA is accompanied by a comprehensive Landscape Plan.	
A7.1.5 Street Trees	The DA is accompanied by an Arborist Report which provides that Trees 9, 10, 11, 12, 13 & 14 located within the Argyle Street and Valetta Street road reserves are to be retained. Tree 8, which is situated in the Argyle Street reserve can also be retained, subject to appropriate protective measures are properly specified and controlled through a detailed Aboricultural method statement.	
A7.3 Site Analysis	The Architectural Plans which accompany the DA include a Site Analysis plan.	
A7.4 Cut and Fill	A detailed assessment of the proposed earthworks has been undertaken against Section 7.3 of the WLEP 2010, refer to Table 6 at Section 5.7 of this SEE.	
A7.10 New Development within the vicinity of Heritage Items	The DA is accompanied by a Statement of Heritage Impact, refer to the detailed discussion at Table 6 in Section 5.7 of this SEE.	
Section 8 Safer by Design	The DA is accompanied by a CPTED Report.	Yes
Section 9 Construction Standards & Procedures		Yes
A9.2.1 Geotechnically Sensitive Areas	The DA is accompanied by a Geotechnical Report prepared by a suitably qualified consultant.	
A9.2.3 Hydraulic Details	The DA is also accompanied by a Civil Engineering Report, Civil Plans and a Rainwater Harvesting Report.	
A9.8 Stormwater Disposal	The DA is accompanied by Stormwater Plans and a Civil Engineering Report.	
A9.12 Waste Management and Disposal	The DA is accompanied by a WMP.	
Section 10 Signage and Outdoor Advertising	A detailed assessment of the proposed signage against the provisions of Schedule 3 of the Transport and Infrastructure SEPP is provided at Appendix B to this SEE. Development consent is sought for all proposed signage.	Yes
A10.3 General Requirements for All Signage	The proposed signage is of a high quality design and finish and complement the finishes and colours of the building. The proposed signs are simple in both design and message presentation and legible in terms of both colours and text style.	Yes

A10.6.3 Free Standing Business Identification Signs in Business and Industrial Zones \	The development includes a freestanding sign on each of the street frontages, i.e., the Argyle Street frontage and the Hoskins Street frontage. The signs are supported by simply designed pole supports. The pylon sign on the Argyle Street frontage has the dimensions 2.14m(W) x 8m(H) and the Hoskins Street pylon sign proposes the dimensions 2.14m (W) x 5m (H). A variation is sought to the control which limits the overall sign structure envelope to a height of 4.5 metres, width of 1.5 metres and depth of 300mm. Refer to Section 5.10 of this SEE for a detailed discussion of the variation sought.	No, see justification
A10.6.4 Signage for Multiple Premises	The proposed development includes the Woolworths supermarket, speciality retail tenancies and a commercial premises. The development proposes a single signage structure along each of the site's frontages to Argyle Street and Hoskins Street.	Yes, see justification for signage dimensions variation
Section 11 Outdoor Lighting	All required lighting will comply with the relevant Australian Standard and will be positioned so as not to generate any adverse amenity impacts on surrounding development.	Yes
Section 12 Development Near Rail Corridors & Busy Roads		Yes
A12.1 Development Adjacent to a Rail Corridor	Refer to the detailed discussion at Section 5.4 of this SEE.	

**PART B – Provisions applicable to Business-zoned land**

**Section 1: Introduction**

Section	Assessment	Complies?
B1.3 Business Precincts	Site is in <i>Hawkins Street Precinct</i> . See discussion at Section 19.	Noted

**Section 2: Design Considerations**

Section	Assessment	Complies?
B2.2 Height of Buildings	The development has a maximum building height of 10.5m which complies with the maximum permissible 12.5 metre building height.	Yes
B2.3 Floor Space Ratios	The development proposes a maximum FSR of 0.33:1, which complies with the maximum permissible FSR of 0.9:1.	Yes
B2.4 Designing for Pedestrian Access with the Town	The Architectural Plans which accompany the DA demonstrate compliance with items (a) to (e). Pedestrian pathways are easily identifiable and have been designed to ensure the safe and convenient movement of pedestrians around the site.	Yes
B2.5 Signage	The DA is accompanied by a Signage Plan and a detailed assessment of the proposed signage against the provisions at Schedule 3 of the Transport and Infrastructure SEPP has been provided at <b>Appendix B</b> to this SEE.	Yes

**Section 3: Parenting Facilities**

B3.3 Options B / C Parenting Rooms for greater than 2000sqm	The development provides a Parenting Room which has been designed to achieve compliance with items a) to m).	Yes
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**Section 4: Onsite Parking**

B4.4 Requirements for new development	The proposed development generates the requirement for a total of 257 car parking spaces – 189 for the supermarket, 34 for the speciality shops, including BWS, 28 for the commercial tenancy and 6 for the DTB and Home Delivery services. The proposed provision of 291 spaces, including 8 DTB spaces, satisfies this requirement. The Traffic Report which accompanies this DA relevantly provides that the parking provision is appropriate.	Yes
B4.6 Use of Parking Areas	<i>(a) All parking spaces shall be used solely for the parking of motor vehicles for owners, staff and customers, and on no account shall such spaces be used for storage or garbage purposes.</i> Response: All parking spaces are solely for the parking of motor vehicles for customers of the shopping centre, no car parking spaces are to be used for storage or garbage purposes; separate back of house areas are provided.	Yes

*(b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking are not permitted.* No, see justification

Response: Boom gates are proposed at the Argyle Street and Hoskins Street carpark entrances. The boom gates are proposed to restrict access to the car parking area after hours and assist with achieving the crime prevention principles of access control and territorial reinforcement. The carpark is intended to be used during operating hours and the boom gates will assist with minimising the potential for unsocial behaviour, consistent with objective (c); to ensure that car parking areas are safe and functional.

*(c) No signposting or restrictions on individual spaces is allowed.* Yes

Response: No signposting (with the exception of accessible spaces) to be provided to restrict individual spaces. The direct to boot spaces are separate to the customer parking.

## Section 5: Loading Facilities and Waste & Resource Recovery Storage / Collection

B5.2 Controls The DA is accompanied by a WMP and Traffic Report which has considered the loading and waste management arrangements for the proposed development. Yes

## Section 6: Outdoor Eating Areas

B6.3 Siting Requirements The proposed Alfresco area has a minimum dimension of 8.15m and is does not encroach on the proposed 2.4m wide footpath. Planter boxes are proposed to separate the alfresco area from the adjoining car parking. Yes

B6.4 Operational Requirements The proposed Tenancy adjoining the alfresco area will be subject to future separate approval for use. Yes

B6.5 Outdoor Furniture Standards The development includes an Alfresco area adjoining the south-easternmost tenancy. The fitout of this area will be undertaken in conjunction with the fitout of the associated tenancy. Notwithstanding the Architectural Plans conceptually illustrate an outdoor furniture location and design, which demonstrates that the development is capable of achieving the criteria. Can comply

## Section 12: Late night premises

B12.3 Development Controls It is not considered that this section is applicable to the proposed development, notwithstanding, the DA is accompanied by a CPTED Report. N/A

## Section 19: Hawkins Street Precinct

B19.1 Preferred Development Outcomes *(a) Encourage the appropriate amalgamation of sites to ensure efficient redevelopment while still maintaining a scale of the development which is in keeping with surrounding development.* Yes

Response: The development does not propose the amalgamation of any sites.

*(b) Respect the 12 metre maximum building height boundary within the central section of the precinct, and maintain the maximum building height along the street frontage to 7.5 metres. Because the portion of land where the 12 metre maximum applies is lower than the land closer to the street, this ensures that the building height remains constant at the lower level when viewed from Argyle Street.* Yes

Response: The development maintains a maximum building height of 10.5 metres. The building does not maintain a direct frontage to Argyle Street or Hoskins Street, owing to the site configuration. The proposed building height and siting is considered acceptable.

*(c) provide an attractive streetscape and substantial areas for landscaping and screen planting along relevant street frontages.* Yes

Response: The development will contribute positively to the streetscape, through the provision of landscaping along the site's Argyle Street and Hoskins Street frontages.

*(d) ensure that Heritage Items on Argyle Street are adequately protected.* Yes

Response: The DA is accompanied by a Statement of Heritage Impact, refer to the detailed discussion at Table 6 in Section 5.7 of this SEE.

*(e) ensure that adequate provision is made for ingress and egress points to ensure that traffic flows along Argyle Street are not impeded.* Yes

Response: The DA is accompanied by Traffic Report which relevantly provides that vehicular access, internal circulation and servicing arrangements will be provided in accordance with AS2890.1:2004 and AS2890.2:2018 and the road network will be able to cater for the traffic generation of the proposed development. The Traffic Report has also assessed the requirement for traffic signals at the intersection of the site access/Argyle Street and Valetta Street.

## B19.2 Additional Development Controls

*(a) the development provides an architectural outcome that, in Council's opinion, responds sympathetically to the established heritage character and style of older buildings having frontage to Argyle Street.* Yes

Response: The design of the development provides an architectural outcome that responds sympathetically to the established heritage character and style of the older

buildings having a frontage to Argyle Street. The Statement of Heritage Impact which accompanies the DA relevantly provides that *the new development will be a contemporary addition to the broader streetscape. Despite its increased massing and height, the new Woolworths shopping centre will sit comfortably within the landscape owing to its visually recessive materiality and considered siting on a descending topography, located at the rear of existing contemporary commercial developments along Argyle Street. Its overall height is within the permissible maximum height.*

(b) vehicular access to and from the land is designed and maintained in conjunction with the Roads and Traffic Authority such that the efficiency and safety of the local road network and adjoining and nearby residential amenity is not compromised;  
Response: The DA is accompanied by a Traffic Report which relevantly provides that vehicular access, internal circulation and servicing arrangements will be provided in accordance with AS 2890.1:2004 and AS2890.2:2018.

Yes

(c) The controls of Part A10 of this Plan, applicable to land previously owned by RailCorp or adjacent to land still owned by RailCorp, have been incorporated into the proposal.  
Response: It appears that this control does not reference the correct section of the DCP.

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(d) The controls of Part A11 of this Plan, applicable to land fronting Argyle Street, have been incorporated into the proposal.  
Response: It appears that this control does not reference the correct section of the DCP.

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# **APPENDIX B**

## **SEPP (INDUSTRY AND EMPLOYMENT) 2021 SCHEDULE 3 ASSESSMENT**

Relevant Control		Compliance with Requirements	Complies
<b>1 Character of the area</b>	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is compatible with the employment zoning of the site. The signage comprises business identification signage which is compatible with the proposed land use and consistent with the desired future character of the locality, noting the location of the site within the Moss Vale Town Centre.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Argyle Street is a main street that runs through the Moss Vale Town Centre. The proposed signage is consistent with the established theme for outdoor advertising along Argyle Street, which includes signage fixed to buildings as well as pylon and free-standing signs.	Yes
<b>2 Special areas</b>	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located within a heritage conservation area and is not identified as a heritage item. The site is however located in proximity to the Argyle Street North Conservation Area, which is situated to the south of the site. Located within the conservation area are several heritage items of local significance and one item of State significance. The proposed signage is fixed to the elevations of the building, with the pylon sign and carpark entry signs located within the site. The proposed signage dimensions do not detract from the amenity or visual quality of the area and are proportionate to the development. The development and signage are sufficiently removed from the nearby residential development, so as not to have any impact on residential amenity. The signage is consistent with the Town Centre setting of the site.  The site is not in proximity to any environmentally sensitive areas, natural or conservation areas, open space areas, waterways or rural landscapes.	Yes
<b>3 Views and vistas</b>	Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views. The signs that are fixed to the	

Relevant Control		Compliance with Requirements	Complies
	<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>building elevations do not protrude above the roof of the building. The proposed carpark entry sign along the site's Hoskins Street frontage is 2.5 metres in height and will not dominate the skyline. The proposed pylon sign along the site's Argyle Street frontage is 8 metres in height and its location and dimensions are not inconsistent with the existing pylon sign of the adjoining Mobil service station or the car dealership pylon signs along the opposite side of Argyle Street. The pylon sign will not dominate the skyline and has been sited to respect the viewing rights of other advertisers along Argyle Street.</p>	Yes
<b>4 Streetscape, setting or landscape</b>	<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The proposed signage is of a scale and design that is appropriate for the streetscape, site setting and landscape.</p> <p>The proposed signage contributes to the visual interest of the streetscape, the pylon sign at the site's frontage to Argyle Street includes landscaping to enhance the side setback area in which the sign is located.</p> <p>The proposed signage does not rationalise or simplify any existing signage on the site.</p> <p>The proposed signage does not screen unsightliness.</p> <p>The proposed business identification signage does not protrude above the building walls it is affixed to. The proposed pylon sign and carpark entry sign does not protrude above tree canopies in the area. There is landscaping proposed as part of the pylon signage, the proposed vegetation is low maintenance.</p>	Yes
<b>5 Site and building</b>	<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p>	<p>The proposed signage is compatible with the scale and not out of character with existing signage along Argyle Street.</p>	

Relevant Control		Compliance with Requirements	Complies
	<p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The signage is site responsive.</p> <p>The proposed signage integrates with the building and into the site frontages. The signage is consistent with the proposed retail and commercial use of the site.</p>	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<p>The illumination devices are built into the signage and there are no external safety devices, platforms or lighting devices.</p> <p>The signage proposed comprises business identification signage.</p>	Yes
<b>7 Illumination</b>	<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>The illuminated signage will not result in unacceptable glare, given the signage is lit from within.</p> <p>None of the business identification signage that is fixed to the building elevations protrudes above the buildings and their illumination does not have the potential to affect safety for pedestrians, vehicles, or aircraft.</p> <p>The proposed pylon sign and carpark entry sign is not of a scale that would affect safety of pedestrians, vehicle, or aircraft. The pylon sign and carpark entry sign identify the business from a distance and will assist drivers with safely identifying and entering the site.</p> <p>The intensity of the signage is capable of being adjusted and the sign will be illuminated during operating hours only.</p>	Yes
<b>8 Safety</b>	<p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The proposed signage does not have the potential to reduce the safety of Argyle Street or Hoskins Street.</p> <p>The signage is sited so as not to reduce the safety of pedestrians or bicyclists, the signage is wholly contained within the site and does not extend into the public domain.</p> <p>The signage does not have the potential to reduce the safety for</p>	Yes

Relevant Control		Compliance with Requirements	Complies
		pedestrians, including children as it does not obscure sightlines from the public domain.	

