

AGENDA

of the
Local Planning Panel
held in
Council Chambers,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Wednesday 28 February 2024

The meeting will commence at **2:00 pm**

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 28 FEBRUARY 2024**

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Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Recording and Webcasting of Local Planning Panel Meetings

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice.

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The meeting must not be recorded by others.

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The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

The Chairperson opened the meeting and welcomed members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3 APOLOGIES

Nil at time of print.

4 DECLARATIONS OF INTEREST

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the meeting.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

5 PLANNING PROPOSALS

5.1 Planning Proposal to amend Schedule 1 of WLEP 2010 to list Business Premises as an Additional Permitted Use on land at 1 Bowman Road Moss Vale (Lot 2 DP1249526)

Report Author: Coordinator Strategic Policy

Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to progress a Planning Proposal to amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010 to permit with consent business premises at 1 Bowman Road Moss Vale.

Applicant / Proponent	Wingecarribee Shire Council
Owner	Wingecarribee Shire Council
Consultants	N/A
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning	E4 General Industrial
Proposed Amendment/s	LEP Permit Business Premises with consent through Schedule 1 (Additional Permitted Uses)
Political Donations	N/A
Recommendation	The Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be supported and submitted for a Gateway Determination in accordance with s3.34 of the <i>Environmental Planning & Assessment Act 1979</i> .

OFFICER'S RECOMMENDATION

THAT the Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be supported and submitted for a Gateway Determination in accordance with s3.34 of the *Environmental Planning & Assessment Act 1979*.

REPORT

PLANNING PROPOSAL

The subject land is located on the corner of Bowman Road and Berrima Road as indicated in **Figure 1** below. The land is some 8,264m² in area and is zoned E4 General Industrial under the Wingecarribee Local Environmental Plan (WLEP) 2010. The land is located on the south east edge of a broader area of industrial zoned land identified as the Southern Highlands Innovation Park (SHIP) as indicated in **Figure 2** below.

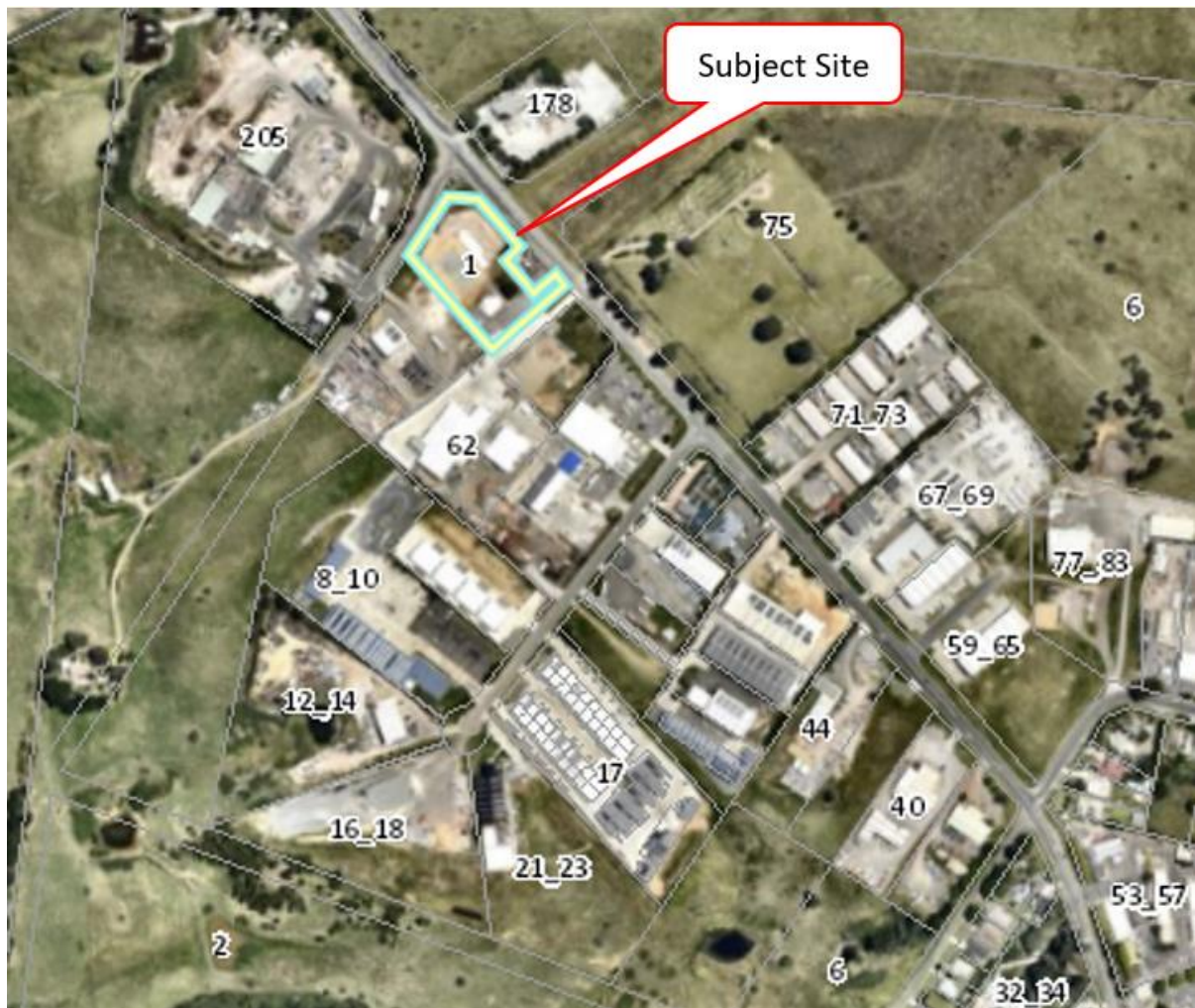


Figure 1 – Location of the subject land

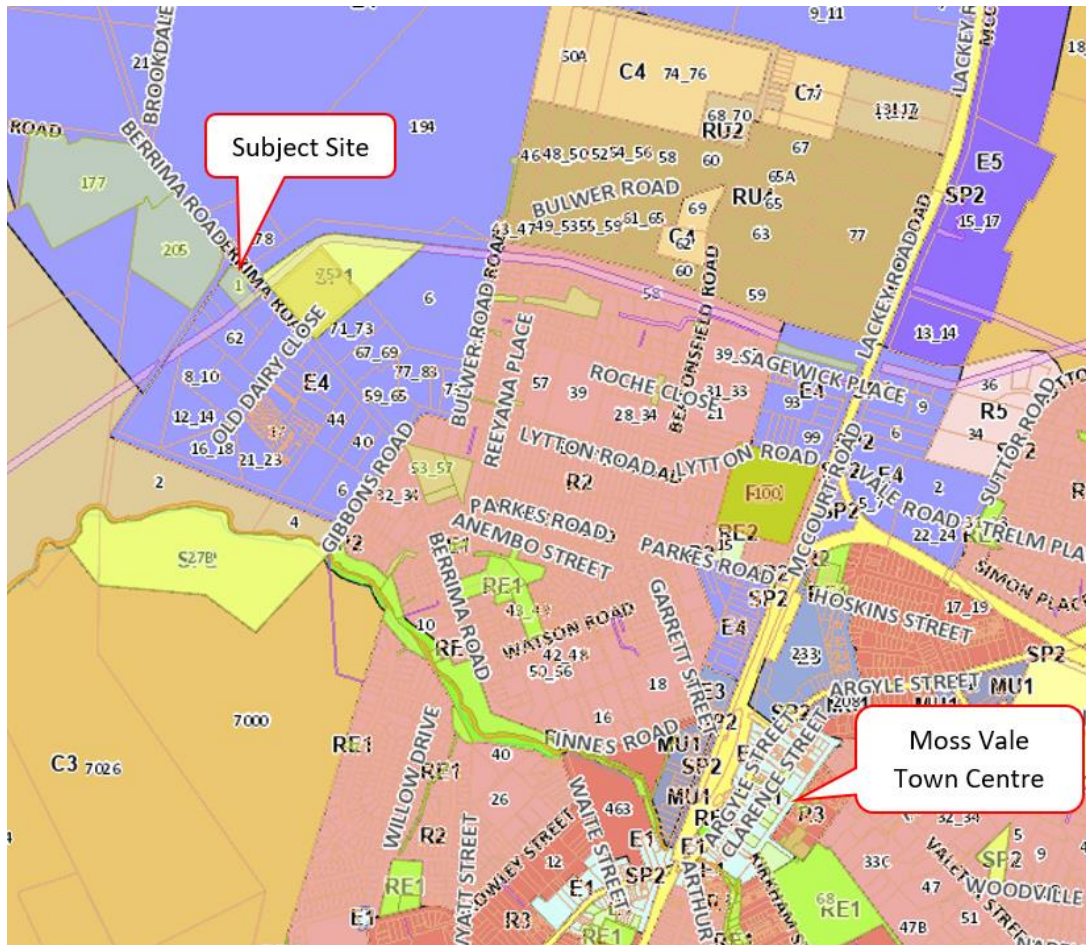


Figure 2 Zoning context for the subject land

The land is owned by Wingecarribee Shire Council. A current approval (DA 23/1087) applies to the land for the construction of an animal shelter and State Emergency Services (SES) facility on the site. The animal shelter building is to include a room of some 25.78m² intended for the purpose of an appropriate business aligned with animal welfare and care, such as an animal grooming service.

Such a use would encourage commercial activation of the site for the benefit of the broader community, and for Council through the leasing of the designated space. Independent legal advice concludes that such a facility would not be considered an 'ancillary' use to the primary use and, therefore, a separate land use definition would need to be identified and a separate development approval would be required for this land use.

The proposed floor plan for the animal shelter component of the development is indicated at **Figure 3** below.



Figure 3 Floor Plan for animal shelter building

STRATEGIC ASSESSMENT

The subject land is zoned E4 General Industrial and the objectives of the zone under WLEP 2010 are:

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the zone and will not impact the viability of business and commercial centres in Wingecarribee.
- To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.

The proposed use of the site for a small business premises is considered to support the objectives of the zone, specifically, “To encourage employment opportunities”.

The most appropriate land use definition under WLEP 2010 which would support the proposed use is considered to be that of a *business premises*, which is defined as

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis*

It is noted however that *business premises* are identified as being prohibited in the E4 zone.

*Agriculture; Air transport facilities; Airstrips; Amusement centres; **Business premises**; Camping grounds; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities*

Within a strategic context this prohibition would be because both the E1 Local Centre and E3 Productivity Support zones do provide for such a use. There are occasions however, when a use not permitted within the zone has merit for consideration in a site specific context. This can be achieved through the inclusion of the land and the specific purpose within Schedule 1 (Additional Permitted Uses) of WLEP 2010.

This amendment would be done by means of a Planning Proposal and would subsequently enable a Development Application for such a purpose to be lodged and considered. The Planning Proposal which forms **Attachment 1** to this report has been prepared for submission to the NSW Department of Planning Housing and Infrastructure (DPHI) for a Gateway Determination to proceed with the proposed amendment.

CONSULTATION

Pre-lodgement Consultation

Discussions among officers from Council's Strategic Outcomes, Business and Property and Project Delivery teams have occurred to determine the most appropriate mechanism for proceeding.

No external referrals have occurred at this time. The Gateway Determination generally requires referral to WaterNSW and the Rural Fire Service. Public exhibition requirements will also be set out in the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

The proposed inclusion of the business premises would support the proposed community facility to the benefit of the community.

- **Broader Economic Implications**

The proposed inclusion of the business premises within the proposed community facility would provide commercial activation of the site within a broader economic zone.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Planning Proposal would be processed in accordance with relevant legislation and Departmental guidelines.

RELATIONSHIP TO CORPORATE PLANS

No Corporate Plans are affected by this Proposal.

COUNCIL BUDGET IMPLICATIONS

No Council budgets are affected by this Proposal.

RELATED COUNCIL POLICY

No Council Policies are affected by this Proposal.

CONCLUSION

Council resolved to include a small area within the animal shelter building to lease to an appropriate tenant for an animal related purpose such as an animal grooming service. Because the E4 General Business zone does not permit business premises, an amendment to Schedule 1 of WLEP 2010 to allow them as an additional permitted use is considered the most efficient way of progressing such a land use on the site.

ATTACHMENTS

1. Planning Proposal -1 Bowman Road Moss Vale [5.1.1 - 20 pages]



Planning Proposal

to amend Wingecarribee Local Environmental Plan 2010

Purpose of Amendment:

To amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 to permit Business Premises with consent at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526.

Prepared by Wingecarribee Shire Council in accordance with the Local Environmental Plan Making Guideline (August 2023)

The Planning Proposal has been categorised as *Standard*

Version 1 for Gateway Determination

February 2024

We're with you

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Moss Vale
Gundungurra Country

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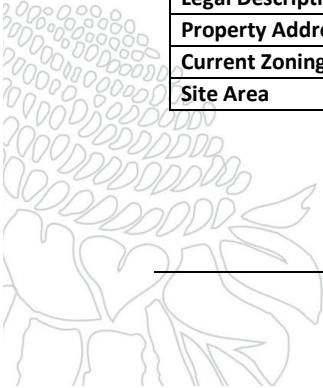
Introduction

Description

Wingecarribee Shire



Legal Description	Lot 2 DP 1249526
Property Address	1 Bowman Road Moss Vale
Current Zoning	E4 General Industrial
Site Area	8,264m2



Part 1 – Objectives & Intended Outcomes of the Planning Proposal

The objective of the Planning Proposal is to enable development for the purpose of a business premises within a room of some 26m² within an approved community facility on land at 1 Bowman Road Moss Vale.

Part 2 - Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:
 - *New subclause within Schedule 1 of WLEP 2010 as follows:*

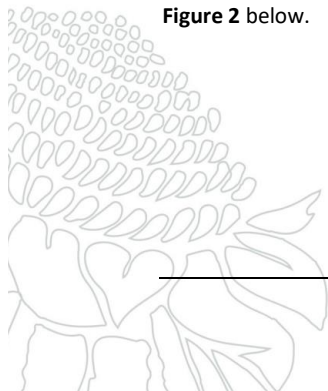
21A Use of certain land at Bowman Road Moss Vale
(1) This clause applies to land at 1 Bowman Road, Moss Vale, being Lot 2 DP 1249526
(2) Development for the purposes of a business premises is permitted with consent.
- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:
 - *Identification of the subject land on the Schedule 1 map.*

A draft map accompanies the Planning Proposal.

Part 3 - Justification of Strategic & Site-specific Merit

Strategic Merit

The subject land is located on the corner of Bowman Road and Berrima Road as indicated in **Figure 1** below. The land is some 8,264m² in area and is zoned E4 General Industrial under the Wingecarribee Local Environmental Plan (WLEP) 2010. The land is located on the south east edge of a broader area of industrial zoned land identified as the Southern Highlands Innovation Park (SHIP) as indicated in **Figure 2** below.



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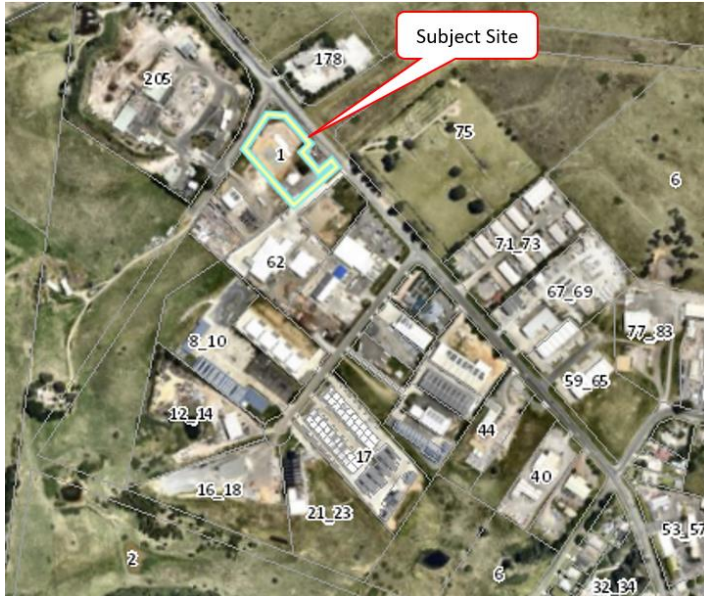


Figure 1 – Location of the subject land

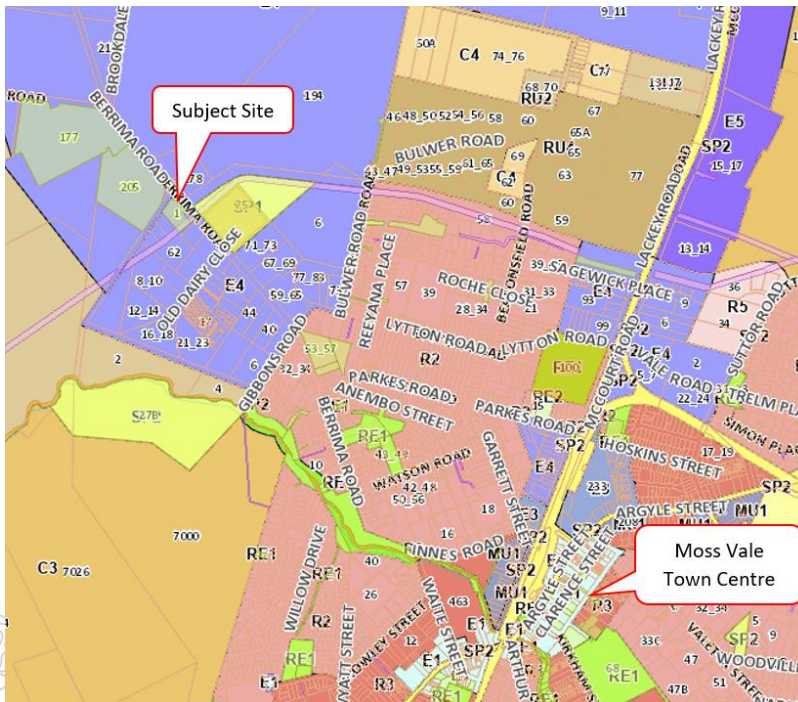


Figure 2 Zoning context for the subject land

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The land is owned by Wingecarribee Shire Council. A current approval (DA 23/1087) applies to the land for the construction of an animal shelter and State Emergency Services (SES) facility on the site. The animal shelter building is to include a room of some 25.78m² intended for the purpose of an appropriate business aligned with animal welfare and care, such as an animal grooming service.

Such a use would encourage commercial activation of the site for the benefit of the broader community, and for Council through the leasing of the designated space. Independent legal advice concludes that such a facility would not be considered an 'ancillary' use to the primary use and, therefore, a separate land use definition would need to be identified and a separate development approval would be required for this land use.

The proposed floor plan for the animal shelter component of the development is indicated at **Figure 3** below.



Figure 3 Floor Plan for animal shelter building

The subject land is zoned E4 General Industrial and the objectives of the zone under WLEP 2010 are:

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- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the

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zone and will not impact the viability of business and commercial centres in Wingecarribee.

- *To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.*

The proposed use of the site for a small business premises is considered to support the objectives of the zone, specifically, *“To encourage employment opportunities”*.

The most appropriate land use definition under WLEP 2010 which would support the proposed use is considered to be that of a *business premises*, which is defined as

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) a service is provided directly to members of the public on a regular basis*

It is noted however that *business premises* are identified as being prohibited in the E4 zone.

*Agriculture; Air transport facilities; Airstrips; Amusement centres; **Business premises**; Camping grounds; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities*

Within a strategic context this prohibition would be because both the E1 Local Centre and E3 Productivity Support zones do provide for such a use. There are occasions however, when a use not permitted within the zone has merit for consideration in a site specific context. This can be achieved through the inclusion of the land and the specific purpose within Schedule 1 (Additional Permitted Uses) of WLEP 2010.

This amendment would be done by means of a Planning Proposal and would subsequently enable a Development Application for such a purpose to be lodged and considered. The Planning Proposal which forms **Attachment 1** to this report has been prepared for submission to the NSW Department of Planning Housing and Infrastructure (DPHI) for a Gateway Determination to proceed with the proposed amendment.

Site-specific Merit

A DA approval (DA23/1087) has been finalised for the construction of a community facility on Council owned land at 1 Bowman Road Moss Vale. The approval includes a building to be used for an animal shelter and a building for use by the SES (State Emergency Services). The animal shelter building is to include a room of some 25.78m² intended for the purpose of an appropriate business aligned with animal welfare and care, such as an animal grooming service.

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Such a use would encourage commercial activation of the site for the benefit of the broader community, and for Council through the leasing of the designated space. Independent legal advice concludes that such a facility would not be considered an 'ancillary' use to the primary use and, therefore, a separate land use definition would need to be identified and a separate development approval would be required for this land use.

The most appropriate land use definition under WLEP 2010 which would support the proposed use is considered to be that of a *business premises*, however, it is noted that *business premises* are prohibited in the E4 zone.

A subsequent DA would address the detailed operation of the proposed business, but at this stage it is considered that an animal grooming service would be a suitable land use for the site, given its location, access and parking availability.

Section A – Need for the Planning Proposal

1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is the result of a resolution of Council.

2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The use of Schedule 1 to provide the additional permitted use of a business premises is the most efficient and effective means of achieving the proposed outcome. It has been determined that such a use could not be considered as ancillary development.

Section B – Relationship to the Strategic Planning Framework

3 - Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?

The Planning Proposal supports the objectives and action of the SE&Tablelands Regional Plan by encouraging business activation of the site while also delivering a community benefit.

4 - Is the Planning Proposal consistent with Council's adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?

The use of the land for this purpose is consistent with the adopted LSPS. It would also be consistent with the objectives of the Southern Highlands Innovation Park within which the land is located.

5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

No other state or regional strategies are considered relevant.

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6 - Is the Planning Proposal consistent with applicable SEPPs?

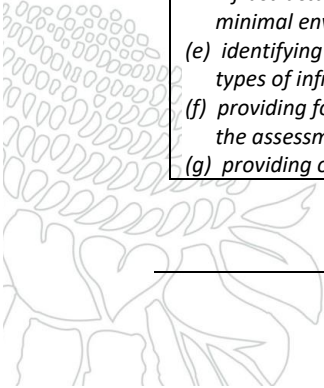
SEPP (Housing) 2021	<i>The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing</i> https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714
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Assessment – Consistent
The principles of this Policy are:
 (a) enabling the development of diverse housing types, including purpose-built rental housing,
 (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,
 (c) ensuring new housing development provides residents with a reasonable level of amenity,
 (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
 (e) minimising adverse climate and environmental impacts of new housing development,
 (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,
 (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
 (h) mitigating the loss of existing affordable rental housing.

The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.

SEPP (Transport and Infrastructure) 2021	<i>The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use</i> https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732
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Assessment – Consistent
The key intentions of this SEPP include:
 (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
 (b) providing greater flexibility in the location of infrastructure and service facilities, and
 (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
 (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
 (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
 (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
 (g) providing opportunities for infrastructure to demonstrate good design outcomes.



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The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.

SEPP (Primary Production)

The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729>

The key aims of this SEPP are:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.

SEPP (Biodiversity and Conservation) 2021

The intent of this SEPP is to preserve, conserve and manage NSW's natural environment & heritage

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722>

Assessment – Consistent

The aims of this SEPP 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.*

It is noted that 2.3(1)(b) of the SEPP identifies land within the R3 Medium Density Residential zone as land to which the SEPP applies.

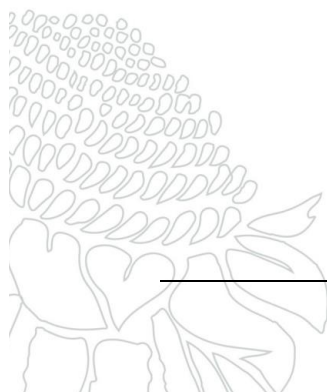
The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.

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SEPP (Resilience and Hazards) 2021	<p><i>The intent of this SEPP is to manage risks and building resilience in the face of hazards</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</p>
<p>Assessment – Consistent</p> <p><i>The key aims of that part of the SEPP applicable to the Shire include:</i></p> <p><i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i></p> <p><i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact</i></p> <p><i>The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.</i></p>	

SEPP (Industry and Employment) 2021 –	<p><i>The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723</p>
<p>Assessment – Consistent</p> <p><i>The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.</i></p>	

SEPP (Resources and Energy) 2021	<p><i>The intent of this SEPP is to promote the sustainable use of NSW’s resources and transitioning to renewable energy</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731</p>
<p>Assessment – Consistent</p> <p><i>The provisions of Chapter 2 (Mining, petroleum production & extractive industries) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal does not impact this part of the SEPP and is therefore considered consistent with it.</i></p>	



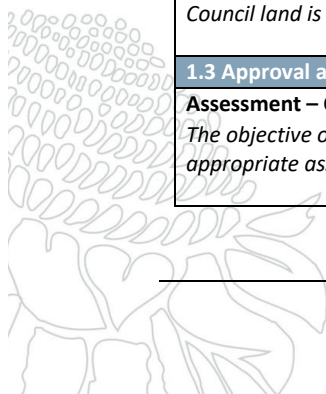
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SEPP (Planning Systems) 2021	<p><i>The intent of this SEPP is to provide a strategic and inclusive planning system for the community & the environment</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</p>
<p>Assessment – Consistent</p> <p><i>The provisions of this SEPP address State significant development and land owned by an Aboriginal Land Council and are therefore not relevant to this Planning Proposal.</i></p>	

SEPP (Regional Precincts) 2021	<p><i>The intent of this SEPP is to consider State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</p>
<p>Assessment – Consistent</p> <p><i>The only provisions of this SEPP which apply to Wingecarribee Shire relate to the Southern Highlands Regional Shooting Complex and is therefore not relevant to this Planning Proposal.</i></p>	

7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?

Focus Area 1 Planning Systems	<p><i>The intent of this Focus Area is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i></p>
1.1 Implementation of Regional Plans	
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction.</i></p>	
1.2 Development of Aboriginal Land Council land	
<p>Assessment – Consistent</p> <p><i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because no Aboriginal Land Council land is involved.</i></p>	
1.3 Approval and Referral Requirements	
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	



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The Planning Proposal is considered consistent with this Direction because any future DA resulting from this amendment would be assessed with regard to all guidelines and provisions.

1.4 Site Specific Provisions

Assessment – Consistent

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The Planning Proposal is considered consistent with this Direction because it is enabling an additional land use which would not restrict future development on the site.

1.5 – 1.22 – Planning Systems Place Based

Assessment – Consistent

None of these place-based Directions apply to Wingecarribee Shire.

**Focus Area 2
Design &
Place**

The intent of this Focus Area is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.

NB: This Focus Area is not included in the current Ministerial Directions.

**Focus Area 3
Biodiversity
&
Conservation**

The intent of this Focus Area is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.

3.1 Conservation Zones (previously 2.1 Environment Protection Zones)

Assessment – Consistent

The objective of this Direction is to protect and conserve environmentally sensitive areas.

The subject site is not affected by biodiversity and so the Planning Proposal is therefore considered consistent with this Direction.

3.2 Heritage Conservation

Assessment – Consistent

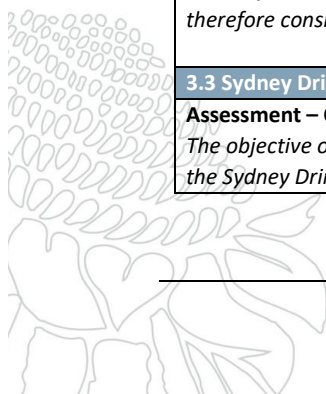
The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The subject site is not affected by any heritage affectation and so the Planning Proposal is therefore considered consistent with this Direction.

3.3 Sydney Drinking Water Catchments

Assessment – Consistent

The objective of this Direction is to provide for healthy catchments and protect water quality in the Sydney Drinking Water Catchment. This Direction requires that a Planning Proposal must be



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prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:

- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and*
- (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
- (c) the ecological values of land within a Special Area should be maintained.*

NB: The Direction also requires that, when preparing a Planning Proposal, Council must address the following:

- o consult with WaterNSW, describing the means by which the planning proposal gives effect to the water quality protection principles of this direction, and*
- o ensure that the proposal is consistent with Part 6.5 of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and*
- o identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and*
- o give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by WaterNSW, being the series of land use capability maps and GIS data prepared by WaterNSW and provided to councils in June 2009, and*
- o include a copy of any information received from WaterNSW as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&A Act.*

The Gateway Determination would require the proposal to be referred to WaterNSW and it is considered that in no other way does the proposal affect water quality. The Planning Proposal is therefore considered consistent with this Direction.

3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

Assessment – Consistent

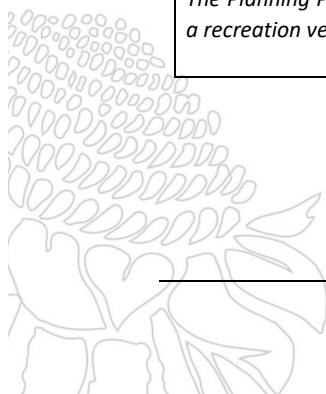
This Direction is not applicable to Wingecarribee Shire.

3.5 Recreation Vehicle Areas

Assessment – Consistent

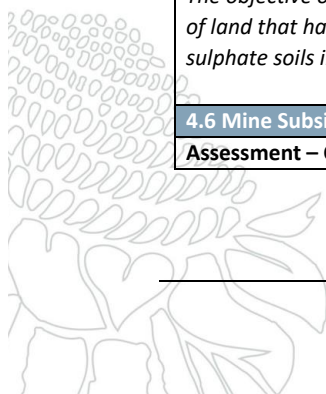
The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

The Planning Proposal is considered consistent with this Direction because the subject land is not a recreation vehicle area.



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Focus Area 4 Resilience & Hazards	<i>The intent of this Focus Area is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
4.1 Flooding	
<p>Assessment – Consistent</p> <p><i>The objectives of this Direction are to:</i></p> <p><i>(a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p> <p><i>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because the subject land is not a recreation vehicle area.</i></p>	
4.2 Coastal Management	
<p>Assessment – Consistent -<i>This Direction is not applicable to Wingecarribee Shire.</i></p>	
4.3 Planning for Bushfire Protection (previously 4.4)	
<p>Assessment – Consistent</p> <p><i>The objectives of this Direction are to:</i></p> <p><i>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i></p> <p><i>(b) encourage sound management of bush fire prone areas.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this proposal is for a subsidiary use within one of the approved buildings.</i></p>	
4.4 Remediation of Contaminated Land	
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.</i></p>	
4.5 Acid Sulphate Soils	
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. There currently no mapped acid sulphate soils in Wingecarribee Shire.</i></p>	
4.6 Mine Subsidence & Unstable Land	
<p>Assessment – Consistent</p>	



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The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.

Focus Area 5 Transport & Infrastructure	<i>The intent of this Focus Area is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
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5.1 Integrating Land Use and Transport

Assessment – Consistent

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.

5.2 Reserving Land for Public Purposes

Assessment – Consistent

The objectives of this Direction are to (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The Planning Proposal is considered consistent with this Direction because the land is already owned by Council and The Planning Proposal is considered consistent with this Direction a DA for the community facility has already been approved.

5.3 Development Near Regulated Airports and Defence Airfields

Assessment – Consistent

The objectives of this Direction are to:

- (a) ensure the effective and safe operation of regulated airports and defence airfields;*
- (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and*
- (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

The Planning Proposal is consistent with this Direction because the subject land is not located near an airport or Defence airfield.

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5.4 Shooting Ranges	
Assessment – Consistent	
<i>The objectives of this Direction are to:</i>	
<i>(a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</i>	
<i>(b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</i>	
<i>(c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</i>	
<i>The Planning Proposal is considered consistent with this Direction because the subject land is not located near a shooting range.</i>	

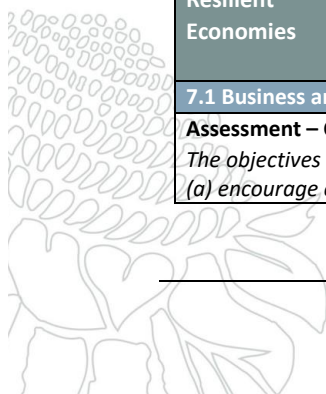
Focus Area 6 Housing	<i>The intent of this Focus Area is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</i>
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6.1 Residential Zones	
Assessment – Consistent	
<i>The objectives of this Direction are to:</i>	
<i>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</i>	
<i>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i>	
<i>(c) minimise the impact of residential development on the environment and resource lands.</i>	
<i>The Planning Proposal is considered consistent with this Direction because no housing is intended on the subject land.</i>	

6.2 Caravan Parks and Manufactured Home Estates	
Assessment – Consistent	
<i>The objectives of this Direction are to:</i>	
<i>(a) provide for a variety of housing types, and</i>	
<i>(b) provide opportunities for caravan parks and manufactured home estates.</i>	
<i>The Planning Proposal is considered consistent with this Direction because no caravan park or manufactured home estate is intended on the subject land.</i>	

Focus Area 7 Resilient Economies	<i>The intent of this Focus Area is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
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7.1 Business and Industrial Zones	
Assessment – Consistent	
<i>The objectives of this Direction are to:</i>	
<i>(a) encourage employment growth in suitable locations,</i>	



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*(b) protect employment land in business and industrial zones, and
(c) support the viability of identified centres.*

The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.

7.2 Reduction in non-hosted short-term rental accommodation period

Assessment – Consistent

Not applicable to Wingecarribee Shire.

7.3 Commercial and Retail Development along the Pacific Highway, North Coast

Assessment – Consistent

Not applicable to Wingecarribee Shire.

Focus Area 8 Resources & Energy	<i>The intent of this Focus Area is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
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8.1 Mining, Petroleum Production & Extractive Industries

Assessment – Consistent

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.

Focus Area 9 Primary Production	<i>The intent of this Focus Area is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
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9.1 Rural Zones

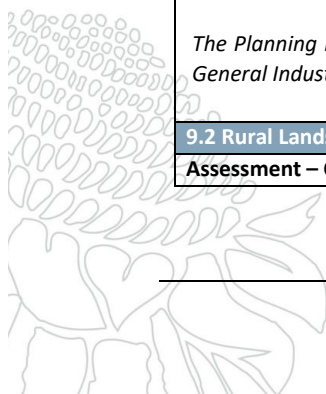
Assessment – Consistent

The objective of this Direction is to protect the agricultural production value of rural land and identifies requirements for a Planning Proposal seeking to rezone Rural zoned land to a residential, business, industrial, village or tourist zone.

The Planning Proposal is considered consistent with this Direction because the land is zoned E4 General Industrial and permitted land uses are already operating in the vicinity.

9.2 Rural Lands

Assessment – Consistent



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This Direction applies when a Planning Proposal will either affect land within an existing or proposed rural or conservation zone or changes the existing minimum lot size on land within a rural or conservation zone. The objectives of this Direction are to:

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,*
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,*
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,*
- (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.*

The Planning Proposal is considered consistent with this Direction because the land is zoned E4 General Industrial and permitted land uses are already operating in the vicinity.

9.3 Oyster Aquaculture

Assessment – Consistent

The objectives of this direction are to:

- (a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and*
- (b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.*

The Planning Proposal is considered consistent with this Direction because there are no ‘Priority Oyster Aquaculture Areas’ in Wingecarribee Shire.

9.4 Farmland of State & Regional Significance on the NSW Far North Coast

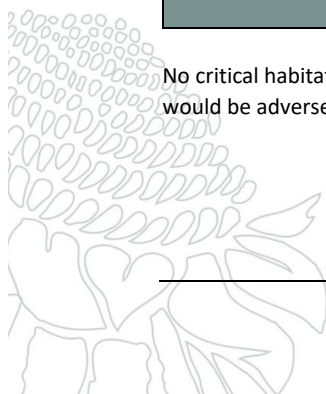
Assessment – Consistent

The Planning Proposal is considered consistent with this Direction because it is not applicable to Wingecarribee Shire.

Section C – Environmental, Social & Economic Impacts

8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?

No critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected by the proposal.



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9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects associated with the proposal.

10 - Has the planning proposal adequately addressed any social and economic effects?

The proposed land use is considered to have potential benefits to the community through providing a business opportunity as well as the opportunity to improve animal welfare.

Section D – Infrastructure (Local, State & Commonwealth)

11- Is there adequate public infrastructure for the Planning Proposal?

The DA for the community facility would have address these matters. It is not considered that any additional impacts would result.

Section E – State and Commonwealth Interests

12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

No state or commonwealth interests would be affected by this Planning Proposal.

Part 4 - Maps

A draft map accompanies the Proposal.



Part 5 - Community Consultation

Community consultation would be undertaken in accordance with the Gateway Determination.

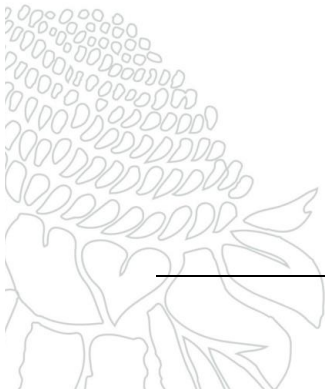
Part 6 - Project Timeline

Stage	Timeframe and/or date
Consideration by Council	March 2024
Council decision	March 2024
Gateway determination	April 2024
Pre-exhibition	May 2024
Public Exhibition	June 2024
Consideration of submissions	July 2024
Post-exhibition review & additional studies	July 2024
Reporting of Planning Proposal back to Council	September 2024
Drafting Request / submission to DPE	October 2024
Gazettal of LEP amendment	October 2024

Delegation

A request to exercise Delegation accompanies the Planning Proposal.

END OF PLANNING PROPOSAL



6 DEVELOPMENT APPLICATIONS

6.1 DA23/1465 Construction and Operation of a Concrete Batching Plant, Lot 4 DP 1276958, 12 Red Fields Road, Moss Vale

Report Author: Consultant Planner, Hugh Halliwell
Authoriser: Manager Development Assessment and Regulation

PURPOSE

The purpose of this report is to consider Development Application 23/1465 for the construction of a concrete batching plant at 21 Red Fields Road, Moss Vale, for the Panel's consideration and recommends determination by **APPROVAL**.

Applicant	Gunlake Concrete Pty Ltd
Landowner	Gunlake Concrete Pty Ltd
Zoning	E4 General Industrial
Estimated Cost of Development	\$3,525,000
Notification Period	29 June 2023 to 31 July 2023
Number of Submissions	One (1) submission
Political Donations	None declared
Reason for Referral to Panel	Designated Development

OFFICER'S RECOMMENDATION

EXECUTIVE SUMMARY

1. Executive summary

Development application (**DA**) No 23/1465 seeks development consent for the construction and operation of a concrete batching plant at 21 Red Fields Road, Moss Vale (**the site**).

The site is zoned E4 General Industrial under Wingecarribee Local Environmental Plan (**WLEP**) 2010 with land uses consistent predominately of industrial development. Concrete batching plants are considered a "general industry" under WLEP 2010, therefore are permitted with consent within the E4 zone.

This report has provided a detailed assessment of the DA under section 4.15 of the *Environmental Planning and Assessment Act 1979* (**the Act**) which has been lodged by Gunlake Concrete Pty Ltd (**the Applicant**).

Council has considered all information submitted by the Applicant, including the EIS and associated plans and details. Comments have also been received from various sections of Council and external

agencies, including Environmental Protection Agency. One (1) submission was received in response to the notification of the application.

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is considered satisfactory, therefore recommended for approval pursuant to the draft notice of determination listed in **Attachment 1**.

The proposal is Designated Development pursuant to Schedule 3, Part 2, Section 17 of the *Environmental Planning and Assessment Regulations 2021 (the Regs)*. The proposal seeks consent for concrete works with an intended capacity of more than 30,000tpa. As the proposal is defined as Designated Development, Schedule 1 of the Local Planning Panels Direction, sensitive development, is triggered, therefore requiring referral to and determination by the Wingecarribee Local Planning Panel.

2. Site Description and Locality.

The subject site is legally identified as Lot 4 DP 1276958, 21 Red Fields Road, Moss Vale. The site has an area of approximately 8936m².

The site is located within the wider Moss Vale Enterprise Corridor, a large industrial land zone to the north and west of the Moss Vale township. The site is located within the General Industrial Precinct of the Moss Vale Enterprise Corridor. This area is undergoing a transformation into an employment area, comprising enterprise precincts and general industrial precincts. This site is located in the general industrial area. The site adjoins a railway line – the Berrima Branch Railway – to the south, while located further to the south is Lackey Road.

The site is currently vacant with little vegetation with the exception of a single tree located to the eastern side of the site.

The surrounding land uses comprise predominately open fields amongst single dwellings, farm buildings, as well as established industrial enterprises, including manufacturing, and waste recycling facilities.

The site is located approximately 4.9km south-east of Berrima and 3km north of the Moss Vale township.

An aerial photo provide a visual description of the site and surrounds.

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Figure 1: Aerial Map (Source: Metro Map).





Figure 2: Photo Facing east towards the site

Figure 3: Photo Adjoining development to the north.



3. Proposed Development

The development seeks for the construction and operation of a concrete batching plant with an annual concrete production of 100,000 m³ or 240,000 tonnes.

The proposed construction of the plant is expected to take up to six months. The proposed hours of construction are 7am to 6pm six days per week (Mon to Sat)

Hours of Operation

The hours of operation of the plant are 6:00am to 6:00pm Monday to Saturday. The plant will be closed on Sundays and public holidays.

The maximum number of staff on-site will be 15 full time equivalents. The proposal includes a total of thirteen (13) car spaces including one (1) disable parking space.

The proposal also includes:

- Five (5) aggregate bins.
- An office and amenities building.
- Batching plant
- Aggregate hopper
- Wash out/drying bays
- Cement silos
- Slump stand
- Laydown, storage and parking area
- One (1) shipping container
- Landscaping



Figure 4: Site Plan (Source: Maurice Hayler Archtypal Graphics)

The operation will produce ready-mixed concrete. Principal raw material will be combined with concrete additive components to produce the concrete for distribution to customers. Aggregate and sand (raw materials) are delivered to the site by truck, typically using A/B double trucks and then stored in the on-going storage bins. This is then transferred to the aggregate hopper by a front end loader. This is gravity fed into weigh bins beneath and then conveyed to the overhead aggregate holding bin above the agitator load point.

Cementitious and fly ash powders will be delivered by a sealed tanker and pneumatically transferred to a silo.

Water for the ready-mixed concrete will be stored in a water weigh-hopper also located within the final mixing area. As the cement, fly ash powder and the aggregates are discharged from the respective weigh-hoppers they will be mixed with the pre-determined amount of water and appropriate admixtures to form the concrete batch in the agitator truck.

Solid and liquid admixtures are used to impart a range of specific concrete setting properties and qualities. Liquid admixtures will be delivered by trucks and pumped into PVC storage tanks. Solid admixtures will usually be delivered in bags on pallets and loaded into the mixer trucks without debagging.

Concrete agitator trucks will be loaded at ground level, with the batching plants beneath the silos (see Figure 2.1)

This will be achieved by the simultaneous discharge into the truck of:

- Sand and aggregate from the holding hopper
- Cementitious/fly ash powders from the cement weigh-hopper
- Water from the water weigh-hopper
- Admixtures through a chute directly into the mixer truck

The material will be partially blended through this simultaneous discharge into the truck will be pneumatically extracted via a hood located above the truck. This airflow will then be directed back into the silos above.

Once loading is complete, the dust extractors will stop and the agitator trucks will move to the slump stands where the load will be slumped and the truck washed down to remove any external material before leaving the site.

If necessary, the concrete agitator truck operator will manually add additional water to the batch while at the slump stand. Water and sludge from the slump stand/washout bays will flow into the adjacent wedge pit, where any product recovered will be recycled in the concrete waste process. Recycled water will be reused in the process water system.

Mixing will be completed within the agitator truck as the concrete is transported to the customer.

Any ready-mixed concrete not utilised by customers will be returned to the CBP and recycled either into ready-mixed concrete product or returned to Gunlake's quarry for use as road base material.

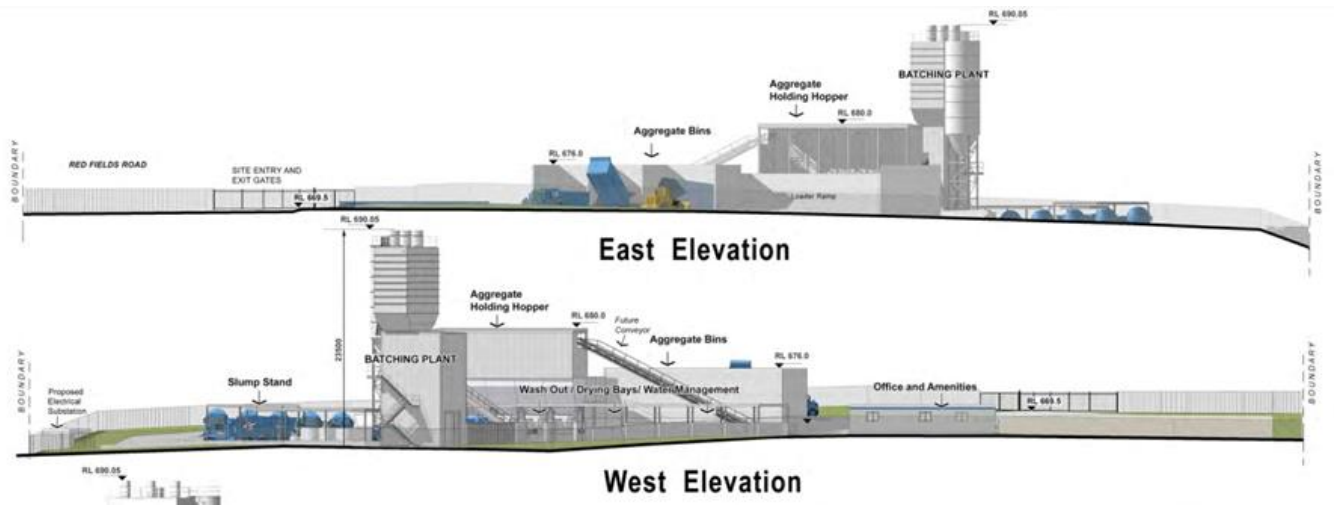


Figure 5: Elevations (Source: Maurice Hayler Archtypal Graphics)

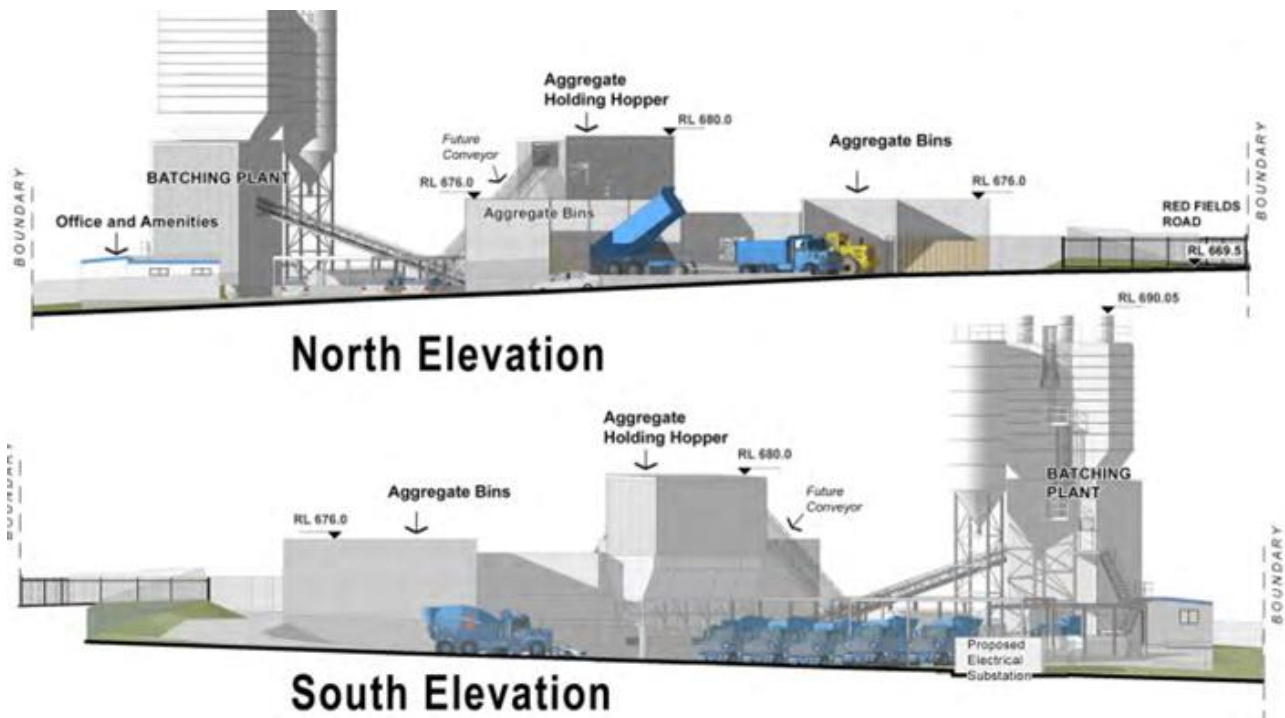


Figure 6: Elevations (Source: Maurice Hayler Archtypal Graphics)

4. Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Participation Plan for Designated Development which is 28 days. The notification period was from 29 June 2023 to 31 July 2023. **One (1) submission** was received during the notification period.

The submission raised the following concern:

Boral Cement Limited (Boral) operates its Berrima Junction Rail Siding within Lot 3 DP1136734, around 20m south of the proposed development. The rail siding is used in conjunction with operation of Boral's Berrima Cement Manufacturing Plant, around 3.5km to the northwest.

The proposed development is accessible by vehicle from Red Fields Road, but vehicle access to the proposed development will generally necessitate use of level crossings on Boral's rail siding. The proposed development will therefore significantly increase the total number of vehicles using level crossings on Douglas Road in particular, and potentially also on Berrima Road.

Boral trusts Council will duly consider and ensure compliance with section 2.97 of State Environmental Planning Policy (Transport and Infrastructure) 2021 in its assessment and determination of the application.

Council referred to the submission to the Department Planning and Environment (DPE) on 27 December 2023. It is noted that no submissions from DPE have been received.

Council referred the application to Australia Rail Track Corporation (ARTC) who responded raising no objection to the proposal. It is considered unlikely that the proposal will result in any adverse impact on rail safety or operations associated with the aspects of the development.

The DA is supported by a Traffic Impact Assessment (TIA), prepared by EMM. The TIA notes the following with regard to impact on railway crossings:

There are currently three rail crossings along the transport route that will be removed as part of the Moss Vale Enterprise Corridor road network upgrades.

A queuing analysis has been completed for the crossing on Berrima Road (see Section 2.9) south of the Berrima Road/Taylor Avenue intersection as it used by the greatest number of vehicles, connecting Moss Vale to the Hume Motorway. As shown in Table 4.12, the operations traffic makes up less than 5% of the total traffic volumes on Berrima Road by 2024. Hence, the impacts to the queue lengths discussed in Section 2.9.2 are expected to be minimal.

There are less traffic movements across the railway crossings on Douglas Road near the Douglas Road/Berrima Road intersection and on Collins Road near the Douglas Road/Red Fields Road intersection. So, there will be shorter queues when trains pass.

The proposed development will not significantly increase in the number of vehicles or trucks using the level crossings. In the long term, the railway crossing will be removed (Section 1.4).

Based on the above, the proposed development is expected to have a minimal impact on the railway crossings in the short-term, while the crossings are marked for removal in the long-term under the Moss Vale Enterprise Corridor road network upgrades.

5. Relevant Environmental Planning Instruments

5.1 State Environmental Planning Policies

5.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4

Under Section 4.6(1) of the SEPP (Resilience and Hazards) 2021, the consent authority must not grant consent to the carrying out of any development unless it has considered whether the land is contaminated. Section 4.6(2) further requires the consent authority to consider a report specifying the findings of a preliminary investigation of the land before determining an application for consent.

The application is supported by a Stage 1 Preliminary Contamination Assessment (PCA), prepared by SEEC.

The PCA concluded:

A systematic approach was taken to soil sampling with 10 samples taken on a roughly 8m grid pattern. All individual samples were tested for heavy metals, pesticides (OCP), PAHs, TRHs, BTEXN and Phenols; no exceedances were found in any sample against the relevant HILs or HSLs for Class D (commercial/industrial such as shops, offices, factories and industrial sites).

Therefore, we conclude the site is considered to have a low risk of contamination as a result of past and current land uses and so is considered suitable for the proposed concrete batching plant (from a contamination perspective).

Council's Environmental Health Officer has reviewed the proposal and the PCA submitted and has recommended approval subject to conditions, which are included in the recommended condition of consent.

5.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is within the Sydney Drinking Water Catchment and therefore chapter 6 of the SEPP is applicable to the assessment of the application. Section 6.61 (1) of Chapter 6 requires that development consent must not be granted to development relating to any part of the Sydney Drinking Water catchment unless the consent authority is satisfied that the carrying out of the development would have a neutral or beneficial effect on water quality.

Section 6.64 also states that consent must not be granted to the carrying out of development on land in the Sydney drinking water catchment except with concurrence of Water NSW.

The application is a Module 3 development for the purposes of the Neutral or Beneficial Effect (NorBE) on Water Quality Assessment Guideline and therefore concurrence from Water NSW is required.

Water NSW responded to Council on 6 October 2023 (Ref: 23068-a1) confirming Water NSW concurs with Council granting consent to the application subject to conditions. These conditions are included in the recommended conditions of consent.

5.2 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

Zoning:

The land is zoned E4 General Industrial pursuant to Wingecarribee LEP 2010. The proposed use of the site is within the definition of *general industries* which is defined as follows:

General industries mean –
a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

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.

The proposed use, a concrete batching plant, is specified as a permitted use; therefore, it is a permissible use within the E4 General Industrial zoning of the site.



Figure 7: Zoning Map (Source: NSW Spatial Viewer)

The objectives of the E4 General Industrial zone are:

- *To provide a range of industrial, warehouse, logistics and related land uses.*

Response: The proposal provides a general industry (concrete batching plant), a compatible industrial land use that is consistent with the long-term vision for the site and wider Enterprise Corridor.

- *To ensure the efficient and viable use of land for industrial uses.*

Response: The proposed concrete batching plant is an efficient and viable use of land that is consistent with existing industrial uses and the desired future character of the locality.

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- *To minimise any adverse effect of industry on other land uses.*

Response: The proposal has been supported by extensive reporting that demonstrates the concrete batching plant will not unreasonably impact on the operation of other surrounding land uses.

- *To encourage employment opportunities.*

Response: The concrete batching plant will generate employment of approximately 15 ongoing staff.

- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

Response: Not applicable.

- *To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the zone and will not impact the viability of business and commercial centres in Wingecarribee.*

Response: Not applicable.

- *To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.*

Response: The proposal has considered the impacts on the context of the wider area, including traffic, parking, contamination, water, and air quality. The reporting provided with the DA recommend a range of mitigation measures to minimise the proposal's impact on the neighbourhood amenity and character.

In addition, conditions are recommended to mitigate the potential for impacts on neighbourhood amenity.

The proposal is considered to be consistent with the aims and objectives of the zone

Principal Development Standards and Other Provisions of WLEP 2010:

The following principal development standards and other provisions in WLEP 2010 are also relevant to the proposal:

Clause	Control	Proposal	Complies?
4.1 Minimum subdivision lot size	No minimum lot size is specified for the site.	N/A	N/A
4.3 Height of buildings	No height of building standard is specified for the site.	N/A	N/A
4.4 Floor space ratio	No floor space ratio (FSR) standard is specified for the site.	N/A	N/A
5.10 Heritage conservation	The site is not identified as a heritage item nor is the site within a heritage conservation area.	N/A	N/A
5.21 Flood Planning	The site is not identified as flood prone.	N/A	N/A

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Clause	Control	Proposal	Complies?
7.3 Earthworks	<p>The objectives of the clause are:</p> <ul style="list-style-type: none"> to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land, to allow earthworks of a minor nature without separate development consent. 	The EIS just refers to earthworks, do we have any more details on the cut and fill requirements. The proposal includes earthworks to prepare the site for the development. The area and extent of earthworks is reasonable and will not adversely impact on environmental functions and processes or features on surrounding land.	Yes
Schedule 1, 21	under schedule Tourist and visitor accommodation is permitted on the site	N/A	N/A

6. Development Control Plans and Policies

Moss Vale Enterprise Corridor Development Control Plan (DCP)

The development is subject to the Moss Vale Enterprise Corridor DCP. The site is identified for the purposes of general industry under the Land Use Precincts Map in the DCP.

Section	Control	Assessment	Compliance
3.1 Land Use	<ol style="list-style-type: none"> The use of land in the Moss Vale Enterprise Corridor must comply with the Development Concept Plan. 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. 	Through the preparation of extensive of supporting studies, the proposal has appropriately considered potential noise, air, and amenity impacts on existing development within vicinity of the proposed development. In this regard, the proposal satisfies Clause 3.1.	Yes
3.2 Subdivision and lot design	N/A – subdivision is not proposed, and existing lot boundaries are not proposed to be altered.	N/A	N/A
3.3 Access and movement	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.	The proposal includes a new access point, including a new crossover and driveway from Red Fields Road. The development has been reviewed by Council's engineer who deems the proposal satisfactory, and provides suitable access to the site from Red Fields Road for vehicles, including trucks. In this regard, the proposal is considered to provide for suitable site access arrangements that do not compromise the safe and efficient access to and from the site.	Yes
3.4 Building design	The height of buildings and other structures located within 50m of Berrima Road must not exceed 15 metres above ground level.	N/A – the site is not located within 50m of Berrima Road.	N/A

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Section	Control	Assessment	Compliance
	<p>The height of buildings and other structures must otherwise not exceed 20 metres above ground level.</p>	<p>The proposed development is sited largely within the 20m height control, as measured from the existing ground level. However, the batching plant measures approximately 23.5m from existing ground level, resulting in an encroachment.</p> <p>The encroachment results in a 17.5% to the control. The applicant has provided the following justification for the variation:</p> <p><i>“The building height of the silos is intentional to allow sufficient clearance for trucks beneath the silos and to allow cement to feed correctly in each silo, therefore allowing for the effective functioning and operating of the silos. They are a critical plant component of the concrete batching plant.</i></p> <p><i>Existing, and likely future, development along Red Fields Road and surrounds is likely to be dominated by large industrial buildings that cover a substantial portion of the site that each occupy. While the silos will be 23.5-m above ground level), the silos have a small footprint (27 m2 within the 8,905 m2 site) so will not contribute significant bulk to the proposed development and are a critical plant component of the CBP.</i></p> <p><i>Development within the proposed development site will be spread across the site, with much of the site being hardstand, to providing an open character to the proposed development.</i></p> <p><i>There are already views to industrial development from Berrima Road, including to sites that are on Berrima Road. Views to the proposed development from Berrima Road will be softened by landscaping trees within the development site as they grow, and views will be removed as the Moss Vale Enterprise Corridor is developed.</i></p> <p><i>It is unlikely that there will be views of the proposed development from the nearest township, Moss Vale, (south and south-east of the site) as there is intervening topography</i></p>	<p>No</p>

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Section	Control	Assessment	Compliance
		<i>and/or vegetation.</i> Notwithstanding the variation, and having regard to the above, it is concluded that the objectives of the control have been satisfactorily met, therefore the proposal is considered acceptable on merit in this particular circumstance.	
	The minimum building setback from other roads is 10 metres.	The proposal complies with the control with all structures located beyond 10m from the Red Fields Road frontage – setback to Douglas Road reserve	Yes
	The minimum building setback required to side and rear lot boundaries next to rural zoned land is 15 metres.	The site does not adjoin rural zoned land. Notwithstanding, the proposal provides suitable setbacks to all sides with a landscape buffer being provided.	N/A
	Front building setback areas must be used for landscaping or staff and visitor car parking. Open storage is not permitted.	The proposal provides a 3m-5m landscape buffer to Red Fields Road.	Yes
	Building footprints must not exceed 65% of the total site area.	The building footprints do not exceed 65% of the total site area.	Yes
	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.	The site is not located within the Scenic Protection Area.	N/A
	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.	The proposed materials are suitable and reflect the existing industrial buildings nearby. The colours and materials are generally consistent with industrial zone.	Yes
	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.	The site is extensively cleared of vegetation. Nearby vegetation on adjoining properties to the east	Yes
	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.	The site is not bushfire prone.	N/A
3.5 Energy efficiency	Building design demonstrates an appropriate response to local climate and to the site and its context.	The proposal is expected to maximise the use of natural light and energy efficiency, as far as practicable.	Yes
	Maximise the use of natural light to internal spaces through window type and location and insulated roof windows.	The site is appropriately orientated to maximise the northerly aspect to minimise use of artificial lighting.	Yes
3.6 On-site parking	The number of car parking spaces	The proposal is supported by a	Yes

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<p>and loading facilities</p>	<p>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>Council will require the provision of adequate on site turning facilities for commercial vehicles.</p>	<p>Traffic Impact Assessment, prepared by EMM. The TIA includes an assessment of the parking provisions and allocation of spaces for the proposed development.</p> <p>The RTA Guide to Traffic Generating Developments and Wingecarribee Shire Council's Moss Vale Township Development Control Plan (DCP) do not provide car parking rates specifically for concrete batching plants. Therefore, parking provision has been based on the number of staff and visitors expected at the site. In this regard a total of thirteen (13) spaces have been provided for staff and visitors to the site, which is considered satisfactory.</p> <p>As per the submitted TIA, "the site is designed for 'flow-through' traffic with adequate swept path space provided for all vehicles accessing the site". The layout of the site has been designed to ensure all vehicles can enter and leave the site in a forward direction. Off-street commercial vehicle facilities will be provided in accordance with AS 2890.2: 2004, while all loading and unloading of materials and goods will take place within the site.</p>	
<p>3.7 Signage</p>	<p>Signage shall comply with Appendix 2.</p> <p>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>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>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>The proposal includes one (1) business identification sign to be located at the entry gate to the site. The total area of the sign measures 1.725m². The signage requires consideration of the assessment criteria under Schedule 5 of <i>SEPP (Industry and Employment) 2021</i> and Appendix 2 of the DCP. The application is supported by an assessment against the SEPP. The sign is not to be illuminated or include any associated devices and logos with advertisements and advertising structures. It is found that the minor nature of the signage is acceptable and reasonable within the context of the industrial land and surrounding area which is also characterised by signage of a similar scale and design. In this regard, the proposal is considered to satisfy the provisions of the SEPP.</p>	<p>Yes</p>
<p>3.8 Fencing</p>	<p>Transparent or open-style fencing</p>	<p>The proposal includes an open,</p>	<p>Yes</p>

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Section	Control	Assessment	Compliance
	along street frontages is encouraged and should not be located forward of the building line.	palisade style fence at the Red Fields Road frontage with palisade gates to allow for passive surveillance and views to be obtained onto the site when closed. A chain-wire fence will be erected around the remaining site.	
	The integration of landscaping with fence lines is encouraged.	The proposal includes a landscape buffer around the site that will integrate with the proposed fencing.	Yes
	Fencing details must be submitted as part of a development application.	The submitted documentation includes appropriate fence details.	Yes
3.9 External lighting	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.	Minimal lighting is proposed, as the facility will operate from 6:00am to 6:00pm. All lighting for the proposed development will be designed in accordance with relevant Australian Standards to maximise safety, and consideration for the adjoining industrial precinct, avoiding light spill after daylight hours.	Yes
	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.	The site is not located adjacent to rural or residential zones, nor is the site located within the Scenic Protection Constraint Area.	N/A
3.10 Landscaping	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.	The application is supported by a detailed landscape concept plan, prepared by EMM Consulting. The plan identifies the location and nature of the landscape treatments, including identification of species and mature heights.	Yes
	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.	The site is not adjacent Berrima Road.	N/A
	A minimum 10-metre-wide landscaped area is to be established along any lot boundary adjacent to the Moss Vale Bypass or Arterial Road.	The site does not adjacent to the Moss Vale Bypass or an Arterial Road.	N/A
	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.		
	A minimum 3-metre-wide landscaped area is to be established along the side and rear boundaries of a site unless otherwise specified above.	The proposal provides a varying landscaped setback to the side and rear boundaries between 3m and 5m.	Yes

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Section	Control	Assessment	Compliance
	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.	The proposed landscaping to the front, side and rear boundaries provides sufficient softening of the built form as viewed from adjoining public and private properties.	Yes
	Landscaping should be integrated with existing native vegetation and should use compatible local native species selected from the council native species list.	The existing site contains little vegetation. The proposed plant species are consistent with Council's native species list, and therefore supported.	Yes
	Strategic landscaping within other parts of the site should be established to provide shade to car parking areas and to soften the appearance of large expanses of hardstand areas.	The location of proposed landscaping minimises the visual bulk and scale of the built form, including proposed hardstand areas.	Yes
	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 water efficient species. The plant species must be selected from the council native species list and must be compatible with existing native vegetation within the site.	The site is not located nearby to Riparian areas.	N/A
3.11 Utility services	Lots must be connected to essential utility services before development can proceed.	The site is connected to essential services as part of the approved subdivision. All essential services will be connected to the development, through the appropriate agencies. It is understood from the application that a new transformer will be installed to meet the development's electricity requirements.	Yes
3.12 Biodiversity conservation	N/A – the site is not identified as having any biodiversity or ecological value.	N/A	N/A
3.13 Heritage protection	N/A – the site is not located adjacent to or nearby to any items of heritage significance.	N/A	N/A
3.14 Noise	Development must comply with the requirements of the NSW Industrial Noise Policy and Environmental Protection Authority (EPA) requirements.	The proposed development will meet noise criteria determined in accordance with the Noise Policy for Industry (NPfI) at all sensitive receptors.	Yes
	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.	A noise impact assessment has been prepared by EMM. The noise impact statement demonstrates that operations 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.	Yes

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	Proposed development within the vicinity of existing heavy industrial land uses must demonstrate an understanding of the noise impacts of existing development as part of their development proposal.	Noise from the surrounding area will not impact the operation of the proposed development.	Yes
3.15 Air quality	Air emissions from development must comply with relevant legislation and EPA requirements.	The proposed development will meet air quality criteria determined in accordance with the Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW at all sensitive receptors.	Yes
	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.	An air quality impact assessment has been prepared by EMM.	Yes
3.16 Flood-prone land and stormwater management	Flood-prone land is incorporated into the conservation zone delineated on the Development Concept Plan.	N/A – the site is not identified as flood prone.	N/A
	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: <ul style="list-style-type: none"> • 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. • 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. • Detention basins to limit post-development flows to pre-development flows for all storm durations. • Details of water quality devices to ensure pollutants do not contaminate water leaving the site. • Sustainable development and water sensitive urban design measures proposed. 	<p>Concept stormwater management plan has been submitted.</p> <p>The development site falls towards the rear – i.e., south-eastern corner of the property boundary. The applicant has proposed to collect the stormwater to underground on-site detention tank/rainwater tank. The overflowed from the OSD/RWT then will be discharged to an existing table drain which was provided during subdivision stage.</p> <p>Detention is required as the imperviousness increase is > 10%, detention was not provided at subdivision. The applicant has provided this on plan. This is satisfactory.</p>	Yes
	Stormwater management facilities should be integrated with conservation areas or proposed landscape areas where possible.	As above.	Yes

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Section	Control	Assessment	Compliance
	An erosion and sediment control plan must accompany development applications. This must detail measures proposed to prevent soil erosion and sediment transport.	The proposal is suitable by an erosion and sediment control plan. Appropriate conditions have been included within the draft notice of determination.	Yes
3.17 Waste management	A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000)	A Waste Management Plan has been prepared and supports the proposal. Construction waste will be managed so that waste is sorted, reused or recycled, where possible and will be stored in a manner that prevents it being dispersed by wind.	Yes

7. Referrals

The DA was referred internally to the following sections of Council:

- Environmental Health,
- Development Engineering,
- Water and Sewer, and
- Landscaping.

Each of the above referrals confirmed support for the proposal, subject to conditions of consent (refer to attached draft Notice of Determination under Appendix 1).

The proposal was also referred externally to:

- NSW Environmental Protection Agency (EPA),
- Water NSW, and
- Australian Rail Track Corporation.

The submission received during the exhibition period was referred to DPE, pursuant to Cl.60 on the Regulations. No response was received.

The Development Application was not Integrated Development and did not meet any relevant threshold to be considered State Significant Development.

8. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	See discussion above
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	There are no Draft Environmental Planning Instruments relevant to the subject proposal.
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal satisfies the objectives and controls of the Moss Vale Corridor DCP. See table above and comments below.
Section 4.15 (1)(a)(iiia) – Provision of any Planning Agreement or draft Planning Agreement.	Not Applicable.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposal will not result in detrimental social or economic impacts on the locality.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	One (1) submission was received following neighbour notification and has been considered in the assessment of this DA. This has been discussed in detail at the beginning of this report.
Section 4.15 (1)(e) – The public interest.	The proposal seeks consent for the purposes of general industry, specifically a concrete batching plant. Accordingly, it is considered that the proposed Concrete Batching Plant is in the public interest.

9. Conclusion

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Wingecarribee Local Environmental Plan 2010;
- Moss Vale Enterprise Corridor Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, EIS, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

This proposal, for the construction of a concrete batching plant has been referred to the Wingecarribee Local Planning Panel (**WLPP**) as the proposal is defined as Designated Development. Schedule 1 of the Local Planning Panels Direction, Designated Development to be referred to and determined by the determination by the WLPP.

The development application was notified for twenty-eight (28) days, as stated within Council's Community Participation Plan, with the objection received being addressed at the beginning of this report.

Overall, the proposal is a compatible industrial development within a recent industrial subdivision that performs satisfactorily against the objectives of the relevant controls and will not result in unacceptable impacts on adjoining or nearby properties, or the natural environment.

It is considered that the proposed development satisfies the relevant objectives and that all processes and assessments have been satisfactorily addressed. Accordingly, the application is referred to the WLPP with a recommendation for **approval**, subject to recommended conditions.

ATTACHMENTS

1. Attachment 1 - Notice of Determination [6.1.1 - 24 pages]
2. Attachment 2 - Plans [6.1.2 - 7 pages]

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SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT ATTACHMENT 1

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of a Concrete Batching Plant.

Reason: To confirm the use of the approved development.

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan, A01	Version D	Maurice Hayler Archetypal Graphics	11 September 2023
Views, A02	Version C	Maurice Hayler Archetypal Graphics	8 September 2023
Elevations, A03	Version C	Maurice Hayler Archetypal Graphics	8 September 2023
Views, A04	Version C	Maurice Hayler Archetypal Graphics	8 September 2023
Office and Amenities Layout and Elevations, A05	Version A	Maurice Hayler Archetypal Graphics	2 June 2023
Signage Plans, A06	Version B	Maurice Hayler Archetypal Graphics	7 September 2023
Section A + B, A07	Version C	Maurice Hayler Archetypal Graphics	11 September 2023
Cover Page & Drawing Schedule, DA1101	Revision 6	Sparks + Partners Consulting Engineers	26 September 2023
Specification Sheet, DA1201	Revision 5	Sparks + Partners Consulting Engineers	8 June 2023
Concept Sediment & Erosion Control Plan & Details, DA2101	Revision 5	Sparks + Partners Consulting Engineers	4 August 2023
Concept Bulk Earthworks Cut to Fill Plan, DA3101	Revision 4	Sparks + Partners Consulting Engineers	14 September 2023
Concept Bulk Earthworks Sections, DA3501	Revision 4	Sparks + Partners Consulting Engineers	14 September 2023
Concept Stormwater & Grading Plan, DA4101	Revision 7	Sparks + Partners Consulting Engineers	27 September 2023
Concept Stormwater Catchment Plan, DA4301	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023
Concept Stormwater Management Details, DA4701	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023
Concept Stormwater OSD & RWT Tank Details, DA4711	Revision 5	Sparks + Partners Consulting Engineers	4 August 2023
Concept Vehicle Turnpath Plan – Sheet 1, DA7101	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023

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DA APPLICATIONNUMBER3, Lot 4 DP 1276958

Concept Vehicle Turnpath Plan – Sheet 2, DA7102	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023
Concept Vehicle Turnpath Plan – Sheet 3, DA7103	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023
Concept Vehicle Turnpath Plan – Sheet 4,	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023
Concept Vehicle Turnpath Plan – Sheet 5, DA7105	Revision 4	Sparks + Partners Consulting Engineers	8 June 2023
Landscape Plan – Design Report, Site Location and Plant Schedule, L01	Revision D	EMM Consulting	13 September 2023
Landscape Concept Plan, L02	Revision D	EMM Consulting	13 September 2023
Specification, L03	Revision D	EMM Consulting	13 September 2023
Maintenance Specification & Schedules, L04	Revision D	EMM Consulting	13 September 2023
Environmental Impact Statement	V1, E220602 RP2	EMM Consulting	13 June 2023
Traffic Impact Assessment	V1, E220602 RP3	EMM Consulting	6 June 2023
Noise and Vibration Impact Assessment	V1, E220602 RP5	EMM Consulting	6 June 2023
Aboriginal Due Diligence Assessment	-	EMM Consulting	14 April 2023
Air Quality Impact Assessment	V1, E220602 RP4	EMM Consulting	6 June 2023
Stage 1: Preliminary Contamination Assessment	Ref: 22000450-ST1CA-00	Strategic Environmental and Engineering Consulting	9 June 2023
Waste Management Plan	-	Gunlake Concrete Pty Limited	-
Stormwater Management Report	Ref: 22277, Rev 6	Sparks + Partners Consulting Engineers	8 June 2023

Reason: *To ensure the development is carried out in accordance with the approved plans and documentation.*

3. Inconsistency between documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. Compliance with Building Code of Australia

That the work must be carried out in accordance with the requirements of the National Construction Code.

Reason: *The condition is prescribed under clause 69 of the Environmental Planning and Assessment Regulation 2021.*

5. Erection of Signs

A sign must be erected in a prominent position on any site on which building work, is being carried

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out:

- (a) Showing the name, address and telephone number of the Principal Certifier (PC) for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

6. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

Reason: *To inform of relevant access requirements for persons with a disability.*

Note: *Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Registered Building Surveyor for a Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Plans detailing the layout, extent and location of key components of any required Fire Safety System/s (Sprinkler, Fire Hydrant, Fire Hose Reels and Smoke Hazard Management) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a Accredited fire safety designer as complying with the relevant provisions of the Building Code of

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Australia (BCA).

- (f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (g) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

Reason: *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

Note: *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier (PC) and lodgement of Notice of Commencement.*

Note: *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

8. Appointment of Principal Certifier (PC)

No work shall commence in connection with this Development Consent until:

- (a) A Construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal Certifier (PC) of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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- (c) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Reason: *To ensure that there is certainty as to the consent applying to the land.*

9. Developer to provide photos of damage to Council property

The developer must provide Council and the Principal Certifier (PC) with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate. Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate.

Reason: *To ensure that Councils assets are protected.*

10. Building Materials & Colour Scheme

Details and samples of all new external building materials and finishes, including their proposed colours, shall be submitted for the approval of Council prior to the issue of the Construction Certificate.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

11. Water Modelling

The developer shall undertake water modelling in accordance with Council's Water and Sewer Modelling Fact Sheet and incorporate recommendations made within the report into the engineering design submitted under Section 68 of the Local Government Act, 1993.

Reason: *To ensure the proposed development does not impact on Council's ability to provide minimum level of service to water customers.*

12. Water and Sewer Authority

Prior to issue of a Construction Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the Local Government Act 1993) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

Reason: *To ensure water and sewer reticulation are in accordance with Council's standards.*

13. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011,*

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if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

Reason: *To inform of relevant access requirements for persons with a disability.*

14. Accessible Car Parking Spaces

One (1) car parking space provided as part of the total requirement shall be reserved for disabled persons.

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Principal Certifier (PC) prior to the issue of the Construction Certificate.

Reason: *To inform of relevant access requirements for persons with a disability.*

15. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

Reason: *To minimise the amount of waste going to landfill.*

16. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) prior to the issue of the Construction Certificate. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

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17. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- a) Details of site security;
- b) Off-street parking for employees, contractors and sub-contractors.
- c) Site access for construction vehicles and equipment purposes.
- d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- f) Provision for loading and unloading materials;
- g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- j) External lighting and security alarms proposed for the construction site.
- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.
- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

Reason: *To ensure the safety, amenity and protection of public infrastructure and the environment.*

18. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

Note: *Construction Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

Reason: *To ensure adequate storm water management.*

19. Carpark Design - Site Servicing

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The car park shall be designed to accommodate the turning movements of the largest vehicle servicing the development. The car park design shall incorporate the following:

- a) The site shall accommodate the turning movements of the largest service vehicle.
- b) Service vehicles shall manoeuvre into and out of the site in a forward direction
- c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- d) The vehicle swept path shall be reflected on the engineering design plans.
- e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

Reason: *To ensure that the car parking area is constructed to Council requirements.*

20. Off Street Parking Provision

13 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

Reason: *To ensure adequate parking and access.*

21. Stormwater - Control of Peak Discharge

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Design Construction Specifications and Drawings. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

Reason: *To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

22. Environmental Management and Mitigation Measures

The Applicant shall incorporate all applicable Management and Mitigation Measures listed in Chapters 5.1.4 and 5.2.3 of the Moss Vale Concrete Batching Plant Environmental Impact Statement by EMM Consulting (Ref: E220602 RP2; Version: v1; Dated: 13 June 2023) into construction drawings and specifications for the proposed development submitted to the Principle Certifying Authority (PCA).

Reason: *To protect environmental health and the environment.*

23. Construction Noise Management Plan

A Construction Noise Management Plan (CNMP) shall be prepared and submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. The CNMP shall incorporate the following construction noise management measures provided in chapter 7.2 of the report *Moss Vale Concrete Batching Plant Noise and Vibration Impact Assessment* by EMM Consulting (Ref: E220602 RP5; Version: v1; Dated: June 2023):

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- Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways to minimise noise.
- Ensure site managers periodically check the site and nearby residences and other sensitive land uses for noise problems so that solutions can be quickly applied.
- Include in tenders, employment contracts, subcontractor agreements and work method statements clauses that require minimisation of noise and compliance with directions from management to minimise noise.
- Plan high-noise activities to occur during least sensitive times of the day and during standard construction hours.
- Avoid the use of radios or public address systems where neighbours can be affected.
- Avoid shouting, talking loudly and slamming vehicle doors.
- Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours or other relevant practices (for example, minimising the use of engine brakes, and no extended periods of engine idling).
- Operate plant and equipment in a quiet and efficient manner.
- Regularly inspect and maintain equipment to ensure it is in good working order. Also check the condition of mufflers.
- Consider placement of noise sources across the site to maximise the distance and/or acoustic shielding to the nearest noise-sensitive receptors.

Reason: *To protect the amenity of the surrounding neighbourhood.*

24. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater drainage works

Reason: *A requirement under the provisions of the Local Government Act 1993.*

25. Erosion and Sediment Control Plan

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted

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and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.

- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

Reason: *To minimise soil erosion and sediment movement during construction.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

26. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

Advice: *Attached Notice of Commencement form to be completed.*

27. Erosion and Sediment Control

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

Reason: *To ensure that sediment does not leave the site as a result of the construction of the development.*

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28. Building within Vicinity of Sewer Main

Where a building is constructed within the zone of influence of the sewer main, the weight of the building shall be distributed away from the sewer main by pier and beam construction. The piers shall be designed by a suitably qualified experienced professional and chartered Engineer and shall be embedded on firm foundation at least 300mm below the zone of influence with a minimum horizontal clearance from the pipe of 600mm.

The area of influence of the sewer main is considered that area within the angle of repose of 45° for normal loam/clay/sand foundations, or 600mm for rock foundations measured 600mm from the outside of the pipe from the trench bottom.

Notwithstanding the above, a building shall not be erected within 1.2m of the outside edge of a sewer manhole and unobstructed personal access of minimum width of 900mm shall be provided to any manhole located upon private property.

Reason: *To protect public infrastructure.*

29. Relocation of Sewerage

Prior to commencement of construction of the concrete batching plant, the existing sewer main shall be relocated. Relocation of sewer main is to be clear of buildings/structures and all superseded mains and structures are to be removed from site. Sewer relocation works are to be in accordance with Council's Sewer Engineering Design Specification.

Reason: *To protect public utilities.*

30. Utility Services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Reason: *To ensure that utilities are provided appropriately to the development.*

31. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Reason: *To ensure that the safety of the public is not compromised.*

32. Developer to advise of damage to Council property

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter, street trees, drainage pits are to be carried out by the contractor/builder to Council's specification and supervision prior to

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occupation of the development.

Reason: *Public safety.*

33. Set Out Survey

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan prior to the commencement of works.

Reason: *To ensure compliance with the approved plans.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

34. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

35. Implementation of Construction Noise Management Plan

The abovementioned Construction Noise Management Plan (CNMP) shall be properly implemented and maintained throughout the site preparation and construction of the development.

Reason: *To protect the amenity of the surrounding neighbourhood.*

36. Engineering Inspections by Council

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

Note: *The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

Note: *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

Reason: *Statutory requirement.*

37. Stormwater - Connection to Kerb

All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.

Reason: *To comply with Council standards.*

38. Stormwater – Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from

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upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason: *To assist in the prevention of erosion of the site from storm water.*

39. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); 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

Note: *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC).*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

Reason: *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

40. Stormwater – Discharge

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

Reason: *To ensure that stormwater is appropriately disposed of.*

41. Structure not to be built over easements/infrastructure

No portion of any structure shall be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

Reason: *To protect infrastructure.*

42. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

Reason: *To ensure that natural drainage of the property and adjoining properties is not affected.*

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43. Erosion and Sediment Control Plan Compliance

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control

Note: *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

Reason: *To ensure that stormwater is appropriately disposed of.*

44. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of (WHAT SIZE) mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

Reason: *To reduce the possibility of damage to public property.*

45. Construction Management Plan

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request

Reason: *Compliance with condition of consent.*

46. Earthworks, retaining walls and structural support

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

- (a) 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
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) 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*, and
- (d) 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.*

47. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining

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properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

Reason: *Structural safety.*

48. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

Reason: *Health and amenity.*

49. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: *To ensure that building materials are not washed into storm water drains.*

50. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *Environmental amenity.*

51. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure the safety of life and property.*

52. Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

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DA APPLICATIONNUMBER3, Lot 4 DP 1276958

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgement of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

53. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

54. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE

55. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifier (PC) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979*

Note: *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning*

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of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.

56. Asset Management

The developer shall provide a detailed summary of the Assets that will be handed to Council at the end of the maintenance period prior to the issue of the Occupation Certificate. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include:

- Sewer

Reason: *To ensure appropriate asset management.*

57. Defects and Liability Bond for Public Assets – Civil Works

Prior to the issue of any Occupation Certificate the developer shall lodge a cash bond to cover the defects liability period of 24 months for any public infrastructure constructed by them which will be handed over to council. The liability period will commence from the date of issue of the Occupation Certificate.

The security bond will be in an amount equal to 10% of the value of the total civil works with a minimum value of \$10,000 based on the civil costs supported by written evidence in accordance with Council's Bond Policy. The bond shall be assessed by Council for release after the 24 month period on formal request from the developer.

Reason: *To ensure appropriate warranty periods apply for defect liability.*

58. Construction of Water Service

A single suitably sized water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate. Council's application form shall be completed by the Developer and the appropriate fee paid.

Advice: *A water meter should be installed prior to construction commencing.*

Reason: *To ensure that the development is serviced.*

59. Easements

The creation or obtaining by the applicant of the following easements, at the applicant's expense and prior to issue of the Occupation Certificate for the development:

Easement over sewer mains constructed under this approval 3m wide in favour of Council.

Reason: *To ensure that access to public infrastructure is protected.*

60. Section 68 Local Government Act Final

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

61. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture,

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landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

Reason: *To ensure that Councils assets are protected.*

62. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

Reason: *To ensure the safety of the building.*

63. Works as Executed Plans - Building Works

Prior to the issue of the Occupation Certificate, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

Reason: *To ensure that there is a record of final works carried out on the site.*

64. Environmental Management and Mitigation Measures

The Applicant shall incorporate all applicable Management and Mitigation Measures listed in Chapters 5.1.4 and 5.2.3 of the *Moss Vale Concrete Batching Plant Environmental Impact Statement* by EMM Consulting (Ref: E220602 RP2; Version: v1; Dated: 13 June 2023) into the design, construction and fit-out of the proposed development.

Reason: *To protect environmental health and the environment.*

65. Section 138 Roads Act Final

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

66. Operational Environmental Management Plan

1. Prior to the issue of an Occupation Certificate an Operational Environmental Management Plan (OEMP) shall be prepared for the development in accordance with the Cement Concrete and Aggregates Australia (CCAA) *Environmental Management Guideline for Concrete Batch Plants* (October 2019) by a suitably qualified environmental management professional and submitted to the satisfaction of Council.
2. The OEMP shall incorporate all recommendations from the following Reports:

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DA APPLICATIONNUMBER3, Lot 4 DP 1276958

- *Moss Vale Concrete Batching Plant Noise and Vibration Impact Assessment* by EMM Consulting (Ref: E220602 RP5; Version: v1; Dated: June 2023); and
 - *Gunlake Moss Vale Concrete Batching Plant Air Quality Impact Assessment* by EMM Consulting (Ref: E220602 RP4; Version: v1; Dated: 6 June 2023).
3. The OEMP shall incorporate the Management and Mitigation Measures in Chapters 5.1.4 and 5.2.3 of the *Moss Vale Concrete Batching Plant Environmental Impact Statement* by EMM Consulting (Ref: E220602 RP2; Version: v1; Dated: 13 June 2023).

4.

Reason: *To protect environmental health and the environment.*

67. Identification Survey

An identification survey prepared by a Registered Land Surveyor shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate to demonstrate that all buildings and structures have been constructed entirely within the allotment boundary and in accordance with the approved plans.

Reason: *To ensure compliance with the approved plans.*

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

68. Hours of Operation

The concrete batching plant is limited to the following hours of operation:

- 6:00am – 6:00pm, Monday to Saturday
- Closed, Sundays and public holidays

Reason: *To ensure residential amenity is maintained to the surrounding area.*

69. Maximum number of staff

The maximum number of staff permitted by this consent is fifteen (15).

Reason: *To ensure compliance with the approved development.*

70. Annual concrete production

The maximum annual production of concrete permitted by this consent is limited to a maximum of 100,000m³ / 240,000 tonnes.

Reason: *To ensure compliance with the approved development.*

71. Implementation of an Operational Environmental Management Plan (OEMP)

An Operational Environmental Management Plan (OEMP) prepared in accordance with the abovementioned requirements shall be properly implemented and maintained by a suitably qualified environmental management professional during the operation and use of the development.

Reason: *To protect environmental health and the environment.*

72. Operational Noise Levels

The operational noise levels generated by the development shall be controlled such that they do not exceed the applicable Project Noise Trigger Levels set in Table 4.3 of at the Acoustic Report *Moss Vale Concrete Batching Plant Noise and Vibration Impact Assessment* by EMM Consulting (Ref: E220602 RP5; Version: v1; Dated: June 2023) when measured at the nearest affected receiver. In the event that operational noise is identified as exceeding the requirements of this

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 28 FEBRUARY 2024

DA APPLICATIONNUMBER3, Lot 4 DP 1276958

condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council.

Reason: *To prevent loss of amenity to the area.*

73. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire and Rescue; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

Reason: *To ensure compliance with fire safety requirements.*

CONCURRENCE CONDITIONS

74. Water NSW

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 28 FEBRUARY 2024

DA APPLICATIONNUMBER3, Lot 4 DP 1276958

General

1. The concrete batching plant shall be constructed and operated as specified in the Environmental Impact Statement (dated June 2023) and Response to Council (dated 27 September 2023) both prepared by EMM Consulting and shown on the Site Plans (Sheets A01D and A07C, dated 11/09/23; Sheets A02C, A03C, A04C, dated 08/09/23; and Sheet A05A, dated 02/06/23) prepared by Maurice Hayler Archetypal Graphics. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Dirty Water Management System

2. All dirty water from the batching and slump stand and reclaiming and washout areas located under roofs shall be directed to wedge pits and stirrers as shown on Moss Vale Concrete Batching Plant Water Cycle Schematic - Attachment A of Response to Council (dated 27 September 2023) prepared by EMM Consulting and pumped for reuse in the concrete batching process.
3. No dirty water shall be directed to site stormwater drainage systems and be discharged into Council's table drain along Douglas Road.

Stormwater Management

4. All stormwater management measures for the hardstand areas and roofs, as specified in the Stormwater Management Report (Ref. No. 22277, Revision 6, dated 8 June 2023) and shown on the Civil Design Specification Sheet, Concept Stormwater Design & Grading and Details Plans (Job Number: 22277; Dwg No: DA1201, Rev 5, dated 08.06.23; Dwg No: DA4101 Rev. 7, dated 27.09.23; DA4701 Rev. 4, dated 08.06.23; and Dwg No: DA4711, Rev 5, dated 04.08.23) prepared by Sparks + Partners Consulting Engineers, shall be incorporated in the final stormwater drainage plan. The final stormwater drainage plan shall:
 - be prepared **prior to the issuance of a Construction Certificate** in consultation with Water NSW and approved by the Principal Certifier (PC)
 - have stormwater management measures including:
 - pits, pipes, and inlet filters (OceanGuard or Water NSW endorsed equivalent)
 - 300,000 litres capacity combined rainwater and onsite stormwater detention tank with sediment storage capacity, and
 - revegetation/stabilisation with grass around the proposed discharge point/headwall to capture any sediments, and
 - be implemented.
5. The combined rainwater and onsite stormwater detention (OSD) tank with a minimum total capacity of 300,000 litres and reuse system shall be installed that:
 - ensures roofs and gutters are designed to maximise capture of rainwater in the rainwater and OSD tank

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 28 FEBRUARY 2024

DA APPLICATIONNUMBER3, Lot 4 DP 1276958

- is plumbed to toilets, industrial water needs, and other areas for non-potable use including use landscape watering, and
 - ensures that any overflow from the tank is directed to the Council's stormwater table drain along Douglas Road via an appropriate head wall/energy dissipater.
6. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.
7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the PC prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

8. An Operational Environmental Management Plan, which can be part of overall site operational plan, shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate. The Plan shall:
- include a flow diagram, detailed design, and reuse scheme of dirty water system
 - include a detailed design and location of stormwater management structures such as pits, pipes, inlet filters, and rainwater and onsite detention tank, and reuse system
 - outline the responsibilities and detailed requirements for the inspection, monitoring, and maintenance of both dirty water and stormwater management systems, including the frequency of such activities
 - identify the individuals or positions responsible for inspection, monitoring and maintenance activities including a reporting protocol and hierarchy
 - include a monitoring program for the water management system that shall include, but not be limited to:
 - water quality in rainwater/OSD tank
 - system control/reuse
 - sediments removal frequency of rainwater/OSD tank
 - discharge water quality
 - include checklists for recording inspections, monitoring, and maintenance activities, and
 - include management measures to be implemented if monitoring shows the system is not operating effectively or may be causing adverse environmental impacts.
9. All dirty water and stormwater management systems shall be monitored, maintained, and managed as per the Operational Environmental Management Plan, after all comments made by Water NSW during the consultation process have been appropriately resolved and incorporated in the final Operational Environmental Management Plan.
10. The monitoring and performance reports, prepared by a person with knowledge and experience in the preparation of such reports, shall be submitted to Council and Water NSW. These reports shall be submitted initially on a six-monthly basis for the first two years with future requirements to be determined by system performance.

Reason for Conditions 2 to 10 – To ensure appropriate dirty and stormwater treatment and quality control measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 28 FEBRUARY 2024

DA APPLICATIONNUMBER3, Lot 4 DP 1276958

Construction Activities

11. A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for the development. The Plan shall:
 - be prepared in consultation with Water NSW prior to the issuance of a Construction Certificate and be to the satisfaction of the PC
 - be based on the Concept Sediment and Erosion Control Plan & Details, Concept Bulk Earthworks Cut to Fill and Section Plans (Project Number: 22277; Dwg. No. DA2101, Rev 5, dated 04.08.23; Dwg. Nos. DA 3101 & 3501, Rev 4, dated 14.09.23) prepared by Sparks + Partners Consulting Engineers
 - also include:
 - a provision for a sedimentation basin (to be converted to the OSD tank)
 - management details of the sedimentation basin until the construction works are completed
 - meet the requirements outlined in Chapter 2 of *NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)*, and
 - include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
12. The Soil and Water Management Plans shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 11 & 12 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation, and pollution within or from the site during this construction phase.

75. NSW Environmental Protection Agency

Attachment 1 – Recommended conditions of approval

Should project approval be granted, the EPA recommends the conditions below be included on the consent.

Recommended Air Conditions

1. All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
2. All stockpiles and handling areas must be maintained in a condition which effectively minimises wind-blown and traffic generated dust.
3. All trafficable areas must be maintained in a condition which effectively minimises the emission of wind-blown and traffic generated dust from the premises.
4. All trafficable areas must be maintained in a condition which effectively prevents tracking from the premises.
5. All covers installed above any storage bay must be maintained in a proper and efficient condition.
6. Any material stored in external storage bays must be at least 500mm below the top of the bay walls.
7. Activities at the premises must be undertaken in a manner that prevents the emission of offensive odour beyond the boundary of the premises.

Recommended Water Conditions

1. The development must comply with Section 120 of the Protection of the Environment Operations Act 1997
2. Dirty water from the batching plant, slump stand and reclaiming area must not be collected within, transferred to, or allowed to enter the combined below ground stormwater detention and rainwater tank.

END OF CONDITIONS

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 28 FEBRUARY 2024**

DA APPLICATIONNUMBER3, Lot 4 DP 1276958



- Architectural Drawings**
- A01 Site and Locality Plans
 - A02 North and West Views
 - A03 Elevations
 - A04 South and East View
 - A05 Office and Amenities
 - A06 Signage Details
 - A07 Cross Sections

DRAINAGE
See DA 1201, DA 2101
DA 4101, DA 4301
Sparks & Partners (2023)

EXISTING GROUND LEVELS
See Drainage Plan - Sheet 2
(Land Team 2015)

FOR LANDSCAPE DETAILS SEE DRAWINGS BY EMM CONSULTING

ABN 17461997841

Maurice Hayler
ARCHETYPAL GRAPHICS
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Maurice Hayler B Arch NSWIT

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SITE PLAN

Scale 1:400
on A3 size sheet

NORTH

0 5 10 15 20 25
METRES

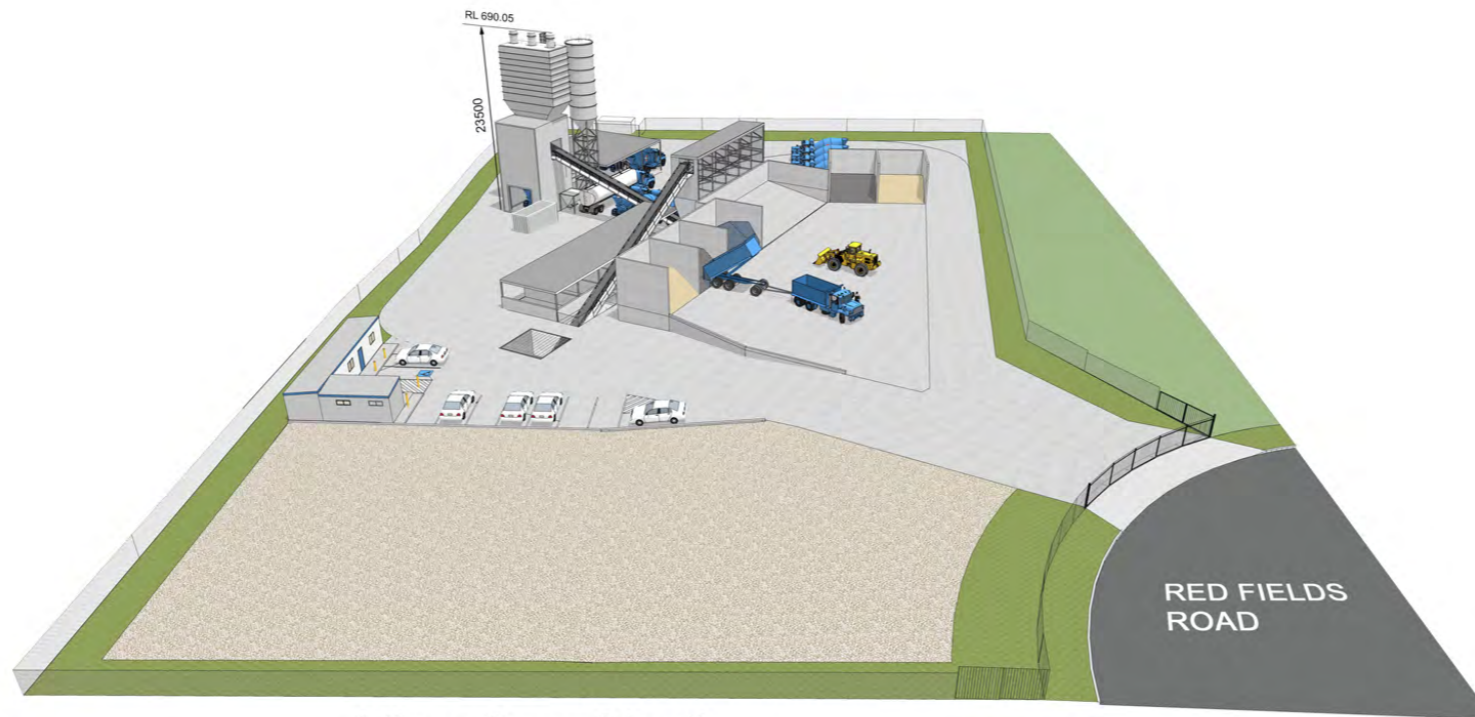


ISSUE	DATE	ISSUED FOR DA
A	020623	ISSUED FOR DA
B	070923	CONTOURS TREES, NOTES & DIMS ADDED
C	080923	SLUMP STAND ROOF EXTENDED ADD BUILDING TO LOCALITY PLAN
D	110923	BLDG No. 19 ADDED. DIMS CHANGED

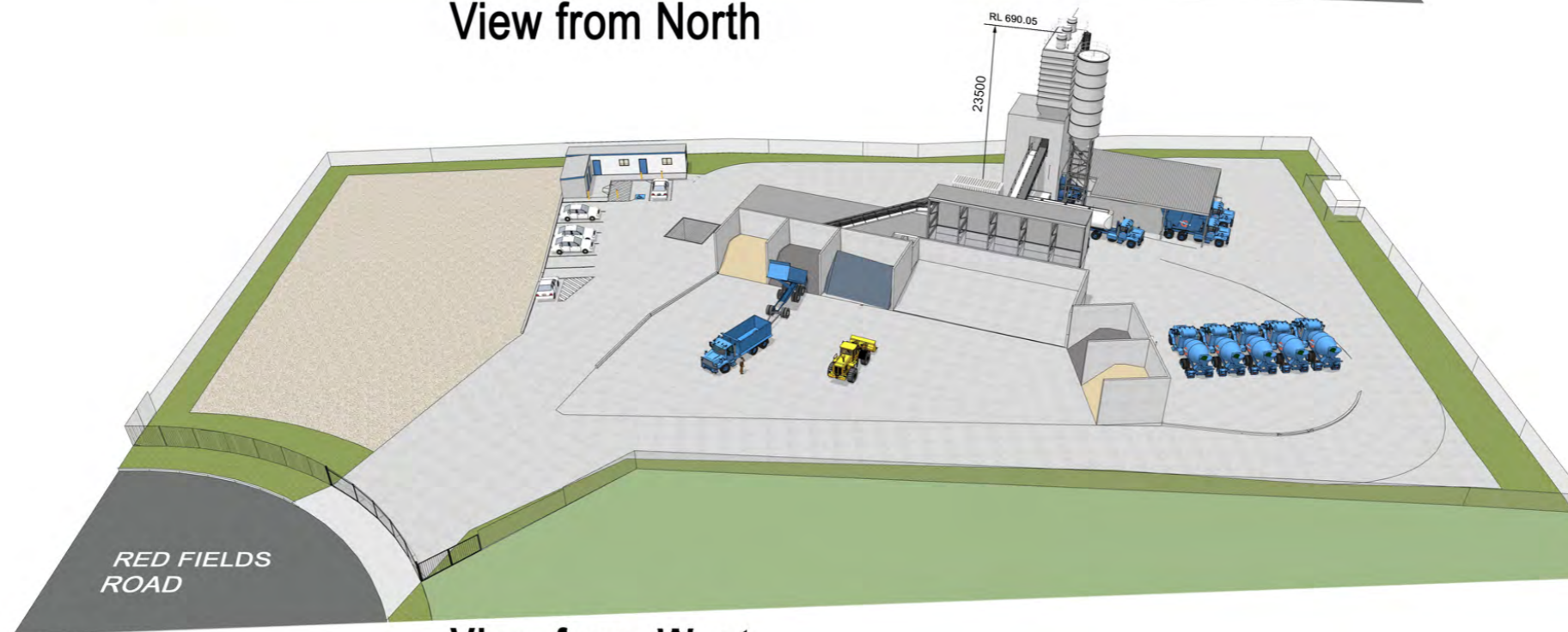
GUNLAKE CONCRETE

GUNLAKE CONCRETE
PROPOSED CONCRETE
BATCHING PLANT
21 RED FIELDS ROAD
MOSS VALE NSW
2 June 2023

A01 D



View from North



View from West



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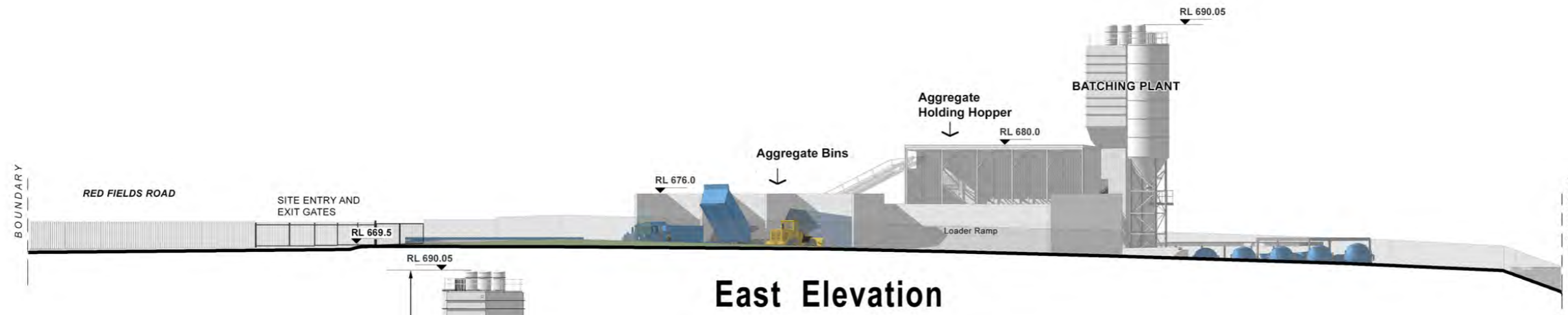


GUNLAKE CONCRETE
PROPOSED CONCRETE
BATCHING PLANT
21 RED FIELDS ROAD
MOSS VALE NSW

2 June 2023

A02 C

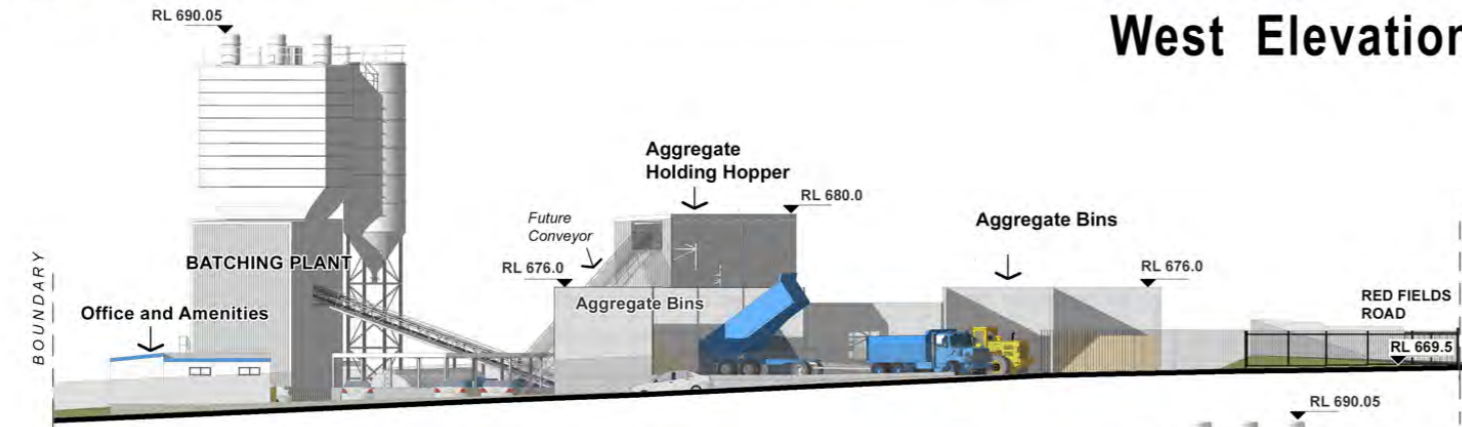
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A	020623	RL AND DIMENSION
B	070923	AMEND RLs AND DIMENSIONS
C	080923	



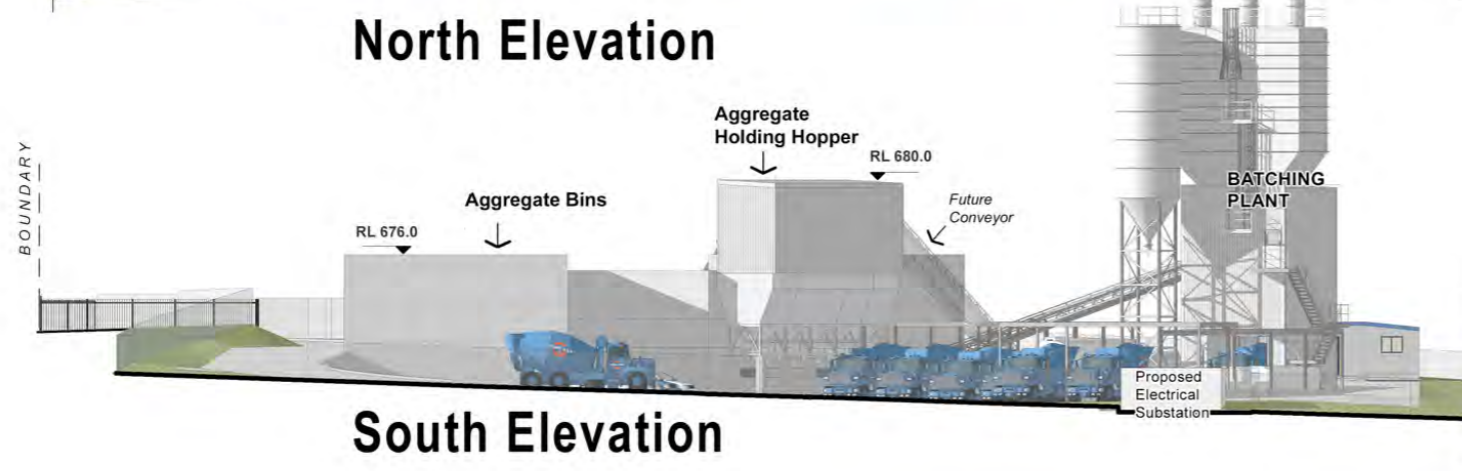
East Elevation



West Elevation



North Elevation



South Elevation

-  COLORBOND 'SHALE GREY' STEELWORK, CLADDING AND ROOFING
-  NATURAL CONCRETE FINISH AGGREGATE BINS, WASHOUT, DRYING BAYS AND BUNDS
-  SATIN BLACK PALISADE FENCE TO RED FIELDS ROAD

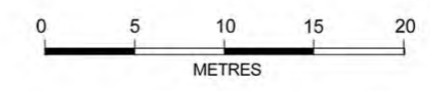
ABN 17461997841

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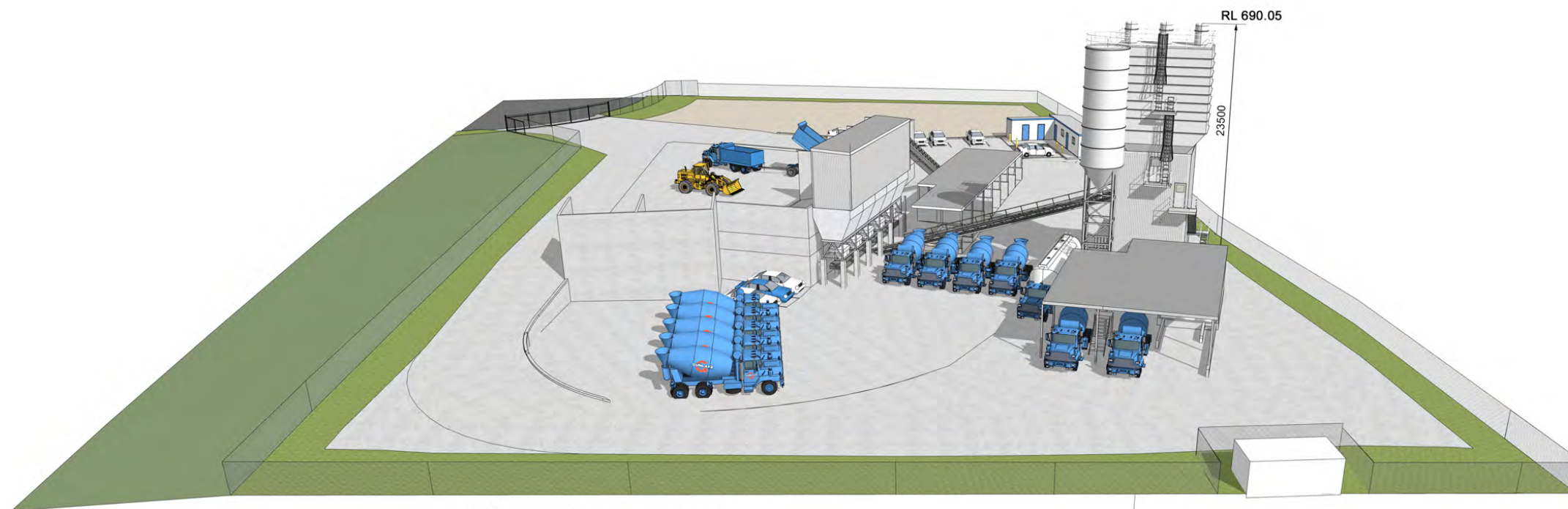


ISSUE	DATE	DESCRIPTION
A	020623	ISSUED FOR DA
B	070923	3x ELEVATIONS ADDED
C	080923	RLs DIMENSIONS AMENDED

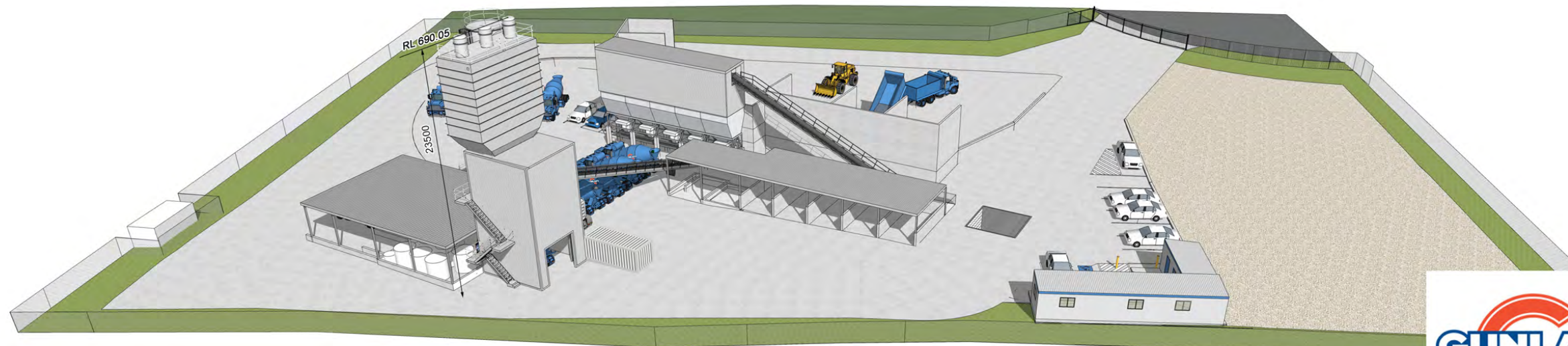
GUNLAKE CONCRETE
PROPOSED CONCRETE
BATCHING PLANT
 21 RED FIELDS ROAD
 MOSS VALE NSW



A03C



View from South



View from East

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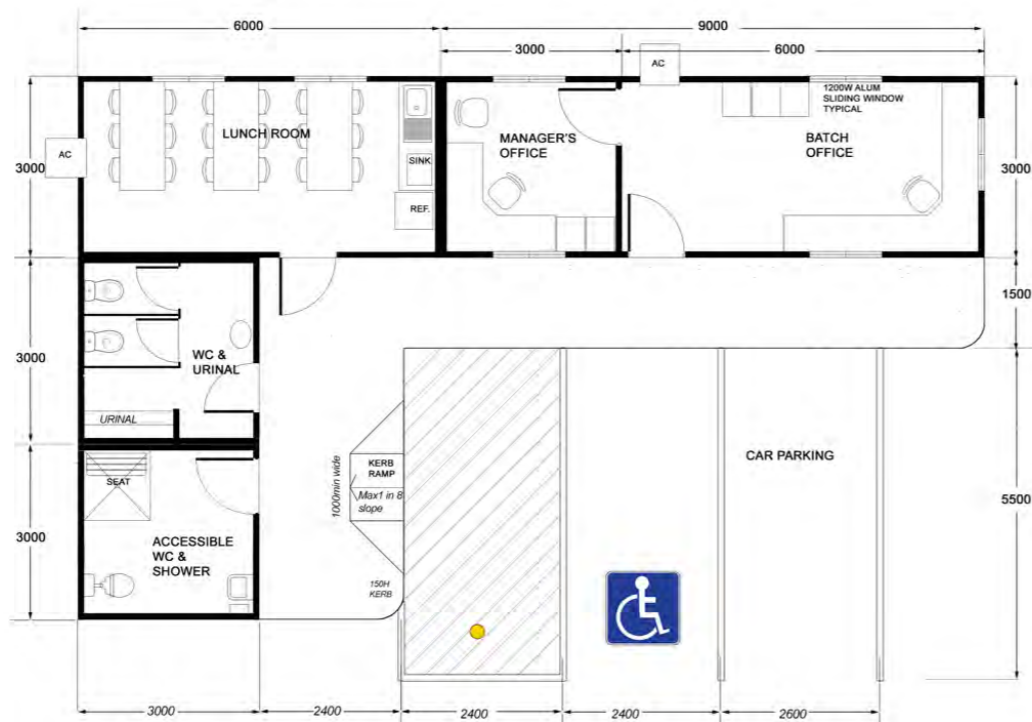
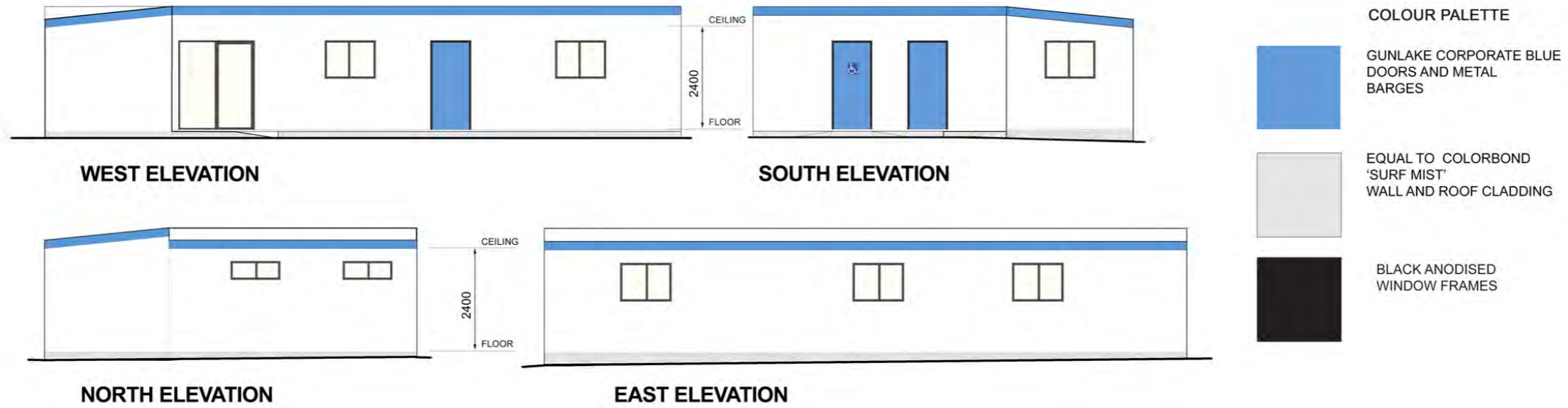
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GUNLAKE CONCRETE
 PROPOSED CONCRETE
 BATCHING PLANT
 21 RED FIELDS ROAD
 MOSS VALE NSW

ISSUE	DATE	ISSUED FOR DA
A	020623	RL AND DIMENSION
B	070923	AMEND RLs AND DIMENSIONS
C	080923	

A04 C



FLOOR PLAN Scale 1:100



DEMOUNTABLE BUILDINGS

**CONCEPTUAL
OFFICE & AMENITIES
LAYOUT AND ELEVATIONS**



GUNLAKE CONCRETE
PROPOSED CONCRETE
BATCHING PLANT
21 RED FIELDS ROAD
MOSS VALE NSW

A05 A

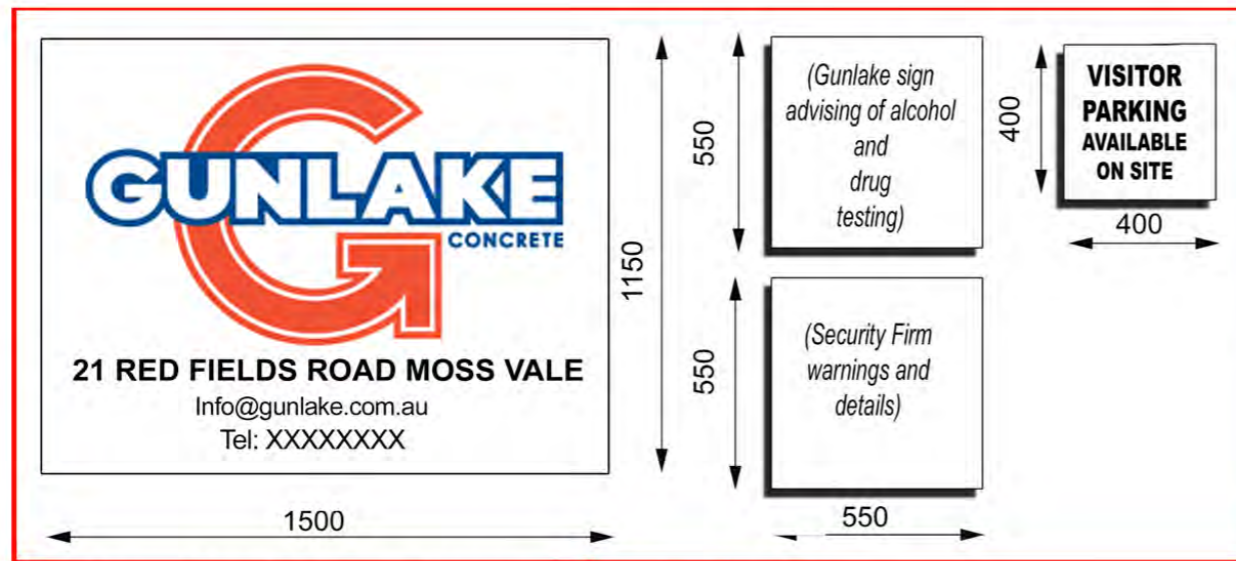
ISSUE DATE
A 020623 ISSUED FOR DA



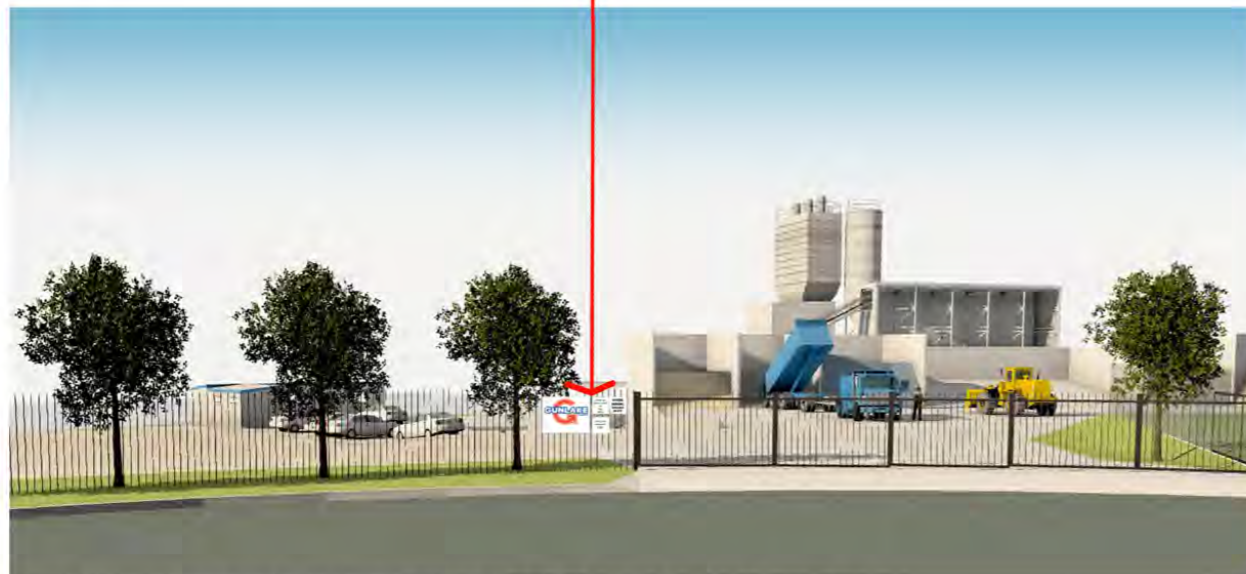
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Industrial Commercial Residential Sketchup Pro





Business Identification signage
area = 1.725m²



PROPOSED BUSINESS IDENTIFICATION SIGNAGE
Adjacent Red Fields Road Entry Gates



ABN 17461997841

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Maurice Hayler B Arch NSWIT

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Industrial • Commercial • Residential • Sketchup Pro

**SEPP (Industry and Employment) 2021
Schedule 5 Assessment criteria
sections 3.6, 3.11 and 3.15**

1 Character of the area

- YES Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- NOT APPLICABLE Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

2 Special areas

- NOT APPLICABLE Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

3 Views and vistas

- NO Does the proposal obscure or compromise important views?
- NO Does the proposal dominate the skyline and reduce the quality of vistas?
- NOT APPLICABLE Does the proposal respect the viewing rights of other advertisers?

4 Streetscape, setting or landscape

- YES Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- NOT APPLICABLE Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- NOT APPLICABLE Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- NO Does the proposal screen unsightliness?
- NO Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- NO Does the proposal require ongoing vegetation management?

5 Site and building

- YES Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- NOT APPLICABLE Does the proposal respect important features of the site or building, or both?
- NOT APPLICABLE Does the proposal show innovation and imagination in its relationship to the site or building, or both?

6 Associated devices and logos with advertisements and advertising structures

- NOT APPLICABLE Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

7 Illumination

- NOT ILLUMINATED Would illumination result in unacceptable glare?
- NOT ILLUMINATED Would illumination affect safety for pedestrians, vehicles or aircraft?
- NOT ILLUMINATED Would illumination detract from the amenity of any residence or other form of accommodation?
- NOT ILLUMINATED Can the intensity of the illumination be adjusted, if necessary?
- NOT ILLUMINATED Is the illumination subject to a curfew?

8 Safety

- NO Would the proposal reduce the safety for any public road?
- NO Would the proposal reduce the safety for pedestrians or bicyclists?
- NO Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightline

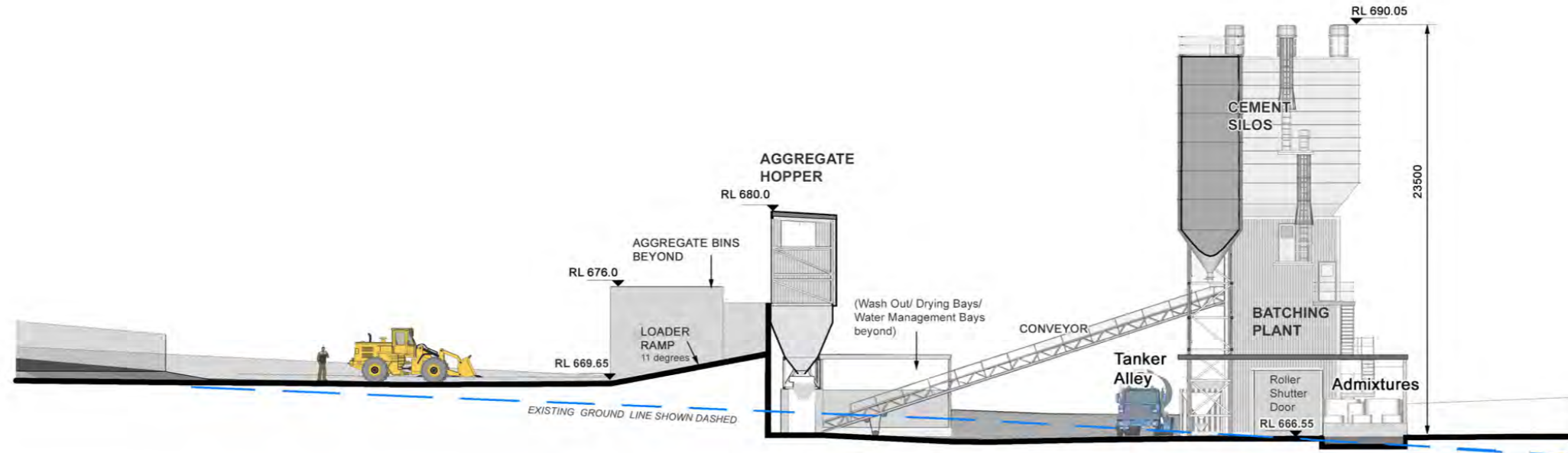


GUNLAKE CONCRETE
PROPOSED CONCRETE
BATCHING PLANT
21 RED FIELDS ROAD
MOSS VALE NSW

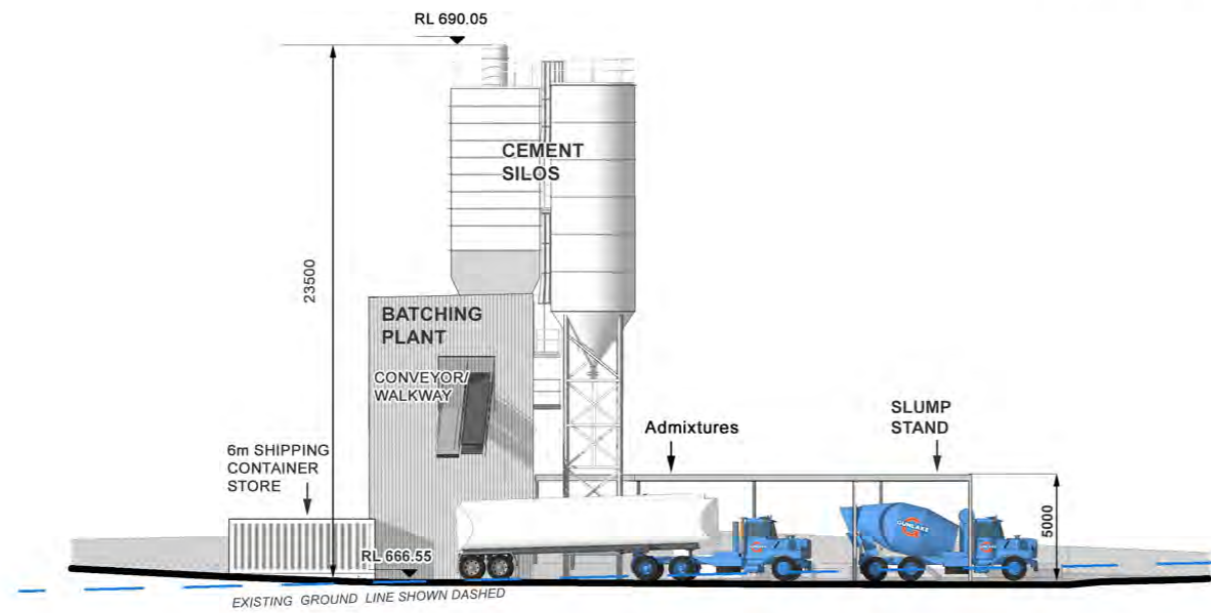
2 June 2023

A06 B

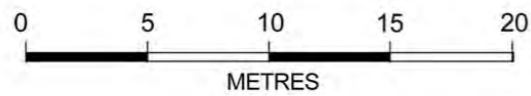
ISSUE	DATE	ISSUED FOR DA
A	020623	SEPP CHECKLIST ADDED
B	070923	



Section A



Section B



ISSUE DATE
A 070923 ISSUED FOR DA
B 080923 RLs DIMENSIONS AMENDED
C 110923 'ADMIXTURE' NOTE ADDED



GUNLAKE CONCRETE
PROPOSED CONCRETE
BATCHING PLANT
21 RED FIELDS ROAD
MOSS VALE NSW

A07 C

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7 MEETING CLOSURE