

SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-315
DA Number	24/0302 (PAN-367942)
LGA	Wingecarribee Shire Council
Proposed Development	Industrial Subdivision and Construction of Industrial Buildings and Associated Office Space and Hardstand Areas
Street Address	2 Bowman Road, MOSS VALE Lot 1 DP 103123 & Lot 2 DP 1070888 10 Bowman Road, MOSS VALE Lot 51 DP 130176
Applicant/Owner	Applicant – SAAS Aus Pty Ltd (Mr Jafar Tanana) Owner – IMS (Aust) Pty Limited
Date of DA lodgement	29 September 2023
Number of Submissions	Public Notification <ul style="list-style-type: none"> • Notification: 27 November 2023 – 18 January 2024 <ul style="list-style-type: none"> ○ One (1) submission
Recommendation	Approval subject to conditions of consent
Regional Development Criteria (Schedule 6, Clause 2 of State Environmental Planning Policy (Planning Systems) 2021)	Section 2, Schedule 6 of the SEPP (Planning Systems) 2021
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <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 Hazards) 2021;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i> • <i>Wingecarribee Local Environmental Plan 2010; and</i> • <i>Moss Vale Township Development Control Plan.</i>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Draft Conditions of Consent 2. Subdivision Plan 3. Architectural Plans 4. Concept Stormwater / Civil Works Plans 5. Landscape Plans 6. APZ Requirements for Landscaping Letter 7. Statement of Environmental Effects 8. Request to Vary Development Control –DCP 9. Bushfire Hazard Assessment Report 10. Biodiversity Development Assessment Report 11. Vegetation Management Plan 12. Noise and Vibration Impact Assessment Report 13. Aboriginal Cultural Heritage Assessment Report

	14. Light Spill Impact Assessment and External Lighting Strategy 15. Visual Impact Assessment Report (and Peer Review) 16. Geotechnical Investigation Report 17. Development Assessment Report – Sewer and Water Modelling 18. Waste Management Plan 19. Addendum – Risk and Hazard Screening 20. Traffic Impact Statement 21. Statement for Fire Engineering Compliance 22. Access Report 23. Koala Habitat Protection 2021 Assessment 24. Stormwater Management Plan Report (and Addendum) 25. Flood Study Report (and Addendum) 26. BCA Report 27. Preliminary Site Investigation Report
Report prepared by	Andre Vernez – Acting Coordinator Planning Assessment
Report date	21 March 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? **N/A**

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.

EXECUTIVE SUMMARY

Council is in receipt of a development application for industrial subdivision and construction of industrial buildings and associated office space and hardstand areas at 2-10 Bowman Road, Moss Vale, legally described as Lot 1 in DP 103123, Lot 2 in DP 1070888 and Lot 51 in DP 130176.

Under Wingecarribee Local Environmental Plan 2010 (WLEP 2010), “general industry” is permissible in the E4 zone.

The application was publicly notified from 27 November 2023 to 18 January 2024 (52 days). One (1) submission was received in objection to external light spill impact and proposed landscape treatments.

An assessment of the development application has been undertaken against the following relevant planning instruments:

- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2021;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *Wingecarribee Local Environmental Plan 2010; and*
- *Moss Vale Township Development Control Plan.*

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest.

The assessment has found that the proposed development is consistent with the objectives and provisions of the relevant environmental planning instruments. The application is supported by sufficient information to demonstrate the site is suitable for the proposed development. The proposal will not result in any adverse impacts on the built or natural environment. The development is therefore considered to 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 of the *Environmental Planning and Assessment Act 1979* by way of approval in line with the recommended conditions of consent outlined in this report.

BACKGROUND

Application Background

The application was lodged with Council on 29 September 2023.

A site inspection and briefing with the Southern Regional Planning Panel (SRPP) was undertaken on 12 December 2023. During the briefing the following was noted:

- The panel queried where the gas pipeline is located. To which the Council shared a subdivision plan and map illustrating its location.
- The panel advised that the applicant should consider the land use safety implications of developing within proximity to the gas pipeline.
- The panel noted that occupants for each of the buildings had already been negotiated.
- The panel queried if the proposed uses would impact on the amenity of the existing on-site dwelling. The applicant advised that the property is owned by the proponent and in the interim will be used as a site office and there was no intention to sell the RU2 land.
- The panel outlined the amenity impacts on the dwelling needed to be considered, including a noise impact assessment, to understand any potential impacts on the dwelling, particularly given its potential to be sold in the future.
- The panel queried where the heritage item (Broulee House) was in relation to the site. It was estimated that the heritage item is 1.2km away from the subject site. The panel also noted Council's Heritage Adviser had requested tree planting to screen the proposed development from the heritage item.
- The panel queried why the DPE Water response requested further information and Council's internal Development Engineers and Flood referral responses raised no objection. The Council was of the view that DPE Water were focusing on the matter as a controlled activity (Water Catchment) as opposed to site engineering requirements.
- The applicant has received DPE Water's letter and has provided a response which is currently being reviewed by DPE Water.
- The panel queried what the floor area and building heights are. To which the Council advised that buildings 1, 2 and 3 were approximately 17,000m², 12000m² and 11,000m² respectively with building heights ranging from 12m-16m.
- The panel queried what was driving the proposed height of the buildings. The applicant advised it was to maximise the storage capacity of the warehouses, particularly in relation to the stacking of pallets etc.
- The panel queried if there were any requirements in State Environmental Planning Policy (Hazard and Resilience) SEPP 2021 applicable to the proposal. The applicant did not believe it applied as it does not involve hazardous development.

These matters have been addressed and resolved during the assessment of the application and detailed in this report.

SITE DESCRIPTION

General

The subject site is legally described as Lot 1 in DP 103123, Lot 2 in DP 1070888 and Lot 51 in DP 130176, 2-10 Bowman Road, Moss Vale.

The site is approximately 2km north-west of the Moss Vale central business district in the area defined as the Moss Vale Enterprise Corridor. The site shares its northern boundary with the Moss Vale Resource Recovery Centre and Community Recycling Centre, and Anderson Waste Services is located immediately to the east. The Moss Vale Sewage Treatment Plant is located south of the site on the opposite side of Whites Creek.

The majority of the broader surrounding land is used for primary production and other rural operations.

The site is split-zoned, comprising of two (2) lots – Lot 1 DP 103123 and Lot 2 DP 1070888.

Lot 1 DP 103123 is located on the opposite side of Whites Creek to the remainder of the site. It is approximately 0.8ha in area and consists entirely of C3 Environmental Management land zoning. No development is proposed on this portion of the land. Lot 2 covers an area of approximately 14.2ha and is divided into three (3) areas by the Bowman Road easement. These areas are referred to in the application as Area 1, Area 2, and Area 3. The lot is zoned E4 General Industrial and RU2 Rural Landscape. The adjacent land at Lot 51 DP 130176 is a 48ha rural property, adjacent to the western boundary of Lot 2. The majority of the land is zoned RU2 with the exception of an area of approximately 12,500sqm in the north-east portion of the lot which is zoned E4.

Site Conditions

The subject site consists of predominantly cleared rural land previously used for cattle grazing. A 350m long unsealed road connects the existing dwelling within the RU2 zone at the southern end of Area 1, to the cul-de-sac on Bowman Road. The road also provides access to two (2) large rural storage / stock sheds within the E4 zone. A small row of mature trees is located adjacent to the storage sheds and a number of mature trees have been retained around the existing dwelling. The remainder of the site is covered by pasture grasses.

Site Topography and Drainage

The subject site slopes generally from the north down towards Whites Creek, with the slope increasing at the southern end of Area 2 and through the paper road reserve. Drainage is via overland flow towards a small tributary of Whites Creek that traverses the south-east corner of Area 2 and centrally through Area 3. The north-western portion of Lot 2 has a slight slope downwards to the west.

Waterways

Two (2) drainage lines, that are mapped waterways, pass through the property and the development area. One (1) consists of a slight drainage depression that passes through Area 1 and flows in a north-westerly direction towards a large dam on the northern side of Abattoir Road. The second is in the southern part of Area 2 and flows from a small dam on the eastern neighbouring property to the dam in Area 3. The drainage line then flows from the dam in a southeasterly direction to join Whites Creek at the eastern end of Area 3. Both waterways are ephemeral in nature and are likely to only flow during heavy rainfall events.

Adjoining Premises

The subject site is surrounded by a mix of commercial and industrial premises, and rural dwellings.

Traffic

The subject site is accessed from Bowman Road, which joins Berrima Road approximately 220m north-east of the property boundary. Bowman Road between the property and Berrima Road consists of a 12.5m wide, sealed, two-way road that terminates in a cul-de-sac at the property boundary. The Bowman Road reserve extends a further 425m to the south-west, dividing Areas 1 and 2 of the property.

Bowman Road is classified as a local road. Traffic on Bowman Road consists of both heavy and passenger vehicles due to providing access to the Mulreadys Bulk Haulage depot and the Council Resource Recovery Facility which includes the Wingecarribee Community Recycling Centre. Berrima Road is classified as a Regional Road and provides a major link between the Moss Vale town centre and Illawarra Highway in the south-east, and New Berrima, Berrima and the Hume Motorway in the north-west. Berrima Road is a designated 25m / 26m B-Double route within the Higher Mass Limits network.

Easements and Covenants

Areas 1 and 2, and Lot 51 are affected by a 25m wide high pressure gas transmission pipeline easement owned and operated by APA Group (APA). The easement accommodates APA's Moomba to Sydney Ethane Pipeline and Moomba to Wilton Natural Gas Pipeline.

Other Matters

Part of the subject site is within the flood planning area and the probable maximum flood area. The affected portion of land is within the RU2 zoned land of Lot 2 DP 1070888 adjacent to Whites Creek.

The northern corner of Lot 51 DP 130176, including the E4 zoned land, is mapped as bush fire prone.

The site is currently unsewered land. A Sewer Connectivity Feasibility Study has been submitted with the application.



Figure 1: Aerial Image

DESCRIPTION OF THE DEVELOPMENT

The development application as lodged seeks consent for the subdivision of the existing Lot 2 DP 1070888 and Lot 51 DP 130176, construction of three industrial buildings on the created industrial lots, and formation of the Bowman Road extension and partial formation of Hutchinson Road to facilitate access to the subdivision.

The proposal comprises the following works:

Subdivision:

The proposed subdivision will involve the property at 2 Bowman Road (Lot 1 DP 103123 and Lot 2 DP 1070888) and the property at 10 Bowman Road (Lot 51 DP 130176) (the subject properties). Both properties have multiple land use zones under *Wingecarribee Local Environmental Plan 2010*.

The proposed subdivision excludes the C3 zoned land described as Lot 1 DP 103123. No changes are proposed to this lot.

The proposed subdivision will result in the creation of four (4) lots as shown in Figure 10.

Roadways:

To support the proposed subdivision and provide access to all created lots, the proposal includes the southern extension of Bowman Road and the formation of part of Hutchinson Road. The proposal includes the following:

- Extension of Bowman Road along the existing road reserve in a south-westerly direction. The extension will commence at the existing cul-de-sac and extend for approximately 430m;
- Formation of Hutchinson Road within the existing paper road reserve along the southern boundary of Area 2. The road will extend south-east from the intersection with Bowman Road for approximately 160m and will terminate in an industrial standard cul-de-sac;
- Additional engineering, as per APA Group's specifications, for the crossing of the gas pipeline easement;
- Installation of stormwater infrastructure as per the submitted stormwater management design;
- Installation of lighting within the public road reserve suitable for a local road primarily used for access to abutting properties; and
- Landscaping, including the use of street trees and pedestrian footpaths.

Building development:

The proposed development includes the construction of a large industrial building on each of created Lots 1, 2 and 3 of the subdivision. These buildings are referred to as Building 1 (on created Lot 1), Building 2 (on created Lot 2) and Building 3 (on created Lot 3). Refer to Figures 2-8.

Earthworks:

The proposed buildings have been designed with respect to the natural topography of the subject site in order to minimise the need for cutting and filling. However, the cut and fill model predicts an additional 63,535m³ of fill will be required for the proposed development, with the greatest application of fill to occur towards the western end of Building 1 and at the southern end of the subject site, alongside Hutchinson Road for Building 3.

The applicant intends to reuse all material excavated from the subject site, along with a combination of virgin excavated natural material, excavated natural material, and suitable material that meets the requirements of a resource recovery order and exemption and where the material can achieve the required engineering and environmental standards defined in the relevant resource recovery orders and exemptions.

Building 1:

Building 1 is to be constructed on the E4 zoned created Lot 1 in the north of the subject site and will consist of an irregularly shaped building with a gross floor area of 17,370.73m² entirely surrounded by hardstand that includes a haul road around the building, nine (9) visitor parking spaces, and outdoor truck parking. The internal haul road runs around the entire perimeter of the building providing access to the truck parking area, a workshop in the north-western corner of the building to support maintenance activities.

A basement carpark will be constructed at the eastern end of the building to provide an additional 50 parking spaces. Two (2) parking spaces will be designated accessible spaces.

The north-east corner of the building will include office space over three levels that will be accessible via stairs or a lift from the basement carpark and from the street frontage adjacent to the visitor parking area. The total floor area of the office space is 956m²: ground floor 293.22m²; first floor 341.6m²; and second floor 321.61m².

Landscaping will be provided around the entire perimeter of the site to soften the appearance of the building.

Building 1 will be used by Synergy Access & Scaffolds to support its scaffolding supply, sale and hire business. The main building floor area will be used for the assembly, maintenance, temporary storage,

sale, hire and transport of scaffolding equipment for supply to customers. The workshop area will be used to maintain plant and equipment used within the main building. The office space will be used to accommodate sales, marketing, engineering, technical, and labour hire staff to support the business operations.

Building 2:

Building 2 is to be constructed on the E4 zoned created Lot 2, immediately south of Building 1 and will consist of an irregularly shaped building with a gross floor area of 12,795.35m² entirely surrounded by hardstand. The hardstand will include a haul road around the building, an undercover loading/unloading area at the rear of the building, 42 parking spaces including two (2) accessible spaces, landscaping around the perimeter of the site, and a large, landscaped area within the gas pipeline easement along the site frontage.

The south-east corner of the building will include office space over two levels, accessible via doors on the street frontage. The total floor area of the office space is 1,931.67m²: ground floor 607.07m²; and first floor 1,324.6m².

The location of the site entry and exit has been constrained by the presence of the gas pipeline easement. The site entry is located in the north-east corner to avoid the need for construction of roads or parking within the easement.

Building 2 will be used by Technocraft Australia Pty Ltd. Technocraft specialises in the retail and commercial sale and hire of steel scaffolding, ringlocks, and formwork systems. The main building floor area will be used for the assembly, maintenance, temporary storage and transport of scaffolding and formwork equipment for supply to customers. The office space will accommodate sales, marketing, engineering, and technical staff to support business operations.

Building 3:

Building 3 is to be constructed on the E4 zoned created Lot 3 on the eastern side of Bowman Road and will be a split-level construction due to the slope of the ground and will be divided into two separate buildings—Building 3A at the northern end and Building 3B at the southern end—with each being split into two sections. The gross floor area of the building will be 10,993.04m² and will be entirely surrounded by hardstand. The hardstand will include a haul road around the building, 17 parking spaces at the northern end including two (2) accessible spaces, 26 parking spaces at the southern end including two (2) accessible spaces, and landscaping around the perimeter. The northern portion of the created lot is affected by the gas pipeline easement, therefore works will be limited to the provision of suitable landscaping only.

Separate office space will be provided for Buildings 3A and 3B. Building 3A will feature a mezzanine level office space in the north-west corner with a floor area of 690.67m² including the ground floor entry foyer. The mezzanine office space in Building 3B will offer the same features as 3A over a floor area of 893.77m² including the ground floor entry foyer.

Building 3 will be shared by Screen It Pty Ltd (to be located in 3A) and Bayside Scaffolding Services Pty Ltd (to be located in 3B). Screen It will use the main building floor area for the assembly, maintenance, temporary storage and transport of hydraulic lifted screens and related plant and equipment available for commercial hire. Bayside will use the main building floor area for the assembly, maintenance, temporary storage and transport of scaffolding equipment available for commercial hire or sale. Both businesses will use the respective office spaces to accommodate sales, marketing, engineering and technical and labour hire staff to support the business, with Bayside also providing labour hire services for the assembly/disassembly of scaffolding equipment.

Operational hours:

All three (3) buildings are proposed to have the same operating hours as defined in the table below.

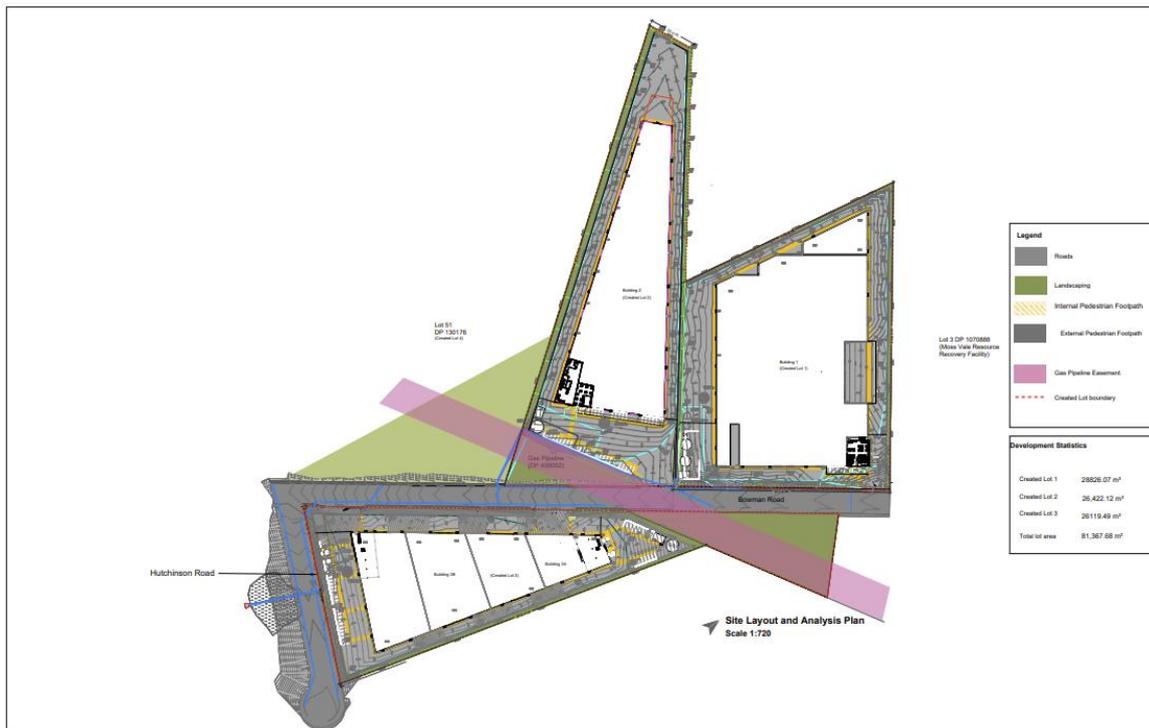
	Offices	Building
Monday – Friday	7am – 5:30pm	5am – 8pm
Saturday	8am – 2pm	6am – 3pm
Sunday/Public Holidays	Closed	8am – 2pm

Landscaping:

The proposed development will include landscaping around the perimeter of each of the three (3) industrial lots to be created in the subdivision.

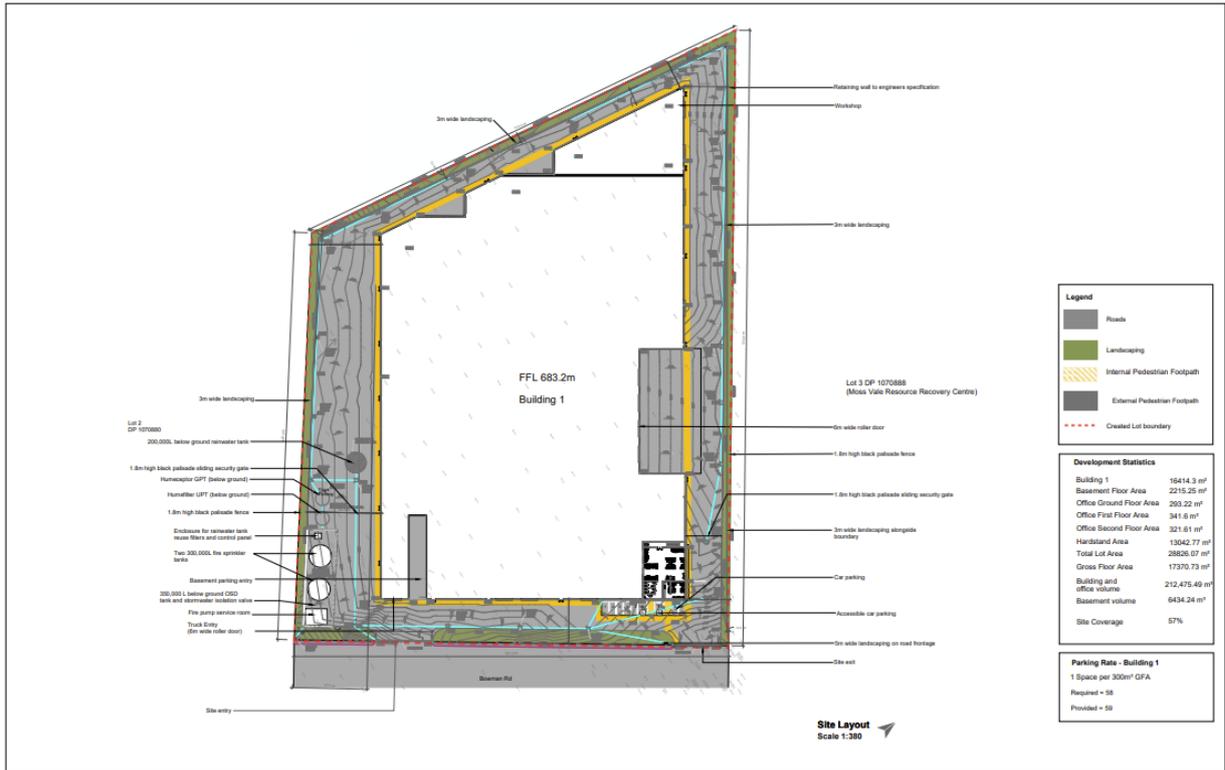
The submitted landscape concept design has been prepared in accordance with the Moss Vale Enterprise Corridor Development Control Plan and the *Site Planning and Landscape National Guidelines* (APA Group, 2020) for landscaping within and adjacent to the gas pipeline easement.

A mix of trees and mass planted groundcovers will be used within the landscaped areas surrounding the hardstand areas. The species selected include native species with low water requirements and species representative of the endangered ecological community *Southern Highlands Shale Woodlands* in the Sydney Basin Bioregion. Irrigation for landscaping will be provided by rainwater captured in underground storage tanks to be included in each proposed building development.



Date	Plan Number	Site Layout And Analysis Plan	Jackson Environment and Planning Pty Ltd Strategy Infrastructure Compliance Procurement A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060 E: info@jacksonenvironment.com.au T: 02 8056 1849 W: https://www.jacksonenvironment.com.au	Client	SAAS Aus Pty Ltd
6-7-2023	1	2 Bowman Road, Moss Vale (Part of lot 51, DP 130176, Lot 2, DP1070888)		Project	Industrial Subdivision and General Industry Development
				Title	Site Layout and Analysis Plan
				Scale	1:720
				Source	Jackson Environment and Planning Pty Ltd

Figure 2: Overall Site Layout Plan



Date	Plan Number	Site Layout (Building 1)	Jackson Environment and Planning Pty Ltd Strategy Infrastructure Compliance Procurement A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060 E: sales@jacksonenvironment.com.au T: 02 8056 1849 W: http://www.jacksonenvironment.com.au	 JACKSON ENVIRONMENT AND PLANNING	Client SAAS Aus Pty Ltd Project Industrial Subdivision and General Industry Development Title Building 1 Site Layout Plan Scale 1:380 Source Jackson Environment and Planning Pty Ltd	Σ ←
6-7-2023	1.1	2 Bowman Road, Moss Vale (Lot 2, DP1070888)				

Figure 3: Building 1 Site Layout Plan

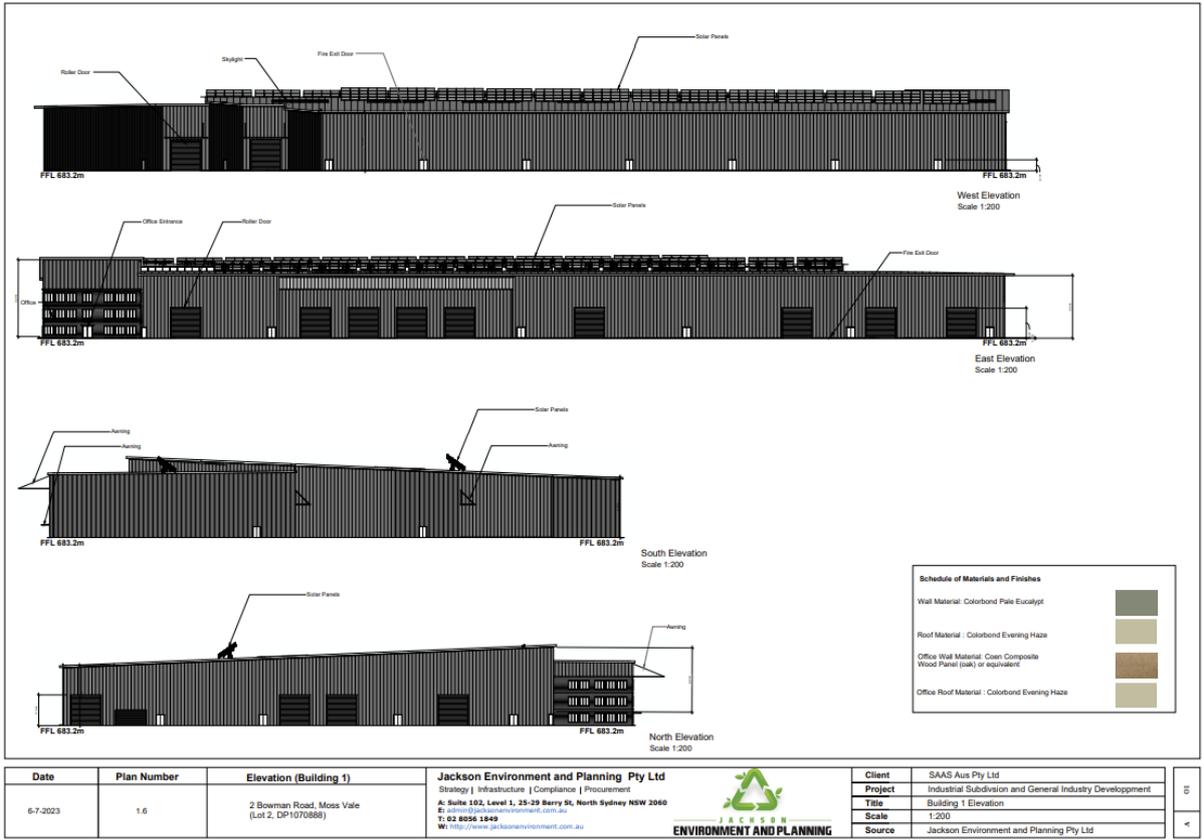


Figure 4: Building 1 Elevations

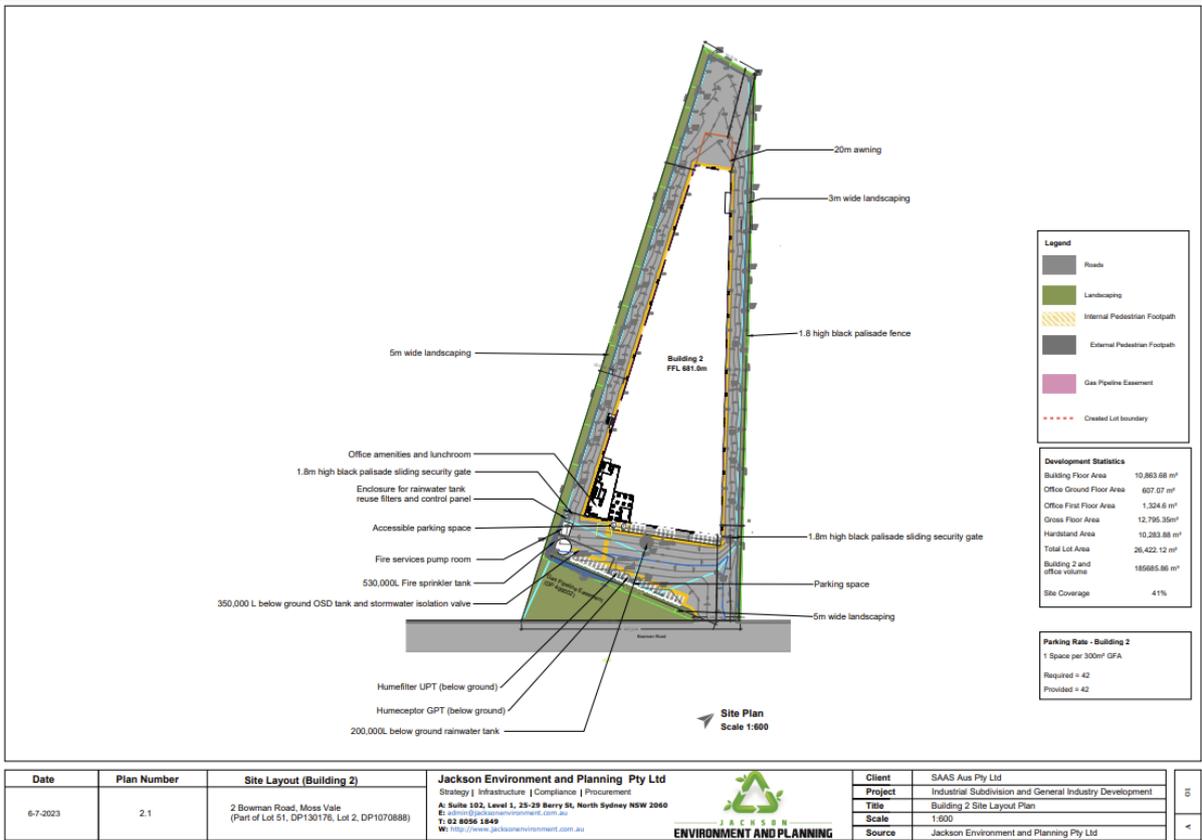
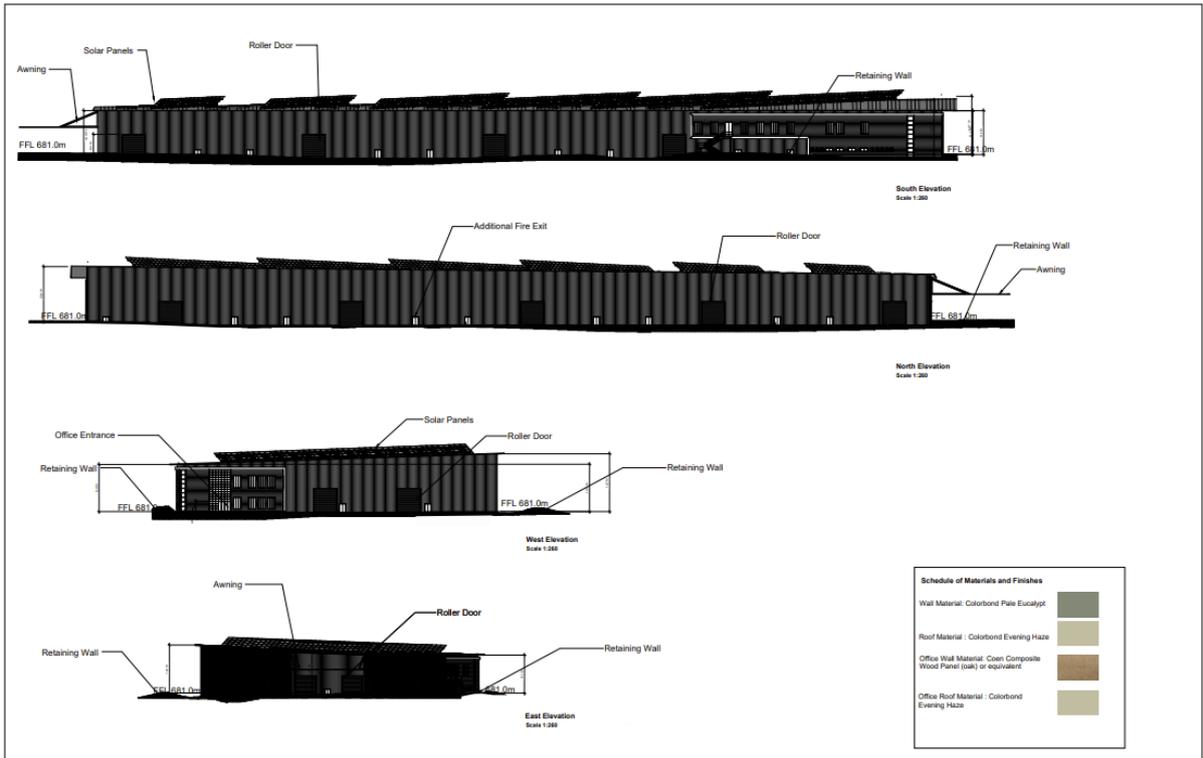
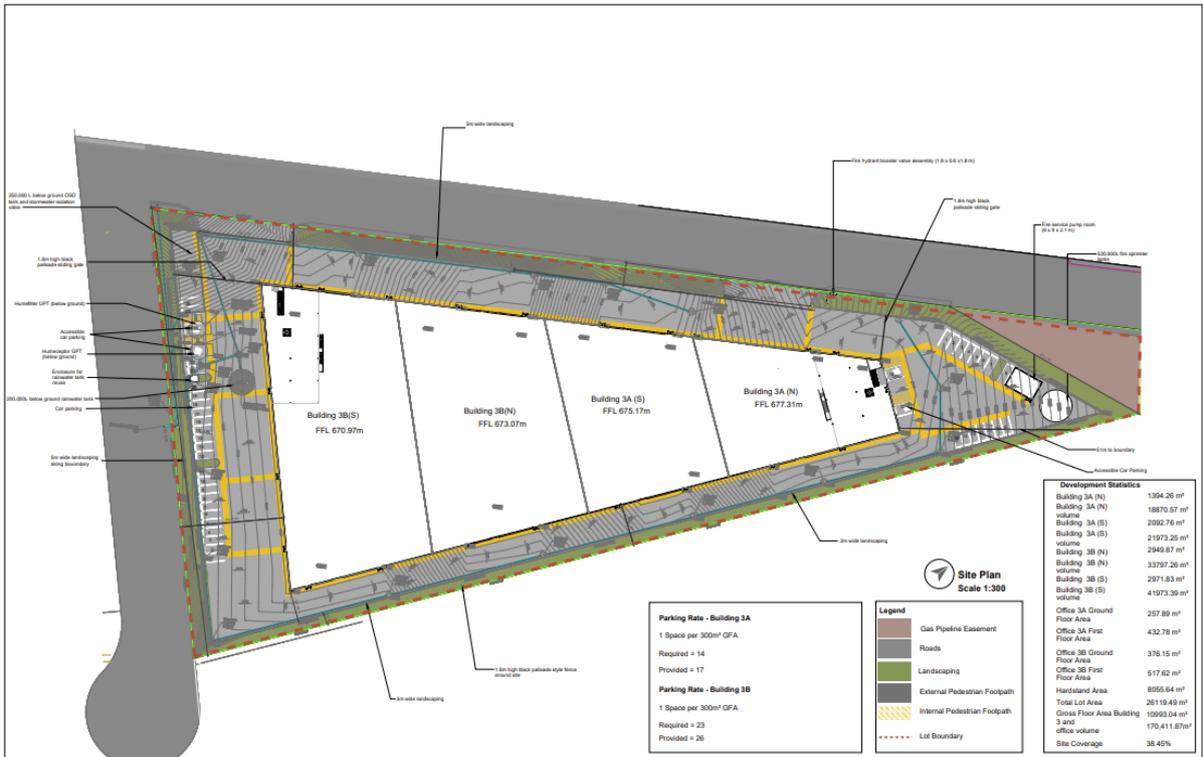


Figure 5: Building 2 Site Layout Plan



Date	Plan Number	Elevation Plan (Building 2)	Jackson Environment and Planning Pty Ltd Strategy Infrastructure Compliance Procurement A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060 E: enquiries@jacksonenvironment.com.au T: 02 8056 1849 W: http://www.jacksonenvironment.com.au		Client	SAAS Aus Pty Ltd
6-7-2023	2.5	2 Bowman Road, Moss Vale (Part of Lot 51, DP130176, Lot 2, DP1070888)			Project	Industrial Subdivision and General Industry Development
					Title	Building 2 Elevation
					Scale	1:300
					Source	Jackson Environment and Planning Pty Ltd

Figure 6: Building 2 Elevations



Date	Plan Number	Site Layout (Building 3A, 3B)	Jackson Environment and Planning Pty Ltd Strategy Infrastructure Compliance Procurement A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060 E: enquiries@jacksonenvironment.com.au T: 02 8056 1849 W: http://www.jacksonenvironment.com.au		Client	SAAS Aus Pty Ltd
6-7-2023	3.1	2 Bowman Road, Moss Vale (Lot 2, DP1070888)			Project	Industrial Subdivision and General Industry Development
					Title	Building 3A, 3B Site Layout Plan
					Scale	1:300
					Source	Jackson Environment and Planning Pty Ltd

Figure 7: Building 3 Site Layout Plan

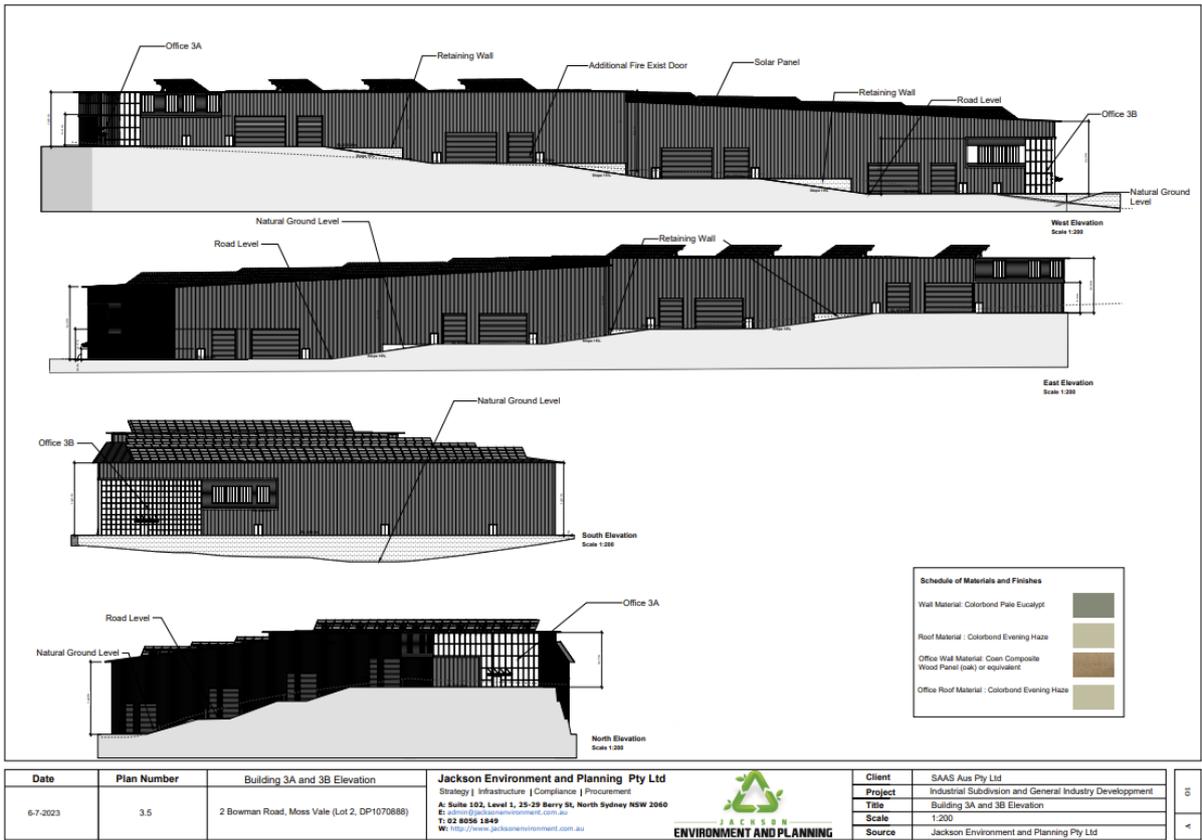


Figure 8: Building 3 Elevations

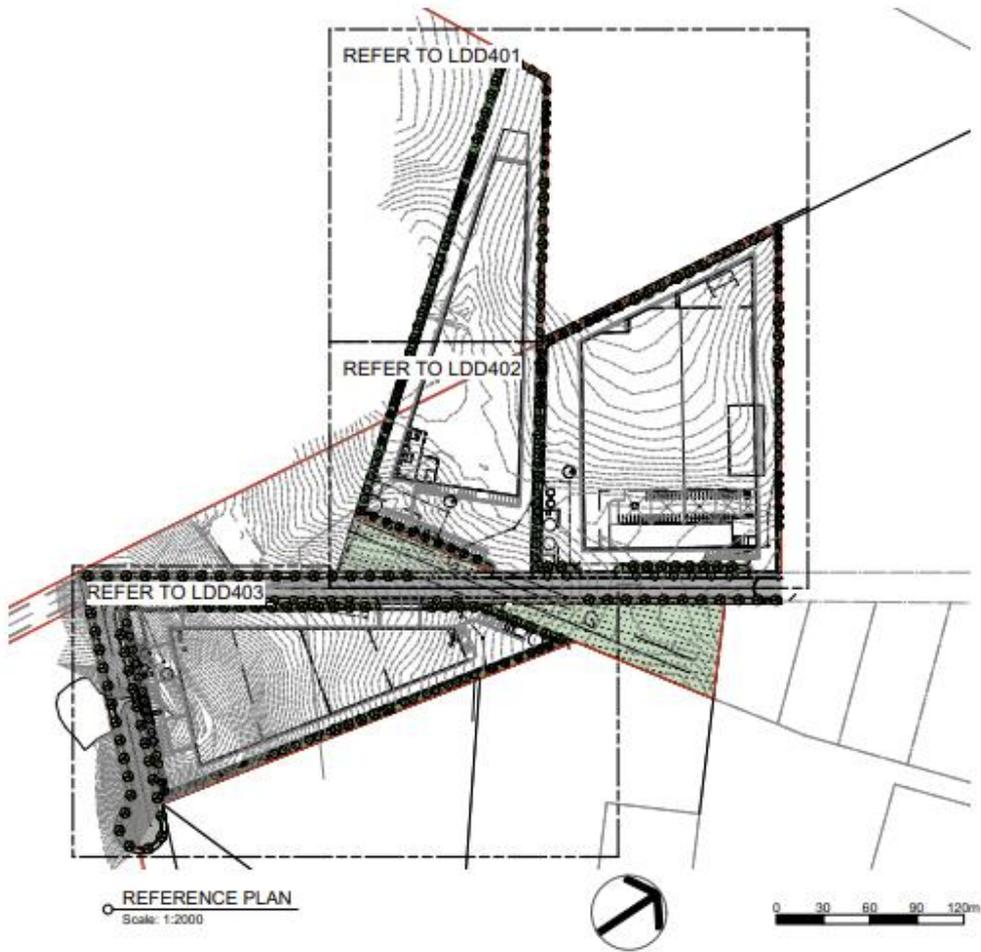


Figure 9: Excerpt from Landscape Plans

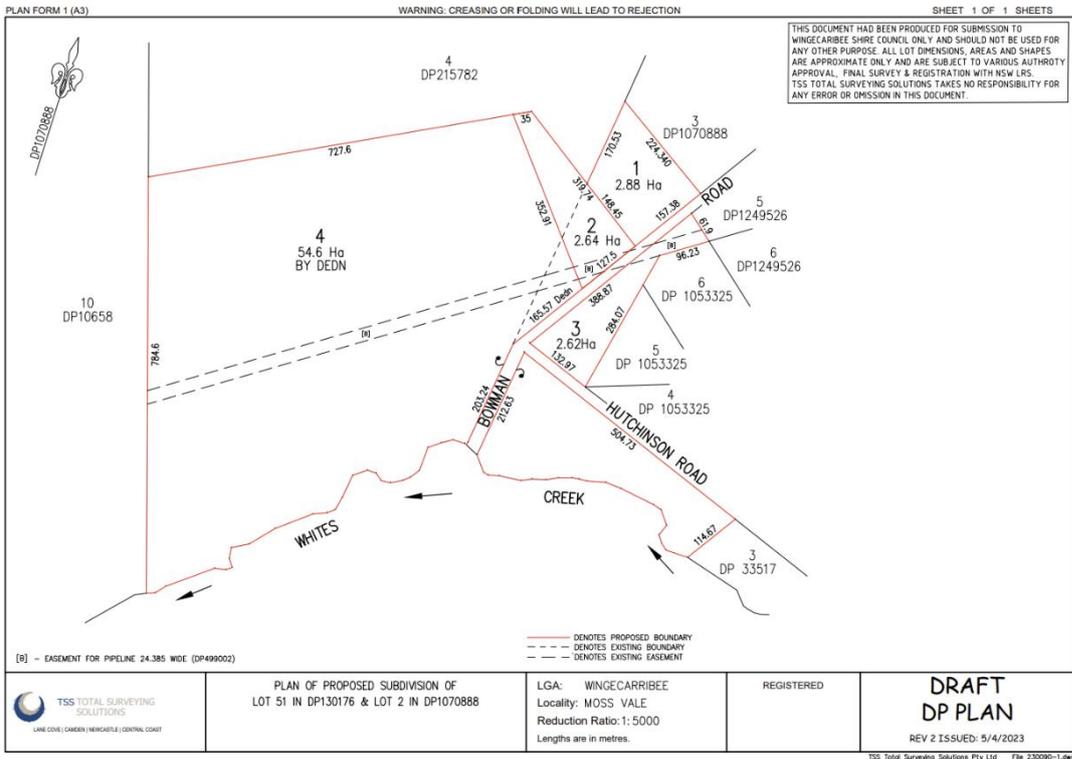


Figure 10: Subdivision Plan

Referral Comments:

The development application was referred to a number of internal and external technical experts as follows:

Building Certification: Has raised no objection to the proposal subject to conditions (dated 10 December 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 41 (Application for a Construction Certificate (Building Works))
- Condition 48 (Access for People with Disabilities)
- Condition 104 (Occupation Certificate)
- Condition 106 (Final Fire Safety Certificate)
- Condition 111 (Annual Fire Safety Statement)

Environmental Health Officer: Has raised no objection to the proposal subject to conditions relating to demolition works (asbestos) and noise (dated 11 December 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

Demolition works (asbestos)

- Condition 16 (Hazardous Building Materials Survey)
- Condition 17 (Construction and Demolition Environmental Management Plan (CDEMP))
- Condition 18 (Pre-demolition Inspection)
- Condition 45 (Post-demolition requirements)
- Condition 57 (Asbestos Removal - Demolition of Buildings)

Noise

- Conditions 39 & 50 (Construction Noise and Vibration Management Plan)
- Condition 77 (Noise Control Measures)
- Condition 113 (Operational Noise Levels)

Development Engineer: Has raised no objection to the proposal subject to conditions (dated 13 December 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 12 (Notice of Commencement)
- Condition 13 (Subdivision Works Certificate & Appointment of Principal Certifier (PC))
- Condition 14 (Developers Representative during Construction of Works)
- Condition 19 (Erosion and Sediment Control)
- Condition 25 (Application for a Subdivision Works Certificate)
- Condition 26 (Appointment of Principal Certifier (PC))
- Condition 27 (Construction Traffic Impact Report)
- Condition 28 (Damage Deposit for Council Infrastructure)
- Condition 29 (Developer to provide photos of damage to Council property)
- Condition 30 (Section 68 Local Government Act 1993 Approvals)
- Condition 31 (Section 138 Roads Act 1993 Approval)
- Condition 32 (Construction Management Plan)
- Condition 33 (Stormwater - Control of Peak Discharge)
- Condition 34 (Detailed Stormwater Drainage System Design)
- Condition 35 (Off Street Parking Provision)
- Condition 36 (Carpark Design - Site Servicing)

- Condition 37 (Accessible Car Parking Spaces)
- Condition 38 (Erosion and Sediment Control Plan)
- Condition 55 (Approved Plans to be available on site)
- Condition 56 (Utility Services)
- Condition 58 (Imported 'Waste-derived' Fill Material)
- Condition 59 (Engineering Inspections by Council)
- Condition 63 (Prevention of Nuisance)
- Condition 69 (Waste Management)
- Condition 71 (Stormwater – Construction)
- Condition 72 (Stormwater – Discharge)
- Condition 73 (Erosion and Sediment Control Plan Compliance)
- Condition 74 (Construction Management Plan)
- Condition 78 (Subdivision Certificate)
- Condition 81 (Section 138 Roads Act Final)
- Condition 82 (Section 68 Local Government Act Final)
- Condition 83 (Council Property)
- Condition 84 (Flood Prone Land Restrictions 88B)
- Condition 85(Provision of Public Lighting)
- Condition 86 (Energy Service Provider Requirements)
- Condition 87 (Civil Engineering works and services)
- Condition 88 (Engineering Details in DXF Format)
- Condition 89 (Asset Management)
- Condition 90 (Defects and Liability Bond for Public Assets - Civil Works)
- Condition 91 (Certification of Internal Civil Works)
- Condition 92 (Stormwater Facilities Alterations)
- Condition 93 (Stormwater Facilities Maintenance)
- Condition 94 (Construction of Road)
- Condition 95 (Commercial Driveway)
- Condition 108 (Loading Bay)
- Condition 109 (Civil Engineering works and services)
- Condition 110 (Certification of Internal Civil Works)

Traffic Engineer: Has assessed that the current assumptions for the traffic movements on Berrima Road are not sufficient and that current counts not to be undertaken (dated 27 May 2024).

Additional information was requested to address this and concerns have been resolved subject to conditions provided by Council's Development Engineer.

Assessment Officer's Comment: Noted.

Water / Sewer Development Engineer: Has raised no objection to the proposal subject to conditions (dated 22 November 2023).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 40 (Water and Sewer Authority Conditions)
- Condition 59 (Engineering Inspections by Council)
- Condition 89 (Asset Management)
- Condition 90 (Defects and Liability Bond for Public Assets - Civil Works)
- Condition 98 (Easements)
- Condition 99 (Provision of Services)
- Condition 100 (Provision of Reticulated Sewer to Each Lot)
- Condition 101 (Construction of Water Mains to Lots)
- Condition 102 (Construction of Water Service)

Floodplain Engineer: Has confirmed the subject development is not flood affected except for the area near Whites Creek (dated 22 November 2023). The majority of the development falls under the Whites Creek catchment except for the northern part.

If the proposed lots / buildings are outside the flood affected portion, flooding conditions do not apply. The attached stormwater management plan report is satisfactory and can be accepted. The details would be considered during the construction certificate stage.

Assessment Officer's Comment: Noted.

Ecologist: Has raised no objection to the proposal subject to conditions (dated 14 June 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 52 (Dam Relocation Plan)
- Condition 53 (Vegetation Management Plan)
- Condition 54 (Tree Removal Protocol)

Heritage Advisor: Has not supported the proposed development on heritage grounds for the following reasons (dated 4 July 2024):

i) There are two recorded Aboriginal sites within the vicinity of the subject site and the landscape of the site has very similar characteristics to the landform and features of the allotments where the Aboriginal sites are recorded. In this regard, the site has archaeological potential and an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required. The ACHAR is to be prepared by a suitably qualified archaeologist with expertise in Aboriginal cultural heritage and produced in accordance with the Office of Environment and Heritage guidelines.

ii) A revised landscape plan should be provided, incorporating a staggered arrangement to the plantings along the boundaries of the site adjoining the heritage item and the western-most boundary of the site. The landscape plan should also incorporate the recommendations of the Visual Impact Assessment, principally that specimen trees are to be planted at advanced heights to help implement immediate screening and reduce the time before a continuous canopy is achieved.

Assessment Officer's Comment: Noted. The requested ACHAR and revised landscape plan have been provided and considered satisfactory.

Department of Planning and Environment-Water (external referral): Has raised no objection to the proposal subject to compliance with general terms of approval (dated 24 July 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 4 (General Terms of Approval – Department of Planning and Environment-Water)

NSW Rural Fire Service (external referral): Has raised no objection to the proposal subject to compliance with general terms of approval (dated 17 January 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 5 (General Terms of Approval – NSW Rural Fire Service)

Water NSW (external referral): Has raised no objection to the proposal subject to compliance with concurrence (dated 6 September 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 6 (Concurrence – Water NSW)

Transport for NSW (external referral): Has raised no objection to the proposal with no conditions (dated 12 December 2023).

Assessment Officer's Comment: Noted.

Endeavour Energy (external referral): Has raised no objection to the proposal subject to conditions (dated 23 November 2023).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 51 (Network Connection – Endeavour Energy)

APA Group (external referral): Has raised no objection to the proposal subject to conditions (dated 11 January 2024).

Assessment Officer's Comment: Conditions will be included in the attached Consent as follows:

- Condition 10 (Services)
- Condition 20 (Safety Management Study required)
- Condition 21 (Third Party Works Authorisation)
- Condition 22 (Construction Management Plan)
- Condition 23 (Landscape Plans)
- Condition 24 (Easement Delineation On Plans)
- Condition 75 (No Improvements within Easement)
- Condition 76 (Easement Delineation On Site)
- Condition 97 (Plan Sealing)

ASSESSMENT UNDER SECTION 4.15 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

The provisions of any EPI, draft EPI; DCP; and the regulations [s4.15(1)(a)]

SEPPs

State Environmental Planning Policy (Planning Systems) 2021

In accordance with section 2 under Schedule 6 Regionally significant development of the SEPP, the proposed development has an estimated development cost of more than \$30 million. Therefore, the consent authority is the Southern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 Hazardous and offensive development

It is noted that the applicant has provided a Preliminary Risk Screening with the application. A preliminary screening in accordance with the *Applying SEPP33 Guidelines* was undertaken. The screening determined that the proposed development is not potentially hazardous or offensive development, and therefore a Preliminary Hazard Analysis is not required.

Chapter 4 Remediation of land

Chapter 4 of SEPP (Resilience and Hazards) 2021 (section 4.6) requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

Council's Environmental Health Officer reviewed the proposal and noted that they are satisfied that the land is suitable for the proposed development and consent is able to be granted in this regard.

There are no contaminated land memos on Council's records attributed to the properties subject to this application.

Further, the preliminary site investigation (PSI) submitted with this application appears to have been prepared in accordance with applicable guidelines and have been reviewed by a CEnvP-SC. The PSI does not contain any recommendations and states (p.22) that the site is '*considered suitable for the proposed industrial subdivision and general industry development*'.

As such, Council is satisfied that the site is suitable for the proposed development from a land contamination perspective.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of SEPP (Biodiversity and Conservation) 2021 contains provisions replacing the former SEPP (Vegetation in Non-Rural Areas), and the aims are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Chapter includes Parts relating to Clearing Vegetation in Non-Rural Areas (Part 2.2); Council Permits for Clearing Vegetation in Non-Rural Areas (Part 2.3); and Approval of Native Vegetation Panel for Clearing Native Vegetation in Non-Rural Areas (Part 2.4).

Council's Ecologist reviewed the submitted Biodiversity Development Assessment Report (BDAR) along with the other supporting documentation, and raised the following matters in relation to their assessment:

The proposal will impact native vegetation covered by the Biodiversity Values Map and therefore a BDAR has been prepared to assess the impacts to this vegetation. The BDAR found that the vegetation to be impacted was in very poor condition and therefore had a VI score below the offset threshold.

A VMP has also been prepared to maintain and improve the riparian area along the southern boundary of the subject site. This VMP contains three (3) revegetation zones, that would result in an improvement for this riparian area and a positive biodiversity outcome.

Details of riparian areas within the subject site is lacking within the BDAR, and it includes no reference to section 7.5 (Natural resources sensitivity) of the *Wingecarribee Local Environmental Plan 2010*.

The BDAR and VMP also contain details of a dam relocation. There is currently no consideration of how the dam relocation would impact native fauna utilising the dam.

Therefore, the following recommendations should be implemented as part of any consent granted:

- *Preparation of Dam Relocation Plan prior to construction certificate. The Dam Relocation Plan is to include specific details of methods used to relocate the dam, and how native fauna may be impacted during the process. The example this could include a staged cornering off of the dam to allow safe relocation of native fauna from the old dam to the new dam. The plan is to include recommendations to mitigate impacts, including ecologist supervision of dam relocation.*
- *The Vegetation Management Plan prepared for the proposal should be implemented in its entirety. This includes monitoring as outlined in the VMP with summary reports to be submitted to Council.*
- *Implementation of a Tree Removal Protocol for all removal of native trees within the subject land (set out in Ch 8.4.1 of the BDAR) to minimise risk of injury to wildlife that may be sheltering in trees at the time of clearing.*
- *Site biosecurity control, including cleaning of machinery and equipment prior to entering the property, and use of screened soil and mulch products in landscaping works.*
- *Installation of sediment and erosion control features in accordance with the 'Blue Book' - Managing Urban Stormwater: Soils and construction – Volume 1. Landcom, 2004.*
- *Landscape screen planting along new lot boundaries.*

Refer to Conditions 52-54 of the attached draft conditions of consent.

Chapter 6 Water catchments

The site is also within the Sydney Catchment and therefore this SEPP is applicable to the assessment of the application. The application is a Module 5 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore required referral for Water NSW concurrence.

Based on a site inspection and the submitted information, Water NSW considers that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality if appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW noted the following from its assessment of the application:

- *The industrial subdivision requires the extension of the existing Bowman Road, and creation of part of Hutchinson Road to provide access to the proposed industrial buildings. Although not formally staged, the development proposes to create the crown roads extensions to facilitate the subdivision, followed by construction of the industrial buildings.*
- *Significant fill is required on the southern side of Hutchison Road due to the site cross-fall and required width of the road and cul-de-sac to enable adequate turning circle for large vehicles. The Statement of Environmental Effects recommends an easement within the RU2 zoned portion of land in proposed Lot 4 to facilitate the road construction.*
- *The stormwater management system (Water Quality Pond) on the southern side of Hutchison Road (within Lot4, RU2 zoned land) will also require an easement to support ongoing management.*
- *The Sewer and Water Modelling Report highlights the following issues with the existing sewerage system that need to be addressed prior to construction:*
 - *the existing Moss Vale Sewerage Treatment Plant (STP) is at capacity and is planned to be upgraded. Water NSW recommends that Occupation Certificates for the development should not be granted until the upgraded Moss Vale STP has been commissioned*
 - *additional emergency storage and works are required for the impacted Sewage Pump Stations (SPS-MV13 and SPS-MV17), and*
 - *additional upgrades are required to the sewerage network to cater for increased wastewater load generated by the development.*

As such, Water NSW issued concurrence on 6 September 2024 subject to conditions. Refer to Condition 6 of the attached draft conditions of consent.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

In accordance with the provisions of section 2.48 of this SEPP, the application was referred to Endeavour Energy due to the development being carried out within 5m of an exposed overhead electricity power line.

Endeavour Energy raised no objections with the proposed development in advice dated 23 November 2023 subject to conditions. Refer to Condition 51 of the attached draft conditions of consent.

Section 2.77 of this SEPP is applicable, given East Australian Pipeline Pty Ltd and Gorodok Pty Ltd (APA) owns and operates two (2) pipelines located within a 24.385 metre wide easement being for APA's Moomba to Sydney Ethane Pipeline and Moomba to Wilton Natural Gas Pipeline within the subject site.

Table 1: Transmission gas pipelines in the area of consideration

Pipeline	Pipeline Licence	Easement Width (m)	Diameter (mm)	Measurement Length (m)
Moomba to Sydney Ethane	15	24.385	200	600
Moomba to Wilton Natural Gas	16		850	795

Note: measurement length is applied to either side of the pipeline.

The application was referred to the APA Group as required by subsection (1).

APA noted the proposed development involves subdivision (2 into 4 lots) for general industrial use. Access to the proposed development is to be via Bowman Road. Further, it is understood the proposed development would require development and construction activities located on APA's pipeline easement. All buildings and structures / development works would need to be located outside the pipeline easement to ensure line of sight is not impeded and pipeline access is maintained for operational and maintenance requirements.

APA raised no objection to the proposal subject to conditions dated 11 January 2024.

Refer to Conditions 10, 20-24, 75-76 and 97 of the attached draft conditions of consent.

The applicant also provided a Preliminary Risk Screening and Risk Assessment. This assessment has identified a low to moderate risk from construction near the gas pipeline. However, these risks can be appropriately managed to ensure all risks are low by ensuring all works are consistent with the APA Group's requirements for works near the pipeline. A working relationship would be maintained with APA to manage the risks.

In accordance with the provisions of subsection (1), given the advice from APA and the applicant, Council is satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified and adequately considered.

Section 2.122 of this SEPP is also applicable, given the proposed development is specified in Column 1 of the Table to Schedule 3 being 'Industry' with a size or capacity of 20,000sqm in site area.

The application was referred to Transport for NSW (TfNSW) as required by subsection (4).

TfNSW raised no objections with the proposed development in advice dated 12 December 2023, in terms of the impacts it would have on the state classified road network.

TfNSW noted the following:

- The key state road is the Hume Motorway and Argyle Street.
- The proponent's business is currently operating in a different location and is relocating to the subject site. With this, the traffic generation rates for this development have been determined based on the existing and future operations.

TfNSW considers the proposed traffic generation of the development would not result in a significant contribution of additional trips to the state road network and therefore, TfNSW has no objections to the proposed development.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development

The provisions of this SEPP are not applicable as the application was submitted on the NSW planning portal but not finally determined before 1 October 2023 (as per the savings and transitional provisions under section 4.2).

LEPs

Wingecarribee Local Environmental Plan 2010

The proposed development is subject to a number of sections under Wingecarribee LEP 2010, and these are discussed as follows

Section	Control	Assessment	Compliance
<p>2.3 Zone Objectives and land use table</p>	<p><i>Prescribes zone objectives and gives details on permissible and prohibited landuses for each zone.</i></p>	<p>The site is zoned E4 General Industrial and RU2 Rural Landscape under WLEP 2010.</p> <p>As indicated in the submitted Statement of Environmental Effects, the proposed subdivision and general industry development has been designed to support the objectives of the E4 zone. The proposed development would introduce significant new facilities designed to provide flexibility in the use of each building and the ancillary office spaces. The proposal is expected to create up to 60 local jobs during construction and 120 during operation and inject up to \$73.85 million in construction costs alone.</p> <p>The proposed subdivision would result in boundary changes to the existing Lot 51 that excise the C3 zoned land from the subject site and include the RU2 zoned land from the existing Lot 2. This boundary change would allow for improved management of the RU2 zoned land and ensure consistency with the objectives of the zone.</p> <p>The proposed building development is to be located within the E4 zone and to be used for the storage, assembly, maintenance, transport, and hire of scaffolding equipment to support the construction industry.</p> <p>The proposed development is considered 'General Industry' and is permissible within the zone under the WLEP 2010.</p>	<p>Yes</p>

Section	Control	Assessment	Compliance
		<p>'General Industry' is defined in the dictionary of the LEP as:</p> <p>'General industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.</p> <p><i>Note— General industries are a type of industry—see the definition of that term in this Dictionary.'</i></p> <p>The dictionary of the LEP defines an 'industrial activity' as:</p> <p>'Industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.'</p> <p>A stormwater outlet for the proposed development and an easement to facilitate construction of the industrial cul-de-sac on Hutchinson Road would be located within the RU2 zone. Development for the purpose of a road is permitted within the RU2 zone under the LEP. Development for the purposes of stormwater management is not listed as a permissible development under the LEP and would therefore be considered prohibited.</p> <p>However, stormwater management systems, which includes works for the</p>	

Section	Control	Assessment	Compliance
		<p>discharge of stormwater, are permissible with consent on any land under section 2.138 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. As the provisions of the Policy prevail over those of the LEP, the proposed stormwater management works are permissible within the RU2 zoned portion of the land.</p> <p>Further, it is noted that the stormwater management construction works would be ancillary to the proposed industrial development (the dominant purpose).</p>	
2.6 Subdivision—consent requirements	<i>Land to which this Plan applies may be subdivided, but only with development consent.</i>	Development consent has been sought for Torrens Title subdivision.	Yes
2.7 Demolition requires development consent	<i>The demolition of a building or work may be carried out only with development consent.</i>	Demolition works are proposed as part of this application.	Yes
4.1 Minimum subdivision lot size	The minimum lot size under the LEP is 40ha for the RU2 zoned portion of the land.	Lot 4 (within the RU2 zoned portion of the land) is not less than the minimum lot size (at 54.6ha) as shown on the Lot Size Map.	Yes
5.10 Heritage conservation	<p>(4) Effect of proposed development on heritage significance <i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p>(10) Conservation incentives <i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the</i></p>	<p>The subject site is within the vicinity of the heritage item I056, known as “Browley” house, grounds and outbuildings, which is situated to the west and southwest of the site. The item is listed on Schedule 5 of this Plan as an item of local heritage significance.</p> <p>Council’s Heritage Advisor reviewed the submitted documentation, and raised the following matters in relation to their assessment:</p> <p><i>‘Browley house, grounds and outbuildings’ is itself situated within a large rural land parcel, such that the grouping of the more significant elements of the site are towards the southwest of the</i></p>	Yes

Section	Control	Assessment	Compliance
	<p><i>land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</i></p> <p><i>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i></p> <p><i>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i></p> <p><i>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i></p> <p><i>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i></p> <p><i>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</i></p>	<p><i>subject site. Nonetheless, the open landscape of the surrounding locality means that there are glimpses and axial views afforded to and from the heritage item in numerous vantage points and the subject site has a direct physical relationship with the heritage item by adjoining the boundary towards the northwestern corner of the subject site.</i></p> <p><i>The considerable spatial separation afforded between the proposed buildings and the heritage item is such that the proposed built forms will not visually dominate the heritage item. However, the proposed development has the potential to adversely impact upon the rural setting and curtilage of the heritage item. This is partly ameliorated through the incorporation of a 5.0m wide landscape buffer proposed around the outer property boundaries.</i></p> <p><i>The landscape plan shows that plantings will be fairly uniformly spaced in a lineal arrangement. While the addendum to the Landscape Plan provides some further discussion on the suitability of the landscape treatment of the buffers, the lineal arrangement of the plantings only achieves the intent of screening the built form if the vegetation is maintained in good health and vigour to 'complete' the visual buffer. In this arrangement, if one of the specimen trees dies or requires substantial tree management (i.e pruning) this would result in the potential fragmentation of the landscape buffer, potentially increasing the visibility of the buildings when viewed from the heritage item. This can be sufficiently mitigated by staggering the plantings and</i></p>	

Section	Control	Assessment	Compliance
		<p><i>incorporating not only specimen tree plantings, but understorey shrubbery so that the cumulative canopy reinforces itself, as depicted in the following diagram. This matter can be addressed by conditions of consent.</i></p> <p><i>A search of the Aboriginal Heritage Information Management System (AHIMS), using a radial buffer of 1,000m from the centre point at 2 Bowman Road, identifies two (2) recorded Aboriginal sites. Neither of the sites appear to be situated within the boundaries of the subject site, however, the landscape of the site has very similar characteristics to the landform and features of the allotments where the Aboriginal sites are recorded.</i></p> <p><i>There is potential for the subject site to yield Aboriginal objects or artefacts and given the extent of the development proposed and the archaeological potential of the site, an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required. This information is required prior to the issuance of any consent and cannot be addressed by condition of consent.</i></p> <p><i>At this juncture, the proposed development is not supported on heritage grounds for the following reasons:</i></p> <p><i>i) There are two recorded Aboriginal sites within the vicinity of the subject site and the landscape of the site has very similar characteristics to the landform and features of the allotments where the Aboriginal sites are recorded. In this regard, the site has archaeological potential and an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required. The ACHAR is to be prepared by</i></p>	

Section	Control	Assessment	Compliance
		<p>a suitably qualified archaeologist with expertise in Aboriginal cultural heritage and produced in accordance with the Office of Environment and Heritage guidelines.</p> <p>ii) A revised landscape plan should be provided, incorporating a staggered arrangement to the plantings along the boundaries of the site adjoining the heritage item and the western-most boundary of the site. The landscape plan should also incorporate the recommendations of the Visual Impact Assessment, principally that specimen trees are to be planted at advanced heights to help implement immediate screening and reduce the time before a continuous canopy is achieved.'</p> <p>The requested ACHAR and revised landscape plan have been provided by the applicant and considered satisfactory.</p> <p>The applicant provided the following as part of their response:</p> <p><u>ACHAR</u></p> <p>MCCardle Cultural Heritage (MCH) has prepared an ACHA.</p> <p>The minimum statutory period and consultation has been completed in order to be compliant with Heritage NSW's <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)</i>, the <i>Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW</i> and the <i>Guide to Investigation, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i>.</p>	

Section	Control	Assessment	Compliance
		<p>The following recommendations have been provided in the report:</p> <p>1) <i>The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974;</i></p> <p>2) <i>An Unexpected Finds Procedure for cultural materials and human remains (Appendix C) will be implemented during all works, and</i></p> <p>3) <i>Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, the Unexpected Finds Procedure followed and the Environmental Line contacted.</i></p> <p><u>Revised Landscape Plan</u></p> <p>The Landscape Concept Design has been amended as per Council's request. It has been noted that some landscaping areas are within the Asset Protection Zones (APZs) of proposed Buildings 2 and 3; therefore, landscaping must also comply with Planning for Bush Fire Protection (NSW Rural Fire Service, 2019) (PBP).</p> <p>A letter from Moir Studio has provided an explanation of the Landscape Concept Design and how it meets PBP whilst still providing adequate screening of the proposed development.</p>	

Section	Control	Assessment	Compliance
		<p>Subject to Condition 2 (Development in Accordance with Plans and Documents) and Condition 70 (Archaeology) of the attached draft conditions, the proposal is considered to satisfy the objectives and requirements of this section.</p> <p>Consequently, the proposed development is supported on heritage grounds.</p>	
<p>5.21 Flood planning</p>	<p><i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development meets the requirements of subsection (2).</i></p>	<p>The subject site is within the flood planning area.</p> <p>Only the southern RU2 zoned portion of the subject site (Area 3) is affected by flooding. The applicant has advised that development within this portion of the site would be restricted to the construction of a stormwater outlet adjacent to the southern side of Hutchinson Road, and a small road easement to facilitate construction of the industrial cul-de-sac on Hutchinson Road. All works would be located above the Flood Planning Level.</p> <p>Council's Development Engineer has confirmed following review of the flood-related documentation submitted with the application, that the provisions of this section apply to the subject site. However, there is no flood impact as a result of the proposed development. Only land within proposed Lot 4 is flood affected but there is no work proposed within this area, aside from some battering work related to the public road proposed. This battering work would not have any detrimental effects, there is no downstream effect, and drainage would continue to overflow to Wingecarribee River.</p>	<p>Yes</p>

Section	Control	Assessment	Compliance
		<p>Condition 84 (Flood Prone Land Restrictions 88B) of the attached draft conditions would be imposed.</p> <p>Given the above, Council has considered the matters listed under subsection (3) and is satisfied with the regard to the provisions of subsection (2).</p>	
<p>7.3 Earthworks</p>	<p><i>Development consent is required for earthworks that alter the ground level (existing) by more than 600 millimetres.</i></p>	<p>The matters listed under subsection (3) have been considered in relation to the proposed earthworks.</p> <p>As detailed earlier in this report, the proposed buildings have been designed with respect to the natural topography of the subject site in order to minimise the need for cutting and filling. However, the cut and fill model predicts an additional 63,535m³ of fill will be required for the proposed development, with the greatest application of fill to occur towards the western end of Building 1 and at the southern end of the subject site, alongside Hutchinson Road for Building 3.</p> <p>The applicant intends to reuse all material excavated from the subject site, along with a combination of virgin excavated natural material, excavated natural material, and suitable material that meets the requirements of a resource recovery order and exemption and where the material can achieve the required engineering and environmental standards defined in the relevant resource recovery orders and exemptions.</p> <p>The following conditions of the attached draft conditions would manage and mitigate any impacts of earthworks associated with the development:</p>	<p>Yes</p>

Section	Control	Assessment	Compliance
		<ul style="list-style-type: none"> ▪ Condition 27 (Construction Traffic Impact Report) ▪ Condition 32 (Construction Management Plan) ▪ Condition 38 (Erosion and Sediment Control Plan) ▪ Condition 61 (Earthworks, retaining walls and structural support) 	
7.5 Natural Resources Sensitivity – Water	<i>Provides objectives and controls regarding riparian land or land identified as a “natural waterbody”</i>	<p>The Natural Resources Sensitivity Map identifies Whites Creek as Category 2 – Aquatic & Terrestrial Habitat and the two (2) drainage lines passing through the subject site as Category 3 – Bank Stability & Water Quality.</p> <p>The proposed development would remove the two (2) drainage lines and replace them with the proposed stormwater management system.</p> <p>The Department of Planning and Environment-Water has raised no objection to the proposal subject to compliance with general terms of approval (dated 24 July 2024), requiring a Controlled Activity approval under the <i>Water Management Act 2000</i>.</p> <p>Council is satisfied that the development is designed, sited and managed to mitigate any potential adverse environmental impact.</p>	Yes

DCP's

Moss Vale Enterprise Corridor Development Control Plan

The proposed development is subject to the Moss Vale Enterprise Corridor Development Control Plan (Moss Vale Enterprise Corridor DCP).

An assessment of the applicable provisions in the Moss Vale Enterprise Corridor DCP is undertaken as follows:

Part	Control	Assessment	Compliance
3.1 Land use	<i>1. The use of land in the Moss Vale Enterprise Corridor must</i>	1. The proposal is compliant with the Development	Yes

Part	Control	Assessment	Compliance
	<p><i>comply with the Development Concept Plan.</i></p> <p><i>2. Proposed development within the vicinity of existing heavy industrial land uses must demonstrate an understanding of the noise/air and amenity impacts of existing development as part of their development proposal.</i></p>	<p>Concept Plan as being compatible with 'local industry'.</p> <p>2. It is not apparent that the subject site is within the vicinity of heavy industrial land uses.</p>	
<p>3.2 Subdivision and lot design</p>	<p><i>1. Subdivision proposals that depart from the below development standards must demonstrate that the proposed lot sizes and dimensions are suitable for the functional and operational needs of proposed site development.</i></p> <p><i>2. Subdivision design must comply with the requirements set out in Council's Endorsed Technical Specifications (to be endorsed); Design (Vol1) and Construction (Vol2) (to be endorsed).</i></p> <p><i>3. Lots within the Enterprise Precinct must have a minimum area of 5000 square metres and a minimum primary lot frontage of 30 metres.</i></p> <p><i>4. Lots within the General Industrial Precinct must have a minimum area of 1 hectare and a minimum primary lot frontage of 50 metres.</i></p> <p><i>5. Subdivision proposals must demonstrate due regard has been given to the natural and physical features of the land.</i></p> <p><i>6. Subdivision proposals must be in accordance with a concept plan for the future development of the entire parent lot.</i></p> <p><i>7. Lots must be provided with suitable public street frontage and access.</i></p> <p><i>8. Lots must be connected to essential utility services with capacity to accommodate the</i></p>	<p>1. The subdivision proposal does not depart from the development standards.</p> <p>2. The subdivision design would be compliant with the requirements of Council's Endorsed Technical Specifications.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. The subdivision proposal has demonstrated due regard to the natural and physical features of the subject site.</p> <p>6. The subdivision proposal is in accordance with the concept plan.</p> <p>7. The proposed lots would be provided with suitable public street frontage and access.</p> <p>8. The proposed lots would be connected to essential utility services with sufficient capacity.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<i>demands generated by proposed development.</i>		
3.3 Access and movement	<p><i>1. The major road network shall be developed in accordance with the Section 94 Development Contributions Plan.</i></p> <p><i>2. New internal access roads must be designed with a minimum road reserve of 20 metres and must accommodate pedestrian and cycle facilities.</i></p> <p><i>3. Intersection treatments are to be designed in accordance with the relevant Austroads guidelines based on a traffic generation determined through a traffic impact assessment for the development.</i></p> <p><i>4. Direct vehicular access onto the main roads will not be permitted. All development must have access to internal roads. Refer to Road Classification System and Access Rules in Appendix One.</i></p> <p><i>5. No additional road connections will be permitted to Berrima Road or the Moss Vale Bypass. Refer to Road Classification System and Access Rules in Appendix One.</i></p> <p><i>6. Access points and connections to the Main Southern Railway must be designed to meet Australian Rail Track Corporation and/or other relevant rail authority's requirements.</i></p> <p><i>7. Vehicle access arrangements must comply with minimum standards set by applicable Australian Standards in addition to Council's Endorsed Technical Specifications (to be endorsed); Design (Vol 1) and Construction (Vol 2) and must be adequate to meet the needs of the development and associated vehicular traffic.</i></p>	<p>1. The road network would be developed in accordance with the Development Contributions Plan.</p> <p>2. Satisfied.</p> <p>3. Satisfied.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. Not applicable.</p> <p>7. Satisfied.</p>	Yes

Part	Control	Assessment	Compliance
3.4 Building siting and design	<p>1. <i>The height of buildings and other structures located within 50m of Berrima Road must not exceed 15 metres above ground level.</i></p> <p>2. <i>The height of buildings and other structures must otherwise not exceed 20 metres above ground level.</i></p> <p>3. <i>The minimum building setback from any property boundary adjacent to Berrima Road, the Moss Vale Bypass and Arterial Roads is 15 metres.</i></p> <p>4. <i>The minimum building setback from other roads is 10 metres.</i></p> <p>5. <i>The minimum building setback required to side and rear lot boundaries next to rural zoned land is 15 metres.</i></p> <p>6. <i>Front building setback areas must be used for landscaping or staff and visitor car parking. Open storage is not permitted.</i></p> <p>7. <i>Building footprints must not exceed 65% of the total site area.</i></p> <p>8. <i>Development proposed within the Scenic Protection Constraint Area must be accompanied by a visual impact statement prepared by a suitably qualified person. The visual impact statement must demonstrate that the development will not result in a significant adverse visual impact on the surrounding area.</i></p> <p>9. <i>Building materials should be non-reflective and external colours are to be muted earth and bush vegetation tones. Dark colours and large areas of white or vibrant colours are to be avoided.</i></p> <p>10. <i>Building design is to include measures to reduce water and energy use. These measures</i></p>	<p>1. Not applicable.</p> <p>2. Satisfied.</p> <p>3. Not applicable.</p> <p>4. Satisfied.</p> <p>5. Satisfied.</p> <p>6. Satisfied.</p> <p>7. Satisfied.</p> <p>8. Not applicable.</p> <p>9. Satisfied.</p> <p>10. Satisfied.</p> <p>11. Satisfied.</p> <p>12. Satisfied.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<p><i>(including the energy efficiency measures set out in section 3.5 and water conservation measures such as recycling and reuse of treated waste water) are to be documented in a building sustainability statement prepared by a suitably qualified person submitted with the development application.</i></p> <p><i>11. The siting of buildings and other structures should consider the mature size and height of existing vegetation and proposed landscape treatments to protect assets and occupants.</i></p> <p><i>12. The siting and design of buildings within bushfire prone land must demonstrate compliance with the requirements of Planning for Bushfire Protection 2006 published by the NSW Rural Fire Service.</i></p>		
A3.5 Energy efficiency	<p><i>1. Building design demonstrates an appropriate response to local climate and to the site and its context.</i></p> <p><i>2. Passive solar and passive ventilation is incorporated into the design of buildings to minimise reliance on electrical and mechanical systems.</i></p> <p><i>3. New development must consider building design and operation measures that reduce energy consumption relative to conventional buildings. These measures could include:</i></p> <ul style="list-style-type: none"> <i>• use of renewable energy sources such as solar or heat pump water systems</i> <i>• use of renewable or recyclable building materials</i> <i>• insulation of roof and walls to comply with relevant Australian Standards</i> <i>• use of sustainable energy technologies such as photovoltaic cells and cogeneration where appropriate</i> 	<p>1. Satisfied.</p> <p>2. Satisfied.</p> <p>3. Satisfied.</p> <p>4. Satisfied.</p> <p>5. Satisfied.</p>	Yes

Part	Control	Assessment	Compliance
	<p>4. Maximise the use of natural light to internal spaces through window type and location and insulated roof windows.</p> <p>5. Use energy efficient (low energy demand) fittings and switches.</p>		
<p>3.6 On-site parking and loading facilities</p>	<p>1. The number of car parking spaces to be provided on site shall be determined in accordance with the Car Parking Schedule below. The number of car parking spaces required shall be rounded up or down in accordance with normal mathematical practise.</p> <p>The loss of any on street parking as a result of the development including new vehicular entry points or loading zones shall be compensated for by providing on site parking equal to the number of lost spaces.</p> <p>2. Council will require the provision of adequate on site turning facilities for commercial vehicles.</p> <p>3. Under no circumstances will Council permit the reversing of vehicles onto main or arterial road or future by-pass route.</p> <p>4. For the design of off-street commercial vehicle facilities refer to AS 2890.2: 2004 for guidelines.</p> <p>5. Loading and unloading of materials and goods must take place within the site.</p> <p>6. Loading bays are not to be used for the storage of goods or waste storage other than during the loading/unloading process.</p> <p>7. Open parking areas should be designed to incorporate a 2.5 metre wide landscape bay for tree planting every 6 to 8 car bays.</p>	<p>1. Satisfied. The number of parking spaces provided for the proposed development is 145 as per this Plan (1 space per 300 sqm GFA for 'warehouse').</p> <p><u>Building 1:</u> 58 car parking spaces are required, 59 spaces provided.</p> <p><u>Building 2:</u> 43 car parking spaces are required, 43 spaces provided.</p> <p><u>Building 3:</u> 37 car parking spaces are required; 43 spaces provided.</p> <p>2. Satisfied.</p> <p>3. Not applicable.</p> <p>4. Noted.</p> <p>5. Satisfied.</p> <p>6. Noted.</p> <p>7. Satisfied.</p> <p>8. Satisfied.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<p>8. Other open hardstand areas should be screened from public view with appropriate landscape treatments.</p>		
<p>3.7 Signage</p>	<p>4.4. Signage shall comply with Appendix 2.</p> <p>4.4. Signage must be contained within the site and must be limited to information that relates to the use of the site and the name of the premises or occupier.</p> <p>4.4. The number of signs within a site is to be minimised and sited in accordance with a signage strategy submitted with development applications.</p> <p>4.4. Signage must be designed as an integral part of site development and building design. Design details must be provided in a signage strategy prepared by a suitably qualified person submitted with a development application.</p>	<p>No signage is proposed as part of this application.</p> <p>However, the applicant has indicated that business operation signs would be included on each shed:</p> <p><i>'a business operation sign, being a sign located below awning level no part of which is less than 2.6 metres above finished ground levels or 4.0 metres in height above finished ground level in the case of buildings without awnings, which relates to the place to which it is affixed and that describes such directions or cautions as are usual or necessary relating to the place or premises or any occupation or activity carried on there.'</i></p>	<p>NA</p>
<p>3.8 Fencing</p>	<p>1. Transparent or open-style fencing along street frontages is encouraged and should not be located forward of the building line.</p> <p>2. The integration of landscaping with fence lines is encouraged.</p> <p>3. Fencing details must be submitted as part of a development application.</p>	<p>Satisfied.</p> <p>It is noted that palisade-style fencing is to be used around each proposed building for security purposes.</p> <p>Landscaping has been provided along all boundaries to minimise visual impacts.</p>	<p>Yes</p>
<p>3.9 External lighting</p>	<p>1. An external lighting strategy must be submitted with development applications and must indicate the location and design of lighting and the proposed hours of use.</p> <p>2. A light spill impact assessment prepared by a suitably qualified person must be submitted with development applications for land located next to rural or residential zones and land within the Scenic Protection Constraint Area.</p>	<p>An External Lighting Strategy and Light Spill Impact Assessment have been provided with the application.</p> <p>Outdoor lighting has been designed to meet operational and security requirements without adverse impacts to neighbouring rural lands.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
3.10 Landscaping	<p>1. A landscape concept plan prepared by a suitably qualified person is to be submitted with a development application. The landscape concept plan must indicate the location and nature of proposed landscape treatments within the development site including identification of species and mature heights.</p> <p>2. A minimum 5 metre deep landscaped area is to be established along any lot boundary adjacent to Berrima Road (see Figure 2a) in the Local Industry Precinct.</p> <p>3. A minimum 10 metre wide landscaped area is to be established along any lot boundary adjacent to the Moss Vale Bypass or Arterial Road.</p> <p>4. A minimum 15 metre wide landscaped area is to be established along lot frontages to internal access roads and along boundaries with rural zoned land outside the Enterprise Corridor.</p> <p>5. A minimum 3 metre wide landscaped area is to be established along the side and rear boundaries of a site unless otherwise specified above.</p> <p>6. The height and density of vegetation within building setback areas must be sufficient to provide effective visual softening to buildings and other structures and open hardstand areas.</p> <p>7. Landscaping should be integrated with existing native vegetation and should use compatible local native species selected from the council native species list.</p> <p>8. Strategic landscaping within other parts of the site should be established to provide shade to car parking areas and to soften</p>	<p>A Landscape Concept Plan has been submitted. The plan utilises plant species from the Southern Highlands Shale Woodlands in the Sydney Basin Bioregion endangered ecological community as much as practicable. The plan has also considered the visual impacts of the proposed building development and the requirements for provision of shade to hardstand areas, as well as the requirements for landscaping within the gas pipeline easement.</p> <p>Irrigation for landscaping would be provided by rainwater tanks with each building.</p> <p>It is noted that the proposed landscaping is non-compliant with Rule 4 of this section, given a minimum 15m wide landscaped area has not been proposed along the lot frontages to internal access roads and along the boundary with rural zoned land outside the Enterprise Corridor.</p> <p>The applicant has provided the following justification:</p> <p><i>'This rule is inconsistent with the Figure contained on page 17 of the MVEC DCP (reproduced in Figure 3.1) that provides a visual representation of building setbacks and landscaping requirements. Scenario C of this figure clearly illustrates that a 5m landscaped zone is required on lot frontages to new roads and on side and rear boundaries adjoining rural zones.</i></p> <p><i>The proposed development (DA 24/0302) complies with all landscaping and building setbacks noted within this figure.</i></p> <p><i>The proposed landscaping extent is consistent with the</i></p>	NA

Part	Control	Assessment	Compliance
	<p>the appearance of large expanses of hardstand areas.</p> <p>9. Native plant species should be used for Riparian areas and a mix of exotic and native plants should be used in all landscape areas with emphasis on waterefficient species. The plant species must be selected from the council native species list and must be compatible with existing native vegetation within the site.</p> <p>10. Reticulated water must not be used for irrigation purposes.</p>	<p>neighbouring industrial properties within the MVEC, including those on Bowman Road and Old Dairy Close. The landscape concept design proposes to use plant species from the local endangered ecological community Southern Highlands Shale Woodlands in the Sydney Basin Bioregion. The design includes a range of plant species including groundcovers, shrubs, and trees with mature heights ranging from 8m to more than 20m with spreading canopies, creating filtered views to the development from surrounding areas and enhancing the native vegetation.</p> <p>A Visual Impact Assessment (refer to the Response to Submissions Report to which this application is an appendix) has concluded that the use of recessive colours for building materials combined with the landscape screening effect will effectively mitigate impacts on the visual amenity of the surrounding area. As such, increasing the depth of landscaping to 15m is not expected to have any additional benefit to visual amenity.'</p> <p>Council is generally supportive of the proposed landscaping design given it would satisfy the objectives of this section.</p> <p>The landscape treatments would integrate native vegetation within the development site and reduce the visual impact of the development and enhance the amenity of users.</p> <p>However, Council's Tree Management Officer has advised amended landscape plans should be prepared to</p>	

Part	Control	Assessment	Compliance
		<p>include the following amendments:</p> <ul style="list-style-type: none"> (a) The plans are to detail species appropriate for the Wingecarribee Shire Council area and adequate deep soils to support the mature growth of the proposed trees and vegetation. (b) The plans are to be prepared in accordance with Council's Street Tree Masterplan and Street Tree Implementation Plan. (c) Identify an extended maintenance period of three (3) years to allow for the filling of the site to settle. <p>Refer to Condition 43 of the attached draft conditions of consent.</p>	
<p>3.11 Utility services</p>	<p><i>1. A servicing strategy prepared by a suitably qualified person must accompany development applications for the subdivision of land and must be consistent with the Development Concept Plan.</i></p> <p><i>2. Lots must be connected to essential utility services before development can proceed.</i></p> <p><i>3. Utility services must be adequate to meet the demands generated by the proposed development.</i></p> <p><i>4. A water storage reservoir site may need to be set aside as indicated on the Development Concept Plan. The need for the site will be confirmed by a water modelling exercise and could require an area in the order of 1000 to 2000 square metres.</i></p> <p><i>5. Six 1000 square metre sewerage pump station sites are to be set aside as indicated on the Development Concept Plan.</i></p>	<p>Utility services would be available when required.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<p>6. Three 5000 sq m electricity zone substation sites are to be set aside as indicated on the Development Concept Plan.</p>		
<p>3.12 Biodiversity conservation</p>	<p>1. The requirements of relevant biodiversity conservation legislation must be met.</p> <p>2. Development proposals within the Biodiversity Conservation and Riparian Constraint Area identified on the Development Concept Plan (Figure 3) must consider the biodiversity conservation value of these areas.</p> <p>3. A threatened species assessment for land identified in Figure 3 prepared by a suitably qualified person in accordance with Department of Environment and Climate Change (DECC) guidelines must be submitted to the relevant State Government Agencies (currently Department of Water and Energy (DWE), and the DECC) with any proposals for off-sets and bio-banking.</p> <p>4. Targeted surveys for threatened flora and fauna species as identified in the Moss Vale Enterprise Corridor Flora and Fauna Assessment prepared by Total Earth Care Pty Ltd (February 2007) must be undertaken in accordance with DECC and Council guidelines as part of the threatened species assessment.</p> <p>5. A Vegetation Management Plan and confirmation of the negotiated agreement with these Departments are required to be submitted with all development applications within the Figure 3 area</p> <p>6. The siting of development must consider the presence of remnant vegetation. Mature trees are to be retained where possible.</p>	<p>Satisfied.</p> <p>Council's Ecologist reviewed the submitted Biodiversity Development Assessment Report (BDAR) along with the other supporting documentation, and raised the following matters in relation to their assessment:</p> <p>The proposal will impact native vegetation covered by the Biodiversity Values Map and therefore a BDAR has been prepared to assess the impacts to this vegetation. The BDAR found that the vegetation to be impacted was in very poor condition and therefore had a VI score below the offset threshold.</p> <p>A VMP has also been prepared to maintain and improve the riparian area along the southern boundary of the subject site. This VMP contains three (3) revegetation zones, that would result in an improvement for this riparian area and a positive biodiversity outcome.</p> <p>Details of riparian areas within the subject site is lacking within the BDAR, and it includes no reference to section 7.5 (Natural resources sensitivity) of the Wingecarribee Local Environmental Plan 2010.</p> <p>The BDAR and VMP also contain details of a dam relocation. There is currently no consideration of how the dam relocation would impact native fauna utilising the dam.</p> <p>Recommended conditions would be imposed as part of any consent granted.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<p>7. Watercourses should be retained as natural drainage corridors with suitable buffers where significant. 8. Remnant native vegetation and conservation areas within development sites must be managed in accordance with an approved Vegetation Management Plan.</p>		
<p>3.13 Heritage protection</p>	<p>1. The requirements of relevant heritage protection legislation must be met.</p> <p>2. Areas with significant Aboriginal cultural heritage values are to be protected.</p> <p>3. Development proposals within the Heritage Constraint Area identified on the Development Concept Plan must consider and assess the potential impact on Aboriginal cultural material. A heritage assessment prepared by a suitably qualified person must be submitted with development applications in these areas.</p>	<p>The subject site is within the vicinity of the heritage item I056, known as “Browley” house, grounds and outbuildings, which is situated to the west and southwest of the site. The item is listed on Schedule 5 of this Plan as an item of local heritage significance.</p> <p>Council’s Heritage Advisor reviewed the submitted documentation and requested an ACHAR and revised landscape plan.</p> <p>Council is generally satisfied with the applicant’s response.</p>	<p>Yes</p>
<p>3.14 Noise</p>	<p>1. Development must comply with the requirements of the NSW Industrial Noise Policy and Environmental Protection Authority (EPA) requirements.</p> <p>2. A noise impact statement prepared by a suitably qualified person must be prepared for development proposals within 500 metres of a rural or residential zone boundary. The noise impact statement must demonstrate that noise from the proposed development will not result in a significant adverse impact on the amenity of surrounding rural or residential properties based on accepted noise criteria.</p> <p>3. Proposed development within the vicinity of existing heavy industrial land uses must demonstrate an understanding of the noise impacts of existing</p>	<p>Satisfied.</p> <p>A Noise and Vibration Impact Assessment (NVIA) has been provided with the application to consider the potential impacts of the proposed development on the surrounding land uses and road noise impacts arising from the increased traffic volumes.</p> <p>The NVIA has confirmed that noise emissions from construction and operation of the proposed development would comply with relevant regulatory guidelines at all receivers. It is noted that the existing dwelling is to be used as a site office during construction and would be demolished at the completion of construction. Therefore, consideration of this receiver as a residential receiver was</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<p><i>development as part of their development proposal.</i></p>	<p>deemed unnecessary. The applicant anticipates that the demolition of the dwelling at the completion of construction would be a condition of any consent granted. Refer to Condition 11 of the attached draft conditions of consent.</p> <p>It is noted that existing road noise along Taylor Avenue and Berrima Road (the approved heavy vehicle route) exceeds the criteria recommended by the Road Noise Policy (Department of Environment, Climate Change and Water NSW, 2011). The proposed development is expected to result in increases in traffic noise levels of less than 2dB. This is compliant with the criteria recommended by the Road Noise Policy, with the change in traffic noise being imperceptible to the typical person.</p> <p>Vibration during construction is to be monitored and managed in accordance with APA Group's requirements.</p> <p>Council's Environmental Health Officer has raised no objection to the proposal subject to conditions.</p>	
<p>3.15 Air quality</p>	<p><i>1. Air emissions from development must comply with relevant legislation and EPA requirements.</i></p> <p><i>2. An air quality impact statement prepared by a suitably qualified person must be submitted with a development application for development proposals with the potential to generate significant air pollutants such as odour or particulates.</i></p> <p><i>3. Proposed development within the vicinity of existing heavy industrial land uses must demonstrate an understanding of the air impacts of existing</i></p>	<p>Satisfied.</p> <p>Air quality impacts from particulate matter may occur during the construction phase and would be addressed through a construction management plan.</p> <p>The proposed building development would not result in any operational air quality impacts. The development is not within the vicinity of existing heavy industrial land uses that may generate air quality impacts.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<i>development as part of their development proposal.</i>		
3.16 Flood-prone land and stormwater management	<p>1. <i>Flood-prone land is incorporated into the conservation zone delineated on the Development Concept Plan.</i></p> <p>2. <i>Development proposals on land within the Water Inundation Constraint Area as identified on the Development Concept Plan must be accompanied by a flood assessment. The assessment must demonstrate the land is suitable for development and that development will not increase the potential for downstream flooding.</i></p> <p>3. <i>Development shall comply with the requirements of Appendix 3.</i></p> <p>4. <i>A stormwater management plan prepared by a suitably qualified person must be submitted with development applications. The plan must address the requirements set out below:</i></p> <ul style="list-style-type: none"> • <i>A minor drainage system collecting runoff from roads and hardstand areas must be provided. This shall include a pipe drainage system designed for a 1 in 20 year storm event.</i> • <i>Overland flow paths to accommodate flows in excess of the 1 in 20 year storm and up to the 1 in 50 year storm event must be provided.</i> • <i>Detention basins to limit post-development flows to pre-development flows for all storm durations.</i> • <i>Details of water quality devices to ensure pollutants do not contaminate water leaving the site.</i> • <i>Sustainable development and water sensitive urban design measures proposed.</i> <p>5. <i>An erosion and sediment control plan must accompany</i></p>	<p>The subject site is within the flood planning area.</p> <p>Only the southern RU2 zoned portion of the subject site (Area 3) is affected by flooding. The applicant has advised that development within this portion of the site would be restricted to the construction of a stormwater outlet adjacent to the southern side of Hutchinson Road, and a small road easement to facilitate construction of the industrial cul-de-sac on Hutchinson Road. All works would be located above the Flood Planning Level.</p> <p>Council's Development Engineer has confirmed following review of the flood-related documentation submitted with the application, that the provisions of this section apply to the subject site. However, there is no flood impact as a result of the proposed development. Only land within proposed Lot 4 is flood affected but there is no work proposed within this area, aside from some battering work related to the public road proposed. This battering work would not have any detrimental effects, there is no downstream effect, and drainage would continue to overflow to Wingecarribee River.</p>	Yes

Part	Control	Assessment	Compliance
	<p><i>development applications. This must detail measures proposed to prevent soil erosion and sediment transport.</i></p> <p><i>6. Stormwater management facilities should be integrated with conservation areas or proposed landscape areas where possible</i></p>		
<p>3.17 Waste management</p>	<p><i>Prior to Construction</i></p> <p><i>1. A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000).</i></p> <p><i>2. Consideration must be given to re-using existing materials, or parts thereof, on the subject site for the proposed use.</i></p> <p><i>3. Applicants must demonstrate a commitment to waste minimisation by completing a Waste Management Plan that will minimise material going to landfill.</i></p> <p><i>4. The Waste Management Plan must address the following requirements (as a minimum): – Volume and type of waste, land fill and recyclables to be generated. – Storage and treatment of waste and recyclables onsite. – Facilities proposed to receive residual waste and recyclables.</i></p> <p><i>5. Where the building contains asbestos, Council will ask for verification of the disposal technique used, the amount removed and the disposal location for the asbestos materials. This documentation will need to be submitted within 7 days of off site disposal.</i></p> <p><i>6. Receipts from the disposal of residual waste and recyclables are required to be retained by the applicant in order to confirm the lawful disposal of these materials.</i></p>	<p>A Waste Management Plan has not been submitted with this application.</p>	<p>Yes</p>

Part	Control	Assessment	Compliance
	<p><i>During Construction</i></p> <p><i>7. Construction activities are to be managed so that waste is sorted, reused or recycled, where possible. Potentially windblown rubbish such as foam, cardboard or plastic must be stored on the site within a receptacle with a tight fitting, secure lid.</i></p> <p><i>8. Any fill removed from the site shall only be placed on an approved waste disposal facility and as detailed in the Waste Management Plan.</i></p> <p><i>9. It is not acceptable to dispose of all waste material generated from construction to landfill. Instead, applicants must demonstrate a commitment to waste minimisation. The Waste Management Plan must demonstrate implementation of the following during construction (as a minimum):</i></p> <ul style="list-style-type: none"> <i>- Installation of waste storage receptacles, and</i> <i>- Sorting of waste into material types.</i> <p><i>10. Receipts from the disposal of residual waste and recyclables are required to be retained by the applicant in order to confirm the lawful disposal of these materials.</i></p> <p><i>A Waste Management Plan Template is available at Council or on Councils website as part of the land use application forms.</i></p>		

DRAFT INSTRUMENTS

There are no draft Environmental Planning Instruments relevant to the site or proposed development.

REGULATIONS

Building Demolition

Demolition work is proposed and subject to conditions of consent.

Fire Safety

Subject to conditions of consent.

Upgrading of Buildings

Not applicable to this proposal.

Temporary Structures

Not applicable to this proposal.

Deferred Commencement Consent

Not applicable to this proposal.

Modification or Surrender of Development Consent or Existing Use

Not applicable to this proposal.

Ancillary Development

Not applicable to this proposal.

BASIX

Not applicable to this proposal.

Designated Development

Not applicable to this proposal.

PLANNING AGREEMENTS

No planning agreement or draft planning agreement has been entered into or offered.

CONTRIBUTIONS

Developer contributions are payable on the proposed development as follows on the understanding that the subdivision and associated drainage and road upgrade is to be completed first, prior to the construction of the buildings.

- Section 7.11

Not applicable. The proposed development is not subject to a Section 7.11 Contributions Plan.

- Section 7.12

The proposed development is subject to a Section 7.12 Contributions Plan. A condition has been included to address the plan.

- Section 64

Water and sewer headwork's contributions are applicable under Section 64 of the *Local Government Act 1993*.

Water & Sewer

Industrial Subdivision (vacant lots)
 1 ET rate per lot
 1 x 4 lots = 4
 4 – 3 ET credits = 1 ET

Stormwater

Industrial Subdivision (vacant lots)
 1 ET rate per lot
 1 x 4 lots = 4
 4 – 3 ET credits = 1 ET

Contributions Levy	Units	Rate	Amount Payable
Section 94A Plan	73851250.00	\$0.01	\$738,512.50
S64 Sewer Compliance Certificate	1.00	\$273.00	\$273.00
S64 Stormwater Compliance Certificate	1.00	\$273.00	\$273.00
S 64 Stormwater (Moss Vale Enterprise Zone)	1.00	\$1,515.19	\$1,515.19
S64 Sewerage (Shirewide)	1.00	\$12,962.98	\$12,962.98
S64 Water Compliance Certificate	1.00	\$273.00	\$273.00
S64 Water (Shirewide)	1.00	\$13,371.28	\$13,371.28
Total			\$767,180.95

Impacts of the Development [s4.15(1)(b)]

Context & Setting

As detailed earlier in this report, the site is approximately 2km north-west of the Moss Vale central business district in the area defined as the Moss Vale Enterprise Corridor. The site shares its northern boundary with the Moss Vale Resource Recovery Centre and Community Recycling Centre, and Anderson Waste Services is located immediately to the east. The Moss Vale Sewage Treatment Plant is located south of the site on the opposite side of Whites Creek.

The proposal is compatible with the surrounding area (considering the objectives of the relevant land use zoning) and will have minimal impact in regard to adjoining properties and land uses, subject to compliance with recommended conditions of consent.

Access, Transport and Traffic

The proposal includes the southern extension of Bowman Road and the formation of part of Hutchinson Road to support the proposed subdivision and provide access to all created lots.

TfNSW and Council's Development Engineer have considered the impact of the proposed development on traffic and access arrangements and raised no objection subject to compliance with recommended conditions of consent.

Public Domain

It is considered that the proposal will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and

- Pedestrian linkages and access between the development and public areas.

Utilities

The site would have adequate utility services to cater for the proposal.

Heritage

The subject site is within the vicinity of the heritage item I056, known as “Browley” house, grounds and outbuildings, which is situated to the west and southwest of the site. The item is listed on Schedule 5 of this Plan as an item of local heritage significance.

Council’s Heritage Advisor reviewed the submitted documentation and requested an ACHAR and revised landscape plan.

Council is generally satisfied with the applicant’s response, as detailed earlier in this report.

Consequently, the development application is supported on heritage grounds.

Other Land Resources

The proposal will not have any negative impact on:

- Productive agricultural land.
- Mineral or extractive resources.
- Water supply catchments.

Flora and Fauna

The subject site contains trees and other vegetation.

Council’s Ecologist reviewed the submitted BDAR along with the other supporting documentation and raised no objection subject to compliance with recommended conditions of any consent granted to address dam relocation and implementation of the VMP and Tree Removal Protocol.

Noise and Vibration

It is considered that the proposal will have a negligible impact in terms of noise and vibration, subject to compliance with recommended conditions of any consent granted.

Natural Hazards

The subject site is identified as bush fire prone land and the proposal subject to the general terms of approval of the NSW Rural Fire Service.

Technological Hazards

There is no existing contamination on the subject site.

Social and Economic Impacts in the Locality

The likely social and economic impacts of the proposal are positive, associated with the future use.

Cumulative Impacts

It is considered there will be no negative cumulative impacts as a result of the proposal.

Waste and Operational Management

It is considered suitable arrangements are proposed in relation to waste management during demolition and construction as well as operation of the development.

Suitability of the Site [S4.15(1)(c)]

The site is considered to be suitable for the development given the relevant planning matters related to the proposed use across the site have been considered and addressed throughout the assessment of this application. The proposal has been considered by all relevant state agencies and Council and found to be supportable.

Submissions [S4.15(1)(d)]

The application was notified between 27 November 2023 and 18 January 2024.

One (1) submission was received in objection.

Issue	Comment
<p>Object to the external light spill impact and the minimal landscape treatments to reduce the visual impact of the proposed industrial development on the RU2 Rural Landscape and C3 Environmental Management zoned properties to the west and southwest of the proposal.</p>	<p><u>Applicant</u></p> <p><i>The submission expresses concern over the potential visual impact of the development. The owner objects to the external light spill impact and the proposed landscape treatments along the south-western boundaries of the proposed general industry development.</i></p> <p><i>The VIA and LSIA have been updated to specifically address the visual impact of the proposed development on these properties on Oldbury Road (Appendices D and I).</i></p> <p><i>Australian Standard AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting sets maximum illuminance levels for a range of environmental zones with varying degrees of lighting. The lighting design was prepared to conform to zone A2 Low district brightness which encompasses sparsely inhabited rural and semi-rural areas. The maximum allowable illuminance within zone A2 is 5 lux and is required to be calculated at a point 10m beyond the Site boundary. The proposed development has been designed to achieve a maximum illuminance of 1 lux; therefore it is well within the Australian Standard and is not expected to have any negative impacts on the properties on Oldbury Road located almost 2km west and south-west of the Site.</i></p> <p><i>The LSIA recommends outdoor lighting use full cut-off luminaires to limit the uplight component and reduce sky glow. Asymmetric optics positioned with zero-degree tilt will ensure the required 0% Upward Waste Light Ratio is achieved. This lighting method maintains controlled illumination without distributing light into opposing and boundary properties. Further, lighting along Bowman Road and Hutchison Road will use pole-mounted lights. This method provides safe, effective, and uniform lighting of</i></p>

the roadway and footpaths whilst minimising the number of light fittings required.

It should be noted that the lighting provided within the proposed industrial lots will be reduced overnight (21:00- 04:00) to a level typically employed for areas with low night time vehicle and pedestrian movements; therefore, the light spill overnight will be further reduced. The recommended light pole heights throughout the development range from 6.5m to 12m. These pole heights will be effectively screened by the proposed landscaping, further reducing potential impacts on surrounding areas.

The VIA has used photographic montages, viewpoints from Oldbury Road, and topographical cross sections of the landform between the properties and the Site to assess the potential visual impact of the proposed development on the residences located on Oldbury Road. The photographic montages used renders of the street-facing elevations of each building overlayed with established landscaping as per the planting scheme in the submitted Landscape Concept Design. An additional montage approximating the view of the southern and south-western elevations of Buildings 2 and 3 was also produced. The montages indicate that the combination of recessive colours for building materials and varied plant species in the landscaped area will ensure the visual impact of the proposed development on surrounding areas and the neighbouring properties on Oldbury Road is negligible to low.

Additional viewpoint analyses have considered the potential views to the proposed development from four publicly accessible locations on Oldbury Road, approximating the views from the dwellings on the heritage properties 'Bonheur' (254 and 270 Oldbury Road) and 'Whitley' (217 Oldbury Road), and across the grounds of 'Browley' (146 Oldbury Road). Photographs from these viewpoints were assessed in conjunction with topographical cross-sections obtained from Nearmap. Large red balloons were raised to the proposed maximum height of the buildings to assist in determining the visibility of the development from each viewpoint. Additionally, a large permanent crane approximately twice the height of the proposed buildings, is located on the adjacent property at 7 Bowman Road. The crane provided a useful reference for the likely visibility of the proposed development. Table 2.4 summarises the findings from each viewpoint.

As views to the proposed development from the heritage properties are very restricted, heavily screened, or not present, no impacts arising from

reflections off the glass wall of Building 3 are expected. As this wall is oriented to the south-south-west, limited direct sunlight will reach this face of the building. Whilst the VIA determined the proposed development may be partially visible from some locations on Oldbury Road to the south and south-west of the Site, it would likely only be the top of Building 3 or the southern side of Building 2 where no glass is located. The VIA concluded that the proposed landscape design would provide effective screening of the proposed development, resulting in low to negligible visual impacts on the heritage properties located on Oldbury Road.

However, as the grounds in the northern portion of the 'Browley' property adjoin the Site, the proposed development will visually impact this portion of the property. However, the proposed development is in context with other existing industrial land uses that are visible from this portion of 'Browley', including the cattle saleyards, the old abattoir, and the existing operations on Bowman Road and the western side of Old Dairy close and is not expected to increase the visual impacts.

The VIA has demonstrated that the proposed 5m wide landscaped areas, in combination with the use of recessive colours for building materials, is sufficient for protecting the visual amenity and setting of existing heritage properties in the vicinity of the Site. Increasing the width of landscaping is unlikely to result in a significant change to the visual amenity.

A peer review of the VIA has been undertaken by expert heritage consultant Elizabeth Gorman, Associate Director of Sue Rosen Associates (the reviewer) (Appendix E). Ms. Gorman has an in-depth knowledge of the heritage values of the Moss Vale area, including the area surrounding the proposed development. The reviewer considered the adequacy of the VIA and its conclusions and recommendations with respect to the visual impacts on heritage listed properties, and whether the proposed landscape plan would provide adequate screening to reduce the visual impact on the views and setting of the heritage items in the vicinity. The reviewer makes the following comments regarding the sufficiency of the VIA and the proposed landscape design:

- The viewpoints on Oldbury Road used to estimate the views from 'Bonheur' are suitable for considering a 'worst case' impact;
- The cross sections used to approximate the views of the proposed development from within

the grounds of 'Browley' demonstrate that views will generally be obstructed by topography and vegetation. If the proposed development was to be viewed from a high point within the grounds of 'Browley', the landscaped zone would be observed along with general industrial buildings in the context of similar existing buildings;

- Viewpoint 13 approximates views of the proposed development from within the grounds of 'Browley'; however, the proposed development is sufficiently distant and partially obscured by topography to be of low to nil impact on the setting and views of 'Browley';*

- The grounds of 'Browley' to the north/north-west of the proposed development will have views of the proposed development, though this is within the E4 industrial zoned land and will be viewed in the context of existing industrial buildings. Further, the visual impacts will be mitigated through the use of varied planting within the landscaped zone to provide effective screening, and the use of recessive colours for the building exteriors. This portion of the 'Browley' property is of lesser heritage significance, being distant from the house and outbuildings, therefore the impact on the views and setting of the heritage item is considered low. The VIA's assessments and statements to this effect are considered satisfactory;*

- The VIA provides a fair assessment of the visual impacts of the proposed development on the heritage-related viewpoints;*

- The reviewer agrees with the assessment and conclusions of the VIA about the overall negligible light spill impact, and that the topography, existing vegetation, siting in an existing industrial development, 5m wide landscaped area at boundaries and recessive green exterior colour finishes will result in overall visual impact being low;*

- The recommendations within the VIA are considered fair and achievable; and*

- The combination of the proposed 5m wide landscaping to the boundaries, the proposed planting schedule, and the use of recessive green exterior finishes to the buildings will contribute to a green border, improving the existing views to those boundaries.*

Overall the reviewer is satisfied that the VIA has adequately considered and assessed the visual impact of the proposed development on the heritage items in the vicinity, and the proposed development does not pose an adverse impact

	<p><i>on the views and setting of the heritage items 'Bonheur' and 'Browley'.</i></p> <p><u>Council</u></p> <p>The applicant's response with supporting documentation has adequately demonstrated that the design of external lighting and proposed landscape treatment would minimise visual impact on surrounding areas and meet the objectives of the DCP.</p>
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The Public Interest [S4.15(1)(e)]

The proposal generally satisfies the prevailing planning controls and facilitates the *'orderly and economic use and development of land'* which is one of the objects of the *Environmental Planning and Assessment Act 1979*.

Accordingly, it is considered that approval of this application is in the public interest.

Conclusion and Recommendation

Following assessment of the development application, it is considered that all relevant matters have been addressed, and / or conditions imposed to ensure that any potential impacts are negated. It is considered that this report adequately addresses the impacts of the proposal in terms of health, visual amenity, suitability of the site, services and utilities, flora and fauna, traffic, and the many other areas identified above.

The development application has been assessed in accordance with the matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is considered to comply with all relevant items.

It is recommended that the Southern Regional Planning Panel determine the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by way of approval in line with the recommended conditions of consent outlined in and attached to this report.