

Proposed Development of Wingecarribee
Animal Shelter + SES Facilities at
1 Bowman Road, Moss Vale, NSW

s. 4.55(2) Application

STATEMENT OF ENVIRONMENTAL EFFECTS

June 2023



**SUBMISSION OF A SECTION 4.55(2) APPLICATION FOR
THE DEVELOPMENT OF THE WINGECARRIBEE ANIMAL SHELTER &
STATE EMERGENCY SERVICES FACILITIES, MOSS VALE****CONTENTS**

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SUBMISSION OF A SECTION 4.55(2) APPLICATION FOR THE DEVELOPMENT OF THE WINGECARRIBEE ANIMAL SHELTER & STATE EMERGENCY SERVICES FACILITIES, MOSS VALE

1.0 INTRODUCTION

This application seeks a s.4.55(2) – Modification of Consents (Other Modifications) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the approved development of community Animal Shelter and State Emergency Services (SES) facilities at Lot 2 DP1249526, 1 Bowman Road, Moss Vale.

The Development Consent for the proposed development and associated external works is DA 22/ 1835.

Documents accompanying the s.4.55 Application comprise:

Architectural drawings (prepared by Figgis & Jefferson Tapa):

- 3791-DA000 (C): Cover Page, Demolition Plan and Site Plan
- 3791-DA110 (D): Ground Floor Plan
- 3791-DA111 (C): Roof Plan
- 3791-DA200 (D): Elevations and Sections
- 3791-DA201 (D): Elevations and Sections
- 3791-DA440 (C): Materials and Finishes

Survey (prepared by Richard Cox Surveyors):

- 2221-Dwg2221

Civilworks/ stormwater drawings (prepared by JN Responsive Engineering):

- N0211564-C001 (F): Notes and Legend
- N0211564-C050 (F): Typical Details – Sheet 1
- N0211564-C051 (H): Typical Details – Sheet 2
- N0211564-C052 (F): Typical Details – Sheet 3
- N0211564-C053 (D): Typical Details – Sheet 4
- N0211564-C200 (J): Site Stormwater Plan
- N0211564-C210: Roof Stormwater Plan
- N0211564-C400 (E): Grading Plan
- N0211564-C401 (E): Grading Sections
- N0211564-C450 (E): Cut and Fill Plan
- N0211564-C500 (F): Pavement Plan
- N0211564-ESM1 (E): Notes and Legend
- N0211564-ESM2 (E): Erosion and Sediment Control – Details
- N0211564-ESM3 (E): Erosion and Sediment Control – Plan
- N0211564X-JN Design Contours

Landscape drawings (prepared by Taylor Brammer Landscape Architects)

- 21-081s-LA01(C): Cover Sheet
- 21-081s-LA02(C): Hardworks Plan
- 21-081s-LA03(C): Planting Plan
- 21-081s-LD01(C): Landscape Details

Reports:

- Traffic Impact and Parking Assessment report (prepared by JN Responsive Engineering)
- SEE report for s.4.55 application (prepared by AT Architecture, Planning + Urban Design)

Authorship:

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2.0 S.4.55 APPLICATION

2.1 Development Consent

The proposed development at 1 Bowman Street, Moss Vale was granted development approval by Wingecarribee Shire Council (as consent authority) with Notice of Determination of a Development Application No. 22/ 1835.

The approved development on the site is for the construction of an Animal Shelter and SES facilities and associated external works.

2.2 S. 4.55(2) & (3) Application

This application is for a s. 4.55(2) Modification of consents under the EP&A Act 1979 in which the consent authority may modify the approved 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*
- (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.*

The application is to additionally consider the requirements of s.4.55(3) that states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such 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.

S. 4.15(1) of the EP&A Act refers to "Matters for consideration" in the determination of a development application.

2.3 Proposed Modifications to the Approved Consent

The proposed modifications comprise:

2.3.1 Wingecarribee Animal Shelter (WAS) building

- Floor level raised by 350mm from DA approved RL 682.8 to s.4.55(R) of RL 683.15 due to stormwater redesign.
- 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" and paved area to outdoor runs for dogs.

2.3.2 SES building

- Floor level lowered by 250mm from DA approved RL 683.40 to s.4.55(R) of RL 683.15 due to stormwater redesign, 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.

2.3.3 External works

- Landscaping – modification to planting beds at the front of the Animal Shelter building.
- Extension of fence along rear (south-eastern) boundary, with fence to match existing.
- On-site detention (OSD) basin at the north-east of the parking area, at the corner of Bowman Road and Berrima Road, altered to be a bio-filtration basin for water catchment, with addition of access ramp to access the basin from car parking level.
- Provision of a balustrade at the interface between the OSD basin and the car park.

2.4 Wingecarribee Animal Shelter Facility – Proposed Modifications to Consent

2.4.1 Front façade of building, raised floor and roof height

- Change to 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 floor level from RL 682.80 to RL 683.15 (350mm) due to revised stormwater design.
- Increase in roof height to accommodate insulation spacers to the roof structure and as result of raised floor level.

(Figures 1A & 1B)



Figure 1A: Changes to front façade of Animal Shelter building – s.4.55 Modification (source: F&J Tepa)



Figure 1B: DA approved front façade of Animal Shelter building (source: F&J Tepa)

2.4.2 Window and glazed door frames colour

- Change of colour of window and glazed door frames from “Silver” to “Monument”. (Figures 2A & 2B)

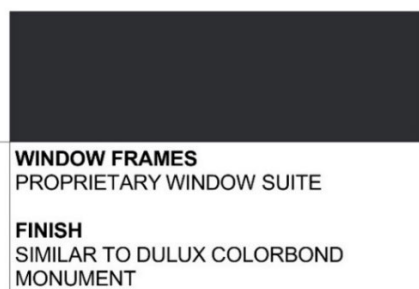


Figure 2A: Change to window & glazed door frames – s.4.55 Modification



Figure 2B: DA approved window & glazed door frames colour

2.4.3 Wall construction to façade walls

- Change to external wall sections on the north-eastern and south-eastern façades from precast concrete panel to proprietary steel wall frame and cladding, with external colour to remain the same, being colorbond “Dune”. (Figures 3A & 3B)

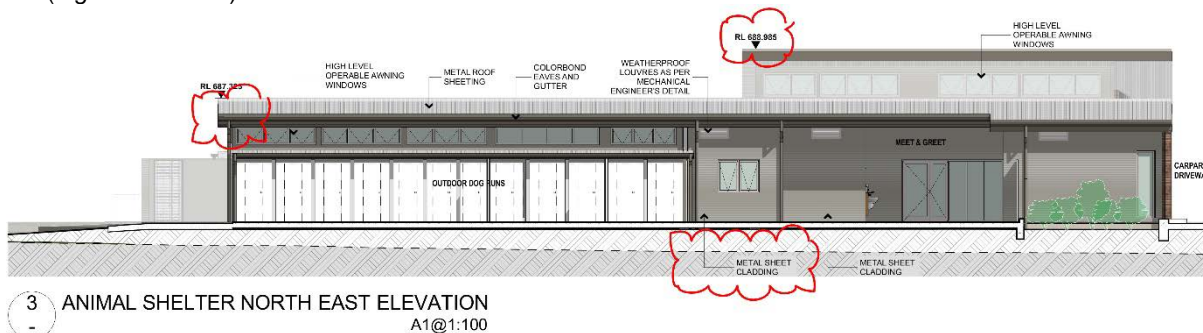


Figure 3A: Change to section of wall on north-eastern (and south-eastern) façade – s.4.55 Modification (source: F&J Tepa)

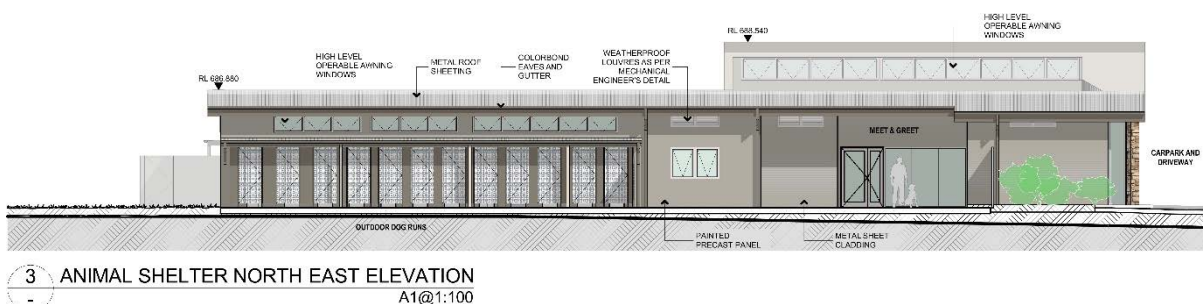


Figure 3B: DA approved section of external wall at north-eastern (and south-eastern) façade (source: *F&J Tepa*)

2.4.4 Internal layout

- Minor changes to internal layout of Animal Shelter facility. (*Figures 4A & 4B*)
- Increase number of cats to be housed from 65 to 68.

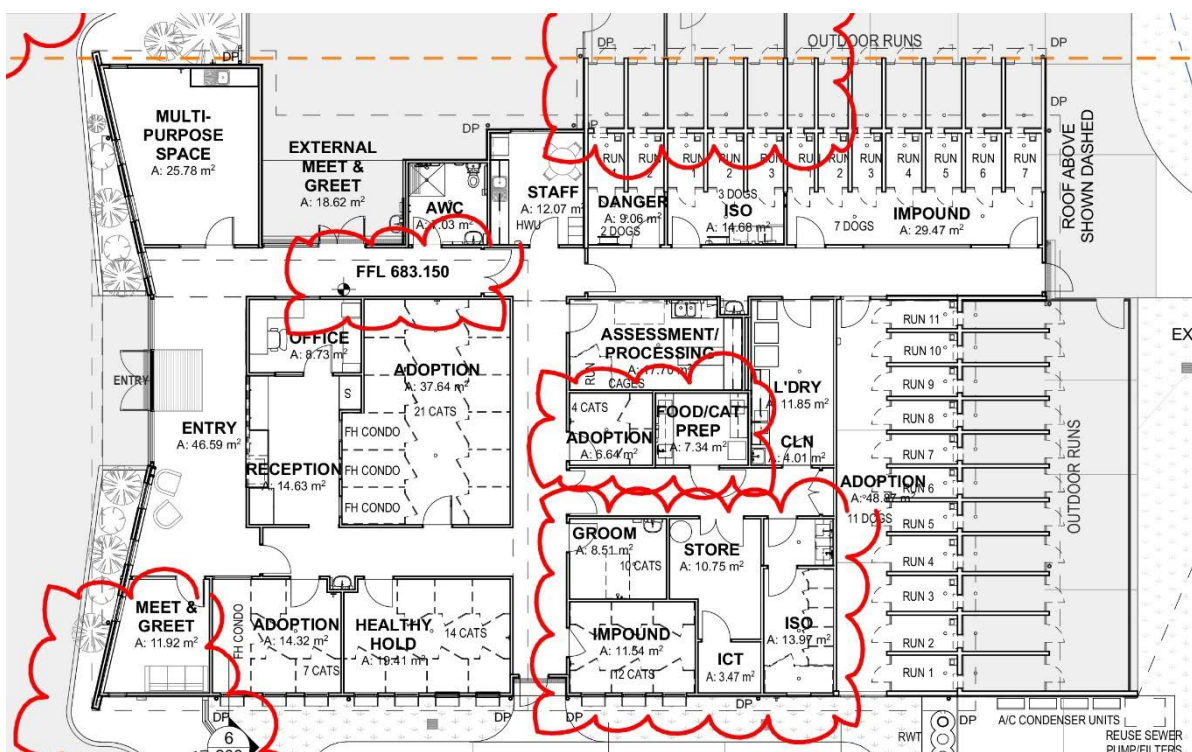


Figure 4A: Minor changes to internal layout of Animal Shelter facility – s.4.55 Modification (source: F&J Tepa)

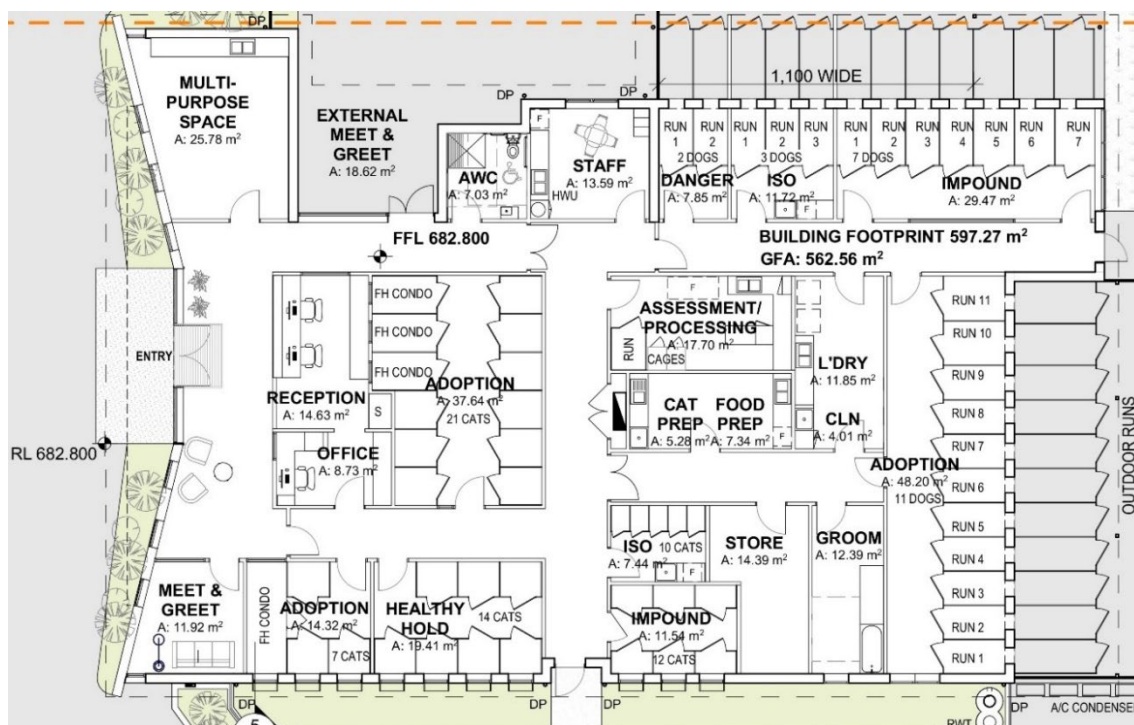


Figure 4B: DA approved internal layout of Animal Shelter facility (source: F&J Tepa)

2.4.5 Extension of outdoor dog enclosure

- Extension of outdoor enclosures for “Dangerous” and “Isolation Dogs”. (Figures 5A & 5B)
- Provision of light-weight solid/ opaque partitions to enclosures – for prevention of potential spread of animal disease. (Figures 6A, 6B, 7A & 7B)
- Extension of paved area to outdoor runs for dogs. (Figures 5A & 5B)

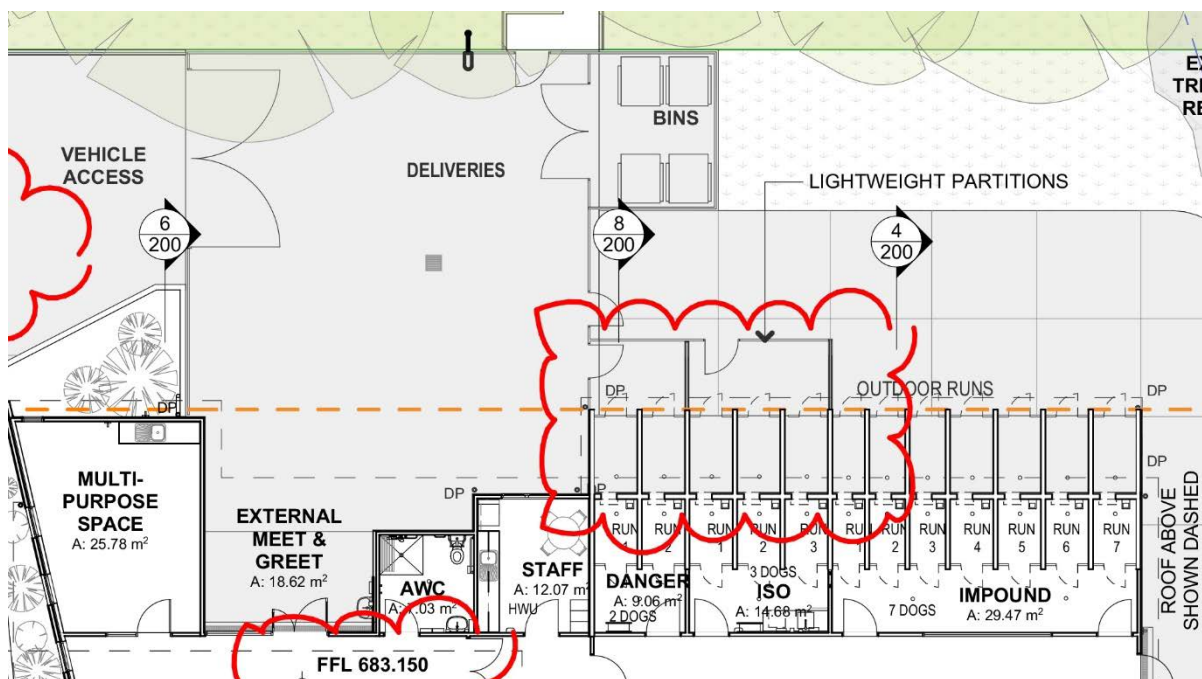


Figure 5A: Extension of outdoor enclosure for dangerous and isolation dogs – s.4.55 Modification (source: F&J Tepa)

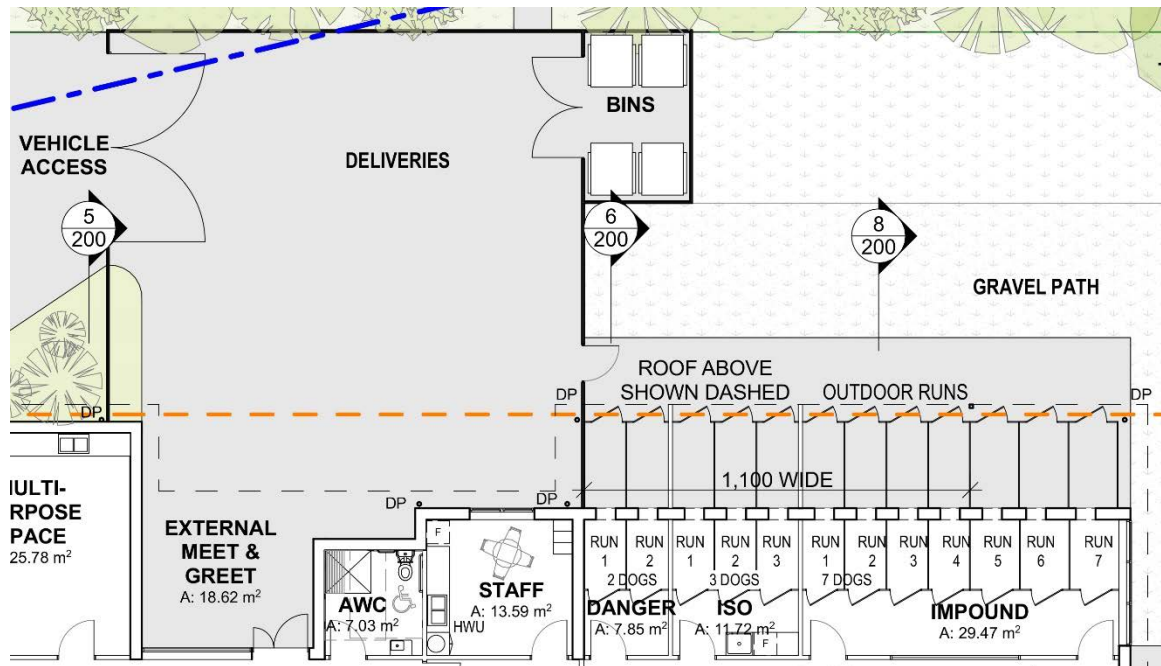


Figure 5B: DA approved outdoor enclosure and paved outdoor runs for dogs (source: F&J Tapa)

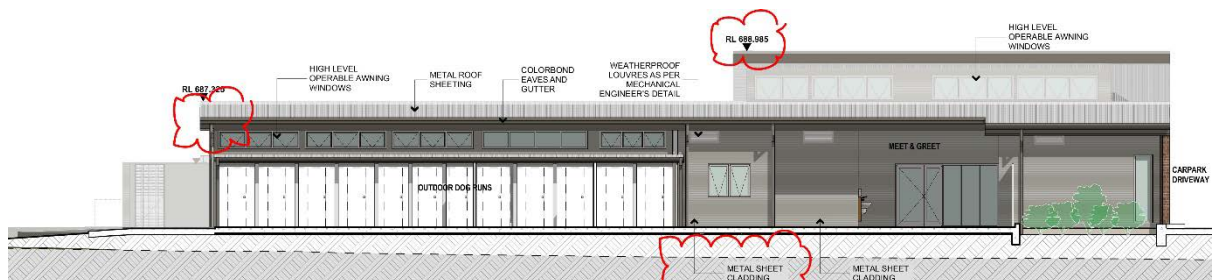


Figure 6A: Animal Shelter building, NE Elevation – Solid light-weight partitions to outdoor dog enclosures – s.4.55 Modification (source: F&J Tapa)

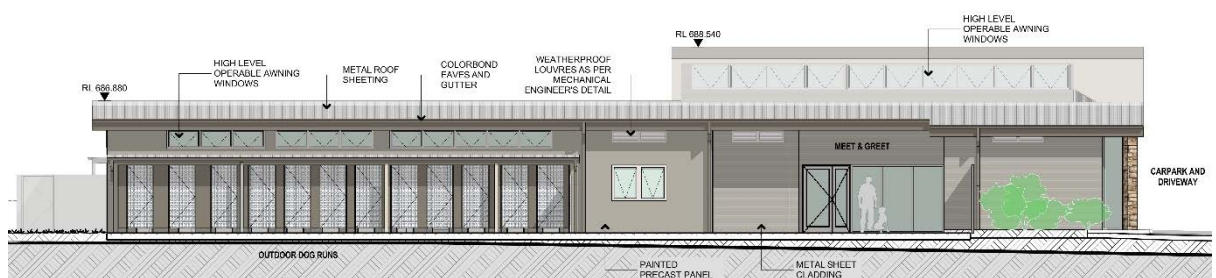


Figure 6B: Animal Shelter building, NE Elevation – DA approved outdoor enclosure façade (source: F&J Tapa)

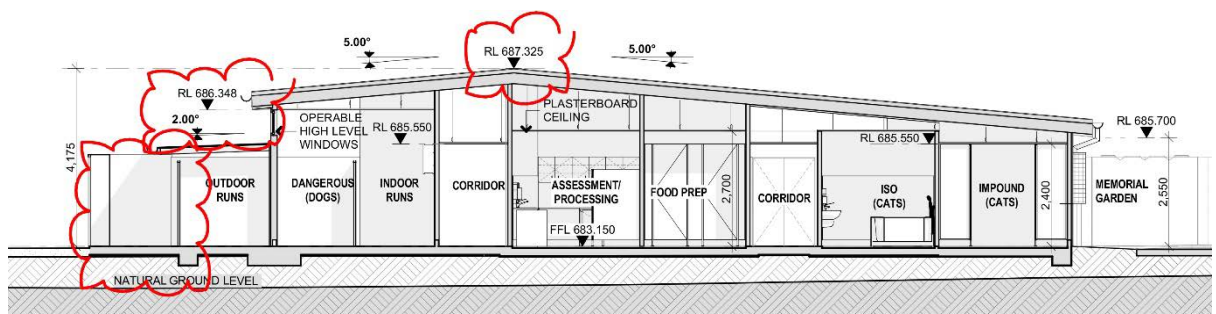


Figure 7A: Animal Shelter building, Section – Solid light-weight partitions to outdoor dog enclosures – s.4.55 Modification (source: F&J Tapa)

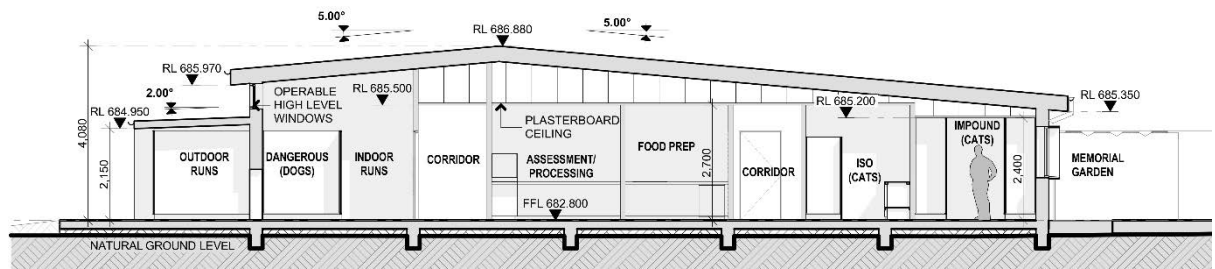


Figure 7B: Animal Shelter building, Section – DA approved outdoor enclosure façade (source: F&J Tapa)

2.5 SES Facility – Proposed Modifications to Consent

2.5.1 Raised floor level and roof height

- Lowering of floor level of SES building by 250mm (from RL 683.40 to RL 683.15) due to revised stormwater design and to reduce the extent of fill under the building, resulting in both buildings having matching floor levels.
- Increase in height of the building to allow for insulation spacers to the roof structure and as result of raised floor level.

(Figures 8A & 8B)

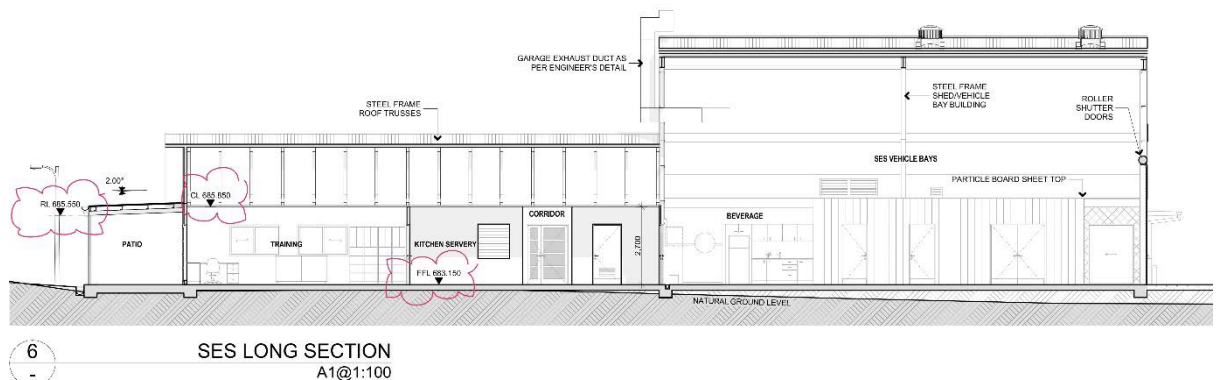


Figure 8A: Floor level of SES building lowered by 300mm and increase in height of building – s.4.55 Modification (source: F&J Tapa)

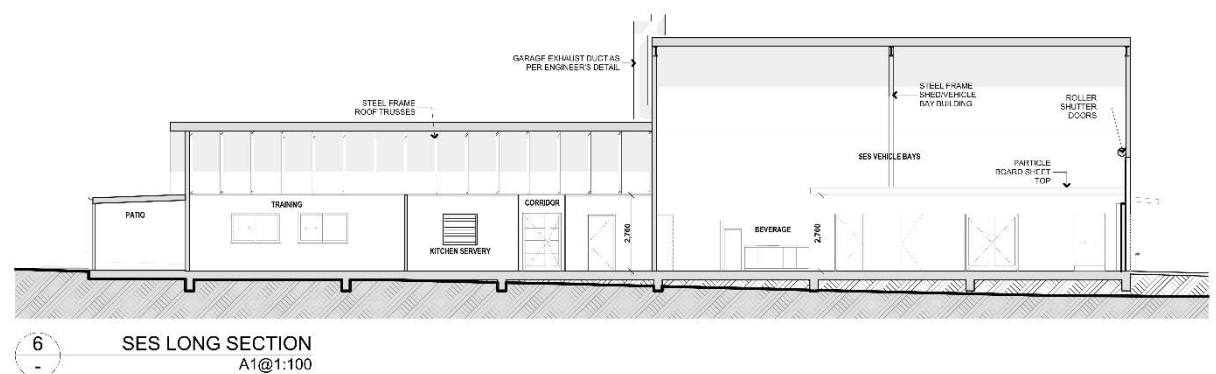


Figure 8B: DA approved floor level and building height (source: F&J Tapa)

2.5.2 Relocation of solar panels to roof

- Relocation of solar panels to roof. (*Figures 9A, 9B, 10A & 10B*)

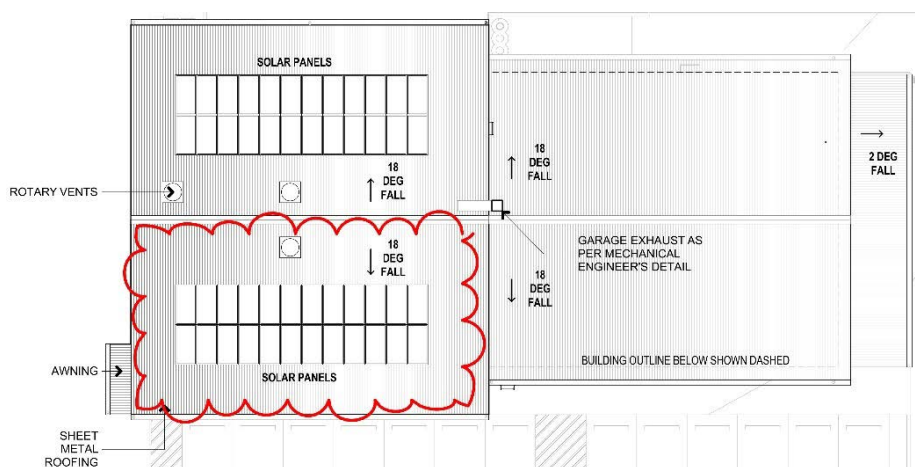


Figure 9A:
Roof Plan of relocation
of solar panels to roof –
s.4.55 Modification
(source: F&J Tapa)

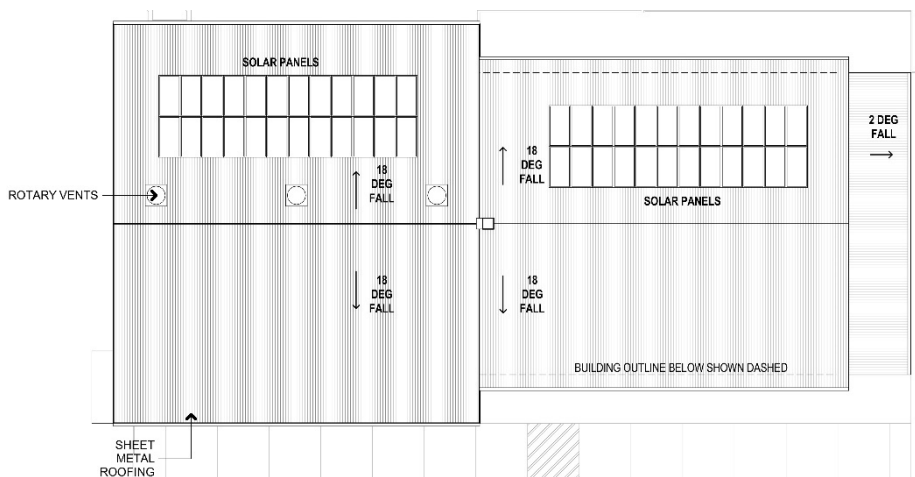


Figure 9B:
Roof Plan of DA
approved location of
solar panels to roof
(source: *F&J Tepa*)



Figure 10A:
Side elevation of
relocation of solar
panels to roof – s.4.55
Modification
(source: F&J Tapa)

2 SES SOUTH WEST ELEVATION
A1@1:100

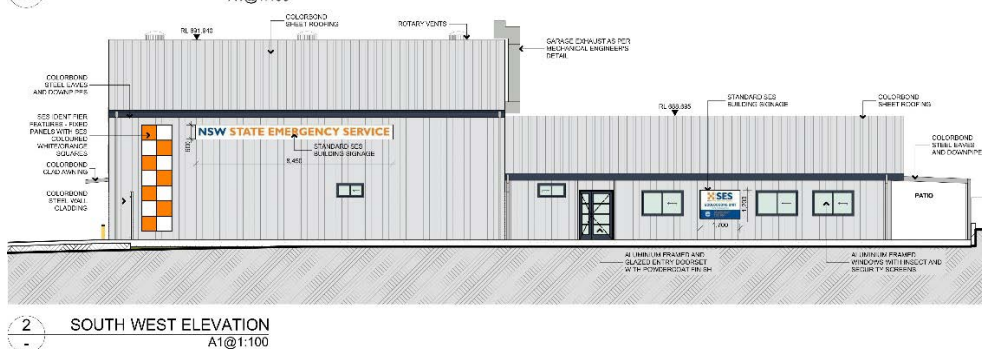


Figure 10B:
Side elevation of DA
approved location of
solar panels to roof
(source: F&J Tapa)

2.5.3 Extension of driveway adjacent to SES building

- Extension of a ramped driveway adjacent to the SES building or vehicles to access the rear grassed portion of the site.
- Provision of 1m high balustrade along the extended driveway where fall is more than 1m.

(Figures 11A & 11B)

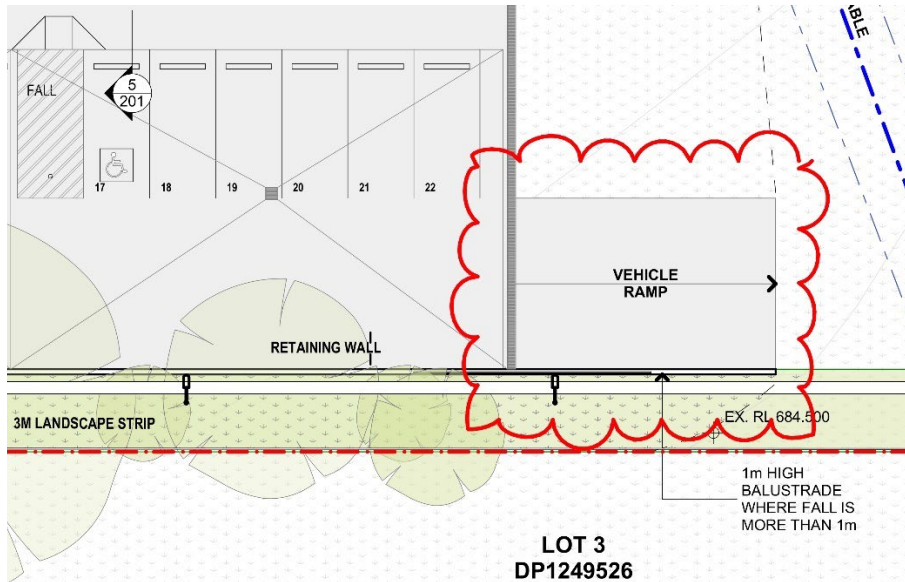


Figure 11A:
Extension of driveway
adjacent to SES building
and provision of a
balustrade – s.4.55
Modification
(source: F&J Tapa)

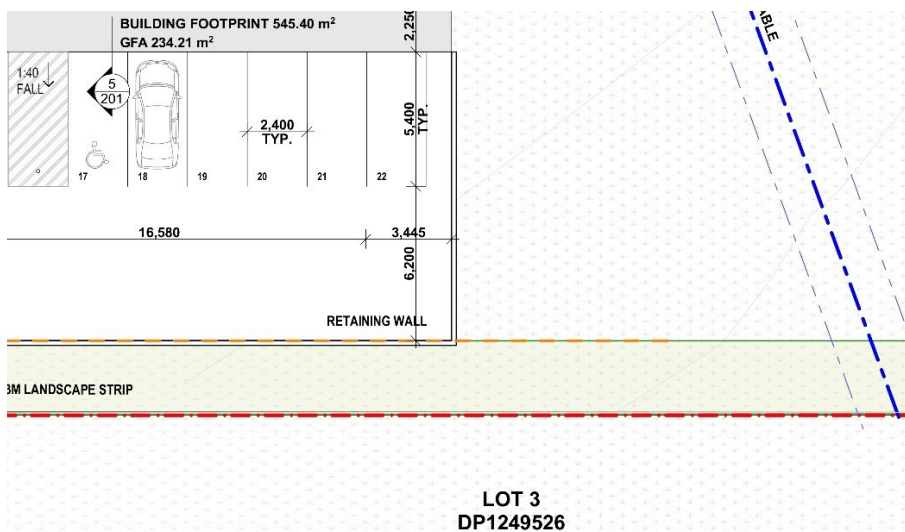


Figure 11B:
DA approved driveway
adjacent to SES building
(source: F&J Tapa)

2.6 External Site Modifications

2.6.1 Landscape modification

- Amendment to planting beds at the front of the Animal Shelter building. (Figures 12A & 12B)
Refer additionally to Landscape Architects' revised drawings.

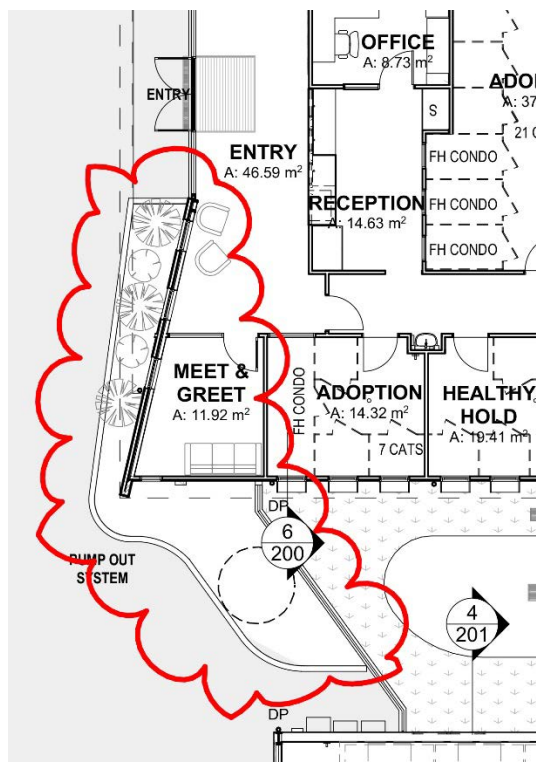


Figure 12A: Landscape amendment to planting bed at the front of the Animal Shelter building – s.4.55 Modification

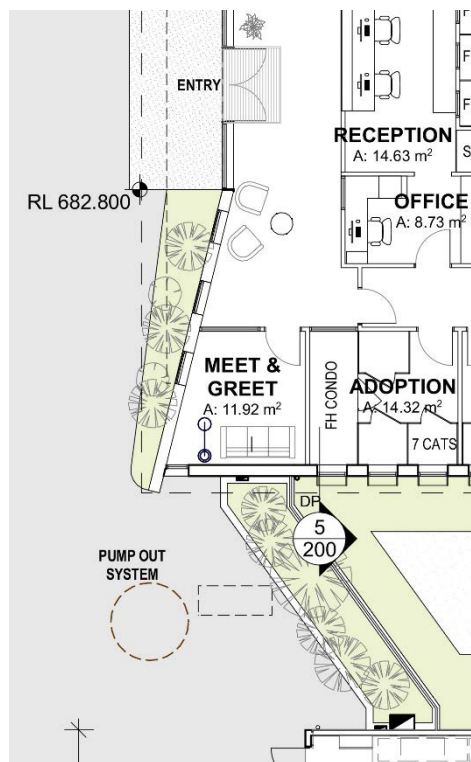


Figure 12B: DA approved planting bed at the front of Animal Shelter building (source: F&J Tapa)

2.6.2 Extension of rear fence

- Extension of fence along rear (south-eastern) boundary, with fence to match existing. (Figures 13A & 13B)

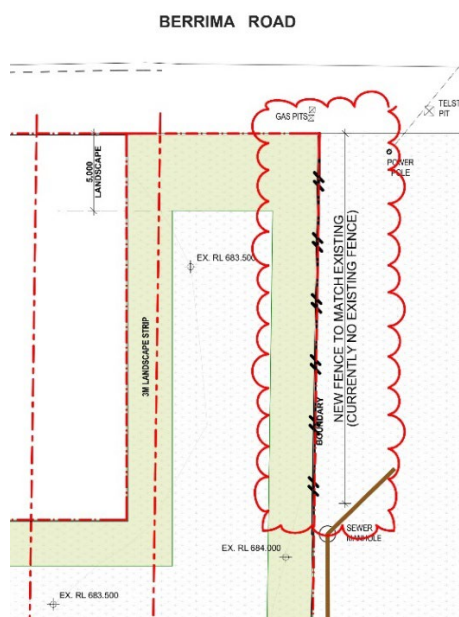


Figure 13A: Fence extension at rear (SE) boundary – s.4.55 Modification (source: F&J Tapa)

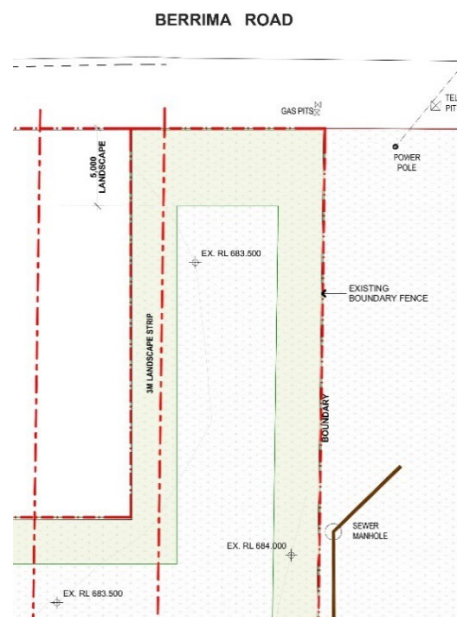


Figure 13B: DA approved existing fence at rear boundary (source: F&J Tapa)

2.6.3 Site battering at corner of Bowman Road and Berrima Road

- On-site detention (OSD) basin altered to be a bio-filtration basin to better suit water catchment.
- Addition of a ramp to access the basin from car park level.

(Figures 14A & 14B)

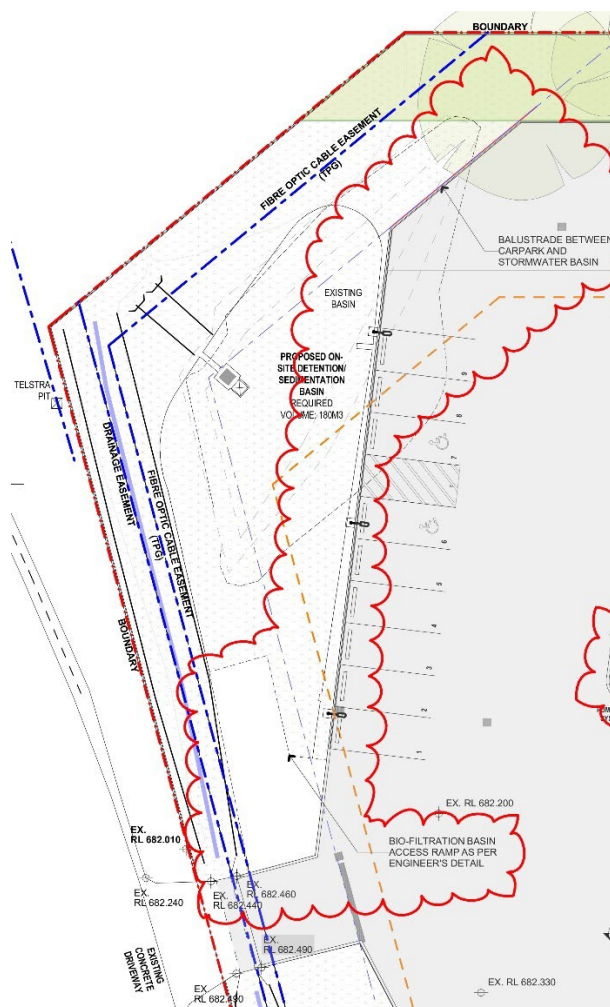


Figure 14A: Modifications to OSD basin – s.4.55 Modification (source: F&J Tepa)

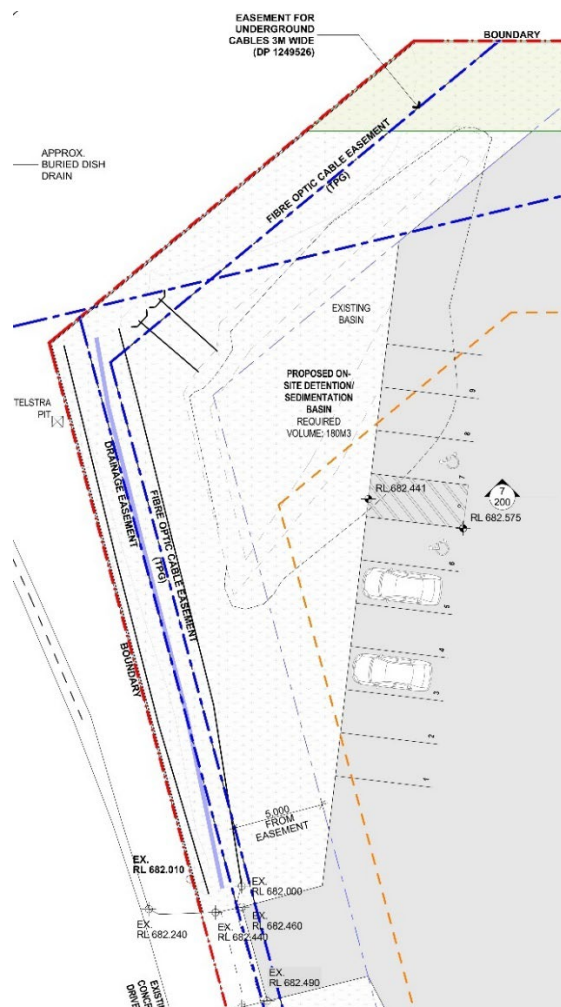


Figure 14B: DA approved site works (source: F&J Tepa)

2.6.4 Stormwater design revisions

Existing ground conditions

The site has been subdivided from its original allotment since 2012. The site appears to have had various earthworks activities undertaken with the construction of a concrete swale near the entrance of the site.

Geotechnical investigation of the site indicates the soil is a mixture of imported silty clay fill and topsoil.

A 5% impervious area has been applied to the pre-development case.

Stormwater design revisions

- Refinements and modifications to civil works/ stormwater design to suit a bio-filtration basin and altered building levels.

(Figures 15A & 15B)

Refer additionally to Civilworks/ Stormwater consultants' drawings.

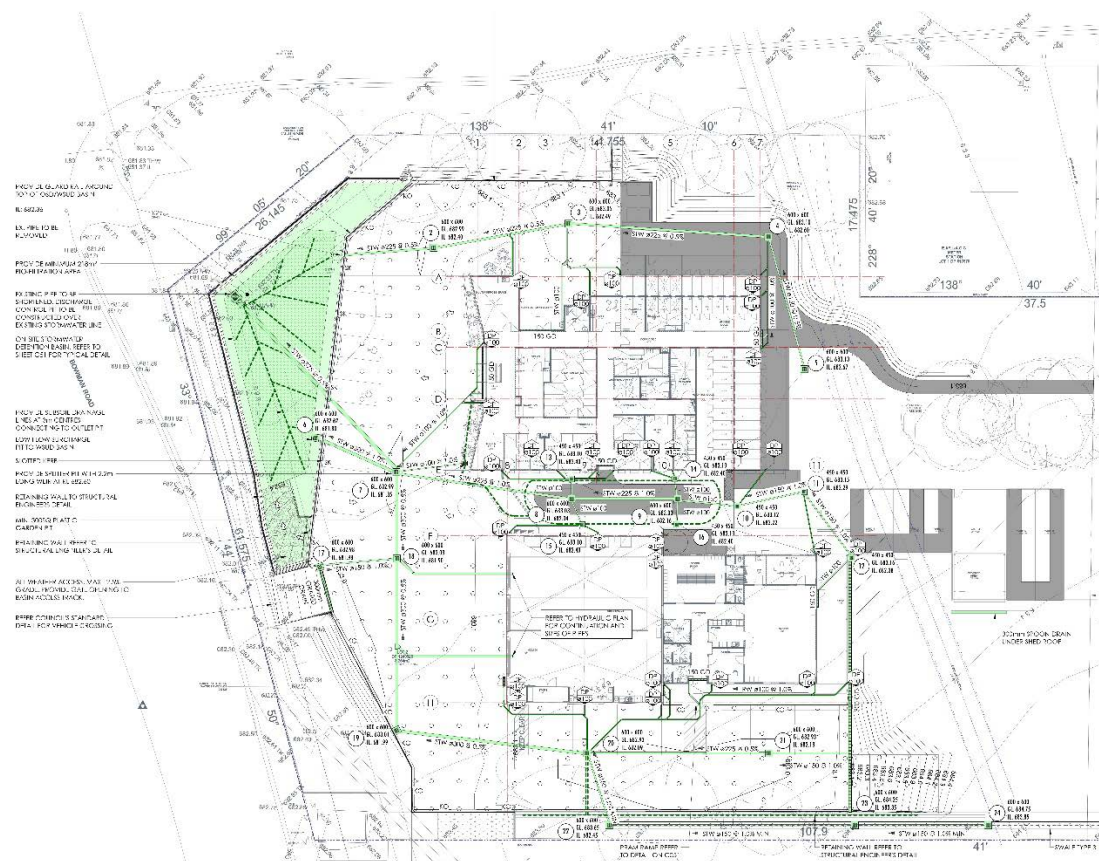


Figure 15A: Site Stormwater Plan – s.4.55 Modification (source: JN Responsive Engineering)

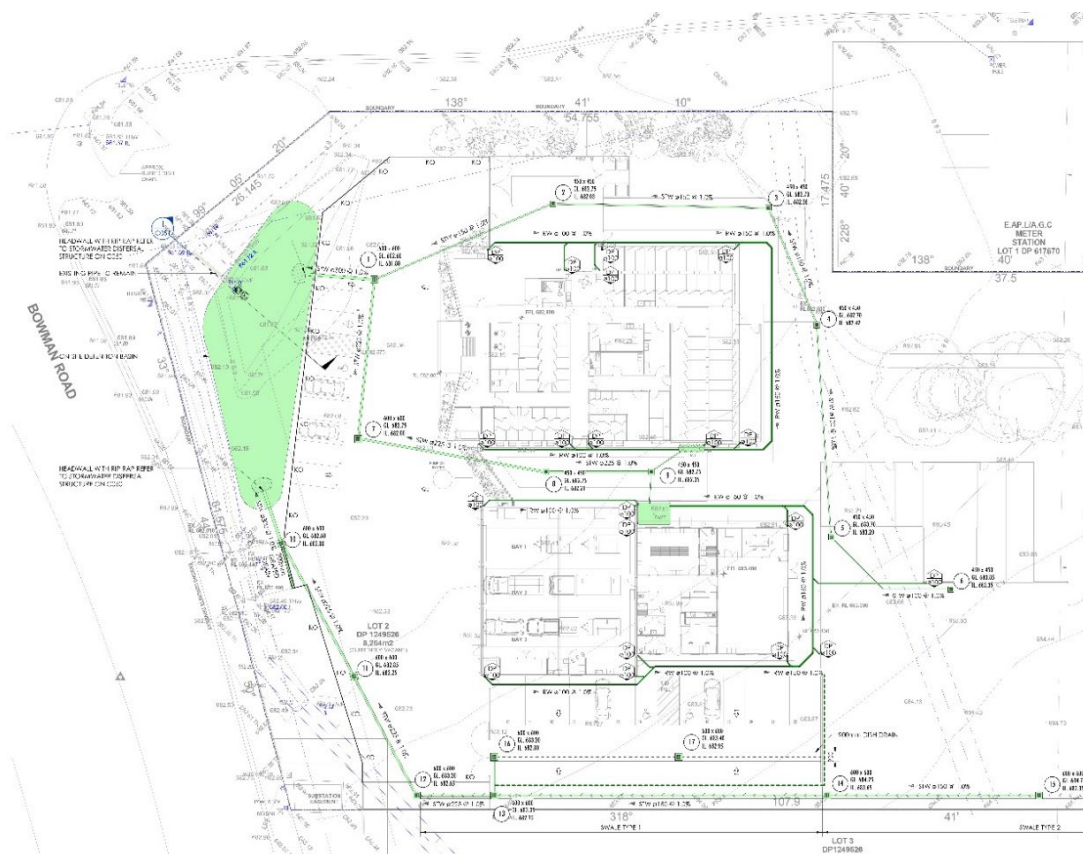


Figure 15B: DA approved Site Stormwater Plan (source: JN Responsive Engineering)

3.0 PLANNING FRAMEWORK

Evaluation of the proposed changes to the DA approved documents is as follows:

3.1 State and Local Planning Controls

The site is within the Wingecarribee local government area and is subject to the following State and local planning requirements of:

- *Wingecarribee Local Environmental Plan 2010*
- *Moss Vale Enterprise Corridor Development Control Plan* (August 2008)
- *State Environmental Planning Policy (Infrastructure) 2007*
- s. 4.15 of the *Environmental Planning & Assessment Act 1979*

3.2 Wingecarribee Local Environmental Plan (LEP) 2010

3.2.1 Land use zone

The site is zoned **IN2 Light Industrial** under Wingecarribee LEP 2010.

Assessment of Compliance of the s. 4.55 Modification:

The modifications to consent do not result in change of use to the Development Approval and the objectives of the zone – **COMPLIES**.

3.2.2 Building height (WLEP – cl. 4.3)

There is no maximum permissible building height within the zone.

DA approval	s.4.55 Modification of Consent	Compliance
Proposed maximum height from building floor level of:	Proposed amended maximum height from building floor level of:	
▪ WAS building: 5.74m	▪ WAS building: 5.835m (+0.095m)	√
▪ SES building: 8.54m	▪ SES building: 8.640m (+0.1m)	√

3.2.3 Floor space ratio (FSR) (WLEP – cl. 4.4)

There is no maximum FSR within the zone.

Assessment of Compliance of the s. 4.55 Modification:

The modifications to consent do not change the approved Gross Floor Area of the building – **COMPLIES**.

3.2.4 Earthworks (WLEP – cl. 7.3)

WAS building:

The floor level is raised by 350mm as the result of revised stormwater design and to match the SES building.

SES building:

The SES building is proposed to be lowered by 250mm, to reduce the amount of fill and to match the floor level of the Animal Shelter building.

Assessment of Compliance of the s. 4.55 Modification:

The proposed lowering of the floor level of the SES building reduces the cut and fill. The proposed raising of the floor level of the WAS building is not significant (350mm) – **COMPLIES**.

3.3 State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) has specific requirements for development with frontage to classified road (Cl. 101) as well as impact of road noise or vibration on non-road development (cl. 102).

Assessment of Compliance of the s. 4.55 Modification:

The proposed s. 4.55 modifications do not change the approved DA evaluation of compliance with the requirements of the SEPP – **COMPLIES**.

3.4 Moss Vale Enterprise Corridor Development Control Plan (MVECDCP) 2008

The subject site is zoned **IN2 Light Industrial** under the *Wingecarribee LEP 2010*. The site is within the Moss Vale Enterprise Corridor and is covered by the *Moss Vale Enterprise Corridor Development Control Plan*.

The subject site is located within the Enterprise Corridor's **Local Industry Precinct**.

MVECDCP sets out objectives and controls/ rules for development within the MVEC precinct. These are set out in **Part 3 – Development Controls** of the DCP, as follows:

3.4.1 Access and movement (MVECDCP – Part 3.3)

Assessment of Compliance of the s. 4.55 Modification:

The proposed s. 4.55 modifications do not change the approved DA evaluation of compliance with the “Access and movement” requirements of the DCP – **COMPLIES**.

3.4.2 Building siting and design (MVECDCP – Part 3.4)

The proposed s. 4.55 modifications raise the roof levels of both buildings to accommodate insulation spacers about the roof structure. The resultant rise in height varies from 0.095-0.10mm above the approved DA height for the highest roof ridges.

Assessment of Compliance of the s. 4.55 Modification:

Bulk and scale

The proposed s. 4.55 modifications minimally raise the overall roof heights. The bulk and scale of the proposed development are not perceptibly changed and complies with the “Building siting and design” requirements of the DCP – **COMPLIES**.

Building setbacks

Setbacks of the buildings are not changed from the DA approval – **COMPLIES**.

Building footprints

Building footprints are not changed and do not exceed the requirement of 65% of the total site area – **COMPLIES**.

External building materials and colours

The front façade of the Animal Shelter building is amended from stone to be of a brown face brick colour – **COMPLIES** (Figures 16A & 16B) No changes, otherwise, to the external colours of the proposed buildings.

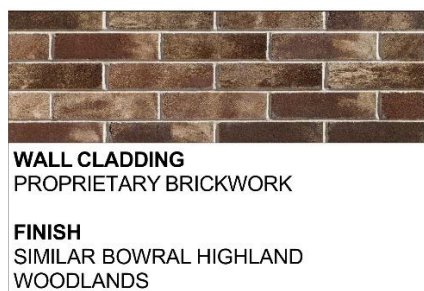


Figure 16A: Amendment to front façade – s.4.55 Modification

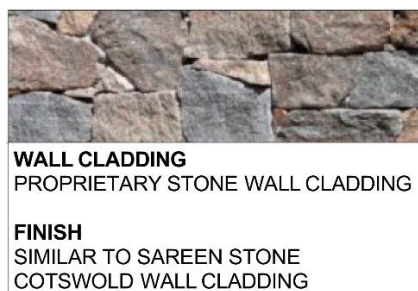


Figure 16B: DA approved front facade

Colour of the window and glazed door frames for the Animal Shelter building is proposed to be "Monument" colour instead of "Silver" – **COMPLIES**.

Sections of precast concrete panels to the north-eastern and south-eastern building facades are proposed to be changed to light-weight steel structure with select colobond wall cladding. Wall colour remains unchanged from DA approval.

Siting and landscape

The vehicular driveway to the south of the SES building is proposed to be extended to accommodate a vehicle hard-stand area. No trees will be removed by the proposed amendment – **COMPLIES**.

The outdoor enclosure for dogs is proposed to be extended with:

- Additional hard paved area resulting in reduction of gravel surface, but no change to soft landscaping; and
- Provision of solid light-weight fencing to prevent spread of disease between enclosures.

Extension of outdoor enclosure is minimal and has little impact on the landscape and setting of the development – **COMPLIES**.

3.4.3 Energy efficiency (MVECDP – Part 3.5)

A bank of solar/ photovoltaic panels are proposed to be relocated from the north-eastern side of the lower roof of the SES building roof to the south-western side of the roof of the SES building.

Assessment of Compliance of the s. 4.55 Modification:

The proposed s. 4.55 Modification does not change the approved DA evaluation with the "Energy efficiency" requirements of the DCP – **COMPLIES**.

3.4.4 On-site parking and loading facilities (MVECDP – Part 3.6)

No changes to the DA approved on-site parking and loading arrangements are proposed.

Addition of external vehicular access ramp from SES parking area south-west of the SES building to rear grassed area.

Assessment of Compliance of the s. 4.55 Modification:

- The ramp has been designed to comply with AS 2890.1: *Parking facilities – Off-street car parking* – **COMPLIES**.
- The proposed development provides sufficient parking for the nature of the proposed development.
- Adequate site access, vehicular manoeuvring and sight lines have been met – to and from Bowman Road.
- Traffic generation from the proposed development is minor in nature and will have no measurable impact on the existing local traffic network.

3.4.5 Signage (MVECDP – Part 3.7 and Appendix 2)

WAS building:

DA approved signage remains unchanged.

SES building:

DA approved signage remains unchanged.

3.4.6 Fencing (MVECDP – Part 3.8)

Extension of fence along rear (south-eastern) boundary with fence to match existing.

Assessment of Compliance of the s. 4.55 Modification:

Development requirements (relevant)	Proposed development	Compliance
Objectives:		
New boundary fencing is designed to secure development sites without adverse visual impact.	Extension of rear boundary fence to match existing. Existing boundary fence is to remain, comprising galvanised steel posts and wire mesh.	√

3.4.7 External lighting (MVECDP – Part 3.9)

No change to external lighting is proposed from the DA approved development.

3.4.8 Landscaping (MVECDP – Part 3.10)

Change to landscape at the front of the Animal Shelter building is proposed. No existing mature trees and shrubs are impacted.

Assessment of Compliance of the s. 4.55 Modification:

The proposed changes are minimal and complies with the landscape requirements – **COMPLIES**.

Refer to Landscape Plan.

3.4.9 Utility services (MVECDP – Part 3.11)

No change to utility services is proposed from the DA approved development.

3.4.10 Biodiversity conservation (MVECDP – Part 3.12)

No change to the DA approved development that will impact/ affect biodiversity conservation as stated in the *Flora and Fauna Assessment Report*.

3.4.11 Noise (MVECDP – Part 3.14)

No change to noise levels or additional impact from noise from the DA approved development.

3.4.12 Air quality (MVECDP – Part 3.15)

No change to air quality or additional adverse impact on air quality from the DA approved development.

3.4.13 Stormwater management (MVECDP – Part 3.16)

Proposed changes to stormwater design comprise:

- Provision of battered sides to the on-site detention (OSD) basin north-east of the car parking area to omit the need for balustrade – at the corner of Bowman Road and Berrima Road.
- Refinements and modifications to civilworks/ stormwater design to suit the proposed of lowering of Ground Floor level of SES building, comprising relocated pits and recalculation of on-site detention (OSD).

Assessment of Compliance with the “Stormwater management” controls is as follows:

Development requirements (relevant)	Proposed development	Compliance
Objectives:		
<ul style="list-style-type: none"> ▪ Stormwater is managed on-site to ensure post-development runoff does not exceed pre-development levels. 	<p>The site is not located in a flood-prone area. Stormwater run-off is managed on site. Post-development discharges do not exceed pre-development discharge levels.</p> <p>Refer to Civilworks & Stormwater drawings.</p>	√

Development requirements (relevant)	Proposed development	Compliance
<ul style="list-style-type: none"> Development does not adversely impact on water quality in local watercourses. 	The development is not in proximity to, and will not impact on, water courses.	√
<ul style="list-style-type: none"> Sustainable development form part of the stormwater management strategy for site development. 	<p>Stormwater will be directed to and detained in an on-site detention (OSD) basin located at the front of the site, with:</p> <ul style="list-style-type: none"> OSD required: 63 m³ OSD provided: 65 m³ <p>Roof water will be collected from gutters and downpipes into rainwater tanks and used for irrigation of landscaping and cleaning of paths.</p>	<p>√</p> <p>√</p>
Controls/ Rules:		
<p>A Stormwater Management Plan is to be submitted with the application, with requirements:</p> <ul style="list-style-type: none"> Drainage system to collect runoff from hard surfaces is to be provided, with 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 event and up to the 1 in 50 storm event must be provided. Detention basis 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 to be provided – to include integration with proposed landscaped areas. 	<p>The stormwater design for the proposed development complies with these requirements.</p> <p>Refer to Civilworks & Stormwater drawings.</p>	√

3.4.14 Waste management (MVECDP – Part 3.17)

No change to waste management from the DA approved development.

4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS – for s.4.55(2) application

In determining the subject s.455(2) application, the assessment authority (Council) requests additionally to consider s. 4.55(3) of the EP&A Act 1979, that requires:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such 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.

S. 4.15(1) of the EP&A Act refers to “Matters for consideration” in the determination of a development application, which requires consideration of the following relevant matters to the development listed in this section of the Act. These have been considered as follows:

4.1 Statutory Planning Considerations

Section 4.15(1) requires the consent authority to take into consideration:

- a) the provisions of:
 - (i) any environmental planning instrument; and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and has been notified to the consent authority; and
 - (iii) any development control plan; and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph);
 that apply to the land to which the development application relates.

(i) Environmental planning instruments

Wingecarribee Local Environmental Plan (LEP) 2010

The proposed development, sited in a IN2 Light Industrial zone under Wingecarribee LEP 2010.

The use of the buildings was approved in the Development Approval and no changes to use are proposed with the s. 4.55 modifications. The proposed s.4.55 modifications are consistent with the zone objectives and complies with the principal development standards of the LEP in relation to:

- No maximum height and development density (floor space ratio) requirements for development within the zone.
- The site has no heritage values, or natural resources sensitivities, is not in a flood prone/ impacted area, is not land with mineral resources.

State Environmental Planning Policy (Infrastructure) 2007

The proposed s. 4.55 modifications comply with SEPP (Infrastructure) as it:

- Does not have vehicular access directly from Berrima Road, which is a regional road.
- Does not have residential facilities with noise sensitivity uses that will require noise amelioration.
- Generates generally low traffic volumes and will not generate pollution impacts on the surrounding roadways.

(ii) Proposed draft instruments

There are no draft instruments relevant to the proposed development to be considered.

(iii) Development Control Plans

The proposed s. 4.55 modifications comply with the *Moss Vale Enterprise Corridor DCP 2008* in relation to the development controls/ requirements for:

- Building siting and design – in terms of setbacks, site cover and building design.
- Energy efficiency.
- Site access and movement.
- Landscaping.
- Stormwater.
- Other ancillary requirements.

Car parking spaces provided within the site are not changed by the s. 4.55 modifications, satisfy the occupancy rates of both buildings and complies generally with the car parking requirement for “community facilities”.

(iv) Regulations

Not applicable.

4.2 Impacts of the Development

Section 4.15(1)(b) requires the consent authority to consider:

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The likely impacts of the proposed development are addressed as follows:

4.2.1 Impact on the natural environment

There is no threatened or endangered flora or fauna on the site.

No change is proposed to the existing mature copse of trees at the central portion of the site which will be retained and integrated into the proposed landscape design of the development.

Stormwater discharge from ground surfaces will be to an on-site detention/ sedimentation basin located at the portion of the site at the corner of Berrima Road and Bowman Road. The area is currently a natural catchment area for excess surface water.

4.2.2 Impact on the built environment

The proposed s. 4.55 modifications have not changed the Development Consent and will not significantly or adversely impact surrounding sites or existing road network. The siting of the development allows for clear sight lines to and from Berrima Road. The siting and design of the development complies with the *Moss Vale Enterprise Corridor DCP*.

4.2.3 Impact on residential or surrounding amenity

The proposed s. 4.55 modifications will not impact on the amenity of surrounding properties in terms of solar access/ overshadowing and noise.

4.2.4 Social and economic impacts

The proposed s. 4.55 modifications do not change the intent of the Development Approval which is to replace the existing animal shelter and SES facilities located within the local area with facilities that meet their current needs.

4.3 Suitability of the Site

Section 4.15 of the EP&A Act requires the consent authority to consider:

(c) *The suitability of the site for the development.*

The site is in an **IN2 Light Industrial** zone under WLEP 2010. The s. 4.55 modifications do not alter the proposed uses which are permissible within the zone, comply with the objectives of the zone and is not impacted by environmental, bushfire, flood, contamination or heritage factors.

4.4 Submissions

Section 4.15 of the Act requires the consent authority to consider:

(d) *Any submissions made in accordance with this Act or the regulations.*

Any relevant representations will need to be considered by the consent authority in the determination of this Development Application.

4.5 Public Interest

Section 4.15 of the Act requires the consent authority to consider:

(e) *The public interest.*

The s. 4.55 modifications do not alter the positioning of the buildings on the site approved in the Development Consent. The siting of the proposed development has taken into consideration the underground infrastructure network and legal easements of the site, so as not to impact on these services.

The design addresses the functional use of these community facilities integrated with ecologically sensitive design measures to provide a responsible and contributory development.

5.0 CONCLUSION

The proposed s. 4.55 modifications to the development comply with the relevant environmental planning instruments (State and local) and development control plans that have jurisdiction on the site.

The s. 4.55 modifications do not alter the development to comprise an upgraded and improved Animal Shelter for Wingecarribee Council and a State Emergency Service facility contribute to the social needs of the local and regional community and is of public benefit, on a site suitable for such development.

The s. 4.55 modifications does not alter the approved development that does not impact on ecological or natural environmental factors and revegetating the non-developed areas of the site will improve its existing degraded landscape.

The traffic generated by the facilities will not be significant. The development has no adverse impact on the amenity of properties within the neighbourhood.

Any s. 4.55 modifications to the design of the development do not alter the design's contribution to the urban design and streetscape of this designated industrial precinct.