

SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-314
DA Number	DA-24/0212
LGA	Wingecarribee Shire Council
Proposed Development	Two (2) lot Torrens Title Subdivision, Construction of a neighbourhood shopping centre on one of the new lots including on-site car parking and associated intersection works (including traffic signals), civil and landscaping works as well as the installation of business identification signage.
Street Address	231 Argyle Street, Moss Vale (Lot 11 DP 1192264) 233 Argyle Street, Moss Vale (Lot 1 DP 1192022) 2 Dalys Way, Moss Vale (Lot 2 DP 1192022) Argyle Street, Moss Vale (Lot 2 DP 1070183)
Applicant/Owner	Woolworths Group Limited
Owner	Woolworths Group Limited Wingecarribee Shire Council Transport Asset Holding Entity Endeavor Energy
Date of DA lodgement	19 September 2023
Number of Submissions	Public Notification – 25 October 2023 to 25 November 2023. 493 Submissions Received
Recommendation	Refusal subject to the reasons outlined in this report
Regional Development Criteria	Capital Investment Value (CIV) exceeds \$5 million for Council related development (\$29,821,861) pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.
List of all relevant s4.15(1)(a) matters	• <i>Environmental Planning and Assessment Act 1979;</i> • <i>Environmental Planning and Assessment Regulation 2021;</i> • <i>State Environmental Planning Policy (Planning Systems) 2021;</i> • <i>State Environmental Planning Policy (Resilience and Hazard) 2021;</i> • <i>State Environmental Planning Policy (Biodiversity and Conversation) 2021;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021;</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022;</i> • <i>Wingecarribee Local Environmental Plan 2010; and</i> • <i>Moss Vale Enterprise Corridor Development Control Plan 2008.</i>

List all documents submitted with this report for the Panel's consideration	1. Internal and External Response 2. DCP Assessment 3. Recommended Reasons for Refusal 4. Amended Architectural Plans 5. Amended Landscape Plan 6. Transport for NSW Concurrence 7. Economic Impact Assessment Prepared by Applicant. 8. Moss Vale Economic Impact Assessment Peer Review Response, dated 16 October 2024 9. Moss Vale Woolworths EIA Peer Review – dated 15 May 2024 and dated 27 February 2025 10. Statement of Environmental Effects 11. DA Application Form
Report prepared by	Jeremy Swan, The Planning Hub – Town Planning Consultant
Report date	13 May 2025

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **No**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.

Table of Contents

1.	PURPOSE OF REPORT	2
2.	SUMMARY OF RECOMMENDATION	2
3.	EXECUTIVE SUMMARY	2
4.	BACKGROUND.....	4
5.	THE PROPOSAL	11
6.	ASSESSMENT	20
7.	OTHER MATTERS.....	44
8.	CONCLUSION	44
9.	RECOMMENDATION	45

Attachments

1. Internal and External Response
2. DCP Assessment
3. Recommended Reasons for Refusal
4. Amended Architectural Plans
5. Amended Landscape Plan
6. Transport for NSW Concurrence
7. Economic Impact Assessment Prepared by Applicant.
8. Moss Vale Economic Impact Assessment Peer Review Response, dated 16 October 2024
9. Moss Vale Woolworths EIA Peer Review (Confidential) – dated 15 May 2024 and dated 27 February 2025
10. Statement of Environmental Effects
11. DA Form

1. PURPOSE OF REPORT

The purpose of this report is to seek the Southern Regional Planning Panel (the Panel) determination of a Development Application (DA) proposing a Two (2) lot Torrens Title Subdivision, Construction of a neighbourhood shopping centre on one of the new lots including on-site car parking and associated intersection works (including traffic signals), civil and landscaping works as well as the installation of business identification signage at 231, 233 & 299 Argyle Street, 2 Dalys Way, and Lot 2 DP 1070183 Argyle Street, Moss Vale.

The Panel is the determining authority for this DA as, pursuant to Part 2.4 of State *Environmental Planning Policy (Planning System) 2021* and Section 2.15 of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$29,821,861, which exceeds the CIV threshold of \$5 million for council related development.

2. SUMMARY OF RECOMMENDATION

That the Panel determine DA-24/0212 consisting of a Two (2) lot Torrens Title Subdivision, Construction of a neighbourhood shopping centre on one of the new lots including on-site car parking and associated intersection works (including traffic signals), civil and landscaping works as well as the installation of business identification signage by way of refusal pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* in line with the recommended reasons for refusal outlined in Attachment 3 to this report.

3. EXECUTIVE SUMMARY

Council is in receipt of a Development Application from Woolworths Group Limited submitted on 19 September 2023, seeking approval for a Two (2) lot Torrens Title Subdivision, Construction of a neighbourhood shopping centre on one of the new lots including on-site car parking and associated intersection works (including traffic signals), civil and landscaping works as well as the installation of business identification signage at 231, 233 & 299 Argyle Street, 2 Dalys Way, and Lot 2 DP 1070183 Argyle Street, Moss Vale. The proposed development consists of the following works:

- Torrens title subdivision one (1) lot into two (2).
- Construction of a new part 1 and 2 storey neighbourhood shopping centre with a gross floor area of 7,268.5m² on proposed Lot 1 comprising 2 x shops (Woolworths Supermarket and BWS), along with 5 x 'tenancies' and 1 'Commercial' tenancy capable of accommodating a range of permissible land uses.
- Provision of a Car Wash (Business Premises) within the car parking area.
- Provision of an alfresco area with outdoor seating and associated playground.

- Provision of at grade car parking comprising of 272 (including 6 accessible) parking spaces, 8 Direct to Boot (DTB) parking spaces and shade structures. There are also two loading docks proposed, “capable of servicing two (2) semi-trailers”. A separate loading dock is proposed for 3 small rigid vehicles associated with the home delivery service.
- Provision of two vehicular entry points via Argyle Street and Hoskins Street.
- Associated Site Works including earthworks, new signalised intersection arrangement and footpath network, stormwater infrastructure, acoustic barriers, and business identification/directional signage. The business identification signage is proposed across the north-western, south-western, western and northern building elevations. In addition to the building signage, 1 x pylon sign is proposed along the site’s Argyle Street and Hoskins Street frontages, respectively.

A detailed assessment of the development has been undertaken against the relevant environmental planning instruments and development control plans and the key issues with the application are:

- Economic Impact of the proposed development and whether the proposed development satisfies CI 4.15(1)(b) *“the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and **economic impacts in the locality**”* (**Bold** is my emphasis). The conclusion based on expert economic advice from Hill PDA is that there will be an unacceptable economic impact on the Moss Vale Town Centre.
- Urban Design of the development which is best described as a battleaxe development and whether the design is acceptable or not. The conclusion based on urban design input from GMU is that the design is unacceptable and the applicant has done little to resolve these issues. No details have been included with the proposal on how the residual parcel of land could be developed in the future and how the current proposal will interact with that land and the impacts that development could have on the locality and local infrastructure.
- Traffic and Pedestrian impacts which have been raised by Council officers following receipt of final plans and in response to Transport for NSW’s comments.
- The applicant is proposing a pylon sign located within SP2 land which is considered prohibited, boom gates also within SP2 land and works on adjoining land without owners consent.

Following notification of the DA Council received 493 submissions. The comments have been responded to further in this report. Based on this assessment, the development is considered to not be in the public interest.

Considering the above, it is recommended that the Southern Regional Planning Panel determine the Development Application pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 by way of refusal in line with the recommended reasons for refusal outlined in Attachment 3 to this report.

4. BACKGROUND

Application Background

- On **7 February 2023**, a Development Control Unit meeting was held between the applicant and Council staff to discuss a proposed development involving a shopping centre and subdivision at 233 Argyle Street, Moss Vale.
- On **4 March 2023**, formal written Pre-DA Advice was provided to the applicant primarily providing comments to assist in the preparation of the application for lodgement. The letter also advised on items for consideration/ potential concerns associated with access, pedestrian movement, signage, landscaping, external materials, Voluntary Planning Agreements (VPA), access and traffic, stormwater and overland flow, and sewer and water.
- On **19 September 2023**, the subject application (**DA-24/0212**) was lodged with Council relating to 231–233 Argyle Street, Moss Vale. The application seeks consent for the construction of a neighbourhood shopping centre, associated subdivision and intersection works (including traffic signals) at 231 – 233 Argyle Street, Moss Vale.
- On **13 November 2023**, an initial assessment was completed and a request for additional information letter (RFI) was issued to the Applicant outlining matters that needed to be addressed. A summary of the matters raised is provided below:
 - Permissibility;
 - Inconsistencies with the zone objectives;
 - Preparations of an Economic Impact Assessment;
 - Development within land mapped on the land reservation acquisition map; and
 - TFNSW Concerns.
- On **28 November 2023**, the applicant subsequently submitted additional information addressing the issues raised in council's letter dated **13 November 2023**. The additional information was accompanied by the following documentation:
 - Response to Council's Request for Information;
 - Legal response to RFI
 - Economic Impact Assessment
 - Near Mobile Phone Ping Data Analysis
- On **20 December 2023**, a further Request for Additional Information was issued to the application outlining matters that needed to be addressed. A summary of the matters raised is provided below:
 - Signage;
 - Landscaping;
 - Parenting Facilities;
 - Development on Proposed Lot 2;

- Natural Ground level;
 - Kisok Size;
 - DSI and RAP;
 - Urban Design Items;
 - Transport for NSW items; and
 - Water NSW Items.
- On **13 February 2024**, the Panel was briefed on the application. The key items discussed at the briefing consisted of:
 - Clarification of the split of vehicles accessing the site through the Argyle Street access via a via the Hoskins Street access.
 - Ability of Hoskins Street to accommodate heavy vehicle traffic.
 - Access to residual land via Hoskins Street.
 - Potential for all trucks accessing the development off Argyle Street
 - How small trucks would enter and leave the site.
 - Delivery vehicles accessing the site through residential neighbourhoods.
 - The objective contained in the Zone E3 Productivity Support.
 - Legal advice on the permissibility issue.
 - Peer review of an economic impact report.
- On **29 February 2023**, the applicant subsequently submitted additional information addressing the issues raised in council's letter dated **13 November 2023**. The additional information was accompanied by the following documentation:
 - Response to Council's Request for Information;
 - Legal response to RFI
 - Economic Impact Assessment
 - Near Mobile Phone Ping Data Analysis
- On **6 March 2024**, a further Request for Additional Information was issued to the application providing a summary of submission received in relation to the application.
- On **19 April 2024**, the applicant subsequently submitted additional information addressing the issues raised in council's letter dated **6 March 2024**. The additional information was accompanied by the following documentation:
 - Response to Council's Request to Withdraw;
 - Response to TfNSW Matters;
 - Response to Moss Vale Economic Impact Assessment Peer Review
 - Amended Civil Engineering Plans;
 - Amended Architectural Plans;
 - Amended Landscape Plans;
 - Stormwater Correspondence to Council;

- Letter of Advice
 - DCP Section 5.2 Assessment
- On **12 August 2024**, a Request to Withdraw was issued to the application outlining key issues with the subject application that remained outstanding. This included:
 - Findings Economic Peer Review;
 - TfNSW Concurrence Issues;
 - Development on proposed lot 2;
 - Urban design and signage response;
 - Contamination; and
 - Stormwater and flooding items.
- On **20 August 2024**, a meeting was held with the applicant to discuss the issues raised in the request to withdraw letter of 12 August to attempt to discuss the issues outstanding.
- On **28 August 2024** and **9 September 2024** further meetings were held with the applicant and Council's technical staff to discuss the issues outstanding.
- On **15 to 20 November 2024 and 8 January 2024**, the applicant subsequently submitted additional information addressing the issues raised in council's letter dated **12 August 2024**. The additional information was accompanied by the following documentation:
 - Amended Landscape Plans;
 - Amended Architectural Plans;
 - Response to TfNSW matters;
 - Economic Impact Assessment Peer Review Response; and
 - Stormwater Correspondence to Council.
 - Legal Advice/Letter of Advice
 - DCP Section 5.2 Assessment
 - Detailed Site Investigation Addendum.
- On **24 January 2025**, a further Request for Additional Information was issued to the application outlining a Final RFI from TfNSW that did not form part of Council's Letter dated **12 August 2024**.
- On **27 March 2025**, the applicant provided additional information to TfNSW for their consideration.
- On **2 April 2025** TfNSW issued their final comments raising no objections to the proposed development and intersections works subject to conditions.

The Site and Locality

The proposed development primarily relates to the sites commonly known as 231 Argyle Street, Moss Vale legally described as Lot 11 DP 1192264 and 233 Argyle Street, Moss Vale legally described as Lot 1 DP 1192022. The site is irregular in shape and has a total area of 3.47 hectares with frontages of 27.155m to Argyle Street and 39.39m to Hoskins Street. The site 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 towards Hoskins Street, approximately 120m from the Hoskins Street / Hawkins Street intersection.

These sites are predominantly vacant, with the southern portion containing an informal, unsealed car parking area. The site is predominantly grassed, with an open, unlined drainage channel traversing the southern portion of the site, in a southeast to northwest direction. 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. 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.

The proposed development also proposed a range of road widening works/pedestrian networks on the following sites:

- 2 Dalys Way, Moss Vale (Lot 2 DP 1192022) - Owned by Transport Asset Holding Entity and currently comprises of car parking and related infrastructure associates with Transport for NSW.
- Argyle Street, Moss Vale (Lot 2 DP 1070183) - Owned by Endeavour Energy and currently comprises of a single storey rendered brick building.

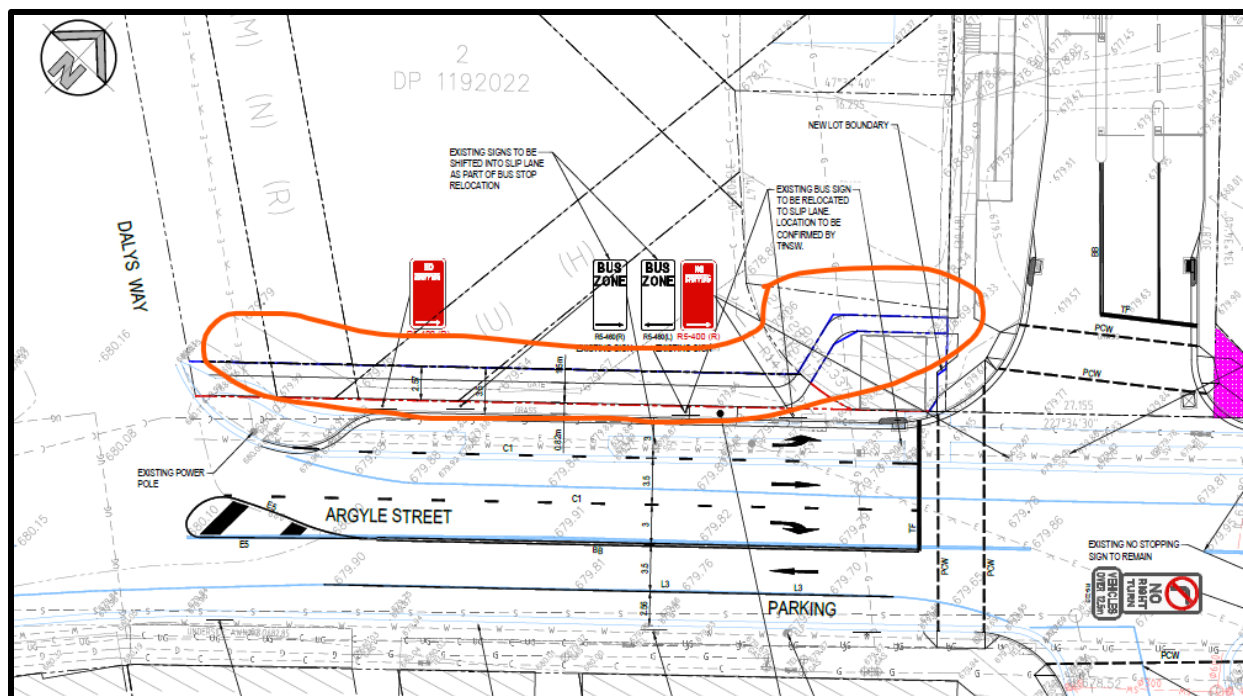


Figure 1 – Propsoed Intersection Works (Source Applicant)

These works are shown on the applicant's intersection works Drawing 22T73_C740 (revision 08) that formed part of TfNSW's concurrence (**Attachment 6**) and extracted below and include footpath works around the building located at the intersection and no owners consent has been provided for these works.

The surrounding areas comprises a mix of land uses including existing residential development, commercial uses, recreational land and rail infrastructure. Towards the west and south are items of heritage significance including Local Heritage Item I244 'Moss Vale Railway Station' and State Heritage Item SHR 01200 – 'Moss Vale Railway Station and yard group'.

The site's location and context is detailed in Figures 2 and 3 below.

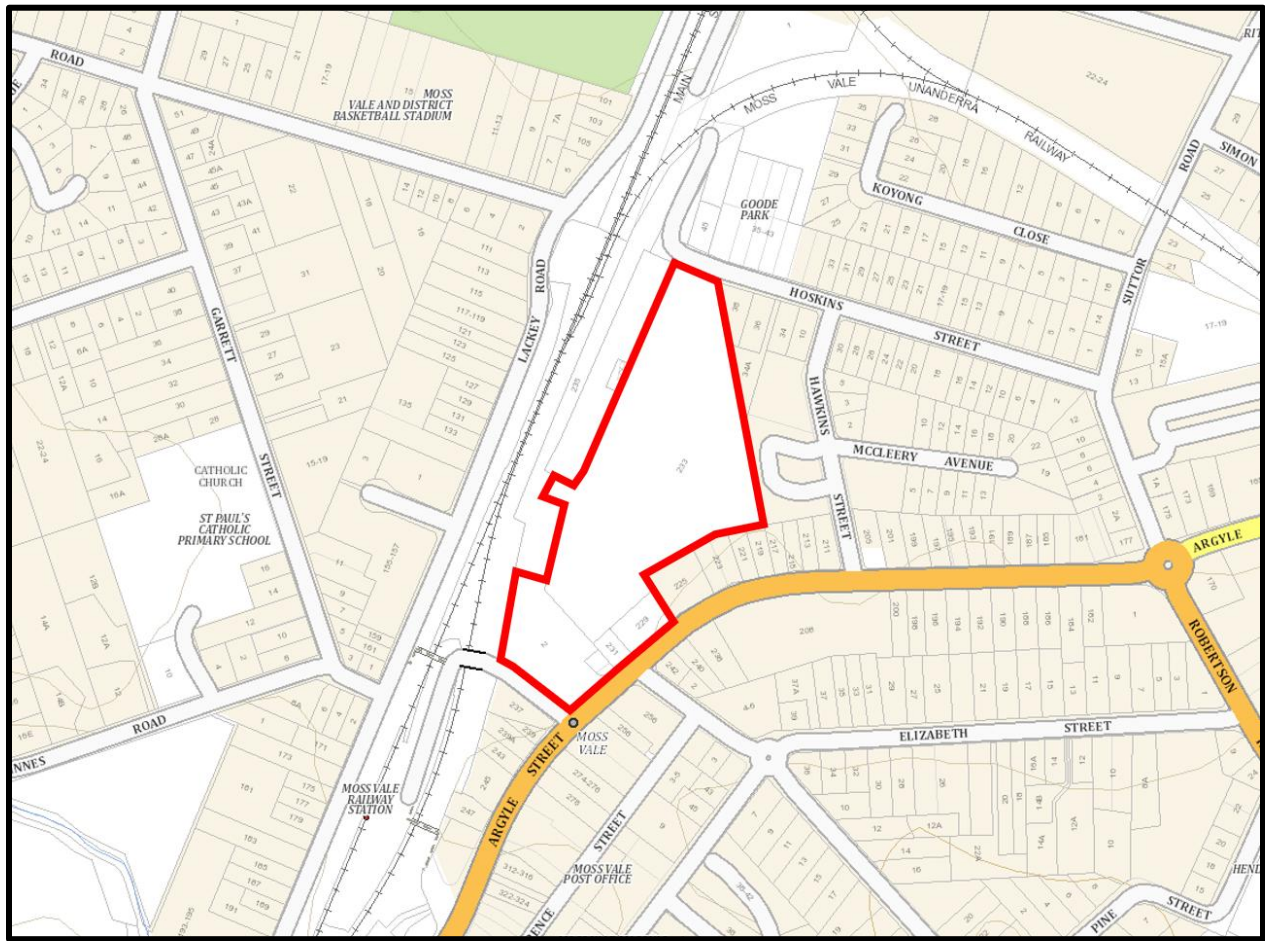


Figure 2 – Locality Plan (Source Six Maps)

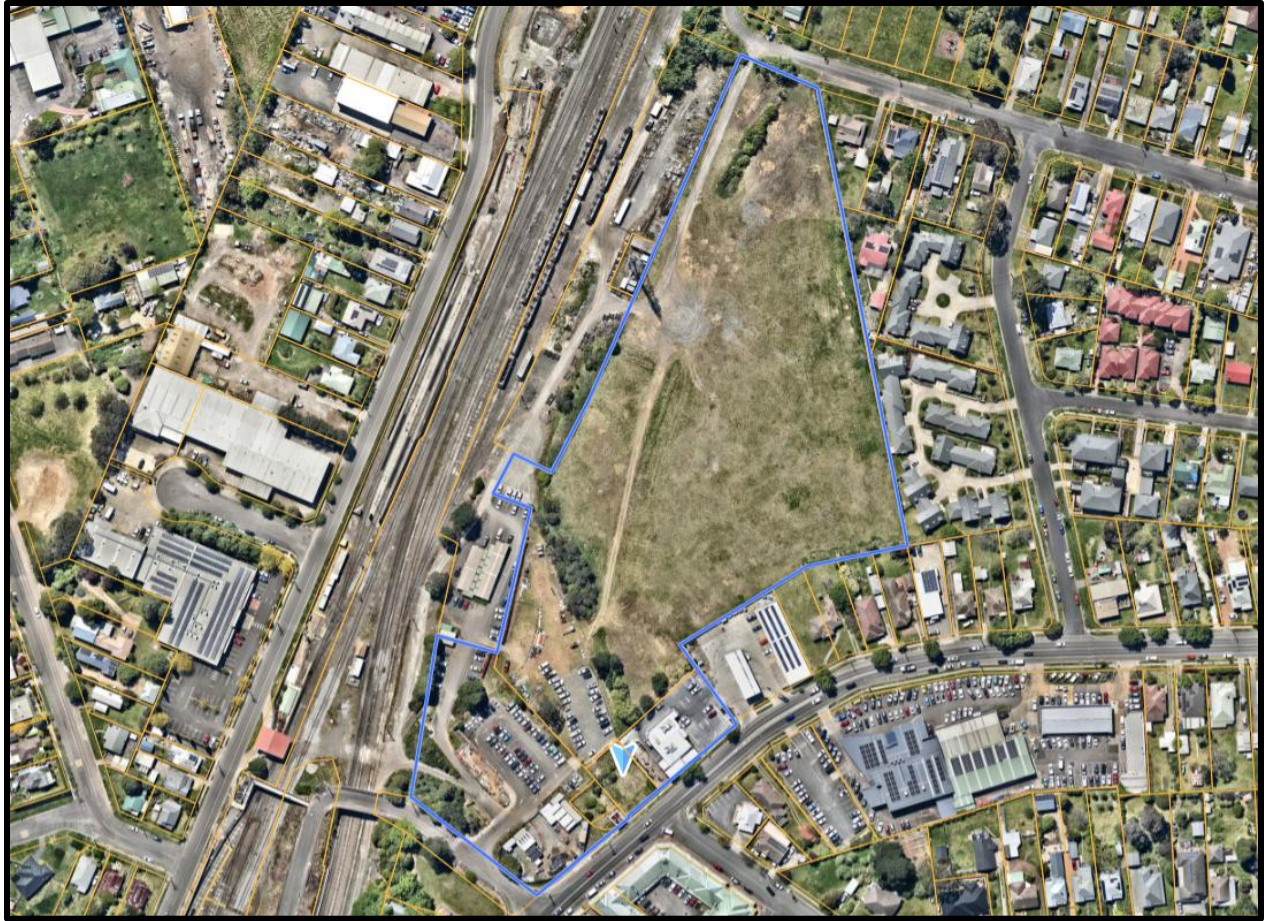


Figure 3 – Site Aerial (Source: Nearmap)

The site is partly zoned E3 Productivity Support under the provisions of Wingecarribee Local Environmental Plan 2010 (WLEP). The neighbourhood shopping centre comprising Woolworths (shop), BWS (shop), car wash (business premises), associated road works and paths are situated within the E3 zone and are permissible with consent. The remaining ground floor lettable spaces marked as 'tenancies' capable of accommodating a range of permissible land uses. These uses are permissible within the E3 zone.

The site is also partly zoned SP2 Local Road under the provisions of Wingecarribee Local Environmental Plan 2010 (WLEP). The proposed access road to Argyle Street within Council owned land and is intended to be open or dedicated as a public road, consistent with its reservation as a 'Local Road' under the Roads Act 1993. Accordingly, the proposed access road is permissible with consent in the SP2 zone.

In addition, the proposed development also involves the construction of a pylon sign and boom gates within the SP2 Local Road Zone. As detailed above, the applicant is proposing to develop the Council-owned lot as a separate local road and an extension of Valetta Street. Accordingly, the proposed signage cannot be considered development that is incidental or ancillary to the neighbourhood shopping centre and is prohibited in the SP2 Zone land.

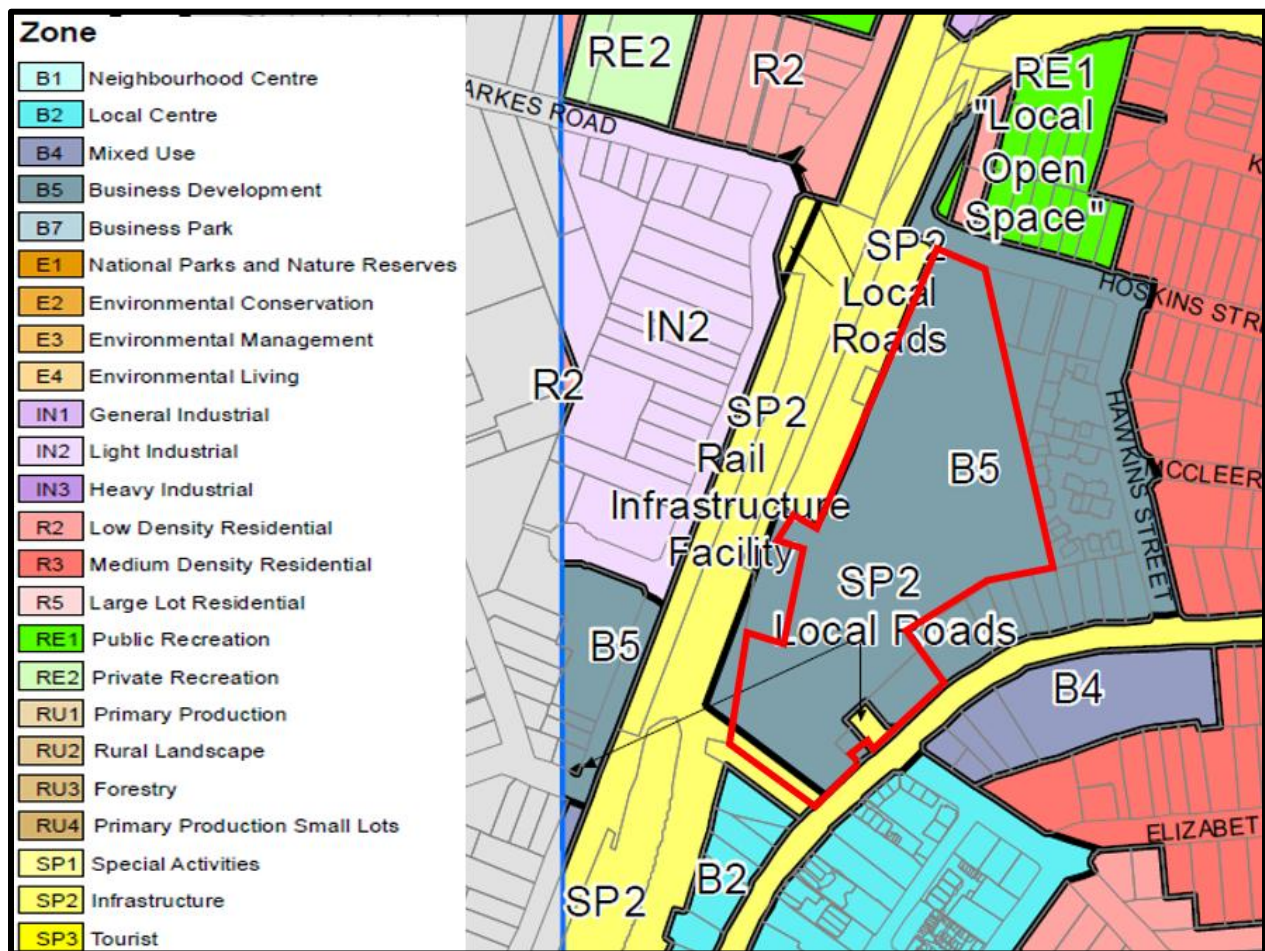


Figure 4 – Zoning Map (Source: NSW Legislation)

Notification and Referrals

The application was referred to a number of other internal and external agencies (refer **Attachment 8**).

The Development Application was advertised for a period of 30 days between 25 October 2023 to 25 November 2023. 493 submissions were received during that notification period.

5. THE PROPOSAL

The amended proposal seeks approval for the construction of a neighbourhood shopping centre, associated subdivision and intersection works (including traffic signals) at 231, 233 & 299 Argyle Street, 2 Dalys Way, and Lot 2 DP 1070183 Argyle Street, Moss Vale.

Specifically, the development will comprise of the following:

Subdivision

- Torrens title subdivision one (1) lot into two (2) lots in the following configuration:
 - Lot 1 - 2.217 Ha; and
 - Lot 2 – 1.195 Ha. Residue lot for future development.

Construction

- Construction of neighbourhood shopping centre with a GFA of 7,268.5m² on proposed Lot 1 and comprising the following components:

Ground floor

- Provision of a supermarket (shop) with associated loading areas, Direct-To-Boot (DTB) and Home Delivery (HD) storage areas and cool rooms/freezers.
- Provision six (6) commercial/retail tenancies including BWS (shop) and 'tenancies' capable of accommodating a range of permissible land uses.
- Provision of mall area providing the main pedestrian entrance to supermarket along with amenities, and lifts/stairs providing access to upper levels.
- Provision of a playground and alfresco area with associated outdoor seating.
- Provision of at grade car parking comprising of 272 (including 6 accessible and 8 Direct to Boot (DTB) car parking spaces, loading docks shade structures and car wash (business premises);
- Provision of two vehicular entry points to the site as follows:
 - The access driveway off Argyle Street is proposed to be the primary access point for passenger vehicles and delivery vehicles to the carpark and loading areas.

Access to Argyle Street from the development is proposed to be controlled by boom-gates which will be timed to operate during business hours. In addition, new signalised intersection is proposed along Argyle Street.
 - The Hoskins Street access driveway is proposed to function as a secondary access point for passenger vehicles. This access point will also be restricted by boom gates.

First Floor

- Provision one (1) Commercial tenancy subject to future development applications for use.
- Provision of a plant mezzanine.

Roof

- Provision of a plant platforms and potential solar panel areas.
- Associated Site Works:
 - Earthworks facilitating the proposed development.
 - Provision of Stormwater infrastructure including:
 - a rain water collection system conveying to a combined OSD and rainwater harvesting tank.
 - Acoustic barriers.
 - Business identification and directional Signage.
 - A road widening works/pedestrian networks on 2 Dalys Way, Moss Vale (Lot 2 DP 1192022), Argyle Street, Moss Vale (Lot 2 DP 1070183), and 299 Argyle Street, Moss Vale (Lot 2 DP 773382).

Operation and Use

Woolworths

- Use of 1 commercial tenancy as Woolworths (Neighbourhood supermarket) as follows:
 - Hours of Operation – 7:00 am to 10:00pm on Monday to Sunday.

BWS

- Use of 1 commercial tenancy as BWS (Retail Premises) as follows:
 - Hours of Operation – 7:00 am to 10:00pm on Monday to Sunday.

Loading Dock

- Hours of Operation – 5:00am to 10:00pm on Monday to Sunday.
- Deliveries –
 - Maximum four trucks movements in any given hour between 7am and 10pm; and
 - Maximum two truck movements in any given hour between 5am and 7am.

Note – Approval is not sought for the operations or use of seven (7) retail and commercial tenancies. These units will be subject to future development or complying development applications. A condition is capable of being imposed limiting the hours of operation to 7:00am to

10:00pm in the instance development consent is granted. However, it is unclear from the application how the individual tenancies will be serviced from the loading dock as no access is provided.

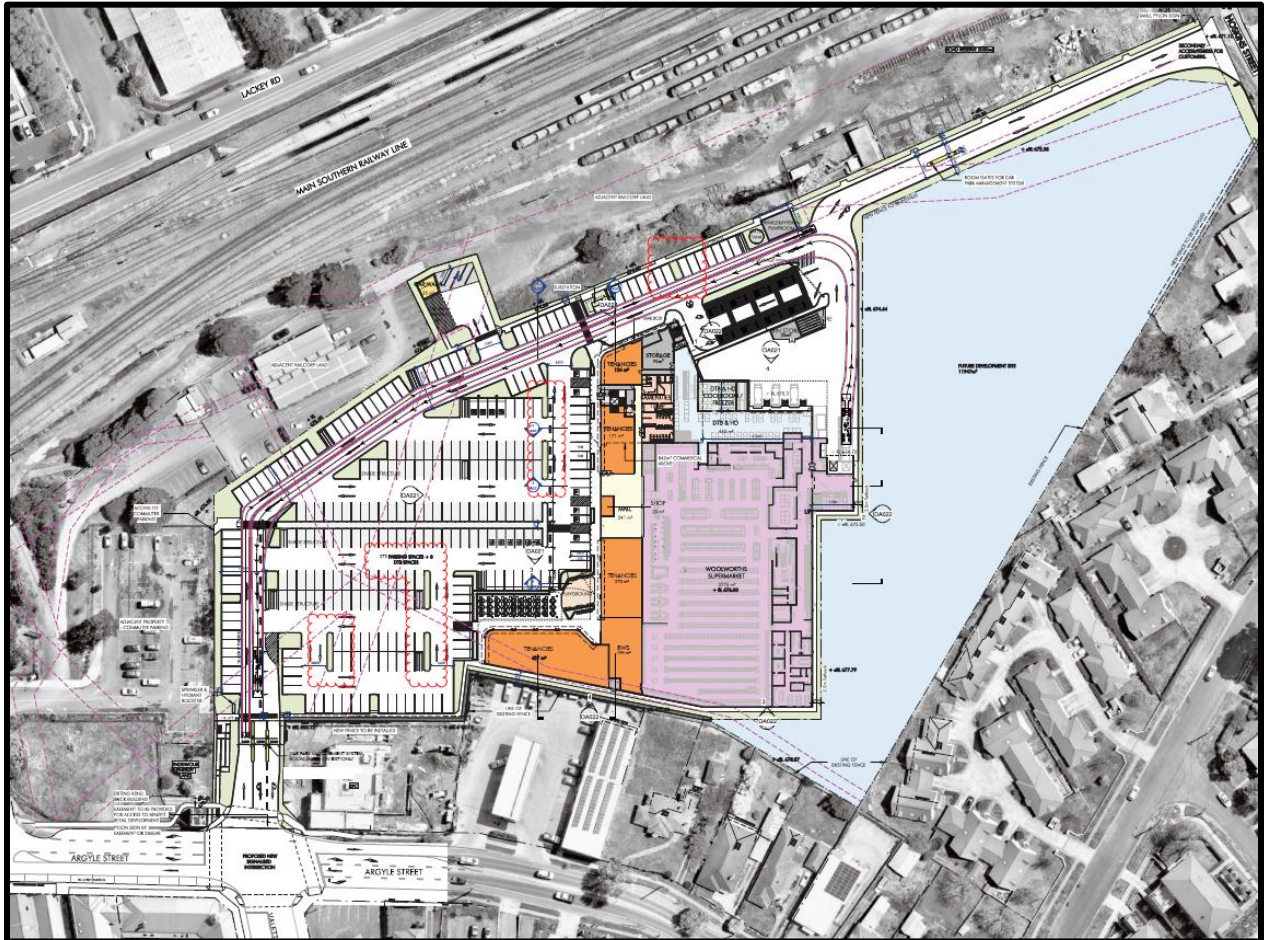


Figure 5: Site Plan (Source: Nettleton tribe)

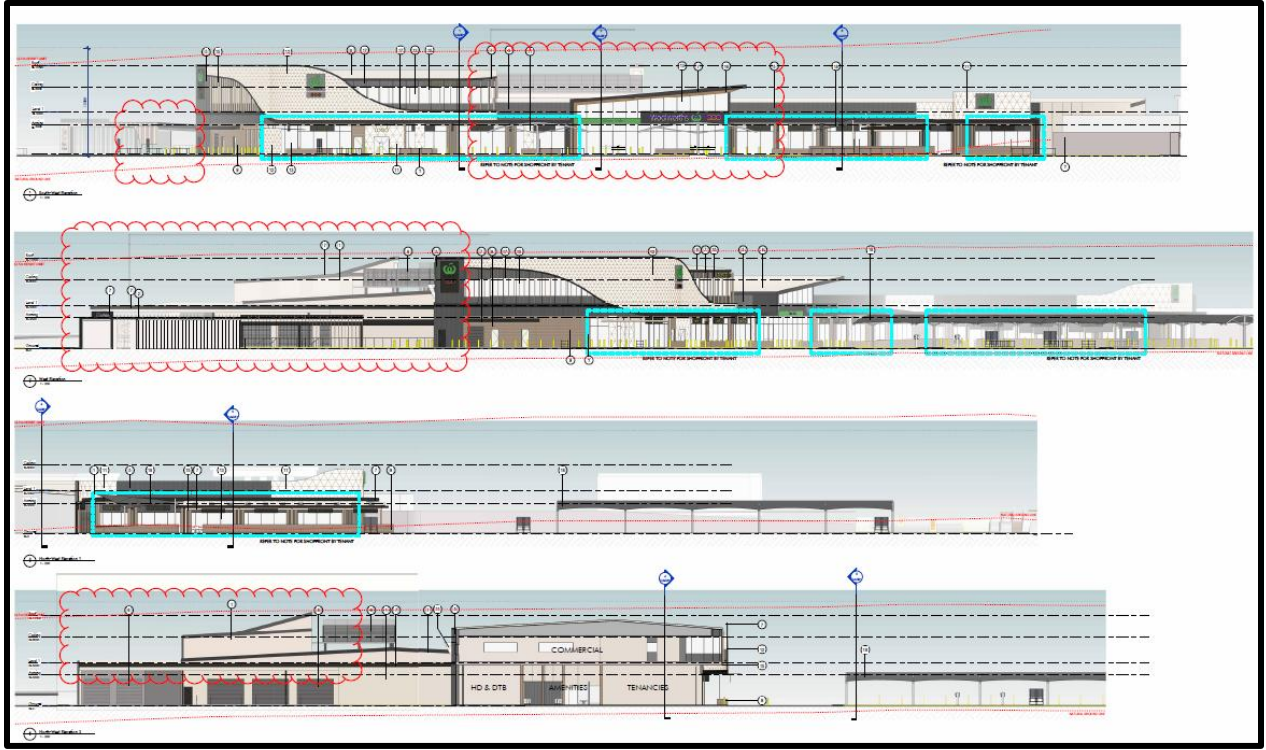


Figure 6: Elevations Sheet 1 (Source: Nettleton tribe)

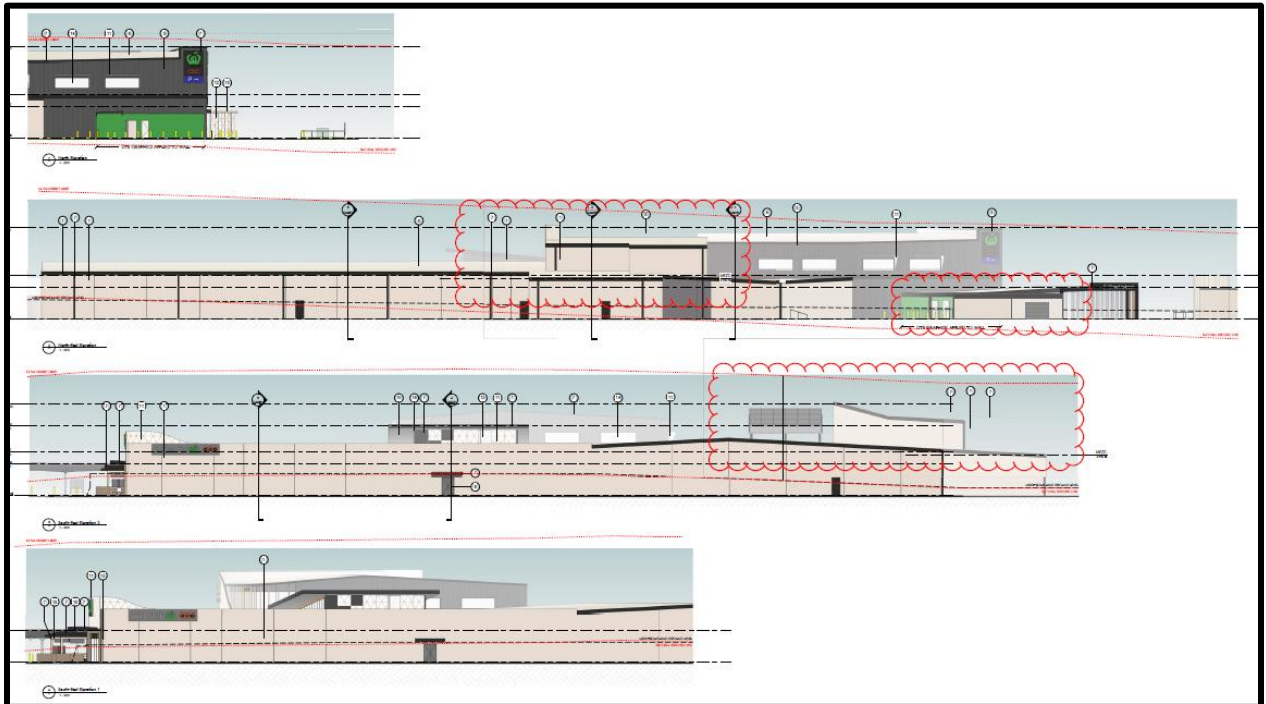


Figure 7: Elevations Sheet 2 (Source: Nettleton tribe)



Figure 8: Artist Impressions (Source: Nettleton tribe)



Figure 9: Artist Impressions (Source: Nettleton tribe)

Access, Carparking and Servicing

- Access

Entry/exit driveway of argyle street The access driveway off Argyle Street is proposed to be the primary access point for passenger vehicles and delivery vehicles to the car park and loading areas. This access will service passenger vehicles up to a 14.7m Articulated Vehicle.

Access to Argyle Street from the development is proposed to be controlled by boom-gates which will be timed to operate during business hours. In addition, a new signalised intersection is proposed along Argyle Street. These boom gates are located within SP2 zoned land which is considered not appropriate, and should the DA be approved, these gates will need to be relocated.

Entry/exit driveway off Hoskins Street The Hoskins Street access driveway is proposed to function as a secondary access point for passenger vehicles. This access point will also be restricted by boom gates.

Note – should the DA be considered acceptable for approval, it is important that a Plan of Management be prepared including detailing how access restrictions will be managed, how the boom gate will operate and how the development will operate.

- Car Parking

Section B4.4(a) of the Moss Vale Township Development Control Plan (DCP) stipulates the minimum car parking rates for new development within the Moss Vale locality. The following table provides an assessment of the car parking rates warranted by the proposed development.

Use	Required Car Parking Spaces
Supermarkets	<i>1 space per 20 m² of gross leasable floor area.</i> <u>Assessment Planners Comment</u> The proposed Woolworths contains a gross lettable floor area of 3,775.2m ² and warrants a minimum of 188.76 (189) car parking spaces.
Shops • Small or medium • Large	<i>1 space per 30 m² of gross floor area.</i> <i>1 space per 20 m² of gross floor area.</i> <u>Assessment Planners Comment</u> It is noted that the remaining gross lettable floor area on the ground floor comprises of a BWS and 5 x 'small' vacant tenancies capable

	of accommodating a range of shops and retail tenancies. All ground floor tenancies have been considered as small shops for the purpose of this assessment noting the car parking rate is consistent with the minimum requirement for retail premises. The proposed ground floor tenancies contain a combined gross lettable floor area of 1,208m² and warrant a minimum of 40.26 (41) car parking spaces.
Retail, Office, Commercial	<i>1 space per 30 m² of gross leasable floor area for buildings of single storey.</i> <i>For buildings greater than one storey in height the disaggregated method for car park calculation (Section 5 RTA Guide for Traffic Generating Developments) may be considered.</i> <u>Assessment Planners Comment</u> The first-floor commercial premises contain a gross lettable floor area of 842.5m² and warrants a minimum of 28.08 (29) car parking spaces. In addition, the car wash within the car parking area is also best defined as a business premises, being a form of commercial premises as defined in the Wingecarribee LEP. The car wash contains a gross lettable floor area of 25m² and warrants a minimum of 0.83 (1) car parking spaces.
Other land uses not listed	<i>Council will give consideration to rates published by other Councils operating in a similar large regional location to Wingecarribee Shire (i.e. comparisons must be made with similar developments in similar locations). Council may also require the completion and submission of a parking impact and needs study by the applicant.</i> <u>Assessment Planners Comment</u> Parking rates are not stipulated in the Moss Vale Township DCP for Direct To Boot (DTB) and Home Delivery (HD) areas. The application is accompanied by a Traffic Impact Statement prepared by Colston Budd Rodgers & Kafes which applies the parking rates within the Guide to Traffic Generating Developments, dated October 2002 and prepared by the Roads and Traffic Authority for industrial uses (factories). The relevant parking rate is provided as follows: • 1.3 spaces per 100m² GFA The DTB and HD areas contain a gross lettable floor area of 579.7m² and warrant a minimum of 7.53 (8) car parking spaces.

	Council's Traffic and Transport Engineer reviewed the application of the above parking rates and raised no objection.
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Based on the above assessment, the wider development warrants a total of 268 (including 8 DTB) car parking spaces. The proposed development involves the construction of at grade car parking area comprising a total of 280 (including 8 DTB) car parking spaces and complies with the minimum specified.

- *Servicing*

The proposed development is intended to be serviced by vehicles for garbage collection and delivery. The anticipated vehicles will range in size from 6.4 metre small rigid trucks to 14.7m Articulated Vehicles and the site will contain the following:

- 3 loading docks for small rigid vehicles servicing home delivery;
- 2 loading docks for Articulated Vehicles servicing the Woolworth supermarket;

The anticipated number of deliveries are provided as follows:

- Online fulfillment – 18 to 26 home deliveries per day (SRV) and 2 to 4 articulated deliveries per day.
- Supermarket – 10 to 16 deliveries per day via 2 to 4 articulated deliveries (14.4m trucks), 2 to 4 with HRV deliveries, and 6 to 8 with SRV/MRV deliveries per day.
- Other uses – 3 to 6 deliveries per day using MRV/HRV and 2 to 4 with SRV.

Transport and Traffic Engineer reviewed the application and raised objections to the proposed development. The following concerns were raised regarding vehicular access:

- Inadequate Traffic Impact Assessment. - The applicant fails to provide sufficient information to address the additional traffic impact on the road network as a result of the development. Particularly, the submitted Traffic Assessment does not address the anticipated increase in traffic volumes turning right from Hoskins Street to Suttor Road, does not address the potential impacts on intersection performance, safety, sight distance and any additional safety measures at this intersection.

Based on TfNSW's concurrence, it is noted that vehicles over 12.5m can no longer turn into Valetta Street from Argyle Street. Insufficient information has been provided for the traffic impact on the surrounding road network and businesses for this proposal as a result of this traffic diversion.

Insufficient information has been provided on the proposed realigned footpath on the western side of the main entry to Woolworths, particularly no owners consent has been provided as the footpath goes around the existing building fronting Argyle Street.

- Inadequate Road Upgrade Plan and Documentation - The development will generate additional traffic that will impact Hoskins Street and Hawkins Street. This triggers Hoskins Street and Hawkins Street to be upgraded for the full width, including kerb and gutter on both

sides, from the secondary access point up to 8 Hawkins Street Moss Vale to service the development. No Concept Road and Drainage Upgrade Plan has been provided for Hoskins Street and Hawkins Street upgrade to demonstrate how the road upgrades will impact the existing features within the road reserve, including driveway crossings, services, overhead powerlines and street trees.

- Inadequate access arrangement on Proposed Lot 2 have been provided.

6. ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.46

Integrated Development Section 4.46 of the EP&A Act defines integrated development that requires development consent and one or more approvals under the other State Government Acts. In relation to the subject site, the following Acts apply.

- *Roads Act 1993* – To erect a structure or carry out a work over a public road and to connect a road (whether public or private) to a classified road.

Road Act 1993

In accordance with Section 138 of the Roads Act 1993, a person must not erect a structure or carry out a work in, on or over a public road or connect a road (whether public or private) to a classified road without the concurrence of TfNSW.

The application proposes to connect a public road to Argyle Street, being identified as a classified road. In addition, the development includes the construction of a fourth leg of the Valetta Street/Argyle Street intersection, with the intersection also to be upgraded to include traffic signal control. These works constitute carrying out work in or over a public road.

The application was referred to TfNSW who advised that they do not support the development in its current form. On 2 April 2025, TfNSW advised that they reviewed the information and had no objections to the proposed development provided that the conditions, attached to their letter, were included in any development consent. TfNSW's suggested conditions include updates to the proposed intersection design, for minor kerb adjustments to improve pedestrian safety and facilitate access to Valetta Street for 19m heavy vehicles. It is noted that no information has been submitted to address the environmental and construction impacts associated with the proposed road works, including no stopping signs, bus stops and light and power poles to be relcoated, there is no information how the intersection works will be constructed and what the impacts on these temporary works will be.

Environmental Planning and Assessment Act 1979 – Section 4.15

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazard) 2021;*

- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Industry and Employment) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *Wingecarribee Local Environmental Plan 2010; and*

An assessment of the proposed DA against the above instruments is detailed below.

Environmental Planning and Assessment Act 1979 (EP&A Act)

The proposal does not contravene the Environmental Planning and Assessment Act.

Environmental Planning and Assessment (EP&A) Regulation 2021

The proposal does not contravene the Environmental Planning and Assessment Regulation.

State Environmental Planning Policy (Planning Systems) 2021

On 4 March 2024, the *Environmental Planning and Assessment Amendment (Estimated Development Cost) Regulation 2023* commenced and replaced 'cost of development' and 'capital investment value' with a new single definition and calculation method for 'estimated development cost' (EDC). These amendments were subsequently introduced into the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the *State Environmental Planning Policy 2021* (Planning System SEPP).

Pursuant to Clause 28(1)(a), Schedule 6 of the EP&A Regulation, the application was submitted on the NSW planning portal prior to the commencement of Environmental Planning and Assessment Amendment (Estimated Development Cost) Regulation 2023. As such, Capital investment value continues to apply to the proposed development.

In accordance with Clause 2.19 and Schedule 6 of the SEPP, the proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$29,821,861 which exceeds the \$5 million threshold for Council related development. Therefore, the consent authority is the Southern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazard) 2021

Chapter 4 Remediation of Land

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

In particular, *Chapter 4 Remediation of Land* contains a number of objectives that aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment:

- By specifying when consent is required, and when it is not required, for a remediation work; and*
- By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*

c) *By requiring that a remediation work meet certain standards and notification requirements*

Subject to Section 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

The applicant has prepared a Stage 2 detailed site investigation that concludes that the site can be made suitable for the proposed development. This has been reviewed and considered acceptable subject to conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

An assessment of the development against the relevant provisions of Chapter 2 of the Transport and Infrastructure SEPP is provided in the table below.

State Environmental Planning Policy (Transport and Infrastructure) 2021		
Provision	Control	Discussion
<i>Division 15 - Railways</i>		
<i>Subdivision 2 – Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements</i>		
2.98 Development adjacent corridors	Before determining a development application for development to which this section applies, the consent authority must— (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) (any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.	ARTC was given notice of the application on 18 October 2023. At the time of writing this report, no response has been received for consideration of the consent authority.
2.100 Impact of rail noise or vibration on	This section applies to development for any of the following purposes that is on land in or adjacent to a rail	This development application does not comprise land uses that

non-rail development	corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration— (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility.	are likely to be affected by rail noise.
Division 17 - Roads and Traffic		
Subdivision 2 - Development in or adjacent to road corridors and road reservations		
2.119 Development with frontage to classified road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and 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, and	Access is proposed off Argyle Street as the primary access point for passenger vehicles to the car park and secondary access for passenger vehicles is via Hoskins Street. There is the possibility that people will turn right from Argyle Street onto Hawkins Street to gain access to this secondary entrance. On 2 April 2025, TfNSW advised that they reviewed the information and had no objections to the proposed development provided that the conditions attached were included in any development consent.

	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 development is not of the type that is sensitive to traffic noise or vehicle emissions.
2.122 Traffic Generating Development	This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including— A. the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and	The proposed development involves the construction of a neighborhood shopping centre comprising numerous commercial tenancies. Collectively, the development contains GFA of 7,248 m² and exceeds the threshold of 2,500m² for development with access to classified road as prescribed in schedule 3. The proposed development is therefore traffic generating development requiring concurrence from TfNSW. On 2 April 2025, TfNSW advised that they reviewed the information and had no objections to the proposed development provided that the conditions attached were included in any development consent. However, insufficient detail has been provided in relation to the development of the “future development site” and there is no detail/information submitted on how usage and size of vehicles will be limited on the secondary streets/access (via Hoskins Street).

	B. the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development.	As noted previously, TfNSW's suggested conditions include updates to the proposed intersection design, for minor kerb adjustments to improve pedestrian safety and facilitate access to Valetta Street for 19m heavy vehicles. It is noted that no information has been submitted to address the environmental and construction impacts associated with the proposed road works, including no stopping signs, bus stops and light and power poles to be relcoated, there is no information how the intersection works will be constructed and what the impacts on these temporary works will be.
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State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

Chapter 3 of SEPP (Industry and Employment) 2021 applies to the entire state to ensure that signage is compatible with the desired amenity and character of an area and to ensure that signs provide effective communication in suitable locations.

Figure 10-11 below detail the types of signage proposed under this development application. The proposed development generally consists of under awnings signs, awning fascia signs, pylons signs, top hamper signs, wall signs, wall graphics, and logos for business identification, town identification and direction purposes.

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 07		Woolworths External Facade Sign - Vertical - Single sided Illuminated (1372mm icon)	SDB 854 1372mm Icon	x4
SIGN 02		Tenant Shopfront Signage	2200 x 600mm(h)	x1 Per Tenancy w/o Alfresco, x2 Per Tenancy w/ Alfresco	SIGN 08		BWS External Facade Sign - Vertical - Single sided Illuminated (1372mm icon)	SDB 854 1372mm Icon	x3
SIGN 03		Woolworths External Facade Sign - Horizontal - Single sided Illuminated (1250mm icon)	SDB 855 1250mm Icon	x1	SIGN 09		Parking Direction Signage	1600 X 620mm(h)	x1
SIGN 04		Tenant Shopfront Signage	2200 x 600mm(h)	x3	SIGN 10		L1 Tenancy Entrance Logo	1600 X 800mm(h)	x1
SIGN 05		DIRECT TO BOOT SIGN	7000mm(w) x 900mm(h)	x1	SIGN 11		Tenant Shopfront Signage	3000 x 600mm(h)	x1
SIGN 06		Woolworths 3D Direct to boot Logo	1750mm(w) x 2450mm(h)	x1	SIGN 12		Woolworths Entrance Town Name Signage	1600 X 800mm(h)	x1

Figure 10– Signage Schedule (Source: Nettleton Tribe)

Signage Schedule					Signage Schedule				
SIGN NO.	GRAPHIC	DESCRIPTION	DIMENSION	COUNT	SIGN NO.	GRAPHIC	DESCRIPTION	DIMENSION	COUNT
SIGN 13		Pylon Sign - Double-Sided Illuminated	2140(w) X 6500mm(h) 600mm Depth	x1	SIGN 14		Monument Sign Double-Sided Illuminated	1500(w) X 3500mm(h) 300mm Depth	x1
					SIGN 15		BWS External Facade Sign - Horizontal - Single sided Illuminated (1250mm icon)	SDB 855 1250mm Icon	x1
					SIGN 16		DTB Destination Wall (Graphic TBC)	12600(w) x 2850mm(h)	x1

NOTE: All Signage Internally Illuminated unless otherwise noted.

Figure 11 – Signage Schedule (Source: Nettleton Tribe)

The objectives of Chapter 3 of SEPP (Industry and Employment) 2021 are as follows:

- (a) to ensure that signage (including advertising)—
- (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish.

Comment

The proposed signs have been designed and sited in a manner that ensures they are compatible with the desired amenity and visual character of the Moss Vale locality with the exception of a pylon sign located in the SP2 zone which is considered prohibited. The proposed signage

provides for effective signage in a suitable location and is of high-quality finish as demonstrated in the materials and finishes schedule.

An assessment of the proposed signage against the assessment criteria of Chapter 3 of SEPP (Industry and Employment) 2021 is provided in the table below.

State Environmental Planning Policy (Industry and Employment) 2021		
Provision	Control	Discussion
Chapter 3 Advertising and Signage		
3.1 Preliminary		
3.1 Aims, objectives etc	to ensure that signage (including advertising)— (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish.	The proposed signs have generally been designed and sited in a manner that ensures they are compatible with the desired amenity and visual character of the Moss Vale locality with the exception of a pylon sign located within the SP2 zone land which is considered prohibited.
3.6 Granting Consent to signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied— (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	Refer to the assessment provided above. Refer to the assessment of Schedule 5 below. The proposed development does not satisfy the assessment criteria.
Schedule 5 Assessment Criteria		
1. Character of the Area	Is the proposal compatible with the existing or desired future character or the area or locality in which it is proposed to be located?	With the exception of the pylon sign located within the SP2 zoned land the size and scale that is compatible with the existing or desired future character of the area and locality.

	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Advertising is not proposed under this application.
2. Special Areas	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 proposed pylon sign along Argyle Street is of a visual bulk and scale that is acceptable.
3. Views and vistas	Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	With the exception of the pylon sign located in the SP2 zoned land the proposed signs will not obscure or compromise any important views lines. With the exception of the pylon sign located in the SP2 zoned land the signs will not reduce the quality of vistas along Argyle Street due to the visual bulk and scale of the sign. The proposed signs do not detract from the viewing of any advertising structure within the streetscape.
4. Streetscape setting on landscape	Is the scale proportion and form of the proposal appropriate for the streetscape or landscape? Does the proposal contribute to the visual interest of the streetscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness?	With the exception of the pylon sign located in the SP2 zoned land the scale and form of the proposed pylon sign will not adversely impact on the amenity of Argyle Street. The proposed signs do not result in visual clutter within the streetscape. The proposed signs do not screen unsightliness.

	Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	With the exception of the pylon sign located in the SP2 zoned land the proposed signage will not protrude over an existing rendered brick building located on Lot 2 DP1070183, Argyle Street, Moss Vale. No vegetation management will be required.
5. Site and Building	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? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site building or both?	With the exception of the pylon sign located in the SP2 zoned land the visual bulk and scale of the sign is acceptable. The proposed signs are considered to be compatible with the features of the site having regard to the visual bulk and scale of the Pylon Sign along Argyle Street.
6. Associated devices and logos with advertisements and advertising structures	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?	All signage has been designed as an integrated product.
7. Illumination	Would illumination result in unsightly glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination will not result in unsightly glare. The proposed illumination will not affect safety for pedestrians, vehicles or aircraft. The proposed illumination is capable of being managed and will not detract from the amenity of the surrounding area.

	Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination can be adjusted if necessary.
	Is the illumination subject to a curfew?	Illumination could be conditioned if approval was to be granted.
8. Safety	Would the proposal reduce the safety on any public road?	The proposed signs will not impact on safety of motorists travelling on adjoining public roads.
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signs will not impact on the safety of pedestrians or cyclists.
	Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas.

State Environmental Planning Policy (Biodiversity and Conversation) 2021

Chapter 4 - Koala Habitat Protection 2021

As no Koala Plans of Management are currently listed in the Wingecarribee LEP 2010 the development is subject to Section 4.9 Development Assessment Process - no approved koala plan of management for land of the Koala Habitat Protection SEPP 2021.

Section 4.9(2) – (6) states:

(2) *Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*

(3) *If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

(4) *If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*

(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—

(a) *information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*

(i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or

(ii) is not core koala habitat, or

(b) information the council is satisfied demonstrates that the land subject of the development application—

(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or

(ii) includes only horticultural or agricultural plantations.

(6) In this section—

koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts

Comment

The proposed development is accompanied by an arborist report which identifies the removal of 12 low and very low retention value trees and 1 high category tree (*Eucalyptus* sp.). The site is substantially isolated from areas of potential habitat noting it is located centrally in Moss Vale and separated from forest and woodland communities.

As such, it is satisfied that the proposed development is likely to have low or no impact on koalas or koala habitat. The proposed development is considered to be consistent with the relevant objectives and controls of the SEPP and consent may be granted for the development application.

Chapter 6 - Water catchment

The SEPP aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality.
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The application was referred to Water NSW who advised that insufficient information has been provided with the application to enable an adequate assessment of the probable effect of the development on water quality. Specifically, they requested updated information relating to MUSIC stormwater quality model, report and Stormwater Drainage Plan.

An additional information request was provided to the applicant on 20 December 2023 which requested amended documentation to address the issues raised. The amended documentation

submitted by the applicant was re-referred to Water NSW who raised no objections subject to recommended conditions of consent.

The application was re-referred to Water NSW following receipt of additional information and revised recommended conditions of consent were provided on 28 March 2024 and 20 December 2024.

As such, it is satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality.

Wingecarribee Local Environmental Plan 2010

The Wingecarribee Local Environmental Plan (LEP) 2010 applies to the site and proposed development.

Permissibility

The site is partly zoned E3 Productivity Support and SP2 Local Road pursuant to the Wingecarribee Local Environmental Plan (LEP) 2010.

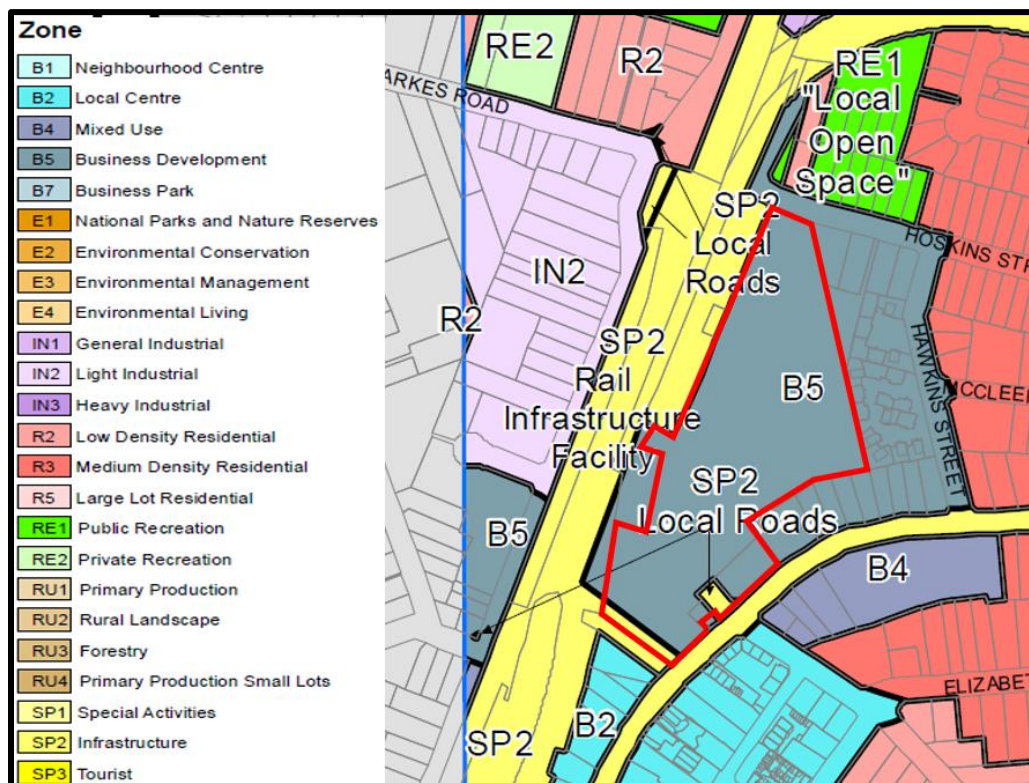


Figure 12 – Zoning Map (Source: NSW Legislation)

The neighbourhood shopping centre comprising Woolworths (shop), BWS (shop), car wash (business premises), associated road works, road widening, paths are situated within the E3 zone and are permissible with consent. The remaining ground floor lettable spaces marked as 'tenancies' capable of accommodating a range of permissible land uses.

The site is also partly zoned SP2 Local Road under the provisions of Wingecarribee Local Environmental Plan 2010 (WLEP). The proposed access road to Argyle Street, within Council owned land, is intended to be open or dedicated to Council as a public road, consistent with its reservation as a 'Local Road' under the Roads Act 1993. Accordingly, the proposed access road is permissible with consent in the SP2 zone.

In addition, the proposed development also involves the construction of a 6.5m high pylon sign within the SP2 Local Road Zone. As detailed above, the applicant is proposing to develop the Council-owned lot as a separate local road and an extension of Valetta Street. Accordingly, the proposed signage can not be considered development that is incidental or ancillary to the neighbourhood shopping centre and is prohibited in the E3 zone.

Zone Objectives

The objectives of the E3 Productivity Support zone are as follows:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *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.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To ensure new development has regard to the character and amenity of adjacent and nearby residential areas.*

Comment:

The scale of retail and commercial activities proposed will compete and impact on the economic viability of surrounding local and commercial centres.

The application was accompanied by an Economic Impact Assessment, dated May 2023 and prepared by Location IQ. The report was peer reviewed by Council's Economic consultant (Hill PDA) which concluded as follows:

- *Based on the above peer review we believe that the trade area and projected population adopted in the LocationIQ report have been overstated, this has implications for the recommended amount of supermarket floorspace that can be supported on the Woolworth Centre site.*
- *It is believed that the assumed turnover levels for the Woolworths supermarket in the LocationIQ EIA are underestimated. As such the impacts on the Moss Vale Local Centre would be higher. This could threaten its viability and that of its retailers, especially as the proposed offering duplicates existing provisions rather than diversifying the retail landscape.*

- *In light of these concerns, it is argued that the proposed scale of the Woolworths Centre contradicts the objectives of the E3 Zone and competes with rather than complements surrounding local centres such as Moss Vale.*
- *Using LocationIQ's approach to demonstrate retail demand (i.e. applying benchmark rates to population growth) and considering current permissibility, a neighbourhood supermarket of around 1,000 square metres, consistent with most metro-style Woolworths stores, along with additional supporting retail could be supported on-site, with minimal impact on the surrounding centres.*
- *At this scale, it will avoid direct competition with Moss Vale Local Centre, aligning more closely with the objectives of the E3 zone.*
- *We do recommend that a more comprehensive retail demand assessment, using a trade area more closely aligned with our revised main trade area and population projections be undertaken to determine whether there is capacity to provide any more than the suggested 1,000 square metres of supermarket floorspace on-site without impacting the viability of other surrounding centres, particularly Moss Vale Local Centre.*

A request for additional information was issued to the applicant on **12 August 2024** including the findings of the peer review. On **15 November 2024**, the applicant subsequently submitted an Economic Impact Assessment Peer Review Response, dated 16 October 2024 prepared by Location IQ.

The response was re-referred to Council's Economic consultant and they advised that their concerns had not been addressed. In summary, the following concerns remained:

- *The demand for supermarket space is overstated due to the Primary Trade Area (PTA) being geographically too large and due to the high capture rates being applied*
- *Either the forecast trading level for the Woolworths supermarket is too low and/or there will be an oversupply of supermarket floor space in the locality.*
- *The Bowral South New Living Areas (BSNLA) has little relevance to the need for the proposal. If anything the retail centre proposed in the BSNLA will add a considerable level of supply, over and above what BSNLA requires.*

Based on the findings of the Economic Assessment, it is concluded that the scale of retail and commercial activities proposed will compete and impact on the economic viability of the surrounding local and commercial centres. In addition, the proposed development duplicates existing provisions within the Town Centre and fails to accommodate uses not suited to locations in other employment zones.

In addition, insufficient information has also been submitted to demonstrate the proposed development will avoid adverse amenity impacts on adjacent and nearby residential areas. Specifically, the interim and ultimate development/use of proposed lot 2 has not been identified, along with the intended access arrangements, to demonstrate adverse acoustic and traffic impacts will be suitably managed.

The objectives of the SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To ensure that the scale and character of infrastructure is compatible with the landscape setting and built form of surrounding development.*

Comment:

The proposed pylon sign located within the SP2 zoned land fronting Argyle Street is considered to be prohibited within the zone.

Relevant Clauses

The DA was assessed against the following relevant clauses of the Wingecarribee LEP 2010.

Clause	Requirement	Provided	Compliance
2.6 Subdivision – consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	Consent is sought for the subdivision. The applicant has provided no subdivision plan and no details as to how Lot 2 (the future development site) could be developed including provision for access.	No.
4.1 Minimum Subdivision Lot size	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	The site is not subject to a minimum lot size as shown on the Councils Lot size map.	N/A
4.3 Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. • 12.5m	The proposed development does not exceed the maximum building height of 12.5m.	Yes.
4.4 Floor space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the	The proposed 0.327:1 complies with the maximum of 0.9:1.	Yes

	land on the Floor Space Ratio Map. • 0.9:1		
5.1 Land acquisition within certain zones	Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.	No. 231 Argyle Street (Lot 11 DP 1192264) is currently identified as land to be acquired on the Land Reservation Acquisition Map. Specifically, the land is identified as SP2 Local Road to be acquired by Council. Part of No. 229 Argyle Street (Lot 2 in DP 773382) is currently identified as land to be acquired on the Land Reservation Acquisition Map. The site is currently owned by Council and owners' consent has been submitted to allow the DA to be lodged. This development proposes to develop the Council-owned lot as a local road, and an extension of Valetta Street, in accordance with the zoning and land use reservation controls with the exception of the pylon sign fronting Argyle Street which is prohibited.	Yes
5.10 Heritage Conservation	to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The subject site does not contain a heritage site and is not located within an HCA. However, it is noted that the site is located in proximity to Heritage Item I244 - Moss Vale Railway Station and the Argyle Street North Conservation Area. The site is also located in proximity to the Moss Vale Railway Station and yard group being a state heritage item (SHR #01200)	Yes

		It is noted that the substation building fronting Argyle street is currently not a listed heritage item, however it is currently be considered for listing. The application has been referred to Councils Heritage Officer and Heritage NSW who raised no objections subject to recommended conditions of consent.	
5.21 Flood Planning	to avoid adverse or cumulative impacts on flood behaviour and the environment,	It is noted that the site is not identified as "Flood Planning Area" on the Flood Planning Area Map. However, the development site is slightly affected and is in a medium flood risk precinct. The application was referred to Council's Stormwater and Flooding Engineer who raised no objection subject to recommended conditions of consent.	Yes.
7.3 Earthworks	To ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.	Earthworks are proposed to facilitate the proposed development. The proposed development will not affect environmental functions and processes, neighbouring uses or heritage items and features surrounding land. The application was also referred to Councils Development Engineers who raised no objections to the earthworks subject to conditions attached.	Yes

7.10 Public Utility Infrastructure	Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	The subject site is capable of being serviced by public utility that are essential for the development. Conditions of consent could be imposed particularly in respect of timing of the Moss Vale STP.	Yes
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(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Nil

(a)(iii) The Provisions of any Development Control Plan

Moss Vale Township Development Control Plan

The Moss Vale Township Development Control Plan (DCP) provides detailed provisions to supplement the Wingecarribee LEP 2010. An assessment of the proposal against the relevant development controls applying to the subject site and development is provided in **Attachment 2**.

The assessment has found that the proposed development is inconsistent with a number of key objectives and provisions of the Moss Vale Township DCP.

(a)(iiia) Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.

In accordance with the Ordinary Meeting of Council on 19 July 2023, it is noted that the applicant has offered to enter into a Voluntary Planning Agreement to facilitate a new road access over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264). Council Resolved with the following:

1. Council note Fabcot's offer to enter into a Voluntary Planning Agreement to facilitate a new road access over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264).
2. It be noted that negotiating or entering into a Voluntary Planning Agreement should not improperly fetter the statutory decision-making functions of Council and would have no impact on Council's assessment of any development application over the subject land and should not be seen or taken as support or otherwise for the proposed development.

3. *Council authorise the General Manager to enter into negotiations in relation to Fabcot's offer to enter into a Voluntary Planning Agreement to ensure that there is a broad and material public benefit.*
4. *Following negotiations, the matter be reported back to Council to either endorse or reject Fabcot's offer to enter into a Voluntary Planning Agreement.*
5. *The General Manager provide landowners consent to Fabcot, for the purpose of lodging a development application over Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264) Hi Jeremy, H).*
6. *Council not provide approval to carry out works on Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264) unless, and until, a Voluntary Planning Agreement has been finalised and registered on the Title of the proposed development land, being 233 Argyle Street Moss Vale (LOT 1 DP 1192022).*

Comment

Landowners Consent has been submitted with the application in accordance with Point 5 of the resolution. A deferred commencement condition is capable of being imposed, ensuring approval to carry out works on Council owned land at 231 Argyle Street Moss Vale (Lot 11 DP 1192264) is not provided unless, and until, a Voluntary Planning Agreement has been finalised and registered on the Title of the proposed development land, being 233 Argyle Street Moss Vale (LOT 1 DP 1192022).

(a)(iv) The Regulations

The Regulations do not prescribe any additional matters that are relevant to the proposed DA.

(1)(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Key matters for consideration when considering the development's potential impact on the natural and built environment including social and economic impacts are as follows:

Economic Impact

Council engaged Hill PDA to undertake a peer review of the economic impact of the proposed development.

- The applicant initially did not submit an Economic Impact Assessment (EIA) with the DA, which was subsequently requested and provided.
- Hill PDA undertook a review of the DA and EIA and concluded that:
 - *The main trade area appears overstated, which means the estimated trade area resident population and spend is also overstated.*
 - *Population growth rates in the LocationIQ EIA appear inflated; our estimate for the revised main trade area is 25,200 residents, which is substantially lower than LocationIQ's 29,000. This is driven by the smaller main trade area and adopting the more conservative forecasts by Forecast id.*

- *The revised main trade area's supermarket floorspace provision of 364 sqm per 1,000 persons (compared to LocationIQ's EIA estimate of 321sqm per 1,000 persons) exceeds the national average benchmark. Moreover, it should be noted that some of the supermarket floorspace provisions will be met by nearby centres like Bowral and Goulburn, reducing the requirement within the main trade area.*
- *The revised population growth is estimated to generate demand for 3,250 to 4,650 sqm of retail floorspace over 20 years, this is well below the proposed Woolworths Centre's provision and LocationIQ EIA's projection of an additional 12,540 sqm. This is because not all the demand will need to be met by local centres in the main trade area.*
- *Supermarket floorspace only represents 0.33 sqm of the 2.2 sqm of retail floorspace per capita. Assuming an 80-85% capture rate, the main trade area would support an additional 1,150 sqm of supermarket floorspace in the LocationIQ main trade area and 400 sqm in the revised main trade area—well below the proposed Woolworths at 4,290 sqm.*
- *Our high-level demand assessment does not indicate a need for the amount of retail floorspace proposed in the Woolworth Centre development over the forecast period.*
- *The proposed Woolworths' projected sales of \$39.3 million for 2026/27 appear understated, considering the store's advantages. This equates to \$9,157 per sqm and falls 8% below the main trade area's supermarket average of \$9,973 per sqm and sits below the general national and non-metro averages.*
- *Our impact analysis indicates a 15.2% sales loss for the Moss Vale Local Centre due to the proposed Woolworths Centre. If Woolworths trades at levels comparable to other supermarkets, this impact could be greater, threatening the viability of Moss Vale Local Centre.*
- *The proposed Woolworths centre is at risk of competing with rather than complementing the Moss Vale Local Centre. This poses a risk to the viability and sustainability of the Moss Vale Local Centre which would contradict the E3 zone's objectives."*
- The applicant was subsequently given an opportunity to review the Peer Review by Hill PDA and provided a response, prepared by their Economic expert, Location IQ.
- This further advice was then peer reviewed by Hill PDA who concluded that:
 - *The demand for supermarket space is overstated due to the PTA being geographically too large and due to the high capture rates being applied.*
 - *Either the forecast trading level for the Woolworths supermarket is too low and/or there will be an oversupply of supermarket floor space in the locality.*

- *The BSNLA has little relevance to the need for the proposal. If anything the retail centre proposed in the BSNLA will add a considerable level of supply, over and above what BSNLA requires.*
- *The proposal is out-of-centre as defined by the zoning and the zoning objectives and it is highly likely to have an adverse impact on the E1 zoned centre.*
- Having reviewed both the Peer Review advice from Hill PDA the key issue from a Town Planning perspective is, when balancing the key issues and evaluating the impact in accordance with Clause 4.15(1)(b) “the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and **economic impacts** in the locality” (**Bold** is my emphasis) that there will be an unacceptable economic impact on the Moss Vale Town Centre.
- It is acknowledged that there is no requirement for a development to comply with or positively achieve the objectives of the zone. However, the objectives form part of the matters to be balanced by the decision-maker against other relevant considerations, namely clause 4.15(1)(b) described above (on the previous page).

Urban Design

Council obtained external urban design advice from GM Urban Design & Architecture (GMU) which was provided to the applicant and the Applicant prepared a response.

Having reviewed the applicant’s additional information in response, it is considered that the concerns raised have not been adequately addressed and the following issues remain from an urban design and planning perspective.

- Landscaping continues to be inadequate - large areas of at grade car parking are provided without any landscaping. There is an expectation to see large trees throughout the car park, in addition to the shade structures.
- Access to the site if you don’t drive to the site is awkward and difficult and not simple for pedestrians. To access the site from Argyle Street, the footpath is squeezed on adjoining sites around the substation with a pedestrian path / ramp provided up the access road, you then need to traverse the proposed parking area to undertake your shopping. It is considered that because of the site and design that most if not all people will drive.
- The design doesn’t have regard to future use of Lot 2 which is addressed below.

Future Development of Proposed Lot 2

The applicant has been requested, on a number of occasions, to address the future development of proposed Lot 2, which is a residue lot with limited frontage to a road and wedged between lots and irregular in shape.

The applicant has continued to advise that the development of this lot is for others and future DA's. However, it is considered important in the consideration of this DA to consider how this lot could be developed in particular what noise, traffic and access arrangements will be in place.

The proposed development also turns its back on the proposed Lot 2, with limited setbacks provided, blank walls and service areas provided.

It is considered that the applicant has not adequately addressed these concerns.

(1)(c) The suitability of the site

The site is not considered to be suitable for the proposed development in its current form for the following reasons:

- The proposed development will result in a built form that is inconsistent with the existing and desired future character of the area;
- The proposed development will compete and impact on the economic viability of the surrounding local and commercial centres. In addition, the proposed development duplicates existing provisions within the Town Centre.
- The traffic and access arrangements have not been adequately addressed.
- The pylon sign fronting Argyle Street is located on SP2 zoned land and is considered prohibited.
- The applicant has not considered the future development site (Proposed Lot 2); and
- Inadequate land owners consent has been provided with the application.

(1)(d) Any submissions made in accordance with this Act or the Regulations.

The Development Application was advertised for a period of 30 days between 06 June 2022 and 08 July 2022. 493 submissions were received during the notification period.

A review of all submissions received has been undertaken and a response to each key issue raised is provided below.

Issue Raised	Comment
Unacceptable traffic and parking impact from the proposed development	Agreed. Please refer to Council's traffic engineers comments.
The proposed development is inconsistent with the objectives of the zone.	Agreed. The proposed development does not satisfy the following objective “ <i>to maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.</i> ”

Concerned with the cumulative impact of the proposed development	Noted. The proposed development will have an adverse economic impact on the Moss Vale town centre. Also, insufficient detail has been supplied in relation to the development of proposed Lot 2.
The DA relies upon the construction of the By-Pass. The proposed development should not proceed until the by-pass is built.	Noted. Refer to Council's traffic comments.
Concerned with the flooding, drainage and sewage as a result of the proposed development	Noted. Council's development engineer has looked at the flooding, drainage and sewer impacts of the proposed development and concludes that the impact will be adequately managed, however has raised concern in respect of the point of discharge onto the rail land
The Signage is oversized and out of character with the area.	As discussed in the body of this report, the application proposed a pylon sign fronting Argyle Street which is zoned SP2 and is prohibited.
Concerned that the proposed development is unacceptable from a DCP perspective, in particular traffic impacts.	A detailed assessment of the DA against the DCP has been undertaken. Please refer to Council's traffic advice in the body of this report.
Concerned with the social and economic impacts on the town centre.	Agree. Please refer to the detailed discussion on economic impacts.
Insufficient information has been provided, in respect of traffic, VPA, water and sewer and how the future development of the vacant lot will be managed.	Noted. Please see relevant section in the body of this report for further discussion.
Concerned in respect of the community engagement of the development	The DA was notified in accordance with Council's policy which resulted in a total of 493 submissions.
Concerns that the site is not suitable for the proposed development from an economic perspective and it being out of centre and in a lot that is akin to a battleaxe lot.	Agree. See detailed comments on Economic Impact.
No economic impact assessment submitted with the DA. Woolworths will cause a catastrophic impact on the main street of Moss Vale from an economic perspective.	Noted. The Applicant subsequently provided an EIA which was peer reviewed by Council's economic expert, see detailed comments on Economic Impact in this report.
Amenity impacts on adjoining properties including noise, hours of operation, truck movements.	Noted. During the assessment of the DA further information has been provided by the applicant including restricting access for trucks. However, it is unclear from the application how trucks will be restricted. It is considered that if the application is approved that a Plan of Management is prepared that addresses these issues.
Concerns with the bulk and scale of the proposed development.	Noted. Please see detailed discussion on Urban Design matters.

(1)(e) The public Interest

The public interest is served through the detailed assessment of this DA under the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, Environmental Planning Instruments, Development Control Plan and policies.

The assessment has demonstrated that the proposed development is not in the public interest.

7. OTHER MATTERS

External and Internal Referrals

The subject DA was referred to a number of public agencies and their responses are summarised in **Attachment 1**.

In addition, the DA was referred to a number of internal officers and their responses are also summarised in **Attachment 1**.

8. CONCLUSION

A Development Application has been received for the construction of a neighbourhood shopping centre, associated subdivision and intersection works (including traffic signals) at 231 – 233 Argyle Street, Moss Vale.

The proposed development is considered unsatisfactory with respect to the relevant provisions of:

- Economic Impact of the proposed development and whether the proposed development satisfies CI 4.15(1)(b) *“the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and **economic impacts** in the locality”* (**Bold** is my emphasis). The conclusion based on expert economic advice from Hill PDA is that there will be an unacceptable economic impact on the Moss Vale Town Centre.
- Urban Design of the development which is best described as a battleaxe development and whether the design is acceptable or not. The conclusion based on urban design input from GMU is that the design is unacceptable and the applicant has done little to resolve these issues and include no details on how the residue parcel of land could be developed.
- Traffic and Pedestrian impacts which have been raised by Council’s traffic section following receipt of final plans in response to Transport for NSW’s comments.
- The applicant is proposing a pylon sign located within SP2 land which is considered prohibited, boom gates on SP2 land and works on adjoining land without owners consent.

Advertisement and notification attracted significant objection with valid grounds, and there is not considered to be any overriding public interest in favour of the proposed development. Given the above, the proposed development is considered unsatisfactory with respect to the matters for consideration specified by section 4.15 (1) (a) (i) & (iii), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.

9. RECOMMENDATION

That DA-24/0212 seeking approval for a Two (2) lot Torrens Title Subdivision, Construction of a neighbourhood shopping centre on one of the new lots including on-site car parking and associated intersection works (including traffic signals), civil and landscaping works as well as the installation of business identification at 231 – 233 Argyle Street, Moss Vale be refused subject to the recommended reasons for refusal in **Attachment 3** to this report.