

**MODIFICATION APPLICATION:
Section 96(1A) Modification Application
Hotel Development
32 Cricketers Arms Road, Prospect
(DA 066-10-2010 MOD 2)**



Description of Modification Application

- . Reconfiguration of internal building layout
- . Provision of two additional hotel rooms
- . Addition of garbage storage area, pool plant area and open bar and BBQ area external to the building.

Assessment under Part 4 of the
Environmental Planning and Assessment Act 1979

April 2012

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EXECUTIVE SUMMARY

This report is an assessment of an application by JBA Planning Pty Ltd on behalf of Amalgamated Holdings Limited (the proponent) to modify the development consent under section 96(1A) of the EP&A Act for a hotel development at 32 Cricketers Arms Road, Prospect.

The hotel development was approved under delegation by the A/Director, Metropolitan and Regional Projects North on 11 March 2011.

The modification application seeks approval for the reconfiguration of the internal building layout on the ground floor, lower ground floor, level 1 and level 2 of the building, the provision of two additional hotel rooms, and the addition of a garbage storage area, pool plant area and open bar and BBQ area external to the building.

The Statement of Environmental Effects (SEE) for the modification application was made publicly available on the department's website. The department received one submission from Blacktown City Council who raised no objection to the modification application.

The department has assessed the merits of the proposed modification and considers the key issues to be building layout, heritage, car parking and public interest. These issues have been assessed in detail and the department is satisfied that the proposed modified development will not result in any significant adverse impacts.

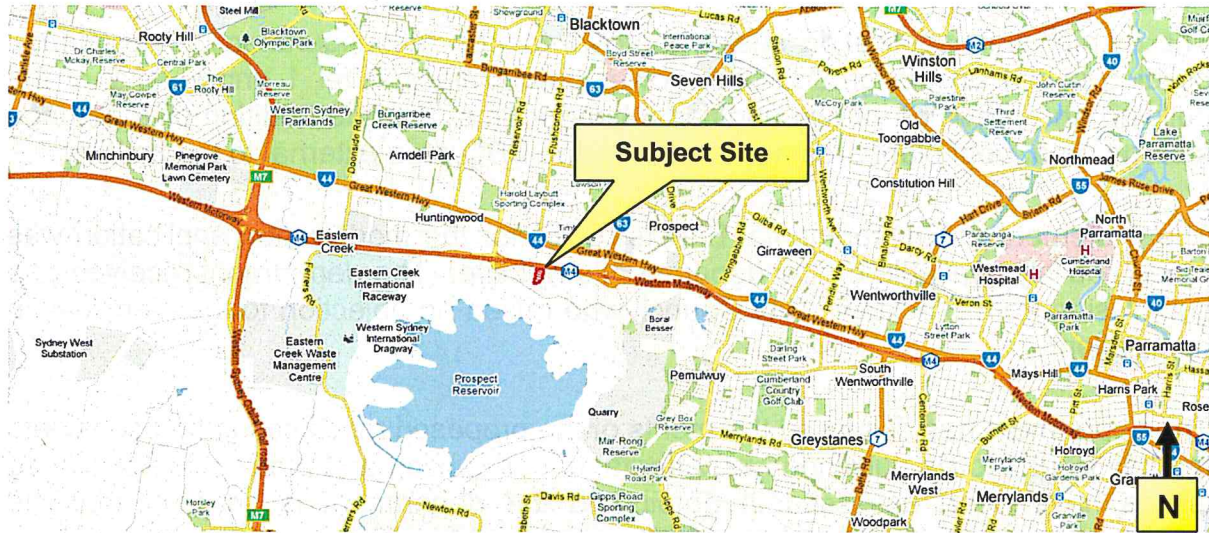
For these reasons, the department considers that the proposed modification warrants support and should be approved.

1. BACKGROUND

1.1 The Site

The subject site is known as 32 Cricketers Arms Road, Prospect, and is located approximately 4.5 km east of the M4 and M7 Interchange, on the southern side of the M4 Motorway (Figure 1). The site is legally described as Lot 1 in DP 194539, and is within the Blacktown Local Government Area (LGA).

Figure 1: Subject Site



1.2 Existing Site Features

The site comprises a single allotment with an approximate area of 57,567 sqm. The site is regular in shape and has a street frontage of 295 m to Cricketers Arms Road. The site is owned by The Greater Union Organisation Pty Ltd and operates as a Drive-In Cinema. The site is predominantly covered in bitumen to accommodate parking associated with the Cinema, and contains 2 movie screens, ticket booths, and a two-storey pavilion.

The approved development is sited on the south-western portion of the allotment where the southern screen of the Drive-In Cinema is currently located (see Figure 2). The relocation of this cinema screen forms part of the approved development, however no changes were proposed in relation to the ongoing use and operation of the Drive-In Cinema.

Cricketers Arms Road

Approved Development Location

Subject Site

M4 Motorway

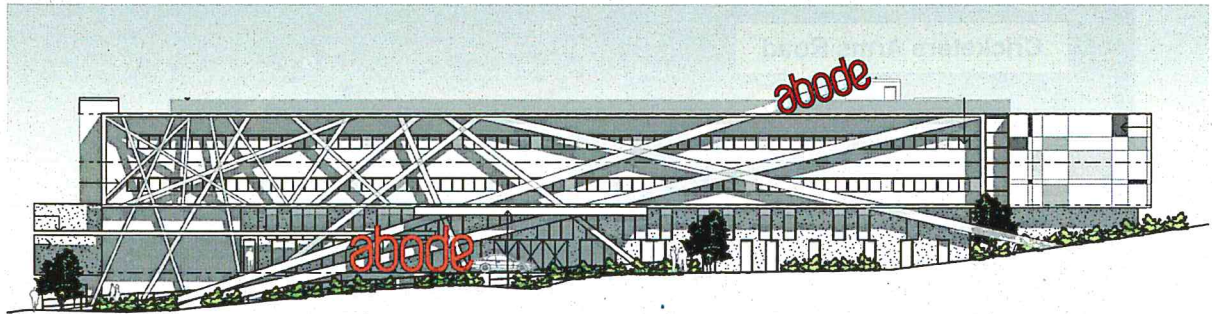
Reservoir Road

N

- construction of a three-storey hotel to accommodate 124 hotel rooms, conference and meeting rooms, dining facilities, bar, gymnasium, pool and entertainment facilities with a total GFA of 6,405 sqm
- 82 car parking spaces, and a further 47 overflow car parking spaces provided within the existing Drive-In Cinema
- associated site works and landscaping
- reconfiguration of southern screen and parking of existing Drive-In Cinema.

Site plan for the proposed 3-story hotel at Cricketers Arms Road. The plan shows the hotel building, a car park with 42 spaces, an overflow car park with 17 spaces, and a deck area. It also indicates existing features like the cricket oval, existing car park, and existing amenity building. A yellow callout box points to the hotel building with the text "Approved Development". A north arrow is located in the bottom right corner.

Figure 4: West Elevation

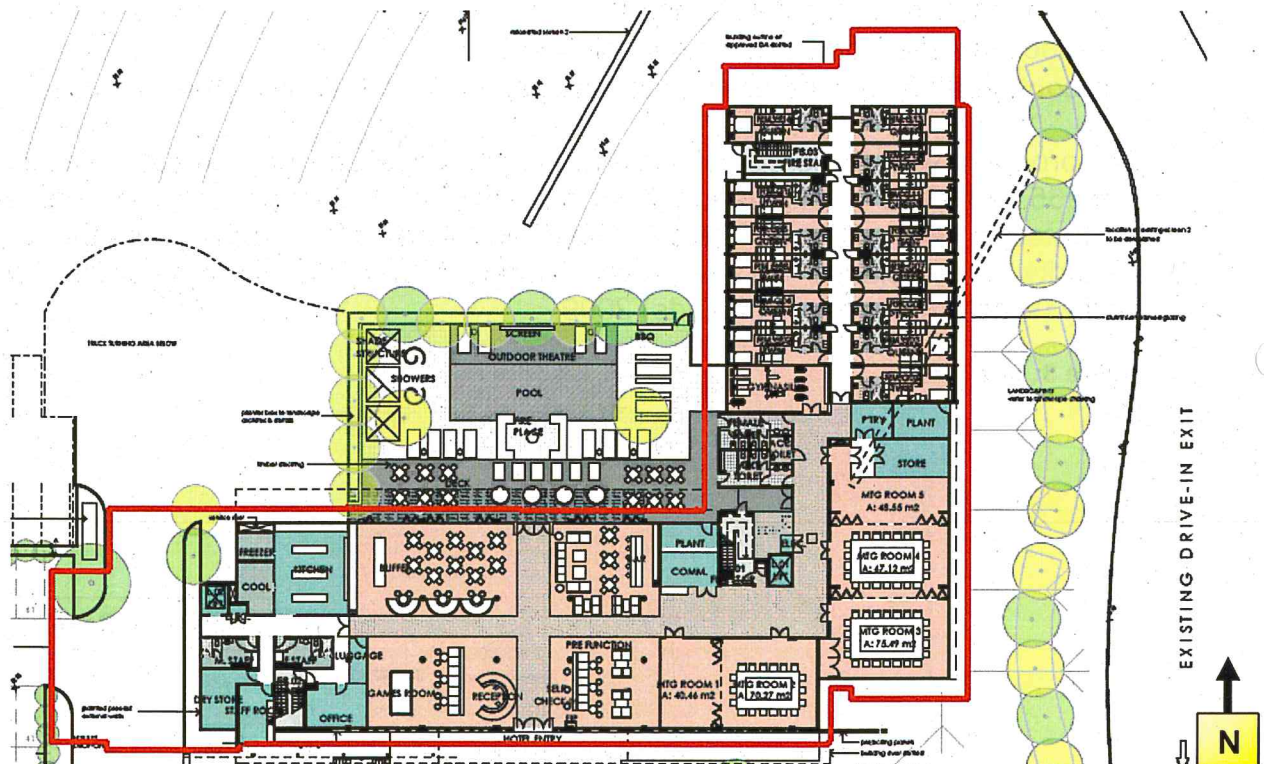


On the 1 November 2011, the Deputy Director-General, Development Assessment and Systems Performance approved a modification application (MOD 1) under section 96(2) of the EP&A Act for a hotel development at 32 Cricketers Arms Road, Prospect (DA 066-10-2010 MOD 1). The modification approval provided for:

- reconfiguration of the internal building layout
- reconfiguration of the outdoor pool and deck area
- reduction in GFA from 6,405 sqm to 5,448 sqm
- reduction in the number of hotel rooms from 124 to 120
- provision of additional landscaping to the southern property boundary.

The approved modified site plan is shown in Figure 5.

Figure 5: Modified Site Plan Showing Original Building Envelope (red line)



2. PROPOSED MODIFICATION

2.1 Modification Description

The modification application (MOD 2) has been lodged under section 96(1A) of the EP&A Act and seeks approval for the following modifications:

- reconfiguration of the internal building layout on level 1 and 2 to reduce the house keeping areas and provide two additional hotel rooms from 120 to 122
- reconfiguration of the internal building layout on the ground floor and lower ground floors to modify the layout of hotel management areas, including staff rooms, office areas, store areas, laundry areas and plant areas
- addition of a garbage storage area enclosed by a colorbond security fence, pool plant area and open bar and BBQ area external to the building.

A breakdown of the hotel rooms proposed in the modification is provided in Table 1.

Table 1: Proposed Hotel Room Breakdown

Proposed Modification				
Guest Room	Ground	Level 1	Level 2	Total
Twin	6	14	26	46
Twin Accessible	0	1	1	2
Queen	7	35	17	59
Queen Accessible	1	1	1	3
King	0	2	8	10
King Accessible	0	1	1	2
Total	14	54	54	122

The approved level 1 layout is shown in Figure 6, and the proposed modified Level 1 layout showing the inclusion of an additional hotel room is shown in Figure 7. The approved Lower Ground Floor is shown in Figure 8 and proposed modified Lower Ground Floor is shown in Figure 9. The approved Ground Floor level is shown in Figure 10 and proposed modified Ground Floor level is shown in Figure 11.

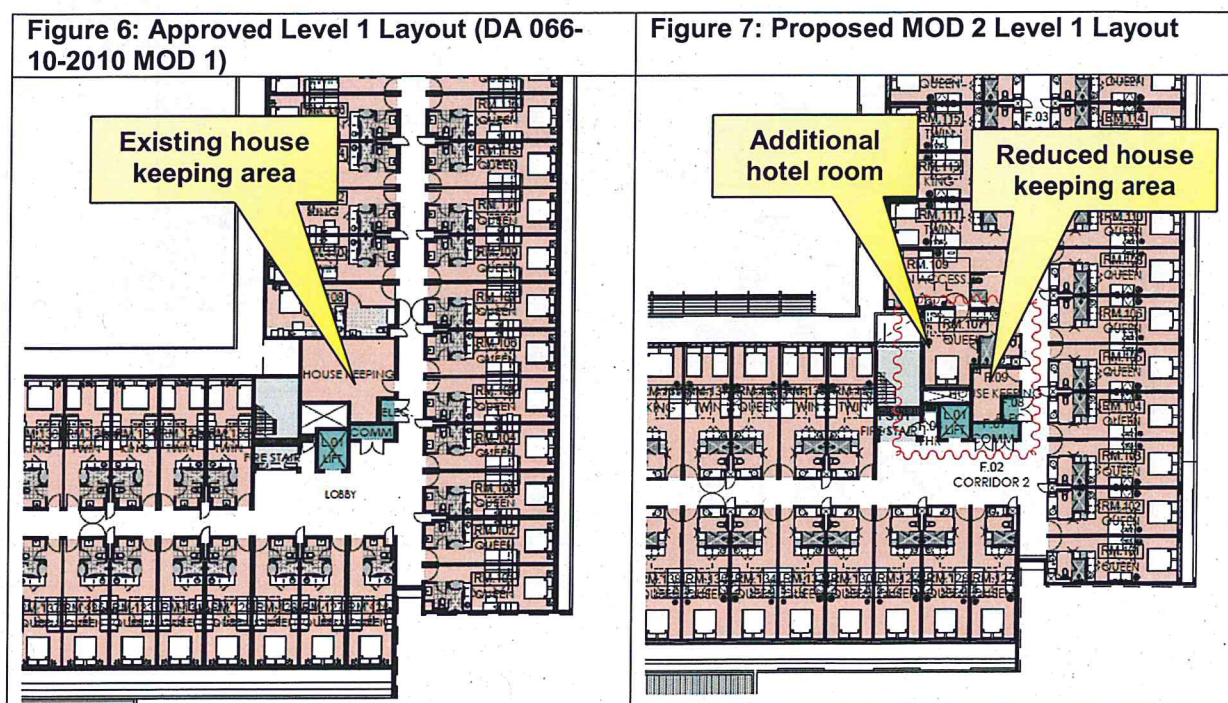


Figure 8: Approved Lower Ground Floor Layout (DA 066-10-2010 MOD 1)

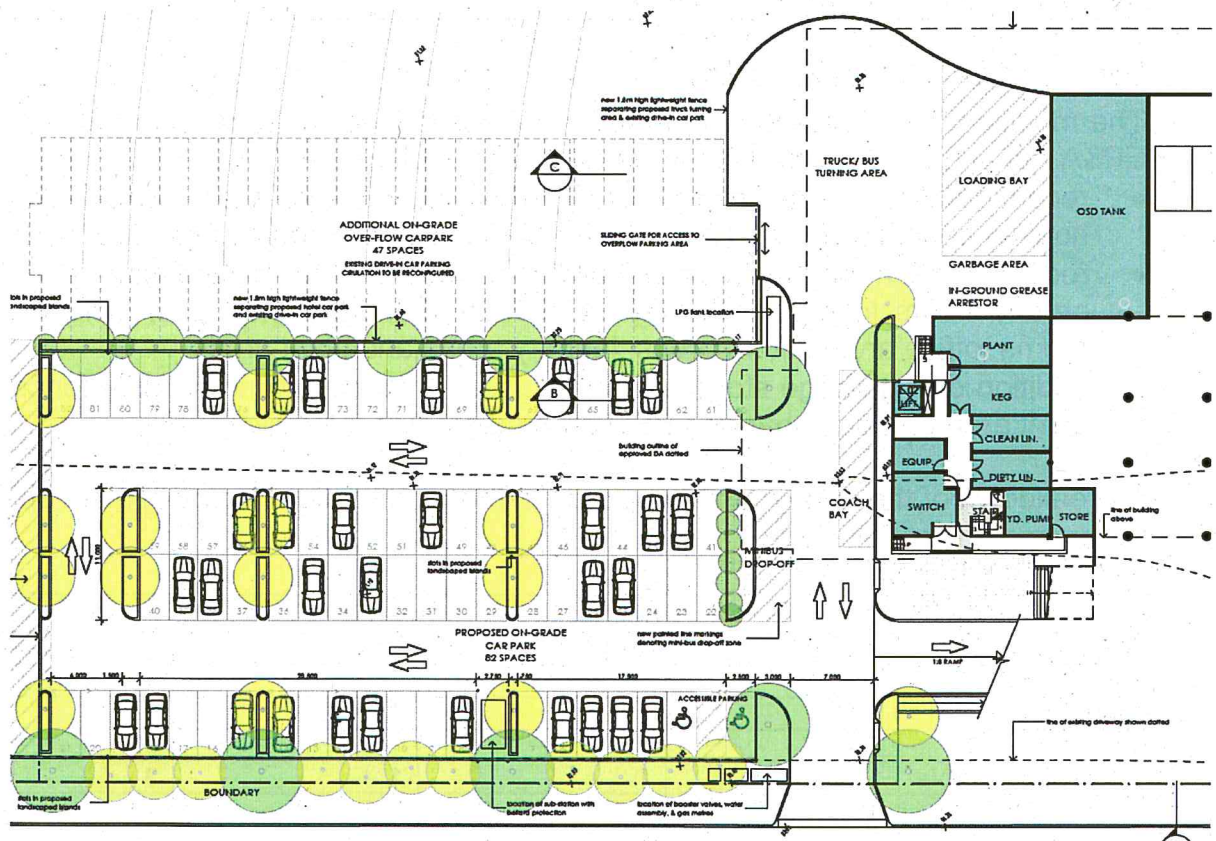
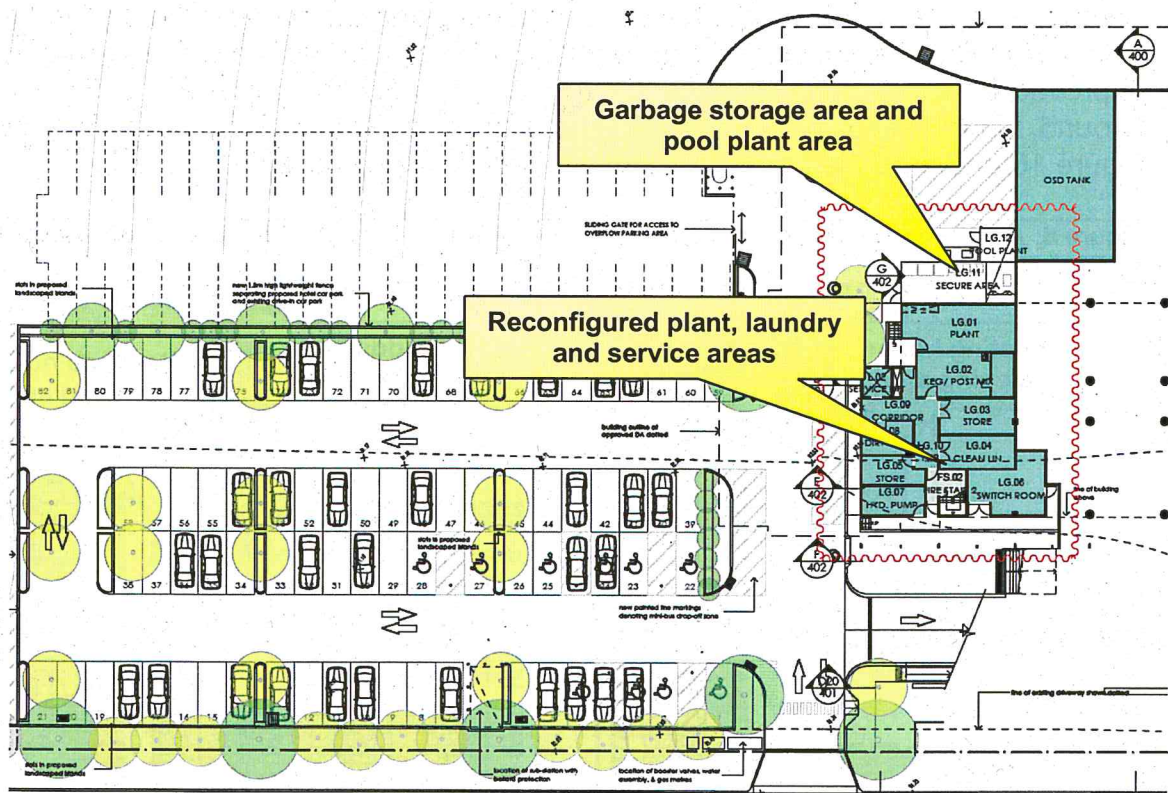


Figure 9: Proposed MOD 2 Lower Ground Floor Layout



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3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application has been lodged with the department under section 96(1A) of the EP&A Act. Section 96(1A) of the EP&A Act provides that 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.

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

- *Whether the development to which the consent as modified relates is of minimal environmental impact.*

The department considers that the development, as modified by the current application is of minimal environmental impact as the proposed modification relates only to the reconfiguration of the internal building layout, two additional hotel rooms, and minor additional features external to the building. Accordingly, the department considers that the development, as modified will not result in any additional environmental impacts to the approved development.

- *Whether the development to which the consent as modified relates is substantially the same development.*

The department considers that the development, as modified by the current application, is substantially the same development for the following reasons:

- there is no change to the general positioning or layout of the development
 - there is no change to the building envelope, building height or external building presentation
 - there is no change to the environmental impacts of the development
 - there is no change to the approved use.
- *Whether the application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 and the relevant DCP.*

Section 117 of the Environmental Planning and Assessment Regulation 2000 identifies the notification requirements for modification applications made under section 96(1A) of the EP&A Act. There are no specific notification requirements applicable to the modification application under the Environmental Planning and Assessment Regulation 2000.

Additionally, Blacktown City Council DCP 2006 (Blacktown DCP) does not apply to land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies, and therefore there are no applicable notification requirements for the modification application under Blacktown DCP. Notwithstanding, the department referred the modification application to Blacktown City Council for comment.

- *Whether submissions have been considered in the assessment of the modification application.*

The department received a submission from Blacktown City Council who raised no objection and raised no issues with the modification application.

Section 96(3) of the EP&A Act requires the matters referred to in section 79C (1) of the EP&A Act, as are of relevance to the development the subject of the application, to be assessed in respect of all applications which seek modifications to approvals.

The department's consideration of the relevant matters under section 79C of the EP&A Act is provided where relevant in this report.

3.2 Delegated Authority

The consent authority for the original application was the (then) Minister for Planning, therefore, the Minister for Planning and Infrastructure is the consent authority for any subsequent application to modify the consent.

Under the instrument of delegation executed on 14 September 2011, the Minister for Planning and Infrastructure delegated his functions under section 96 of the EP&A Act to the Deputy Director-General, Development Assessment and Systems Performance, where:

- (a) the relevant council has not made an objection, and
- (b) a political donations disclosure statement has been made, but only in respect of a previous related application, and
- (c) there are less than 10 public submissions in the nature of objections.

Blacktown City Council has not made an objection to the proposed modification, a political donations disclosure statement was made in respect of the original DA and not the current application, and there were no public submissions received. The Deputy Director-General, Development Assessment and Systems Performance can therefore determine the modification under delegated authority.

3.3 Environmental Planning Instruments

The department's consideration of EPI's under section 79C(a)(i) of the EP&A Act is provided below.

State Environmental Planning Policy (Western Sydney Parklands) 2009 (Parklands SEPP)

The proposed modification is permissible with consent under clause 11(2) of the Parklands SEPP.

Clause 12 of the Parklands SEPP sets out the matters to be considered by the consent authority as are relevant to the development. The original development application satisfied all matters under clause 12 of the Parklands SEPP and the current section 96(1A) modification application is consistent with the original consideration.

Blacktown Local Environmental Plan 1988 and Blacktown Development Control Plan 2006

In accordance with clause 3(2) of the Blacktown Local Environmental Plan 1988 (Blacktown LEP), Blacktown LEP does not apply to the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies. Additionally, Blacktown DCP 2006 (Blacktown DCP) does not apply to the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies. Accordingly, Blacktown LEP and Blacktown DCP do not apply to the site.

3.4 Suitability of the Site

In accordance with section 79C(1)(c) of the EP&A Act, the department considers that the subject site is suitable for the modified hotel development for the following reasons:

- the site is located in proximity to a variety of existing and proposed new tourism and recreational facilities within the Western Sydney Parklands
- the site offers connection with the existing road network
- the site is able to connect with utility services
- the site provides separation from surrounding residential areas.

4. CONSULTATION

The application is not required to be advertised or notified, however, the department made the application available on the department's website during the assessment. Additionally, the department referred the application to Blacktown City Council for review and comment. The department received no submissions from the general public and one submission from Blacktown City Council who raised no objection.

5. ASSESSMENT

In accordance with section 79C(1)(b) of the EP&A Act, the department considers the key issues associated with the proposed modification to be:

- building layout
- heritage
- car parking
- public interest.

5.1 Building Layout

The proposed modification includes reconfiguration of the internal building layout on the lower ground floor, ground floor, first floor and second floor. Additionally, minor works external to the building are proposed on the lower ground floor and ground floor levels.

At the lower ground floor level, the proposed modification includes changes to the layout of store areas, plant areas and laundry areas. Additionally, the proposed modification includes the addition of a garbage storage area enclosed by a colorbond security fence and a pool plant area external to the building (see Figure 9 in section 2 of this report).

At the ground floor level, the proposed modification includes changes to the layout of staff rooms, staff office areas, store areas and plant areas. Additionally, the proposed

modification includes the addition of an open bar and BBQ area within the outdoor entertainment area (see Figure 11 in section 2 of this report).

On the first floor and second floor of the building, the proposed modification includes a reduction in the size of the house keeping areas and the inclusion of an additional hotel room on each level (see Figure 7 in section 2 of this report).

The department notes that the reconfiguration of the internal building layout includes the provision of two additional hotel rooms from 120 to 122. The original approval (DA 066-10-2010) provided 124 hotel rooms, which was subsequently modified to 120 hotel rooms under modification 1 (DA 066-10-2010 MOD 1). Hence, the department considers that the proposed modification for the provision of 122 hotel rooms represents a reinstatement of two rooms which were previously approved.

The proposed modification proposes no changes to the building footprint, building height, building form or scale of the approved development and minor additional works external to the building are located at the eastern side of the building, behind the building line, and will therefore not result in any substantial visual impacts.

Accordingly, the department is satisfied that the proposed modifications to the internal building layout and the proposed minor additional external works will not result in any substantial visual impacts, and the proposed modified development will remain sympathetic in form and scale to its surroundings.

5.2 Heritage

The subject site is not listed as an item of heritage significance on any statutory instrument, however, it adjoins the Royal Cricketers Arms Inn, which is listed as an item on the State Heritage Register and the Blacktown Local Environmental Plan 1998. Potential heritage impacts of the hotel development on the Royal Cricketers Arms Inn were assessed as part of the original development (DA 066-10-2010) and the subsequent modification (DA 066-10-2010 MOD 1). On the basis of these assessments, the department was satisfied that the proposed development (as originally approved, and as modified) would have no adverse impact on the heritage significance of the adjacent Royal Cricketers Arms Inn. As the proposed modification includes the reconfiguration of the internal building layout and minor external works which are sited behind the building line, the department considers that the proposed modified development will continue to have no adverse impact on the heritage significance of the adjacent Royal Cricketers Arms Inn.

5.3 Car parking

No changes are proposed in relation to the approved number of car parking spaces for the hotel. The original approval included 124 hotel rooms with the provision of 82 car parking spaces and an overflow car parking area for 47 car parking spaces (total car parking provision of 129 car parking spaces).

MOD 1 reduced the provision of hotel rooms from 124 to 120 (reduction of four hotel rooms). However, no changes were proposed or approved to the provision of 129 car parking spaces as there were no substantial changes expected in traffic generation or car parking demand.

The proposed modification includes the provision of 122 rooms, which represents a reinstatement of two hotel rooms. The department considers that an additional two rooms is a minor increase and that the existing approved car parking arrangements will remain adequate to service the operational needs of the proposed modified hotel.

5.4 Public Interest

The modified hotel development is consistent with the desired future development of the precinct as a major destination for tourism and passive / active recreation. The hotel will attract around \$19 million worth of capital investment value and will create approximately 20 full time equivalent construction jobs and 20 full time equivalent operational jobs. Given that the proposed modification comprises only minor reconfiguration of the internal building layout and only minimal additional works external to the building, the department considers that the proposed modified development will not result in any additional environmental impacts, and considers that the proposed modification is in the public interest.

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 79C of the EP&A Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items. Accordingly, the department recommends that the modification application be approved, and the conditions of the approval amended accordingly.

7. RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment and Systems Performance:

- (a) **Consider** all relevant matters prescribed in section 79(C) of the *Environmental Planning and Assessment Act 1979*, including the findings and recommendations of this report; and
- (b) **Approve** the modification application, subject to conditions, under section 96(1A) of the *Environmental Planning and Assessment Act 1979*, and sign the Notice of Modification (**TAG A**).

 17/4/12
Cameron Sargent
A/Director
Metropolitan and Regional Projects North

 19/4/12
Heather Warton
A/Executive Director
Major Projects Assessment