

# 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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Figure 1      Locality Plan

## 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.

It is proposed to further modify the consent:

- to make efficient use of the existing hotel structure on the land by converting the redundant manager's apartment associated with the hotel into a function room;
- to improve access facilities for people with a disability;
- to improve access and weather protection for people using the motel units and the function room; and
- to increase opportunities for social distancing in the hotel's facilities in a Covid-19 environment.

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 Regulations 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 visible from the surrounding streets or 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;
- a manager's apartment;
- 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 accommodate at-grade parking for 168 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.

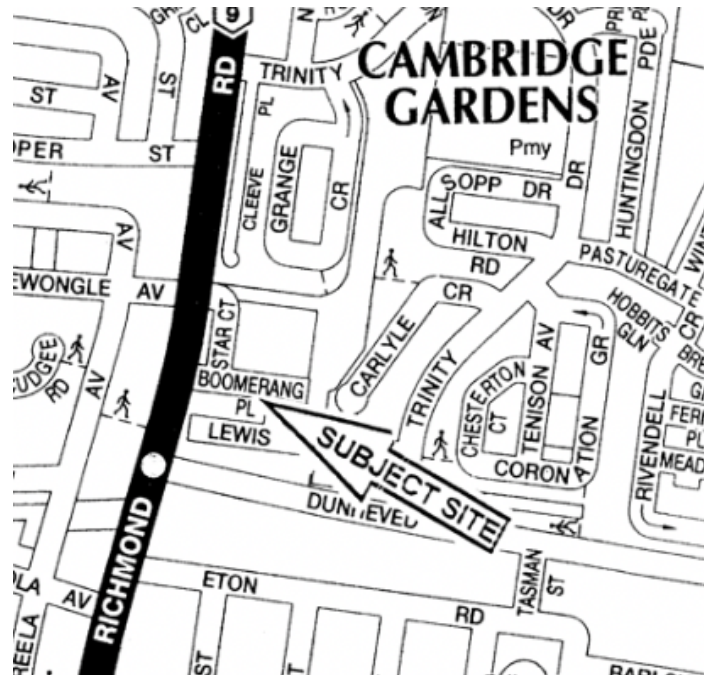


Figure 1 - Locality Plan

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.*

<b>Drawing Title</b>	<b>Project No.</b>	<b>Drawing</b>	<b>Prepared By</b>	<b>Dated</b>
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:

<b>Description</b>	<b>Project No.</b>	<b>Drawing</b>	<b>Prepared By</b>	<b>Date</b>
<b><u>Ground Floor</u></b>	<b><u>1025</u></b>	<b><u>2.1(11)</u></b>	<b><u>Simon Wells Architect</u></b>	<b><u>26/05/2020</u></b>
<b><u>Elevations</u></b>	<b><u>1025</u></b>	<b><u>4.1(11)</u></b>	<b><u>Simon Wells Architect</u></b>	<b><u>26/05/2020</u></b>
<b><u>Sections</u></b>	<b><u>1025</u></b>	<b><u>5.3(11)</u></b>	<b><u>Simon Wells Architect</u></b>	<b><u>26/05/2020</u></b>

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 2020 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 purposes of the modifications are:

- to make efficient use of the existing hotel structure on the land by converting the redundant manager's apartment associated with the hotel into a function room;
- to improve access facilities for people with a disability;
- to improve access and weather protection for people using the motel units and the function room; and
- to increase opportunities for social distancing in the hotel's facilities in a Covid-19 environment.

The function room is to have a floor area of 88.7m<sup>2</sup> and is to be used for private functions, such as birthday parties, wakes, meetings and seminars.

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

### 3.3 Modifications to Approved Plans

#### 3.3.1 Design Refinements/Plan Changes

A summary of the design refinements and modifications to the approved plans is as follows.

Drawing Reference	Drawing Title	Modifications to Approved Plans
2.1(10)	Ground Floor	<ul style="list-style-type: none"> <li>• Improving the access from the northern car park to the existing playground, alfresco dining area, the motel units and the function room by providing a walkway, new doors and a wall on the open side of the access to the motel units and function room designed to accommodate access by people with a disability and weather protection (the enclosure of the access will increase the gross floor area by 13.7m<sup>2</sup>);</li> <li>• Converting the manager's apartment into a function room by:                             <ul style="list-style-type: none"> <li>• demolishing the internal walls;</li> <li>• making alterations to the existing bathroom facilities to facilitate the installation of toilet facilities for use by people using the function room;</li> <li>• removing the sliding doors between the function room and the verandah which is to provide access to it from the northern car park;</li> <li>• improving access between the function room and the remainder of the hotel by installing a new walkway and tactiles to accommodate access by people with and disability due to floor level changes;</li> <li>• installing stairs, handrails and tactiles between the function room and the alfresco area; and</li> <li>• installing an internal window between the function room and playground to improve amenity and provide casual surveillance</li> </ul> </li> </ul>
4.1(10)	Elevations	<ul style="list-style-type: none"> <li>• Consequential changes relating to floor plan modifications</li> </ul>
5.1(10)	Sections	<ul style="list-style-type: none"> <li>• Consequential changes relating to floor plan modifications</li> </ul>
5.2(10)	Sections	<ul style="list-style-type: none"> <li>• Consequential changes relating to floor plan modifications</li> </ul>

#### 3.3.2 Effects of Modifications

##### 3.3.2.1 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, by virtue of the enclosure of the access from the northern car park to the motel units and the function room, will increase the building's gross floor area by 13.7m<sup>2</sup> to 2,408.5m<sup>2</sup>.

This minor increase will not result in any change to the existing floor space ratio of 0.27:1 and will remain well below the maximum of 1.1:1 permitted under *PLEP 2010*.

The additional gross floor area:

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

In these circumstances, the increase in gross floor area is satisfactory and appropriate.

### 3.3.2.2 Car Parking

The off-street parking required for the development on the site under the terms of Part C10.5 - Parking, Access and Driveways in *Penrith Development Control Plan 2014 (PDCP 2014)* is:

- 1 space/4m<sup>2</sup> of bar floor area + 1 space/6m<sup>2</sup> of lounge and dining area for the hotel;
- 1 space/30m<sup>2</sup> GFA for the bottle shop associated with the hotel; and
- 1 space/unit + 1 space for management + 1 space/6 employees for the motel.

Based on these requirements, the existing development on the land requires the provision of a total of 166 car spaces, comprising 135 spaces associated with the hotel, 9 spaces for the bottle shop and 22 spaces for the motel.

The site accommodates a total of 168 spaces.

In addition, the Hotel runs a 7-seater mini bus service for patrons and, with the advent of more stringent drink-driving laws, more patrons are turning to the use of transport services, such as Uber, to access the Hotel's facilities.

The conversion of the manager's apartment to a function rooms is not expected to lead to any perceptible change to on-site parking demand, particularly when consideration is given to the peak demand periods of the various uses on the site do not occur at the same time.

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 is adequate and sufficient car parking available on the site to accommodate the modifications inherent in this application.

### 3.3.2.3 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 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 the B6 Enterprise Corridor zone.

The modifications will also remain consistent with the objectives for development in this 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	No change from approved development	✓
2.7	Consent is required for the demolition of buildings	No change from approved development	✓
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 increase the gross floor area of the building by 13.7m <sup>2</sup> , but will retain its floor space ratio of 0.27:1, 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	No change from approved development	✓

**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	No change from approved development	✓
5.10(2)	Consent is required for development involving a “ <i>heritage item</i> ” or in a “ <i>heritage conservation area</i> ”	No change from approved development	✓
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>	No change from approved development	✓
7.1(2)	Consent is required for earthworks	No change from approved development	✓
7.2(3)	Consent is required for development on land identified as “ <i>Flood Planning Area</i> ” on the <i>Flood Planning Map</i>	No change from approved development	✓
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>	No change from approved development	✓
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>	No change from approved development	✓
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**

Clause	Consideration	Proposal	Compliance
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	✓

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.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	No change from approved development.  The proposal is consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	No change from approved development.  The proposal is consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River</i>	No change from approved development.  The proposal is consistent with the aims, objectives and provisions of this <i>Plan</i>	✓

The proposal is 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, applies to development in the Penrith LGA.

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

The proposal will not result in any change to on-site parking facilities. See Section 3.3.2.2.

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

will not have any effect on the occupiers or residents of any surrounding property 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 access;
- will not affect existing car parking and 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 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 change from the approved development. See Section 5.0	✓
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 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 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.