

SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-246
DA Number	DA23/1087
LGA	Wingecarribee Shire Council
Proposed Development	Section 4.55(2) modification application seeking amendments to the previously approved community facility and emergency services facility for the Wingecarribee Animal Shelter and State Emergency Services (SES) and associated works.
Street Address	1 Bowman Road, Moss Vale (Lot 2 DP 1269526)
Applicant/Owner	FIGGIS & JEFFERSON TEPA PTY LTD/ Wingecarribee Shire Council
Date of DA lodgement	06/04/2023
Number of Submissions	Public Notification – 09 May 2023 to the 14 June 2023. 0 Submission Received
Recommendation	Approve with conditions
Regional Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning systems) 2021)	Capital Investment Value (CIV) exceeds \$5 million for Council related development (\$8,886,000) and the application is for a Section 4.55(2) modification application with a conflict of interest.
List of all relevant s4.15(1)(a) matters	• <i>Environmental Planning and Assessment Act 1979;</i> • <i>Environmental Planning and Assessment Regulation 2021;</i> • <i>State Environmental Planning Policy (Planning Systems) 2021;</i> • <i>State Environmental Planning Policy (Resilience and Hazard) 2021;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> • <i>State Environmental Planning Policy (Biodiversity and Conversation) 2021;</i> • <i>Wingecarribee Local Environmental Plan 2010; and</i> • <i>Moss Vale Enterprise Corridor Development Control Plan 2008.</i>
List all documents submitted with this report for the Panel's consideration	1. Survey Plan 2. Architectural Plans 3. Civil Engineering Plans 4. Statement of Environmental Effects 5. Traffic Report 6. Landscape Plan 7. DCP Compliance Table 8. Recommended Conditions of Consent

Report prepared by	Jeremy Swan, The Planning Hub – Town Planning Consultant
Report date	3 July 2023

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.

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2. Architectural Plans
3. Civil Engineering Plans
4. Statement of Environmental Effects
5. Traffic Report
6. Landscape Plan
7. DCP Compliance Table
8. Recommended Conditions of Consent

1. PURPOSE OF REPORT

The purpose of this report is to seek the Southern Regional Planning Panel (the Panel) determination of a Section 4.55(2) modification to DA 22/1835 for amendments to the approved Wingecarribee Animal Shelter and State Emergency Services (SES) Centre at 1 Bowman Road, Moss Vale.

The Panel is the determining authority for this DA as, pursuant to Part 2.4 of State *Environmental Planning Policy (Planning System) 2021* and Part 2.15 of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$8,886,000 which exceeds the CIV threshold of \$5 million for council related development and the application is for a Section 4.55(2) modification application with a conflict of interest.

2. SUMMARY OF RECOMMENDATION

That the Panel grant consent to DA23/1087 consisting of a Section 4.55(2) modification to DA 22/1835 for amendments to the approved Wingecarribee Animal Shelter and State Emergency Services (SES) Centre pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

3. EXECUTIVE SUMMARY

Council is in receipt of a Section 4.55(2) modification application submitted on 6 April 2023, seeking approval for amendments to the previously approved (DA22/1835) Wingecarribee Animal Shelter and State Emergency Services (SES) at 1 Bowman Road, Moss Vale.

The modification seeks internal and external amendments to the approved development with the modifications assisting in the construction and operation of the development.

The applicant was referred to various departments within and external to Council and was notified to surrounding properties. No public submissions were received.

Additional information was sought from the applicant on the 18 May 2023 regarding the probable effect of the development on water quality. Water NSW requested that Council obtain from the applicant sufficient information to enable Water NSW to undertake a neutral or beneficial effect on water quality assessment (NorBE) for the development. Following receipt of additional information, Water NSW have concluded that the proposed modification can achieve a Neutral or Beneficial Effects (NorBE) on water quality on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The assessment has found that the modification is consistent with the aims and objectives of and the following legislations and environmental planning instruments:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- *State Environmental Planning Policy (Planning Systems) 2021*;

- *State Environmental Planning Policy (Resilience and Hazard) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conversation) 2021;*
- *Wingecarribee Local Environmental Plan 2010; and*
- *Moss Vale Enterprise Corridor Development Control Plan 2008.*

The proposed modifications are consistent with all relevant environmental planning instruments and do not result in any change to the approved use or essence of the development as originally approved. The development as modified is considered to be substantially the same as approved under DA22/1835 and warrants favourable consideration.

The proposed amendments do not hinder the building's ability to allow for the protection of the environment, protection of industrial land, promotion of internal amenity and management of parking/access.

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

Considering the above, it is recommended that the Southern Regional Planning Panel determine the Modification Application pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979* and grant consent subject to the conditions as provided at **Attachment 8**.

4. PANEL BRIEFING

The Panel was briefed on the application on 20 June 2023. The key items discussed at the briefing consisted of:

- Consideration of the thermal impact of the changes to the external cladding.
- Rationale for the removal of the triangular highlight window and any implications on natural ventilation as a result.

The modification application has been submitted by the applicant to assist in and resolve some issues identified in relation to the construction of the approved development. The internal and external amendments are sought to assist and improve the construction process and operation of the development.

The changes to the external materials and finishes incorporate materials that are easier to obtain and construct whilst still maintaining a consistent external façade and presentation outcome to the development as approved. The revised materials have been selected to ensure the development will maintain a consistent thermal environment as originally approved.

The modification also includes the removal of the triangular highlight window on the front façade of the animal shelter. The triangular highlight window was not operable and only formed an aesthetic aspect of the development. The development as modified still maintains the operable highlight windows on the northeastern façade. The removal of the triangular highlight window will not impact on the natural ventilation achieved by the development.

5. BACKGROUND

Application Background

On 12 October 2022 the Panel granted consent under DA22/1835 for the construction of facilities for the Wingecarribee Animal Shelter and State Emergency Services (SES) at 1 Bowman Road, Moss Vale.

The approved development consisted of the following:

- Construction and use of an Animal Shelter, comprising the following components:
 - Public areas -
 - Entry vestibule, reception and waiting room;
 - Interview room; and
 - Multi-purpose room.
 - Administrative areas –
 - Administrative offices; and
 - Staff room.
 - Adoption area –
 - Holding areas with cubicles; and
 - Accommodation areas with cubicles with access to external exercise yard.
 - Impounding areas -
 - Holding areas with cubicles
 - Accommodation areas with cubicles with access to external exercise yard.
 - Support areas -
 - Assessment and processing area
 - Grooming area
 - Isolation areas
 - Food preparation and utility room
 - Laundry and cleaner's room
 - Storage areas
 - Amenities
 - Accessible/ disabled toilet
 - External area:
 - Outdoor enclosures (sheltered) and runs (2 off) linked to internal accommodation cubicles with exercise yards;
 - Exercise yards (6 off);
 - External meeting area;
 - Circulation paths;
 - Waste holding area;
 - Delivery area; and
 - Passive recreation area for staff and visitors.
 - Business identification signage.

- Construction and use of a State Emergency Services (SES) Unit, comprising the following components:
 - Internal areas -
 - 3 vehicular bays for SES vehicles;
 - Associated working, clothing and equipment storage;
 - Training room;
 - Meeting room;
 - Administrative Office;
 - Kitchen;
 - Change Room with lockers;
 - Amenities of:
 - Male and Female toilets;
 - Male and Female shower area; and
 - Accessible/ disabled toilet with shower.
 - External areas –
 - Recreational area (at rear of building);
 - Business identification signage; and
 - Provision of rotary vents, exhaust and solar panels on the roof.
- Associated works:
 - Provision of an on-site detention sedimentation basin; and
 - Provisions of RWT.

The Site and Locality

The subject site is a corner allotment located to the south east of Bowman Road and south west of Berima Road. The site forms part of the Moss Vale Enterprise Corridor which is transitioning from rural residential to industrial land uses.

The site is commonly known as 1 Bowman Road, Moss Vale and is legally described as Lot 35 DP878862.

The site is currently vacant and contains easements for water mains, telecommunication lines and sydney pipelines. The site also contains an underground optus service and a water basin situated towards the northern boundary.

The subject site has a total site area of approximately 8,264m² with a gentle slope from the southern corner of the site to the intersection of Bowman Road and Berrima Road.

The surrounding areas generally comprises a range of industrial land uses associated Moss Vale Enterprise Corridor. Adjoining the site north east is the Wingecarribee Community Recycling Centre, Animal Shelter and Resource Recovery Centre. To the east of the site is the Moss Vale Cemetery.

The site's location and context is detailed in Figures 1 and 2 below.

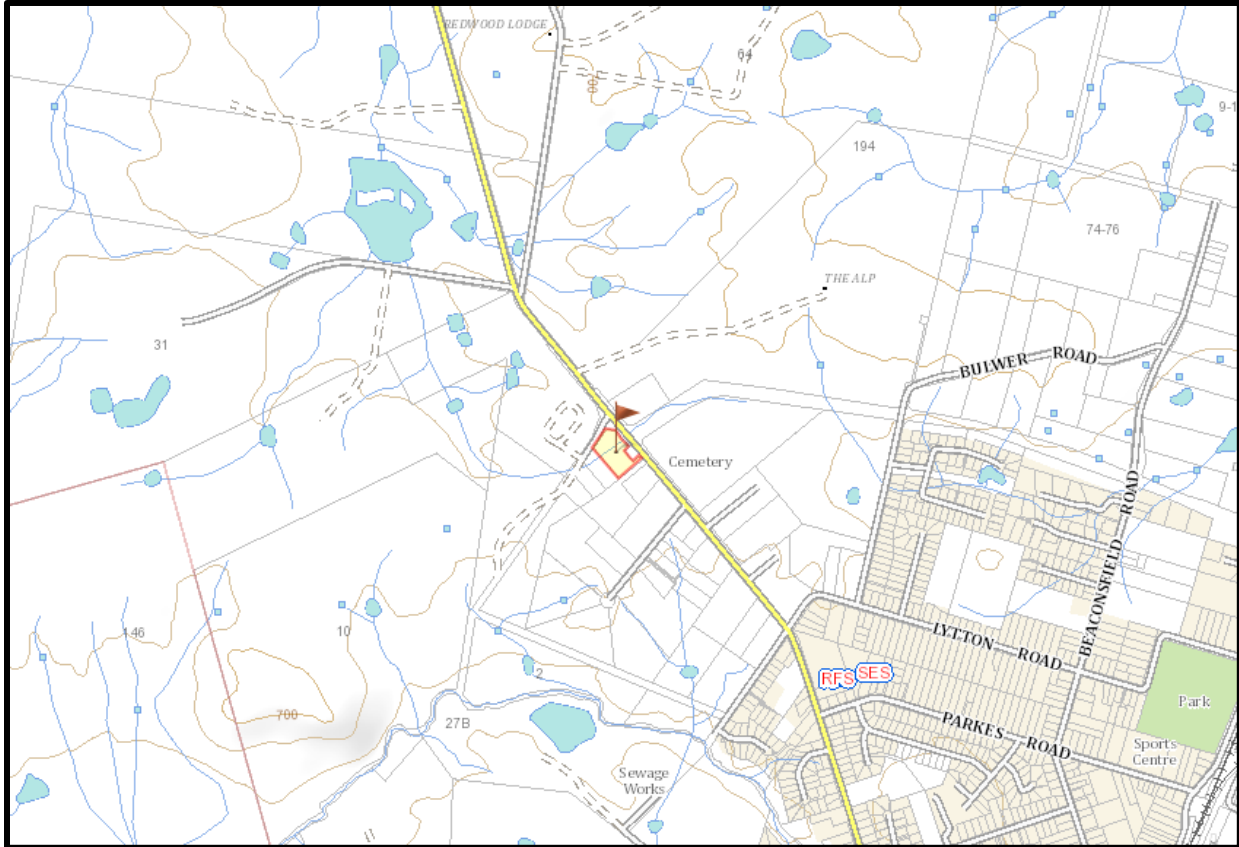


Figure 1 – Locality Plan (Source Six Maps)

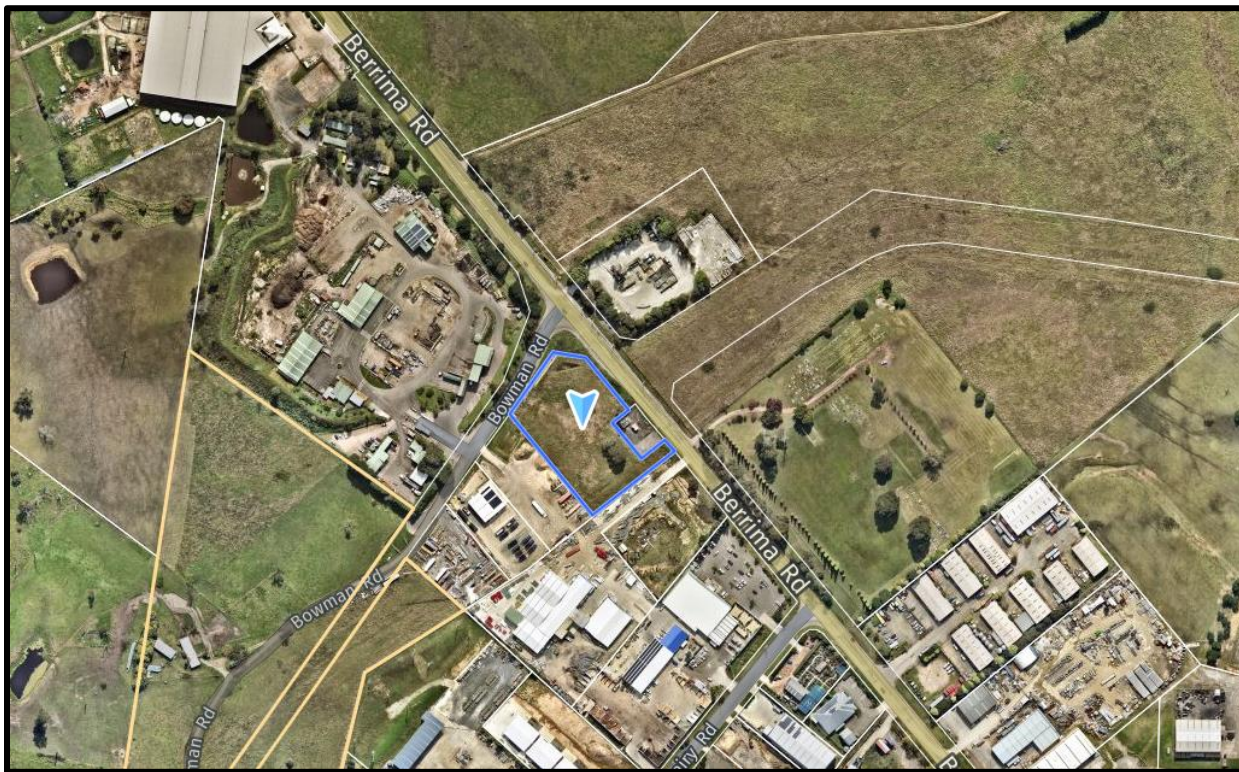


Figure 2 – Site Aerial (Source: Nearmap)

The Subject Application

The subject application was lodged with Wingecarribee Shire Council on 6 April 2023 for a Section 4.55(2) modification to DA 22/1835 for amendments to the approved Wingecarribee Animal Shelter and State Emergency Services (SES) Centre at 1 Bowman Road, Moss Vale.

Notification and Referrals

The application was referred to a number of other internal and external agencies, as set out in Section 8.0 of this report.

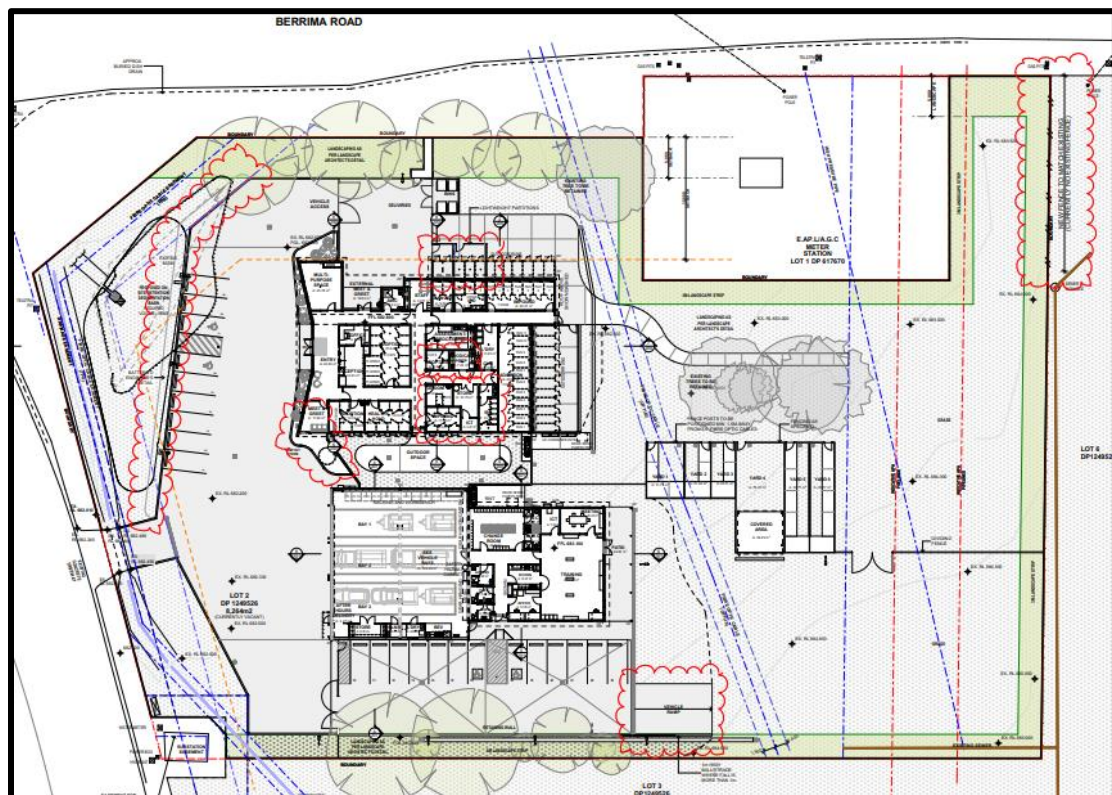
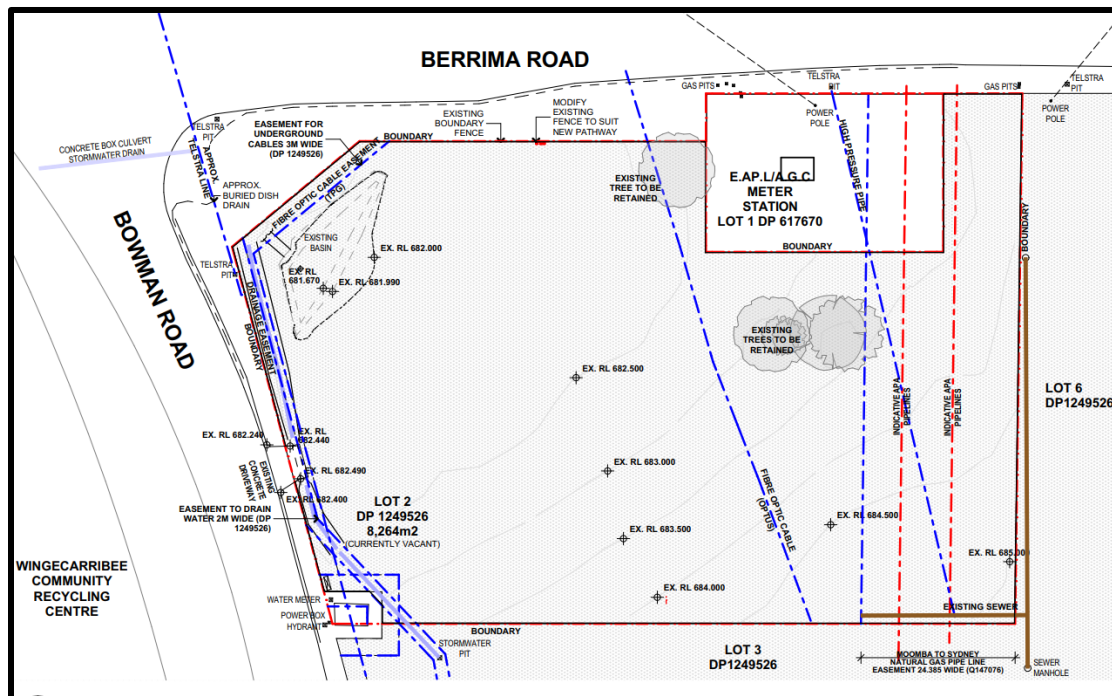
The Development Application was advertised for a period of 30 days between 09 May 2023 to the 14 June 2023. No submissions were received during the notification period.

6. THE PROPOSAL

The proposal seeks approval for a Section 4.55(2) modification to DA 22/1835 for amendments to the approved construction of facilities for the Wingecarribee Animal Shelter and State Emergency Services (SES) at 1 Bowman Road, Moss Vale.

Specifically, the proposed modifications comprise the following:

- Animal Shelter Building
 - Change to the front façade of the proposed building from stone cladding to select face brick.
 - Removal of the highlight triangular window on the front façade.
 - Increase in roof height of the building to accommodate insulation spacers to the roof structure.
 - Change of colour of window and glazed door frames from “Silver” to “Monument” (blackish).
 - Change to external sections of wall on the north-eastern and south-eastern façades from precast concrete panels to steel wall frame and cladding, with external colour to remain the same.
 - Minor changes to internal layout.
 - Increase in number of cats to be housed from 65 to 68.
 - Extension of outdoor enclosures for “Dangerous” and “Isolation Dogs”.
 - Extension of paved area to outdoor runs for dogs.
- SES Building
 - Lowering building floor level by 300mm – to reduce extent of fill and improve interface between buildings.
 - Increase in roof height of the building to accommodate insulation spacers to the roof structure.
 - Relocation of solar panels to roof.
 - Extension of a ramped driveway adjacent to the SES building for vehicles to access the rear grassed portion of the site, with provision of a 1m high balustrade along the driveway where required.



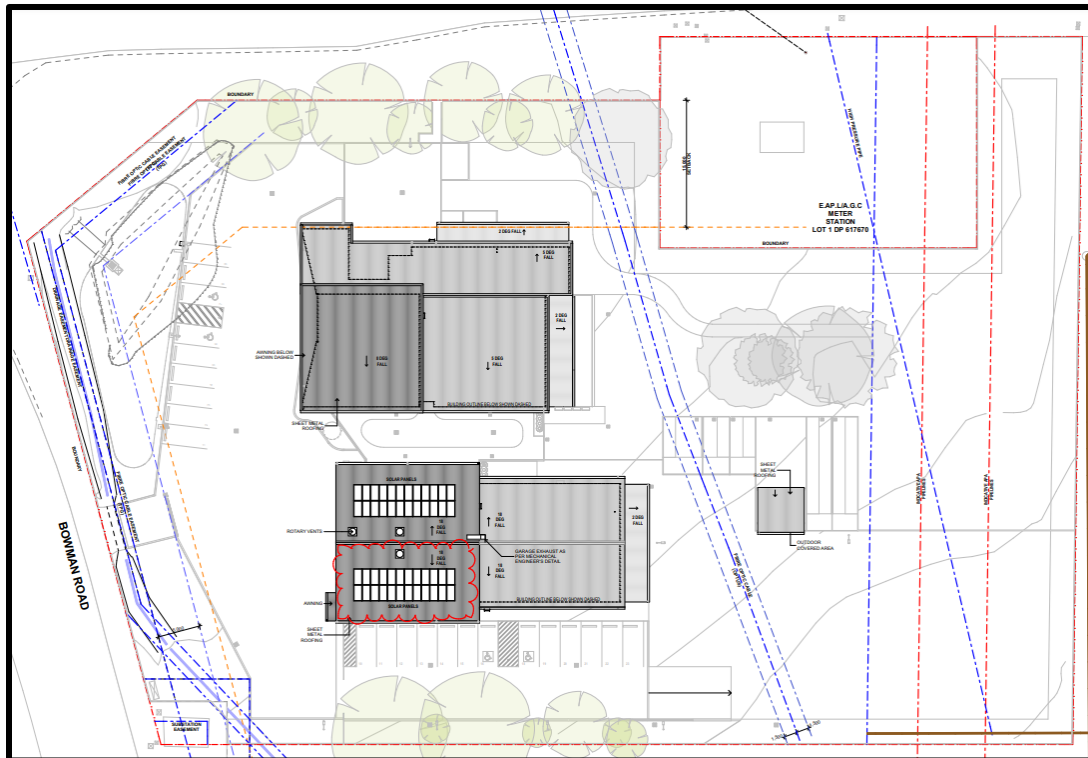


Figure 6 – Roof Plan (Source: Figgis + Jefferson Tapa)

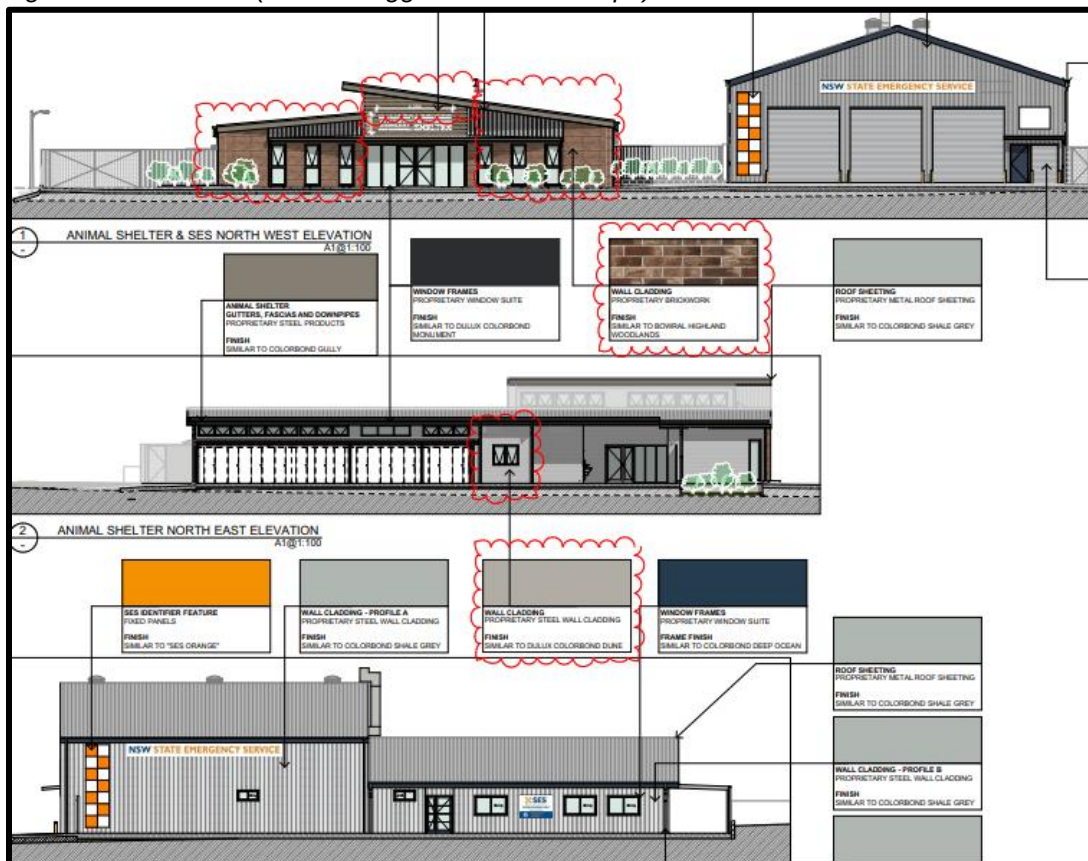


Figure 7 – Elevations and Sections (Source: Figgis + Jefferson Tapa)

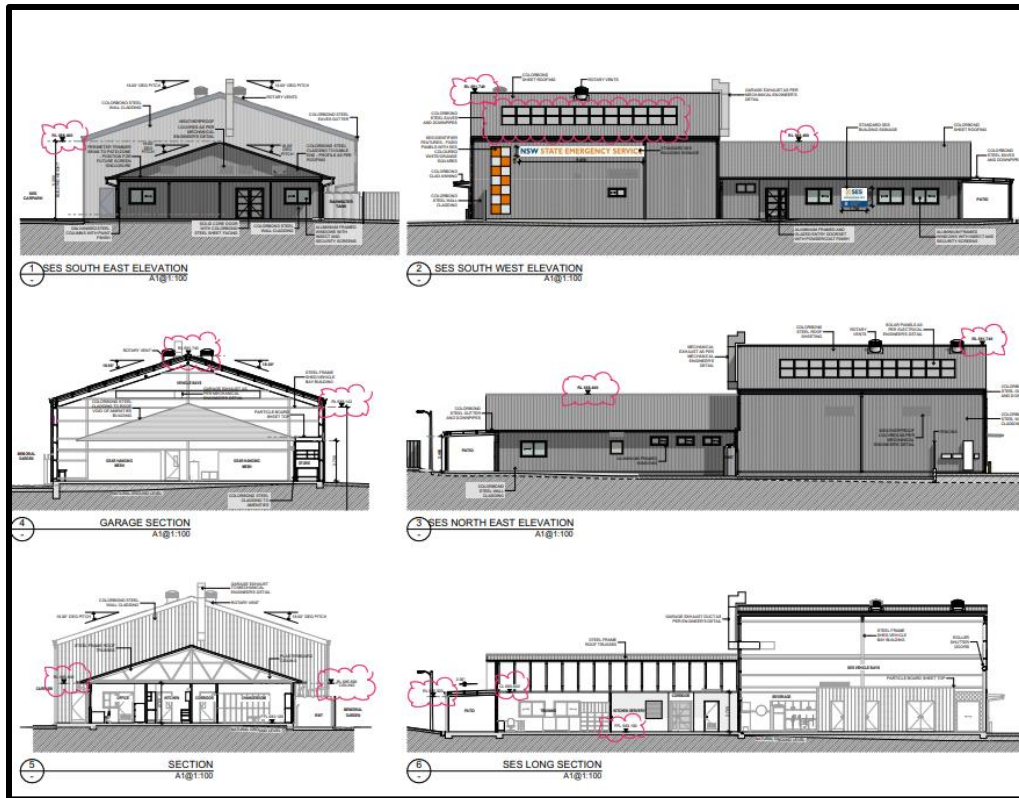


Figure 8 – Elevations and Sections (Source: Figgis + Jefferson Tepa)

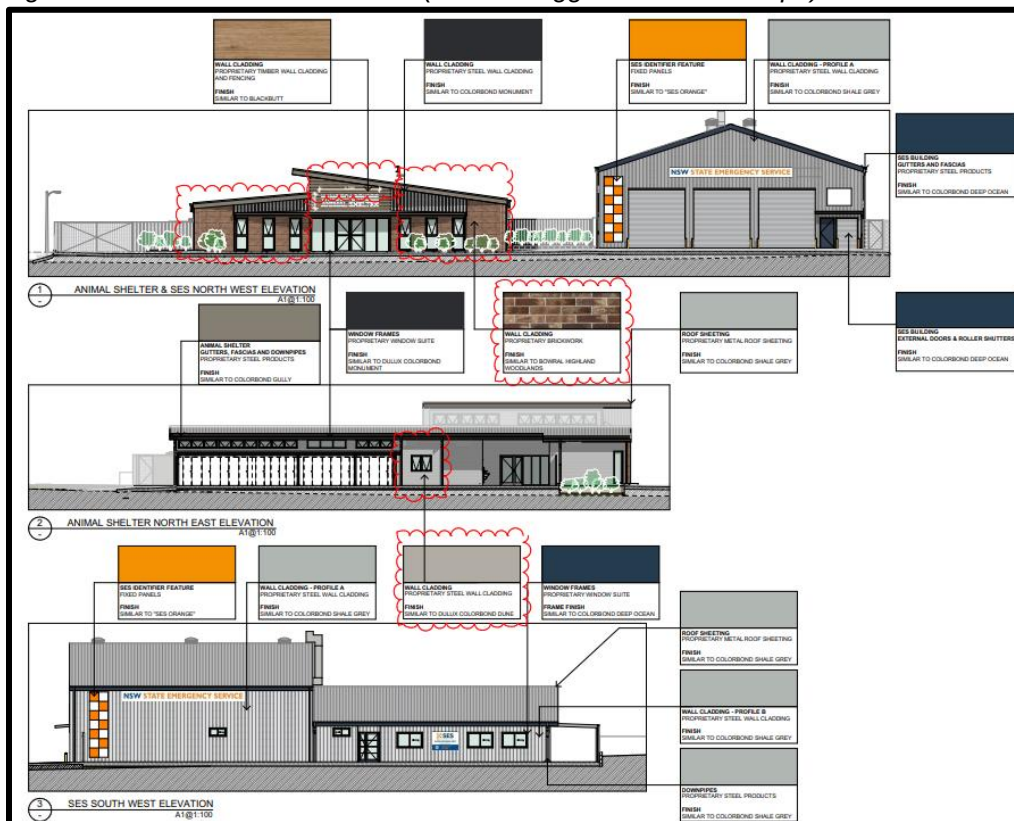


Figure 9 – Materials and Finishes Schedule (Source: Figgis + Jefferson Tepa)



Figure 10 – External Perspective (Source: Figgis + Jefferson Tapa)



Figure 11 – External Perspective (Source: Figgis + Jefferson Tapa)

7. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2021, as follows:

Section 4.55 – Modifications of Consent – Generally

The following is an assessment of the modification against the relevant section of the Environmental Planning and Assessment Act 1979:

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Planners Comments:

The proposed development remains substantially the same as approved. Changes proposed as part of the subject DA relate to minor internal and external alterations to the animal shelter building, State Emergency Service Building and external works across the site. The proposed modifications do not result in any change to the approved use or essence of the development as originally approved. The development as modified is therefore considered to be substantially the same as originally approved.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Planners Comments:

DA22/1835 and the subject modification do not require concurrence or general terms of approved from a separate public authority or approval body. The modification application was referred to Transport for NSW and Water NSW who raised no objection subject to conditions.

(c) it has notified the application in accordance with—

(ii) the regulations, if the regulations so require, or

(iii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Planners Comments:

The application was publicly notified for a period of 36 days between 09 May 2023 and 14 June 2023.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Planners Comments:

No submissions received in relation to the subject modification application.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Planners Comments:

An assessment of the development as modified against Section 4.15 of the Act is provided in this report. The assessment has found that the proposed modification remains consistent with Section 4.15 of the Act and warrants favourable consideration.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Planners Comments:

Noted. The development as modified remains substantially the same as approved under DA22/1835.

Environmental Planning and Assessment Act 1979 – Section 4.15

In determining a DA, the consent authority is to take into consideration the following matter as are of relevance in the assessment of the DA on the subject property.

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

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

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazard) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conversation) 2021*
- *Wingecarribee Local Environmental Plan 2010;*
- *Moss Vale Enterprise Corridor Development Control Plan 2008*

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

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

The proposed amendments do not contravene the Environmental Planning and Assessment Act.

Environmental Planning and Assessment (EP&A) Regulation 2021

The proposed amendments do not contravene the Environmental Planning and Assessment Regulation.

State Environmental Planning Policy (Planning Systems) 2021

In accordance with Schedule 6 Regionally Significant Development of the SEPP, the proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$8,886,000 which exceeds the \$5 million threshold for Council related development and the application is for a Section 4.55(2) modification application with a conflict of interest. Therefore, the consent authority is the Southern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazard) 2021

Chapter 4 Remediation of Land

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

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

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

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

The site was considered to be suitable for the intended development under DA22/1835. The development as modified is substantially the same as originally approved and therefore remains suitable for the intended use and is consistent with the provisions of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

The subject site has frontage to Berrima Road which is identified as classified regional road. The application was referred to Transport for NSW who raised no objections and detailed that the regional classified road is under management by Council.

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

State Environmental Planning Policy (Transport and Infrastructure) 2021		
Provision	Control	Discussion
2.118 Development with frontage to classified road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	It is proposed to maintain an existing vehicular access to Bowman Road. The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the modification application. The application was referred to Transport for NSW who raised no objection. The modifications are not sensitive to traffic noise or vehicle emissions.

State Environmental Planning Policy (Biodiversity and Conversation) 2021

Chapter 4 - Koala Habitat Protection 2021

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

Section 4.9(2) – (6) states:

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

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

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

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

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

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

(ii) is not core koala habitat, or

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

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

(ii) includes only horticultural or agricultural plantations.

(6) In this section—

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

As a result of the minor nature of the modifications, Council is satisfied that the proposed development is likely to have low or no impact on koalas or koala habitat. The proposed development is considered to be consistent with the relevant objectives and control of the SEPP.

Chapter 6 – Sydney drinking water catchment

Chapter 6 of SEPP Biodiversity and Conservations 2021 aims:

(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.

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

Water NSW requested additional information from the Applicant to undertake a neutral or beneficial effect on water quality assessment (NorBE) for the development. Following receipt of additional information, Water NSW have concluded that the proposed modification can achieve a Neutral or Beneficial Effects (NorBE) on water quality on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Wingecarribee Local Environmental Plan 2010

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

Permissibility

The site is zoned E4 General Industrial pursuant to the Wingecarribee Local Environmental Plan (LEP) 2010.

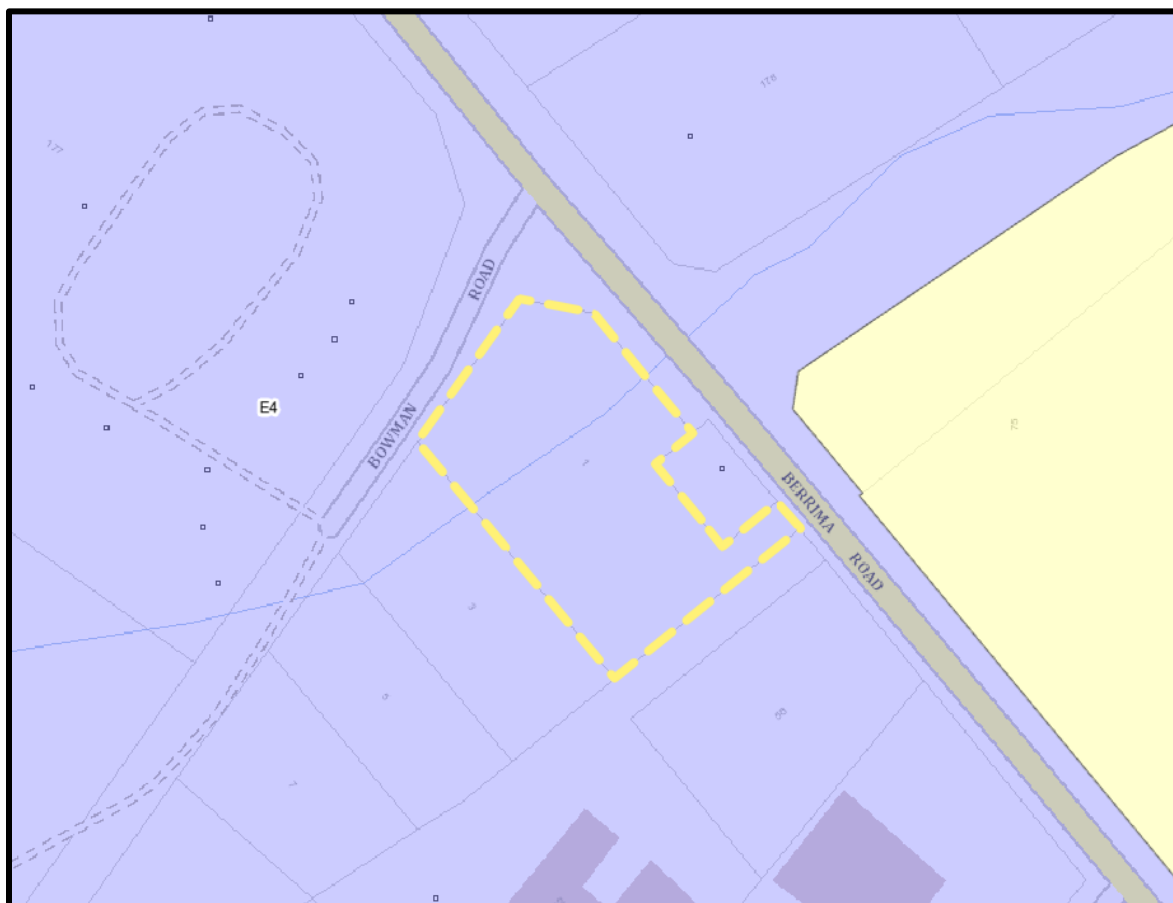


Figure 12 – Zoning Map (Source: NSW Legislation)

The subject application seeks the modification of an approved community facility and emergency services facility which are permitted with consent in the E4 zone.

Zone Objectives

The objectives of the E4 General Industrial zone are as follows:

- *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.*

Officer Comment:

The proposed development as modified is consistent with the relevant objectives of the zone. Specifically, the modified development will not have any adverse effect on other land uses and will not impact upon the viability of business and commercial centres in Wingecarribee. The proposed modifications will not result in any potential impacts on neighbourhood amenity and character or the efficient operation of the local and regional road system.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
7.3 Earthworks	To ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.	Minor earthworks are proposed to facilitate the proposed modification works. The modification works will not affect environmental functions and processes, neighbouring uses or heritage items and features surrounding land.	Yes

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

The employment zones reform commenced on the 26 April 2023 with the subject site being rezoned from IN2 Light Industrial to E4 General Industrial. The uses deemed permissible under the IN2 zone remain permissible under the new zoning and the proposed modifications remain supportable and consistent with the objectives of the zone.

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

Moss Vale Enterprise Corridor Development Control Plan 2008

The Moss Vale Enterprise Corridor Development Control Plan (DCP) 2008 provides detailed provisions to supplement the Wingecarribee LEP 2010. An assessment of the modification against the relevant development controls applying to the subject site and development is provided in **Attachment 8**.

The development as modified remains consistent with the relevant objectives and controls of the Moss Vale Enterprise Corridor DCP.

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

Not Applicable

(a)(iv) The Regulations

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

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

Key matters for consideration when considering the development's potential impact on the natural and built environment are deemed to be as follows:

Natural Environment

Owing to the relatively minor nature of the amendments, the proposed amendments are not considered to adversely impact on the natural environment and have been designed to ensure any potential impacts are appropriately minimised and mitigated.

The application was referred to Council's internal departments for review and no objections were raised.

Therefore, the proposed development is not considered to have any adverse impacts on the natural environment.

Built Environment

Character, Bulk and Scale

The proposal seeks approval for amendments to the previously approved Development Application (DA22/1835) for the construction of facilities for the Wingecarribee Animal Shelter and State Emergency Services (SES). \



Figure 13 – External Perspective (Source: Figgis + Jefferson Tepa)

The proposed bulk, mass and scale of the Animal Shelter and SES facility will remain largely unchanged from the previously approved DA and the modifications are deemed to continue to ensure that the building's remain compatible with the surrounding development and context of the Enterprise Corridor. In addition, the proposed modifications to the materials, finishes and landscaping will continue to ensure the development continues to blend with the natural environment and complement the character of the area.

Social and Economic Impacts

The proposed development is considered to result in a positive social impact through the provision of minor modifications to a previously approved animal shelter and emergency services in a suitable location. The proposed facility will also provide short-term and long-term economic benefits through construction expenditure and employment.

(1)(c) The suitability of the site

The proposed modifications have adequately addressed the key concerns including built form, traffic and car parking and servicing. The proposed modifications ensure the development remains compatible with the surrounding area; therefore, the consent authority can be satisfied that the site is suitable for the proposed development as modified.

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

The Development Application was advertised for a period of 36 days between 09 May 2023 and 14 June 2023. No submissions were received during the notification period.

(1)(e) The public Interest

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed modifications have addressed the requirements of the relevant planning instruments and development controls applicable, including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposed amendments and positively contributes to the provision of animal shelters and emergency services within Moss Vale and the wider LGA. Based on the above assessment, the proposal is in the interest of the public.

8. OTHER MATTERS

External and Internal Referrals

The subject DA was referred to a number of public agencies and internal officers and their responses are summarised below.

External Agency	Reason for Referral	Response
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Transport for NSW	Frontage to a regional road (Berrima Road).	The application was referred to Transport for NSW who raised no objections and detailed that the regional classified road is under management by Council.
Water NSW	Site located within the Sydney Drinking Water Catchment	The application was referred to Water NSW who requested additional information to enable Water NSW to undertake a neutral or beneficial effect on water quality assessment (NorBE) for the development. Additional information was provided by the Applicant and Water NSW concluded that the proposed modification can achieve a Neutral or Beneficial Effects (NorBE) on water quality on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Internal Department	Response
Water and Sewer Development Engineer	The application was referred to Council's Water and Sewer Development Engineers who raised no objection and advised that the modification does not affect the existing water and sewer conditions.
Council Environmental Health	The application was referred to Council's Environmental Health Officer who no raised issues subject to conditions being imposed.
Accredited Certifiers	The application was referred to Council's Accredited who raised no objection subject to the imposing of conditions that have been included in the recommended conditions of consent provided in Attachment 8 .

9. CONCLUSION

A Section 4.55(2) Modification Application has been received seeking approval for amendments to the approved (DA22/1835) Wingecarribee Animal Shelter and State Emergency Services (SES) at 1 Bowman Road, Moss Vale.

The application has been assessed having regard to the provisions of Section 4.55(2) and Section 4.15 of the EP&A Act 1979, the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Wingecarribee Local Environmental Plan 2010 and Moss Vale Enterprise Corridor Development Control Plan 2008.

The proposed modifications are consistent with all relevant environmental planning instruments and do not result in any change to the approved use or essence of the development as originally approved. The development as modified is considered to be substantially the same as approved under DA22/1835 and warrants favourable consideration.

The development as modified will not have an adverse impact on the natural or built environment and is suitable for the site, having regard to its consistency with the relevant planning controls applicable to it.

10. RECOMMENDATION

That DA23/1087 consisting of a Section 4.55(2) modification to DA 22/1835 for amendments to the approved Wingecarribee Animal Shelter and State Emergency Services (SES) Centre at 1 Bowman Road, Moss Vale be approved subject to the recommended conditions in **Attachment 8** to this report.