

Supplementary

Statement of Environmental Effects

SECTION 4.55 (2) MODIFICATION TO DA18/0340.01: AMENDMENT TO CONCEPT APPROVAL AND DETAILED STAGE 1 DESIGN OF WESTERN SYDNEY CONFERENCE AND COMMUNITY CENTRE. 83 MULGOA ROAD, PENRITH



Prepared by: Think Planners
Document Date: 1 July 2019
Consent Authority: Penrith City Council

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects– Supplementary

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Date	Purpose of Issue	Rev	Reviewed	Authorised
6 June 2019	Lodgement Issue	Final	JW	JW
1 July 2019	Revised 4.55 (2)	Final	JW	JW

Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
Penrith LEP (Glenmore Park Stage 2) 2009- Director General	No
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP 71 – Coastal Protection	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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1. Introduction and Summary

This supplementary Statement of Environmental Effects is prepared as part of the supporting revised documentation relating to the S4.55(2) Modification to the Concept DA and Stage 1 Detailed Design of the Western Sydney Conference and Community Centre granted consent under DA18/0340.

A current modification (DA18/0340.01) is under assessment by Council and this supplementary SEE supports the revised documents submitted noting that the modification is a Section 4.55(2) modification to the original DA having regard to the extent and nature of the changes.

The revised documents include:

- Revised Architectural Plans Prepared by Turner;
- Revised Concept DA Plans Prepared by Turner that provide for consistency with the Stage 1 amendments and the Stage 2 DA that is concurrently under assessment under DA18/1260
- Revised Landscape Plans Prepared by Oculus
- Revised Acoustic Report Prepared by Wood and Grieve;
- Revised Traffic Report prepared by GHD;
- Stormwater and WSUD response by Wood and Grieve- noting full revised plans are being prepared and will be submitted.

This supplementary SEE should be read in conjunction with the 'Statement of Support' prepared by SJB Planning which contains further detail regarding the background and history of the development of the site. Therefore this supplementary SEE deals with the amendments and how they relate to the planning controls.

The amendments focus on ensuring the 'constructability' of the development, as well as ongoing incremental improvements to the scheme as it progresses towards detailed design and tendering. Further it responds to feedback received from Council during ongoing discussions and meetings regarding the proposal.

As discussed with Council there are government grants in place that hinge upon obtaining relevant approvals and commencement of works in October 2019. Therefore we request that Council assesses the modification in a timely manner and the consultant team is able to respond quickly to any further requests for information.

2. Background to WSCCC and Stage 1 Concept DA

See Section 2 of the SJB report regarding these aspects of the proposal.

3. The Revised Proposal

This Section 4.55 modification application seeks consent for 2 key aspects of the initial DA consent:

1. Amendment to Concept Proposal Approved Plans.

This application seeks to modify the Concept Proposal Approved Plans to reflect the changes to the Stage 1 Detailed Design as well as the current Stage 2 DA that is under concurrent assessment under DA18/1260.

The fundamental changes are as follows:

- Provision of an additional basement;
- Adjustment to ground & first floor as it relates to the WSCCC and Hotel DA with minor adjustments to building footprint;
- Adjustments to storey levels noting the buildings are maintained below the height limit with the exception of the minor encroachment by the fire stair that exceeds the height limit by 0.5m;

Accordingly it is requested that the Concept Proposal referenced plans in Condition 1 be modified to reflect the amended plans.

2. Amendment to the Detailed Stage 1 Design for the WSCCC

As part of the original DA consent there was approval issued for the Concept DA as well as for the Detailed Design of the WSCCC. The key aspects of the detailed design for the WSCCC involved:

- 2 Storey function centre known as the Community and Conference Centre (WSCCC);
- Basement parking for 398 vehicles;
- Central landscaped ground floor open space,
- Temporary surface car parking for 130 vehicles;
- Public domain, stormwater drainage and infrastructure works.

Now that funding is secured the ongoing detailed design for the WSCCC has been progressed and there are a number of changes required for 'buildability' as well as ensuring it is able to be built at the designated budget. Therefore refinements to the WSCCC have been proposed.

The key changes are as follows;

Carpark

- Adjustment to surface carpark to maintain the existing surface parking and associated landscaping bays and trees. Carpark now provides for:
 - o Total: 250 spaces including 144 spaces for the club (increase of 14 compared to approval) and 106 spaces for the Phase 1/2 DA's to offset reduction of parking in the basement.
- Adjustment to surface carpark to provide a new basement entry point at the north-eastern corner of the to provide access to the basement for the WSCCC.

Landscape Spine & Landscape Design

- Amendment to landscape spine to introduce dry creek bed in place of water feature;
- The amendments enable the provision of revised deep soil and provides an increase from 18.6% to 21% (pre RMS) and from 7% to 9% (post RMS)

Ground Floor Changes

- Refinement to the internal conference space to provide for a revision to the layout of the conference centre to achieve a broader offering of spaces. The break-out spaces have been revised to adopt a simpler and more useable form on the southern and western side of the conference centre and other minor changes to the conference centre lounge space;

- Revision to the 'exhibition space' at the north-eastern corner to adopt a kitchen store and future kitchen for the Phase 2 DA.
- Simplification of the kitchen and loading areas including the removal of the turntable element and replacement with a revised turning bay space for garbage collection that still enables entry and egress from the street in a forward direction;
- Relocation of the substation from Panthers Place to Ransley Street in proximity to the driveway to better respond to load demand and collocate the infrastructure areas;

First Floor

- Revision to the first floor to provide plant areas and plant rooms and reconfiguration of the toilet areas;
- Revision to the community centre internal layout and adjustment to the breakout space on the eastern side of the community centre.

Basement Areas

- Reduction in the southern extent of the carpark area that previously contained 398 parking spaces and replacement with a 2 level basement that contains a total of 360 spaces (noting the additional 120 spaces at the surface level now provided)
- Basement 1: 168 parking spaces including 12 accessible parking spaces.
- Basement 2: 192 parking spaces including 9 accessible and 4 electric charging stations.

Elevations & Sections

- The elevations have been revised to provide for consequent amendments to the ground floor;
- The elevations have reduced and consolidated the location of plant and equipment;
- The sections have also been revised to show the amendments to the floor plans and basement areas.

4. Assessment of Planning Issues

Environmental Planning and Assessment Act 1979

The proposed development will be assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Section 4.55(2) of the EPA & Act 1979

Section 4.55 of the Act provides as follows:

(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

(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

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

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

(ii) 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

(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.

Subsections (1) and (1A) do not apply to such a modification.

(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.

(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.

The proposal remains substantially the same development with relatively minor adjustments to the approved plans. Whilst there is an additional basement level introduced the quantum of basement areas is comparable (in terms of total site take-up) despite going from a horizontal configuration to a vertical configuration. The submitted Geotechnical Report confirms the suitability of the site for the extent of basements proposed.

In a similar manner the amendment to the Concept DA reflects the adjustment to the Concept DA to reflect the revisions to the Stage 1 detailed design of the WSCCC and also the revisions to the Stage 2 DA amendments and is suitably defined as substantially the same development.

Compliance with Relevant Planning Controls

State Environmental Planning Policy No.55 (SEPP 55) – Remediation of Land

There are no known contaminated sites within the Precinct, and it should be noted that the provisions of SEPP 55 and the need for remediation or otherwise has been previously addressed as part of the broader development applications applying to the site.

Sydney Regional Environmental Plan No.20 (SREP 20) – Hawkesbury Nepean River

It is noted that the impact upon the Hawkesbury Nepean River was a key consideration in the Local Environmental Study that preceded the rezoning of the land. Notwithstanding, the Specific Planning Policies and Strategies of the SREP, state in (10) Urban Development –

- (a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*
- (b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

The above matters have been previously considered in the rezoning of the Precinct and the current proposal will not result in any substantive impact on the Hawkesbury Nepean River.

Penrith Local Environmental Plan 2010

The subject site, to which the development applies, is zoned SP3 Tourist and the proposal maintains the land use permissibility set out in the SP3 Tourist zone and Clause 2.4 Additional Permitted Uses.

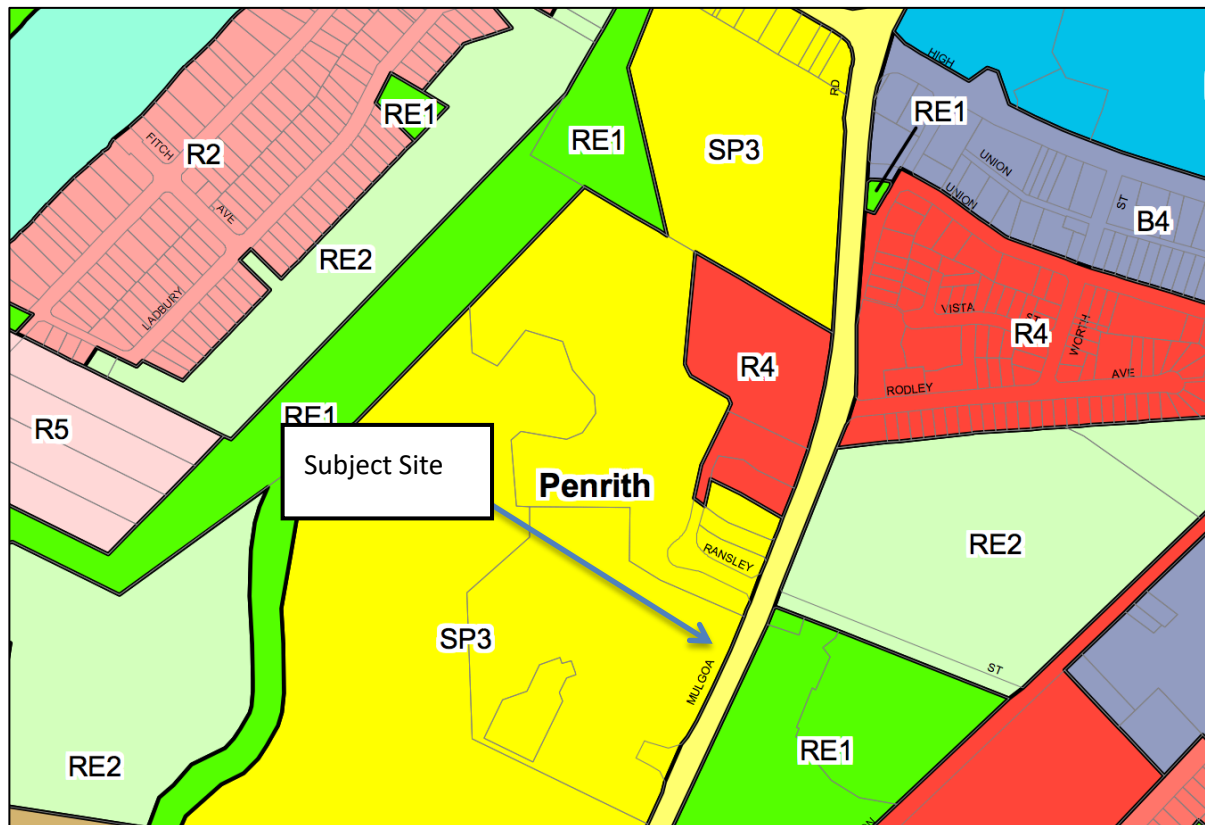


Figure 7: Zoning Extract

The proposal complies with the objectives of the SP3 Tourist Zone insofar as the development facilitates development of the land for Tourist related uses.

The other provisions of the LEP relevant to the proposal are addressed in turn.

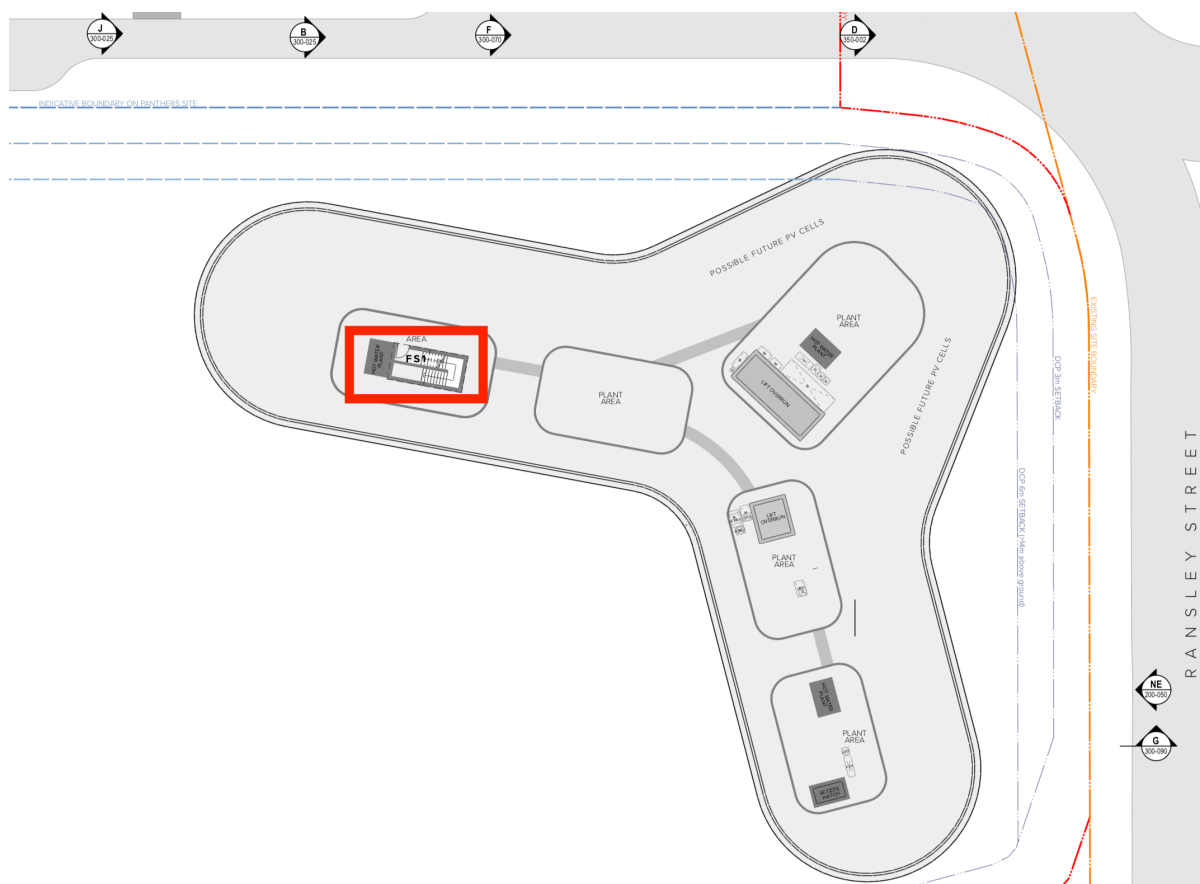
Clause 4.3 Height of Buildings

The proposal involves the adjustment to the Concept Plan noting that the habitable parts of the development are well below the 24m height limit. However a small part of the plant and lift over-run protrudes above the height limit.

The approved Concept Proposal was RL50.98 which equates to 24m.

The amendments involve the fire stair equates to 24.5m. This is a variation of 0.5m or 2% of the control.

This is limited to the area shown on the roof plan below.



As reflected on the above image the extent of the non-compliance is very minor and is recessed from the perimeter of the building.

Given that the proposal is for a S4.55 the provisions of Clause 4.6 are not required to be addressed. However in order to demonstrate the suitability of the departure the relevant objectives of the height control are addressed below as detailed in the original SEE prepared by SJB.

Objective	Comment
(a) <i>To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	<p>The site is within the Panthers Penrith Precinct and is an appropriate location for increased height.</p> <p>The proposal is compatible with the emerging character and scale of the Panthers Precinct.</p>
(b) <i>To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes.</i>	<p>The areas of increased height have been sited to respect the public domain and views to blue mountains and across the site to Panthers Stadium, as well as maintaining adequate daylight to key areas of public domain.</p> <p>The minor exceedance of the height controls does not result in any direct impacts to adjoining properties.</p>
(c) <i>To minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance.</i>	<p>The areas of increased height are minor and are sited within the centre of proposed building envelopes, eliminating their impact on established view corridors through the site and beyond.</p>
(d) <i>To nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.</i>	<p>The proposal responds to the desired character of the precinct and substantially complies with the height standards.</p> <p>The proposal provides a transition in scale from surrounding development, having regard to a range of existing and proposed buildings at varying heights.</p>

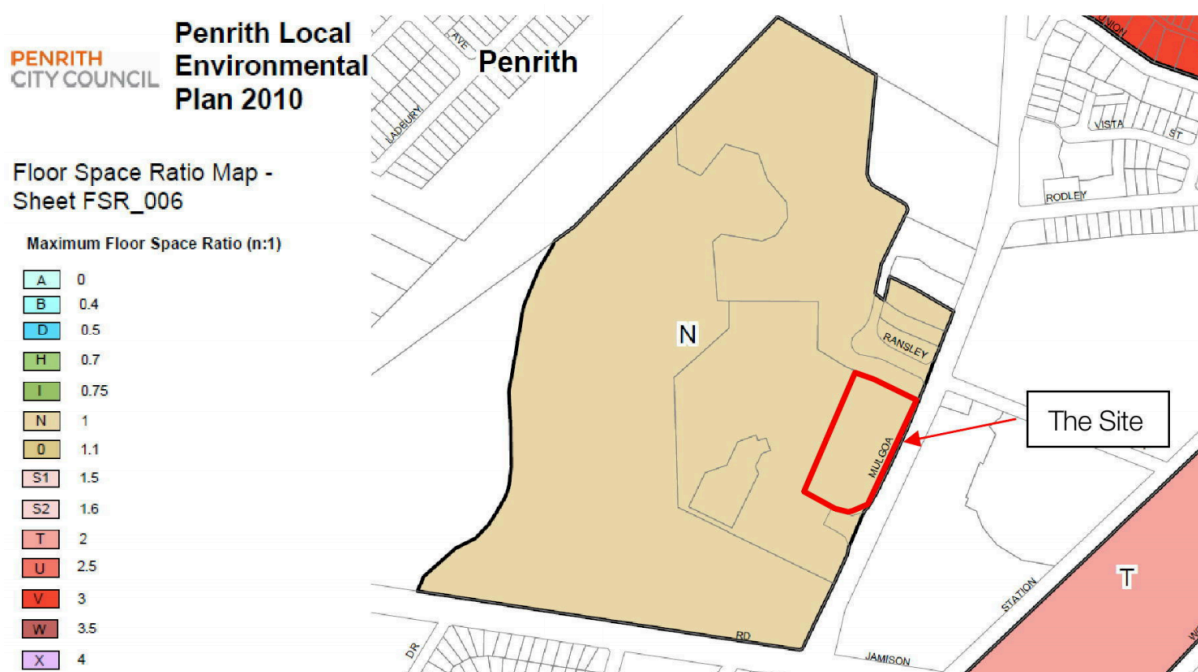
The departure to the control to the fire stair is considered acceptable and the compliance with the height standard is considered unreasonable and unnecessary given that:

- The proposal remains consistent with the objectives of the SP3 Tourist zone, despite the noncompliance with the height control;
- The proposal remains consistent with the objectives of the height standard, despite the noncompliance;
- The proposal does not give rise to impacts associated with increased height, including overshadowing, view loss or loss of privacy;
- The proposed non-compliances with the height controls are minor and do not contribute to a discernible increase in the overall bulk and scale of the proposed building envelopes;
- The proposed concept envelope substantially complies with the controls contained in PLEP 2010 and PDCP 2014 and satisfies the intent of these controls;
- The proposed concept envelope will increase heights in areas sited towards the centre of the Panthers Precinct, to match the existing height strategy for the Precinct;

- Proposed heights will assist in establishing a density of development that will align with the mixed-use offerings approved under the Concept Proposal and of the wider Panthers Precinct and Penrith City Centre; and
- The proposal will enable strong urban planning outcomes. The proposed non-compliances allow a sixth storey (inclusive of ground floor) to be achieved across the site creating uniformity in scale for each building whilst also facilitating variations in building heights and articulation in building envelopes across the Panthers Penrith Precinct.

Clause 4.4 FSR

The FSR mapped is 1:1 as nominated below:



The maximum FSR of the proposal will comply with the 1:1 control as nominated on the FSR diagrams for the ultimate development outcome on the site. The Stage 1 DA has a total of 4761m² and an FSR of 0.62:1 when adding back the existing GFA associated with the broader site.

Clause 7.2 identifies the site as flood prone, however the RL's etc are maintained as part of the amendments.

Part 9 of the LEP contains specific detail regarding the Penrith Panthers Site and technically applies to the proposal. In this regard:

- Clause 9.3 is not relevant as it relates to retail premises which are not proposed;
- Clause 9.4 is not relevant as the proposal is not a community or strata title subdivision;
- Clause 9.5 relates to the campus style office development which does not apply to the scheme.
- Clause 9.6 requires a DCP to be in force for the Precinct- noting PDCP 2014 contains the requisite DCP provisions for the precinct and this Clause is satisfied.

Penrith Development Control Plan 2014

The application has been assessed against relevant general provisions of the Penrith DCP and the specific provisions of Section E13 of the DCP that relates to the Riverlink Precinct and Panthers Site.

An assessment of the relevant parts of the DCP against the proposal follows in the table below.

Penrith Development Control Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	See the traffic report prepared by GHD that contains further detail on this aspect of the proposal.	Yes
10.3	Key Transport Corridors	Not applicable to the current proposal	N/A
10.5	Parking, Access and Driveways	<p>See the traffic report prepared by GHD that contains further detail on this aspect of the proposal noting the intertwined WSCCC and the Hotel.</p> <p>As per the GHD report:</p> <ul style="list-style-type: none"> - The WSCCC requires 411 spaces + 8 employee spaces= 419 - The Hotel requires 154 spaces + 5 employee spaces= 159 <p>Total: 578 required</p> <p>The actual parking provision for the WSCCC and Hotel is 466 spaces.</p> <p>However as detailed in the GHD report:</p>	See GHD Report

		<p><i>The broad conclusions of the parking assessment within the report are as follows:</i></p> <p><i>An assessment of the statutory parking requirement against the Penrith City Council DCP indicates that the development is required to provide 411 (plus for 8 employees) parking spaces for Phase 1 and 154 (plus 5 employees) parking spaces for Phase 2.</i></p> <p><i>The development also refers to the Panthers Precinct Master Plan – Transport Strategy that considers a reduction in parking (notably for the Hotel apartment components) and land mix use demand to provide efficiencies within the parking provision. These include:</i></p> <ul style="list-style-type: none"> <i>– Peak functions for the community and conference centre are unlikely to occur concurrently, thereby the parking provision for both facilities could facilitate multi-use.</i> <i>– Visitors to the conference centre during peak conference events are likely to stay within the hotel facilities, thereby reducing the demand on parking during conference centre parking during such events.</i> <p><i>The development proposed to include 360 spaces (including 21 accessible spaces) within the two basement levels, with 106 spaces (including 2 accessible spaces) in the adjoining at-grade parking area. Notwithstanding the proposed allocated provision, the at-grade parking area can also facilitate up to 250 spaces, thereby providing an opportunity to support up to 610 car spaces within Lot 4 for WSCCC in the event of overflow parking to the total 466 spaces allocated.</i></p> <p><i>The following recommendations are outlined to assist in managing the parking allocation within the proposed parking provision:</i></p> <ul style="list-style-type: none"> <i>• – Implementation of a parking identification system within the basement car park to advise motorists of the number of available spaces prior to entry to the basement and direct drivers to the available parking spaces within the basement.</i> <i>• – Implementation of a Parking Management Plan to facilitate in the cross use within each individual land use in conjunction with</i> 	
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		<p><i>monitoring to provide real-time efficient parking utilisation and incorporation of a parking booking system in coordinating with the hotel/serviced apartment and community conference centre booking system.</i></p> <p><i>The Roads and Maritime Services proposed road widening of Mulgoa Road would reduce the existing at-grade parking provision. This in itself would have reduced the available at grade parking from the existing 680 spaces to approximately 570 spaces (a loss of some 110 spaces) despite what development (if any) would have occurred within Lot 4.</i></p> <p><i>The loss of existing general club parking from the at-grade parking are of approximately 680 spaces is proposed to be offset with the implementation of a parking area located in Lots 7, 8, 9 of the Panthers Precinct (under investigation) and the newly constructed multi- storey car park consisting of approximately 500 spaces immediately northwest of the site.</i></p> <p>On the basis of the above the parking for the WSCCC is clearly compliant at Stage 1 however there is a numerical non-compliance at the completion of Stage 2 which is considered acceptable for the reasons set out in the GHD report.</p>	
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Chapter E13- Riverlink Precinct Part B

Section 13.6 of PDCP 2014 contains objectives and provisions relating to development within the Panthers Precinct. Most of the objectives are not applicable to the proposed development as the controls relating to ‘big picture’ matters that have been previously considered.

However the relevant provisions associated with this modification are addressed in turn.

13.6.1 Panthers Precinct Vision

The amended proposal continues to contribute towards the Penrith Panthers Vision noting the alignment and form of the development retains the green spine and 2 building footprints.

13.7.2 Landscape Structure

The amended proposal enhances the landscape structure and landscaped open space as per Figure E13.14 and in relation to the controls:

- a) The detailed landscape design and public domain design is provided, noting that further detail is provided under the separation DA for Phase 2 for the Hotel;
- b) The landscape treatment is suitable as demonstrated on the Oculus drawings;
- c) The proposal maintains the existing surface carpark tree plantings;
- d) The proposal maintains the required landscape buffer to Mulgoa Road noting that the future road widening will impact on this area- however 'pre' and 'post' arrangements are provided;
- e) Appropriate water management provisions are provided.

Ransley Street

It is noted that the development proposal does not fully align with the Ransley Street controls as active uses at the ground floor are limited to the Ransley Street frontage. However the proposal has been designed to present a suitable façade treatment and interface to the Ransley Street frontage that will be further enhanced on completion of the Stage 2 Hotel proposal which provides for the lobby space and first floor hotel bar/dining to activate and provide passive surveillance over Ransley Street with the hotel rooms above.

Mulgoa Road

The proposal maintains the 5m setback to the Mulgoa Road frontage- noting this is from the proposed road alignment. This area is landscaped out to provide the required buffer to this space.

Public Art Strategy

The proposal maintains the public art strategy which is being further refined as part of the Stage 2 proposal for the Hotel that is under concurrent assessment.

Traffic Parking and Site Access

The proposal maintains the existing approved site access point from Ransley Street, which whilst non-compliant with the DCP was previously found to be acceptable and noting that the amendment to the Panthers Precinct DCP resolves this issue.

13.9.1 Built Form

The proposal is compliant with the 3m setback to Ransley Street and the 5m landscape setback to Mulgoa Road as nominated as Figure E13.25.

The proposal also maintains the street wall height as approved by the original Concept Proposal, noting there is a reduction in 1 level as part of the Stage 2 Hotel DA. Whilst this continues to vary the DCP (as approved) the departure aligns with the objectives in that the proposal:

- There are consistent building alignments;
- Suitable spatial proportions are provided;
- The views to the Blue Mountains escarpment are not impacted.

Further the reduced height and extent of building length in the Stage 2 DA reduces the perceived bulk and scale of the building.

13.9.2 Active Street Frontages

The proposal maintains the streetscape activation as previously nominated noting that on completion of the Stage 2 Hotel proposal which provides for the lobby space and first floor hotel bar/dining to activate and provide passive surveillance over Ransley Street with the hotel rooms above. The activation to Ransley Street at the ground floor is not considered necessary in the context of the revised scheme for the WSCCC and the Hotel.

13.9.3 Awnings

The proposal maintains the awnings as previously approved.

13.9.5 Building Articulation

The proposal maintains an appropriate scale, rhythm and proportion and adequately expresses the corner and important view lines of the development.

13.9.6 Architectural Features

The proposal maintains an appropriate design excellence outcome as nominated in the Design Statement prepared by Turner.

Planning Agreement

As detailed in the original submitted SEE:

Section 4.15 of the EP&A Act 1979 requires that a consent authority is to take into consideration "any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F."

A Voluntary Planning Agreement (VPA) for the Panthers Development has been signed by representatives of Roads and Maritime Services (Roads and Maritime), Penrith City Council and Panthers Rugby League Club on the 28th November 2012 which outlines triggers for road upgrades associated with staging developments within the Panthers Penrith Precinct.

The VPA is currently being reviewed and amended to incorporate changes to the land uses within the Panthers Penrith Precinct including Lot 4 that incorporates the Concept Proposal, including WSCCC approved under DA 18/0340 and future Stages 2 and 3 to be sought under subsequent DA's.

The VPA that is currently being revised includes an agreed set of traffic modelling parameters including land use trip generation, traffic distribution for the developments within the precinct and land use Gross Floor Areas (GFA), dwelling or mixed uses.

The applicant has previously agreed to enter into an agreement with Council and RMS to fulfil the requirements of the revised VPA as they relate to the approved works. The determination of DA 18/0340 responds accordingly to this agreement with corresponding conditions of consent. The proposed modifications will not alter this arrangement.

Condition 3 of the original DA consent states:

- 3 The amended Voluntary Planning Agreement in accordance with the letter of offer from Panthers Rugby League Club, dated 15 August 2018 known as 'Planning Agreement - Road Works' is to be executed **prior to the issue of the Construction Certificate** related to the construction of the Western Sydney Community and Conference Centre (WSCCC) and a copy of the signed and executed Planning Agreement is to be provided to the Principal Certifying Authority prior to the issue of that Certificate.

The modifications do not alter the need for the Draft VPA to be formally entered into prior to the issue of a Construction Certificate.

5. Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.