

# Statement of Environmental Effects

Modification of Development  
Consent No. DA16/0739 for  
Alterations & Additions to a Hotel

Overlander Hotel/Motel  
180 Richmond Road  
CAMBRIDGE GARDENS

Prepared for:  
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## 1.0 Introduction

Penrith City Council issued Development Consent No. DA16/0739 on 13 October 2016 for alterations and additions to be made to the Overlander Hotel on 180 Richmond Road, Cambridge Gardens.

Subsequently, Council has approved modifications to the consent on:

- 29 March 2018 – Development Consent No. DA16/0739.01;
- 19 November 2018 – Development Consent No. DA16/0739.02;
- 20 March 2019 – Development Consent No. DA16/0739.03;
- 30 May 2019 – Development Consent No. DA16/0739.04; and
- 30 October 2019 – Development Consent No. DA16/0739.05.

Development Application No. DA16/0739.06 was submitted to Council on 10 September 2020 to make modifications to the Hotel to convert the manager's residence into a function room. This application is yet to be determined.

It is proposed to further modify the consent to make minor alterations to the entry to the Hotel to respond to the challenges raised by the COVID-19 pandemic.

The improvement works involve:

- the construction of a new outdoor deck with a public area of approximately 241m<sup>2</sup> on the Hotel's northern elevation in the area west of its existing eastern entry to assist the Hotel to operate more efficiently under COVID-19 restrictions;
- the redesign of the eastern entry to improve the control of access of patrons to the Hotel; and
- the modification to the existing car park to reduce its capacity from 166 spaces to 155 spaces to facilitate the proposed improvements to the Hotel.

The application seeks to modify the documents referred to in Condition 1 in Development Consent No. DA16/0739 under the terms of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to facilitate the modifications.

Section 4.55(1A) of the *Act* provides that Council may modify a consent if it:

- (a) is satisfied that the modification is of minimal environmental impact;
- (b) is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent has been granted;
- (c) has notified the application for modification in accordance with the *Environmental Planning and Assessment Regulation 2000 (Regulation 2000)* or any applicable development control plan; and
- (d) has considered any submissions made concerning the proposed modification following any required notification.

The modifications will not be discernible from the surrounding streets or residential properties and represents substantially the same development as the development approved by virtue of Development Consent No. DA16/0739, as subsequently modified, and will not have any environmental impact.

There are no requirements contained in Clause 117 of the *Regulation* for the notification of applications to modify consents under the terms of Section 4.55(1A) of the *Act*.

This statement:

- examines the issues associated with the proposed modification of the development consent;
- analyses the impact of the modifications in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

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## 2.0 Site Details

### 2.1 The Site

The site known as 180 Richmond Road, Cambridge Gardens, is situated on the eastern side of Richmond Road in the area confined by Lewis Road and Boomerang Place.

A locality plan is contained in **Figure 1**.

The land comprises all of the land contained in Lot 1, DP 581663.

The site is generally rectangular in shape and has:

- a frontage of some 47.4m to Richmond Road; 215.7m to Boomerang Place and 139.4m to Lewis Road; and
- an area of 8,913m<sup>2</sup>.

The site contains the contemporary 1/part 2-storey brick Overlander Hotel/Motel.

The facilities provided in the complex include:

- bar and lounge areas;
- a bistro;
- a TAB agency;
- a Bottlemart liquor store;
- 20 motel rooms;
- staff amenities;
- back-of-house, cool room and storage facilities; and
- toilet facilities.

The building is setback:

- a minimum of some 33m from Richmond Road;
- a minimum of some 24m from Boomerang Place; and
- between zero and 1.5m from Lewis Road.

Setback areas currently accommodate at-grade parking for 166 car spaces.

Vehicular access to the site is obtained via 2 crossings, one off Lewis Road and the other off Boomerang Place.

There is no vehicular access to the land from Richmond Road.

There is a telecommunications facility located adjacent to the site's north-eastern corner and an electricity substation in its south-western corner.

A site plan is contained on the plans accompanying the application.

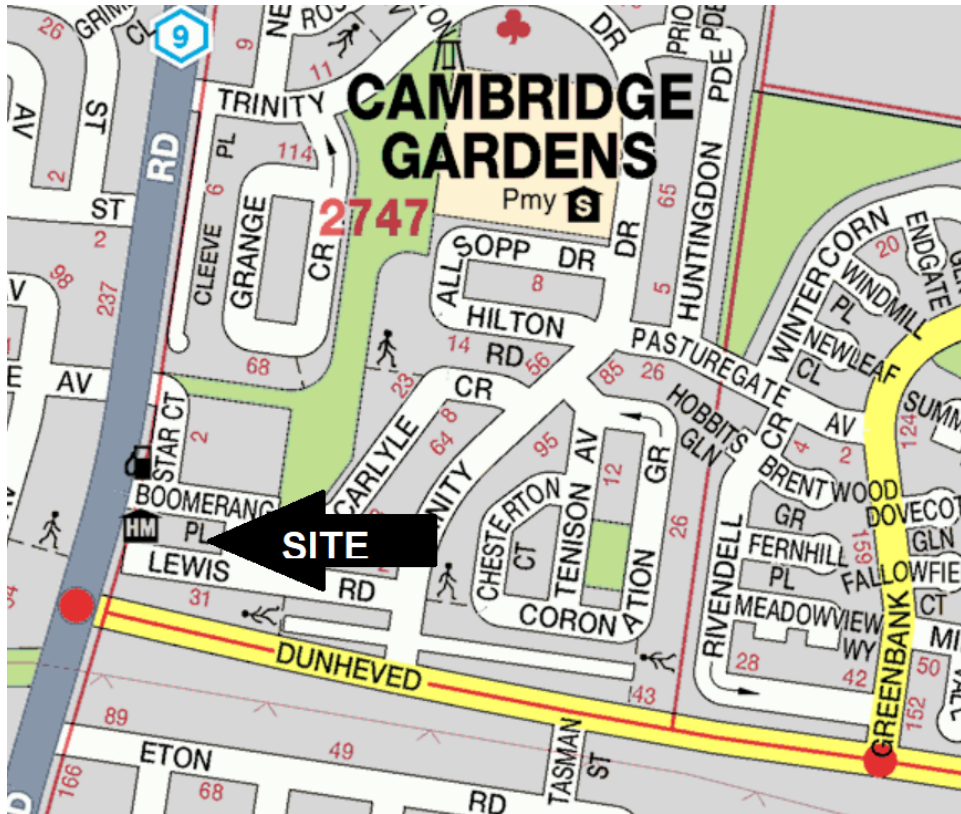


Figure 1 - Locality Plan

The land experiences a minor fall from its eastern boundary adjacent to Boomerang Place to its Richmond Road boundary.

The landscaping on and surrounding the site has been established in accordance with the approvals that have been issued for the construction of the hotel/motel.

These areas have been satisfactorily maintained.

There are no easements or rights of way affecting the land.

## 2.2 Site Context

The land is located in an area that contains significant diversity in terms of the nature and scale of development.

The land to the south, on the opposite side of Lewis Road, comprises the properties known as 17- 49 Lewis Road.

These properties contain single storey brick dwelling houses.

The land to the north, on the opposite side of Boomerang Place, contains a shopping centre accommodating a Coles Supermarket, a Caltex service station and car wash and a McDonald's Family Restaurant.

The land to the east, on the opposite side of Boomerang Place, comprises vacant land earmarked for use as public reserve and is situated in an RE1 Public Recreation zone under the terms of *Penrith Local Environmental Plan 2010 (PLEP 2010)*.

The land to the west, on the opposite side of Richmond Road, comprises the properties known as 203-213 Richmond Road.

These properties contain 1 and 2-storey dwelling houses of brick, weatherboard and fibro construction.

Richmond Road is part of the arterial road network in this area and kerbside parking is not permitted.

## 3.0 Proposed Modification of Consent

### 3.1 Proposed Modification of Consent

It is proposed to modify Development Consent No. DA16/0739, issued by Council on 13 October 2016, as subsequently modified, by amending Condition 1 to read:

*“The development must be implemented substantially in accordance with the plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.*

Drawing Title	Project No.	Drawing	Prepared By	Dated
Site Plan	1025	1.1(02)	Simon Wells Architect	27/06/2016
Traffic Plan	1025	1.2(02)	Simon Wells Architect	27/06/2016
Elevations	1025	4.1(02)	Simon Wells Architect	27/06/2016
Access Toilet	1025	8.1(02)	Simon Wells Architect	18/07/2016
Ground Floor	1025	2.1(02)	Simon Wells Architect	18/07/2016
Sections	1025	5.1(02)	Simon Wells Architect	27/06/2016
Sections	1025	5.2(02)	Simon Wells Architect	27/06/2016
Landscape Concept	4487		Monaco Designs PL	14/06/2016
Sediment and Erosion Control Plan		80216097-C1-1005 Revision 2	Cardno	July 2016
Drainage Detail Plan		80216097-C1-1010 Revision 2	Cardno	July 2016
Detention Tank and Drainage Details		80216097-C1-1015 Revision 2	Cardno	July 2016
Catchment Plan		80216097-C1-1020 Revision 2	Cardno	July 2016
Spel Filter System		SP16-SF1130-S	Spel Environmental Integrated Water Solutions	29/01/2016

and as amended by the following plans numbered:

Description	Plan No.	Revision	Prepared By	Date
Site Plan	1.1(12)	12	Simon Wells Architect	15.07.21
Roof Plan	1.4(12)	12	Simon Wells Architect	15.07.21
Ground Floor	2.1(12)	12	Simon Wells Architect	15.07.21
Elevations	4.1(12)	12	Simon Wells Architect	15.07.21
Sections	5.1(12)	12	Simon Wells Architect	15.07.21
Sections	5.2(12)	12	Simon Wells Architect	15.07.21
<b>New Deck Sections &amp; Perspective Details</b>	<b>5.3(12)</b>	<b>12</b>	<b>Simon Wells Architect</b>	<b>15.07.21</b>
Sediment & Erosion Control Plan	80216097-C1-1005	5	Cardno Pty Ltd	11.04.19
Drainage Detail Plan	80216097-C1-1010	6	Cardno Pty Ltd	17.09.19
Catchment Plan	80216097-C1-1020	5	Cardno Pty Ltd	11.04.19

Should any “unexpected finds” occur during excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such “unexpected finds” shall be addressed by an appropriately qualified environmental consultant.



All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55 – Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

As amended on **2021** under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.”

The modifications to the condition are shown **bold and underlined**.

The modifications have been designed by Simon Wells Architect and are highlighted on the plans accompanying the application.

### 3.2 Purpose of Modifications

The purpose of the modifications is to make minor alterations and additions to the Hotel to respond to the challenges raised by the COVID-19 pandemic.

The improvement works involve:

- the construction of a new outdoor deck with a public area of approximately 241m<sup>2</sup> on the Hotel's northern elevation in the area west of its existing eastern entry to assist the Hotel to operate more efficiently under COVID-19 restrictions;
- the redesign of the eastern entry to improve the control of access of patrons to the Hotel; and
- the modification to the existing car park to reduce its capacity from 166 spaces to 155 spaces to facilitate the proposed improvements to the Hotel.

The building works have been designed by Simon Wells Architect and are shown on Plan No. 1025, Drawings No. 1.1(12), 1.4(12), 2.1(12), 4.1(12), 5.1(12), 5.2(12) and 5.3(12).

The plans specify the works to be carried out and the consequential modifications to the building's elevations.

Materials and finishes to be used in the works have been designed to match those of the existing building.

The modification involving the reduction of off-street parking from 166 to 155 spaces is addressed and supported by the *Parking Assessment* report accompanying the application.

The application is to be accompanied by:

- the architectural plans prepared by Simon Wells Architect; and
- the detailed *Parking Assessment* prepared by John Coady Consulting.

The development, as modified, represents substantially the same development as the development approved by Development Consent No. DA16/0739.

### 3.3 Effects of Modifications

#### 3.3.1 Gross Floor Area/Floor Space Ratio

The floor space ratio standard for development on this land under the terms of Clause 4.4(2) of *PLEP 2010* is 1.1:1.

The existing development on the land has a gross floor area of 2,394.8m<sup>2</sup> and a floor space ratio of 0.27:1.

The modifications will not result in any change to the external walls of the buildings and, as the definition of “*gross floor area*” excludes “*terraces and balconies with outer walls less than 1.4 metres high*”, the proposed deck will not increase to the building’s gross floor area or floor space ratio.

The modifications:

- will not be discernible from surrounding residential properties or the public domain;
- will not add to the height or bulk of the building; nor
- will they have any environmental impact.

In these circumstances, the modifications are satisfactory and appropriate.

#### 3.3.2 Car Parking

The proposed modifications to the hotel will result in the reduction of the number of off-street car parking spaces on the site from 166 spaces to 155 spaces.

The spaces to be eliminated are those located adjacent to the building’s northern elevation to the west of the eastern entry.

The modified car park is to retain the number of existing accessible car spaces.

A detailed *Parking Assessment* prepared by John Coady Consulting is to accompany the application.

The *Assessment* indicates the Hotel will have access to a total off-street parking provision of 155 spaces and that this off-street parking provision should be adequate to accommodate the projected *peak* and *average maximum* parking demand potential of the expanded pub at all relevant times, even on the limited number of times per year when the peak attendance of 400 persons is experienced.

The *Assessment* concludes that, in these circumstances, it can be reasonably concluded that the Hotel will not have any unacceptable parking implications.

The traffic and parking implications associated with the modifications are minimal and will not result in any operational or safety issues on the surrounding road network.

Accordingly, there will be adequate and sufficient car parking available on the site to accommodate the modifications inherent in this application.

### **3.3.3 General**

The modifications will not alter the existing building in terms of its:

- overall perceptible building form;
- building height;
- setbacks from site boundaries;
- access arrangements to the street network;
- landscaping;
- effect on the amenity enjoyed by occupiers or residents of surrounding buildings;
- overshadowing of adjoining properties;
- stormwater management; or
- waste management procedures.

The basic building envelope of the development will remain unchanged and the modifications will not be readily discernible in the overall context of the building's design and layout.

The development, as modified, represents substantially the same development as was approved by Development Approval No. D16/0739.

## 4.0 Penrith Local Environmental Plan 2010

The site is zoned B6 Enterprise Corridor under the terms of *PLEP 2010*, which was made on 22 September 2010.

This is the zoning that applied when Development Consent No. DA16/0739 was issued on 13 October 2016 and the use of the premises as a "pub" remains permissible, with Council's consent, in this zone.

The modifications will also remain consistent with the objectives for development in the zone.

Accordingly, the modifications are permissible, with Council's consent, under the terms of *PLEP 2010*.

A summary assessment of the application under the relevant provisions of *PLEP 2010* is as follows.

### Provisions of Penrith Local Environmental Plan 2010

Clause	Consideration	Proposal	Compliance
1.2(2)	Aims of the <i>Plan</i>	No change from approved development	✓
1.4	Definitions - Land Use	No change from approved development	✓
2.2	Zoning is shown on <i>Land Zoning Map</i>	No change from approved development	✓
2.3(1)	Land Use Table - B6 Enterprise Corridor zone	No change from approved development	✓
2.3(2)	The objectives for development in the B6 Enterprise Corridor zone	No change from approved development	✓
2.6(1)	Consent is required for the subdivision of land	Not applicable to this application	✓
2.7	Consent is required for the demolition of buildings	Not applicable to this application	✓
4.3(2)	The height of buildings is not to exceed the height shown on the <i>Height of Buildings Map</i> , which in this case is 15m	No change from approved development	✓
4.4(2)	The floor space ratio of buildings is not to exceed the ratio shown on the <i>Floor Space Ratio Map</i> , which in this case is 1.1:1	The modifications will not increase the gross floor area of the building. In any event, the building is well below the maximum permitted ratio of 1.1:1	✓
4.6(2)	Consent may be granted for development even though it would contravene a development standard imposed by the <i>Plan</i> or other environmental planning instrument	The modifications do not involve variations from any development standard	✓

**Provisions of Penrith Local Environmental Plan 2010**

<b>Clause</b>	<b>Consideration</b>	<b>Proposal</b>	<b>Compliance</b>
5.1	Acquisition of land required for a public purpose	Not applicable to this application	✓
5.10(2)	Consent is required for development involving a “ <i>heritage item</i> ” or in a “ <i>heritage conservation area</i> ”	Not applicable to this application	✓
5.10(5)	A heritage management document may be required for development on land: <ul style="list-style-type: none"> <li>• which contains a “<i>heritage item</i>”;</li> <li>• within a “<i>heritage conservation area</i>”; or</li> <li>• within the vicinity of a “<i>heritage item</i>” or a “<i>heritage conservation area</i>”</li> </ul>	Not applicable to this application	✓
7.1(2)	Consent is required for earthworks	No significant earthworks are proposed	✓
7.2(3)	Consent is required for development on land identified as “ <i>Flood Planning Area</i> ” on the <i>Flood Planning Map</i>	Not applicable to this application	✓
7.3(3)	Consent is required for development on land identified as “ <i>Natural Resources Sensitive Land</i> ” on the <i>Natural Resources Sensitive Land Map</i>	Not applicable to this application	✓
7.4	Consideration of sustainable development principles	The modifications are minor in the context of the existing building and will not have any effect on its sustainable development characteristics	✓
7.5(3)	Consent is required for development on land identified as “ <i>Scenic and Landscape Values</i> ” on the <i>Scenic and Landscape Values Map</i>	Not applicable to this application	✓
7.6(2)	Consideration of salinity processes	The modifications are minor in the context of the existing building and will not have any effect on the salinity of the land	✓
7.7(2)	Provision of water, sewerage and public amenities and services	The site is currently serviced by the required utility service infrastructure	✓
7.8(3)	Active street frontages are required for development on land identified as “ <i>Active Street Frontage</i> ” on the <i>Active Street Frontage Map</i>	No change from approved development	✓

**Provisions of Penrith Local Environmental Plan 2010**

<b>Clause</b>	<b>Consideration</b>	<b>Proposal</b>	<b>Compliance</b>
7.9(3)	The effects of aircraft noise associated with the future operations of the Badgery's Creek airport site	No change from approved development	✓
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	Not applicable to this application	✓
7.11	Penrith Health and Education Precinct	Not applicable to this application	✓
7.12	Maximum gross floor area of commercial premises	Not applicable to this application	✓
7.13	Exhibition homes limited to 2 years	Not applicable to this application	✓
7.14	Cherrywood Village	Not applicable to this application	✓
7.15	Claremont Meadows	Not applicable to this application	✓
7.16	Glenmore Park Stage 2	Not applicable to this application	✓
7.17	Dwelling houses on certain land	Not applicable to this application	✓
7.18	Mulgoa Valley	Not applicable to this application	✓
7.19	Villages of Londonderry, Mulgoa and Wallacia	Not applicable to this application	✓
7.20	Orchard Hills	Not applicable to this application	✓
7.21	Twin Creeks	Not applicable to this application	✓
7.22	Waterside	Not applicable to this application	✓
7.23	Location of sex services premises and restricted premises	Not applicable to this application	✓
7.24	Sydney Science Park	Not applicable to this application	✓
7.25	Warehouses and distribution centres on land zoned B7 Business Park	Not applicable to this application	✓
7.26	Serviced apartments	Not applicable to this application	✓
7.27	Commercial and other non-residential development in St Marys Town Centre	Not applicable to this application	✓
Part 8	Local provisions - Penrith City Centre	Not applicable to this application	✓
Part 9	Penrith Panthers site	Not applicable to this application	✓

The modifications comply with all of the relevant provisions of *PLEP 2010*.

## 5.0 Other Environmental Planning Instruments

A summary assessment of the modifications in terms of State environmental planning policies applying to the land and the development is as follows.

<b>Instrument</b>	<b>Comment</b>	<b>Compliance</b>
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	No change from approved development.	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	No change from approved development.	✓
<i>Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River</i>	No change from approved development.	✓

The modifications are satisfactory in terms of relevant State and regional environmental planning policies applying to it.

## 6.0 Penrith Development Control Plan 2014

*Penrith Development Control Plan 2014 (PDCP 2014)*, which came into effect on 17 April 2015 and most recently amended on 3 September 2020, applies to development in the Penrith LGA.

There have not been any relevant amendments to the *Plan* since the issue of Development Consent No. DA16/0739 on 13 October 2016.

As the application relates solely to minor modifications to the existing contemporary hotel/motel building on the land, the provisions of *PDCP 2014* are of little relevance to this proposal.

The proposed modifications to the on-site parking facilities are addressed in Section 3.3.2 and justified in terms of the *Parking Assessment* accompanying the application.

The proposal does not involve the erection or display of any signage.

The modifications do not raise any relevant issues in terms of Parts of the *Plan* relating to:

- site planning and design;
- vegetation management;
- water management;
- land management;
- waste management;
- landscape design;
- public domain;
- noise and vibration; and
- infrastructure and services.



## 7.0 Environmental Impact Assessment

The modifications:

- will not be discernible from surrounding residential properties or the public domain;
- will not add to the height, bulk or scale of the development; nor
- will they have any environmental impact, and

will not have any effect on the occupiers or residents of any surrounding properties in terms of:

- privacy;
- solar access;
- views; or
- visual impact.

The modifications:

- will not have any effect on the built or natural environment;
- will not affect pedestrian and vehicular accesses;
- will not affect existing loading facilities; and
- will not affect the amenity of any residential property in the vicinity of the site.

Accordingly, the proposal will not have any adverse environmental effects.

## 8.0 Statutory Compliance Assessment

The following is a summary assessment of the modifications under the heads of consideration contained in Section 4.15(1) of the *EP&A Act*.

Section	Consideration	Proposal	Compliance
4.15(1)(a)(i)	The provisions of any environmental planning instrument	No change from the approved development. See Sections 4.0 and 5.0	✓
4.15(1)(a)(ii)	The provisions of any proposed instrument that is or has been subject to public consultation	No change from the approved development	✓
4.15(1)(a)(iii)	The provisions of any development control plans	No relevant change from the approved development. See Section 6.0	✓
4.15(1)(a)(iiia)	The provisions of any planning agreement	Not applicable to this application	✓
4.15(1)(a)(iv)	Matters prescribed by the Regulations	No change from approved development	✓
4.15(1)(b)	Likely impacts of the development	No perceptible change from approved development	✓
4.15(1)(c)	Suitability of the site for the development	No change from the approved development	✓
4.15(1)(d)	Submissions	No change from approved development	✓
4.15(1)(e)	Public interest	No change from the approved development	✓

The modifications comply with the relevant considerations of the application under the terms of Section 4.15 of the *Act*.

## 9.0 Conclusion

The development, as modified, represents substantially the same development as approved by Development Consent No. DA16/0739 issued on 13 October 2016.

The modifications are appropriate and suitable for approval under the terms of the provisions of the *EP&A Act* and *PLEP 2010* and are consistent with the relevant provisions and controls contained in *PDCP 2014*.

The modifications will not have any adverse environmental impact and do not raise any additional issues to those considered in the issuing of Development Consent No. DA16/0739.

The modifications:

- will not have any effect on the amenity enjoyed by occupants or residents of surrounding or nearby properties in terms of privacy, solar access, view loss or visual impact; and
- will not have any adverse environmental impact.

Accordingly, the application is suitable for approval.