

To: Southern Regional Planning Panel

Subject: PPSSTH-315 – DA24/0302 (PAN-367942) – Council Response to Panel – Determination Meeting – 2 & 10 Bowman Road, Moss Vale

Date: 28/03/2025

Council provides the following addendum to the submitted assessment report following consideration by the Panel at the determination meeting on 25 March 2025.

Construction Traffic

The Applicant has provided information in relation to construction traffic for Council's / the Panel's consideration.

The Applicant has said that they will undertake the construction in stages. The traffic impacts during the bulk earthworks:



Traffic impacts during bulk earthworks

- It is understood that Council would like to understand the impacts of transporting soil as fill to the site to assist in construction works.
- Updated civil plans submitted with Response to Submissions Report 1 noted total fill requirement of 61,298.6 m³.
- Earthworks will be done progressively; firstly, the external works package (3 months), followed by Building 1 (4 months), Building 2 (3 months) and Building 3 (3 months).

Traffic generation estimate (trucks in per day)¹

	Construction (max total semi-trailers per day)	Operational (max semi-trailer trucks per day) ³
Bulk density of VENM, ENM or approved fill material (tonnes/m ³) ²	1.5	
Total semi-trailer truck generation earthworks only - External works package per day (assume earthworks over a 6 day week)	9.9	0
Total semi-trailer truck generation earthworks only - Building 1 per day (assume earthworks over a 6 day week)	19.8	10
Total semi-trailer truck generation earthworks only - Building 2 per day (assume earthworks over a 6 day week)	0	10
Total semi-trailer truck generation earthworks only - Building 3 per day (assume earthworks over a 6 day week and all cut from Building 2 reused for earthworks for Building 3)	3.0	5
TOTAL (MAXIMUM SEMI-TRAILERS PER DAY)	20	25

¹ Trucks in per day is based on number of truck visits per day. For truck trips (in and out), these figures need to be multiplied by two.

² Bulk density based on NSW EPA (2024). Waste Levy Guidelines. Internet publication: <https://www.epa.nsw.gov.au/sites/default/files/23p4486-waste-levy-guidelines.pdf>

³ As per Section 4.4.1 of Traffic Impact Statement by SECA Solution dated 12/04/24.

As such, the Conditions have been updated to ensure that the above is followed during the construction works.

Council response to Panel / Applicant comments

The following table addresses each of the relevant comments made by the Panel at the meeting on 25 March 2025.

Condition	Comments made by Panel / Applicant	Council response
Condition 27 Construction Traffic Management Plan	<p>The referenced Construction Traffic Impact Report should be a Construction Traffic Management Plan with details (rather than detailed assessment) of truck and heavy machinery movements during the construction phase to be provided.</p> <p>Further, this Plan is to ensure no impacts of construction traffic on the surrounding road network, based on a site-specific traffic survey.</p>	<p>The wording of the condition has been modified following consideration by Council's Development Engineer to reflect the comments made.</p> <p>In addition, the condition is linked to the Applicant's comments on the bulk earthworks.</p>
Condition 61 Earthworks, retaining walls and structural support	<p>The wording of Condition 61(c) is inconsistent with the requirements of Condition 58.</p> <p>It should allow for any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> that is permitted to be used as fill material.</p>	<p>The wording of the condition has been modified to reflect the comments made.</p>
Condition 114 Traffic Impact Statement Compliance	<p>An additional condition should be inserted under the operational section of the consent to address management of operational traffic.</p>	<p>This condition has been inserted to address this following consideration by Council's Development Engineer.</p>

In addition to the above comments, Council has reviewed the draft conditions and determined (following the meeting) that additional conditions should be inserted prior to the issue of a Subdivision Certificate:

- To ensure that necessary telecommunications provisions are made within the subdivision in accordance with the Australian Government's *Telecommunications in New Developments* policy. Documentary evidence of compliance with this requirement would need to be provided to the Principal Certifier.
- To address the Water NSW concurrence that an easement is required across the RU2 zoned portion of the subject land in favour of proposed Lot 4 to facilitate the road construction and then also to maintain the water quality pond (in favour of Council).

Note that Council's Development Engineer has confirmed that Council will accept the pond / basin.

In summary, Conditions 27 and 61 in the draft determination are to be modified and Conditions 86A, 98A and 114 are to be inserted to read as follows:

Condition 27

Construction Traffic Management Plan

Prior to the issue of a Subdivision Works Certificate, a Construction Traffic Management Plan must be prepared by a suitably qualified traffic professional and submitted to Council's Director of Communities and Place or their delegate for approval.

The Construction Traffic Management Plan must be based on the following traffic generation estimates:

Traffic generation estimate (trucks in per day)	Construction (max total semi-trailers per day)
Bulk density of VENM, ENM or approved fill material (tonnes/m3)	1.5
Total semi-trailer truck generation earthworks only - External works package per day (assume earthworks over a 6 day week)	9.9
Total semi-trailer truck generation earthworks only - Building 1 per day (assume earthworks over a 6 day week)	19.8
Total semi-trailer truck generation earthworks only - Building 2 per day (assume earthworks over a 6 day week)	0
Total semi-trailer truck generation earthworks only - Building 3 per day (assume earthworks over a 6 day week and all cut from Building 2 reused for earthworks for Building 3)	3.0
TOTAL (MAXIMUM SEMI-TRAILERS PER DAY)	20

The Plan must:

- Provide details of truck and heavy machinery movements during the construction phase, including anticipated volumes, frequency, and scheduling.
- Ensure no unacceptable impacts of construction traffic on the surrounding road network, based on a site-specific traffic survey.
- Clearly specify transport routes, access and egress points, and permitted delivery times to minimise disruption to local traffic and ensure safety.

- Detail traffic management measures, including any mitigation strategies to reduce conflicts with public road users, pedestrians, and cyclists.
- Address any staging requirements, ensuring a separate report is prepared and approved by Council for each stage (if applicable).

The approved Construction Traffic Management Plan must be implemented throughout the construction period to the satisfaction of the Principal Certifier.

Reason: *To ensure the safe and efficient management of construction-related truck and machinery movements, ensuring no impacts on the surrounding road network.*

Condition 61

Earthworks, retaining walls and structural support

Any earthworks (including any structural support or other related structure for the purposes of the development):

- must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* or any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
- that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

Condition 86A

Provision of Telecommunications

The applicant must ensure the necessary telecommunications provisions are made within the subdivision in accordance with the Australian Government's *Telecommunications in New Developments* policy prior to the issue of the Subdivision Certificate. Documentary evidence of compliance with this requirement must be provided to the Principal Certifier.

Reason: *To ensure appropriate infrastructure is provided to the development.*

Condition 98A

Dedication of Right of Carriageway/Easement.

The creation or obtaining by the Applicant of the following easements and rights of carriageway, at the Applicant's expense prior to the issue of the Subdivision Certificate.

- Easement for access burdening Lot 4 benefiting Council as per the Water NSW Concurrence conditions of this consent.
- Easement for the combined bioretention and detention basin burdening Lot 4 benefiting Council.

Reason: *To protect infrastructure.*

Condition 114

Traffic Impact Statement Compliance

All traffic, access, and on-site circulation arrangements of any buildings within the approved development, shall be implemented and maintained for the life of the development in accordance with the Traffic Impact Statement by SECA Solution (dated 12/04/2024). The development is to ensure:

- All vehicles accessing the site, including heavy vehicles (up to B-Doubles), must enter and exit the site in a forward direction.
- No vehicle queuing or obstruction occurs on the surrounding public road network.
- Approved transport routes, traffic generation and permitted delivery times are adhered to at all times, to minimise disruption to local traffic.
- Access driveways and carparking areas are to be maintained for the life of the development.
- No loading/unloading of goods is to occur outside the buildings on the lots.

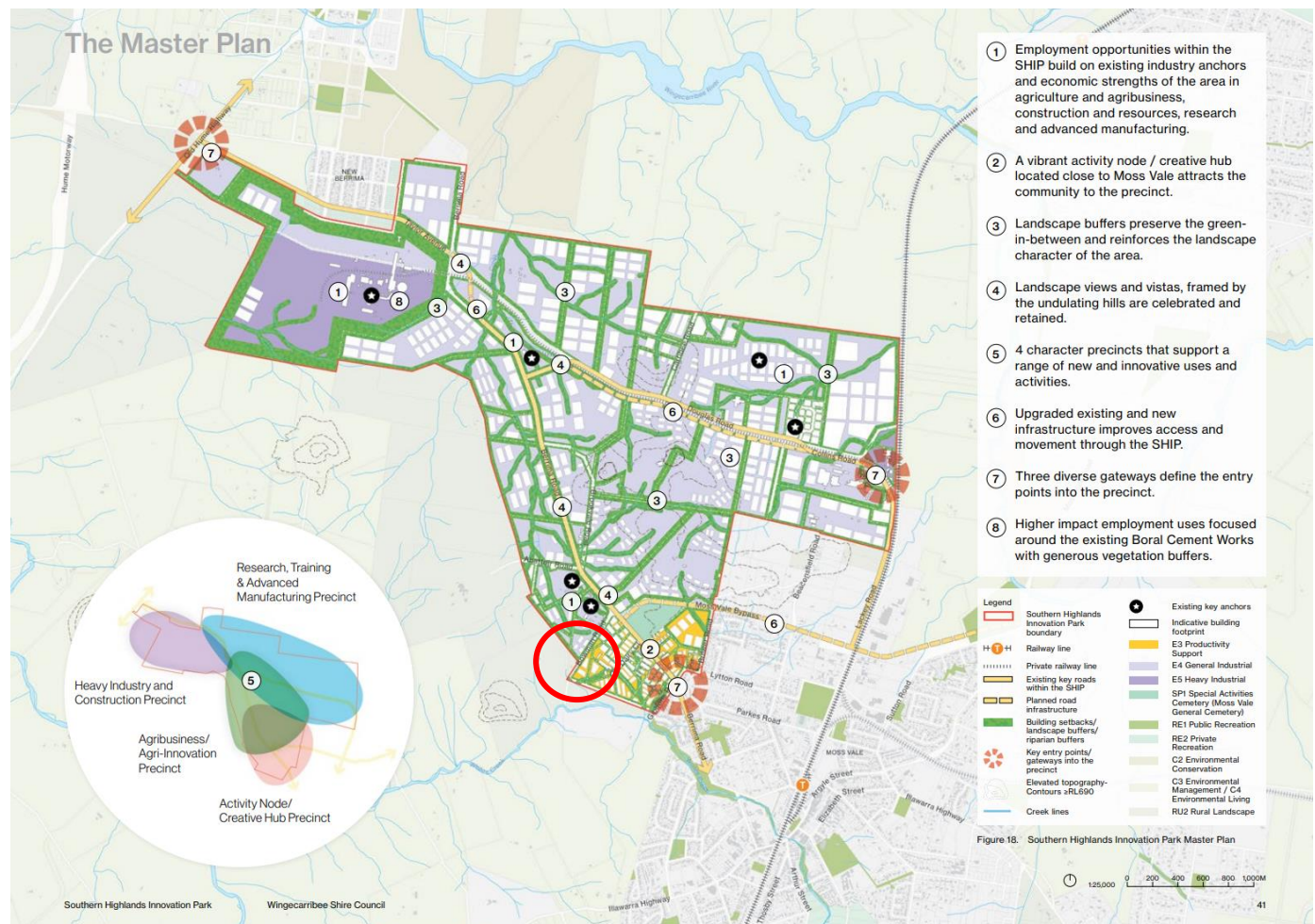
Reason: *To ensure the ongoing safe and efficient operation of the development, ensuring no impacts on the surrounding road network and ensuring consistency with approved traffic management measures.*

Southern Highlands Innovation Park Master Plan

At the Ordinary Meeting of Council on 19 March 2025, Council resolved to adopt the Southern Highlands Innovation Park Master Plan. The Southern Highlands Innovation Park (SHIP) is a regionally significant employment precinct comprising some 1,053 hectares of industrial zoned land between Moss Vale and New Berrima. The SHIP precinct was originally recognised as a 'Future Industrial Corridor' in the Interim Development Control Map 1979 and later identified as an employment precinct under the 1989 Wingecarribee Local Environmental Plan (LEP). Council secured grant funding from the Department of Regional NSW to complete the second phase of the Master Planning process for the SHIP, which includes the development of a Master Plan for the precinct. The Master Plan has now been adopted by Council.

A small portion of the site is within the Master Plan area and therefore there is a need to consider the Master Plan.

The Master Plan is shown below with the area of the subject site circled in red.



This area is proposed to be split between E4 General Industrial (light purple) on the western side of the unformed road reserve and E3 Productivity Support on the eastern side. Building setbacks / landscape buffers / riparian buffers are nominated in green.

The following strategies (with design principles) for each layer of the Master Plan have been addressed by the proposed development. Note the strategies provide a design framework to guide new development and ensure that the SHIP will be a successful precinct into the future:

- **Movement and access:** Each lot is to have direct access from a public road. A new road is to be provided as part of the proposed development as there is currently no access from a public road to the proposed lots. The development is to provide internal access and roads / circulation as required by Council's Engineers.
- **Landscape:** The proposed development is to provide row tree planting between the lots and provide landscaped buffers within the building setbacks, including tree planting

and vegetation, on all sides. The landscape area widths within the setbacks are consistent with the Plan requirements and are based on lot size and road frontage.

- **Development and built form strategy:** The proposed development provides a minimum 10m building setback on each lot, given the lot sizes are within the range of 2-3ha, with building heights generally consistent with the nominated maximum heights (also noting that required by the DCP). The development footprint has considered the topography and slope of the subject land. The buildings are well-separated with views to green, in between. The development has also considered the interface with adjacent uses outside the SHIP particularly in relation to the rural zone, providing appropriate separation and landscape buffering.
- **Views and vistas:** The subject site is not within a significant visual catchment. However, the proposed development utilises tree planting to provide visual landscaped buffers to new development, and to enhance the landscape character of the precinct.
- **Environment:** The proposed development has adequately considered the environmental constraints of the subject site, including flooding, bush fire and heritage, subject to the recommendations of the relevant state agencies and Council referral officers.
- **Character precincts:** The subject site comprises two (2) character precincts, being 'Activity Node / Creative Hub' (E3 zoned portion) and 'Agribusiness / Agri-Innovation' (E4 zoned portion).

The proposed development has incorporated design considerations from both precincts, particularly in relation to the current E4 zoning. It builds on the existing industrial built form character which includes warehouse typologies. The development also utilises tree planting and vegetation to mitigate visual impact of the built form, including along the rear and side boundaries, particularly adjoining the rural zone.

The proposed development is to create employment opportunities within the SHIP to build on existing industry anchors and economic strengths of the area.

In relation to the proposed change in land use zoning from E4 to E3 on the land between Bowman Road and Gibbons / Lytton Road, this would be implemented by Council in the next stage of the planning process, being the review of the planning framework (LEP and DCP) in 2025.



Andre Vernez
Acting Coordinator Planning Assessment
Date: 28 March 2025

Attachments

- Revised Draft Conditions.