



Hawkesbury Local Planning Panel

Date of meeting: 17 July 2025
Location: By audio-visual link
Time: 10:00 AM

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL

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1. PROCEDURAL MATTERS

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1. PROCEDURAL MATTERS

Welcome

The Chairperson will acknowledge the Indigenous Heritage and address the Hawkesbury Local Planning Panel meeting, mentioning:

- Recording of the Hawkesbury Local Planning Panel Meeting
- Statement regarding people addressing the Meeting

Attendance

Attending Panel members and Council staff members will be noted for the purposes of the Minutes.

Declaration of Interest

The Chairperson will ask for any Declaration of Interests from the attending Panel Members. These will then be addressed at the relevant item.

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2. REPORTS FOR DETERMINATION

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2. REPORTS FOR DETERMINATION

2.1.1. DA0035/25 - 13 Bells Line of Road, North Richmond

Directorate: City Planning

DEVELOPMENT INFORMATION

Development Application No.	DA0035/25
Date Received	17 February 2025
Proposal	Alterations and additions to an existing pub
Estimated Cost	\$624,800.00
Legal Description	Lot 21 DP 832826
Property Address	13 Bells Line of Road North Richmond
Area	1,902sqm
Zoning	E1 Local Centre
Applicant	Richard Petherick and Urban City Planning
Owner	Richard Petherick and Hawkesbury City Council (works over Council land)
Exhibition Dates	03/03/2025 - 17/03/2025
Submissions	Nil (0)
Recommendation	Refusal

EXECUTIVE SUMMARY

1. Reason for Consideration by Local Planning Panel

In accordance with Section 9.1 Directions by the Minister in the Environmental Planning and Assessment Act 1979, the subject application is reported to the Hawkesbury Local Planning Panel for determination as the application seeks consent for works which extends onto Council owned land.

2. Proposal

The subject development site is located at No.13 Bells Line of Road, North Richmond and contains an existing pub which is known as the North Richmond Hotel.

Consent is sought for the alterations and additions to the North Richmond Hotel where involves:

- Use of the first floor for dining, bar facilities and associated amenities;
- Installation of a lift;
 - The proposed lift 1.5m by 1.5m which adjoins the proposed new fire stairs;

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- A new covered entry is proposed towards the south-west boundary
- Construction of a new verandah
 - Located along the north-western boundaries and is proposed to extend over the existing foot path along Pitt Lane;
 - The verandah measuring 25m x 2.4m with new support columns located on the council verge;
 - The existing footpath level will be raised to align with the secondary entry from Pitt Lane;
 - This proposal seeks councils' consent in respect to the proposed extension and works to the footpath along Pitt Lane;
 - The exit door from the ground floor staircase involves a new landing and steps with railing onto the existing foot path;
 - The existing footpath along Pitt Lane is proposed to be widen to 2.4m at floor level;
 - The verandah will be limited to the hours of 7am-10pm to ensure noise emissions do not exceed the relevant criteria.

The subject development site involves land that is owned by Council and as such, the provisions contained in Council's Policy for Managing Council Related Development have been applied in the assessment which has been carried out by an independent planning consultant engaged by Council.

3. Permissibility

The subject site is zoned E1 Local Centre under the *Hawkesbury Local Environmental Plan 2012 (HLEP 2012)*, with the proposed alterations and additions to a pub permitted with consent.

4. Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was notified and advertised for 28 days from 6 March 2025 to 3 April 2025. No submissions were received in response to the subject application.

RECOMMENDATION

That Development Application DA0035/25 at Lot 4, DP 38137, 13 Bells Line of Road for alterations and additions to a pub be refused, subject to the following reasons:

1. Hawkesbury Local Environmental Plan 2012

The proposed development is inconsistent with Clause 1.2 'Aims of Plan' of the Hawkesbury Local Environmental Plan 2012. The application is not supported by up-to-date documentation, including a survey plan and accurate plans showing existing work.

(Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*)

2. Hawkesbury Development Control Plan 2002

The proposed development is inconsistent with Chapter 5, Clause 4.1 of Hawkesbury Development Control Plan 2023 in relation to vehicular access and car parking noting:

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- The Traffic and Parking Assessment fails to undertake a whole-of-site assessment of parking demand and impacts.
- The application has failed to provide swept paths for garbage vehicles entering and exiting the site.
- Safety control measures, including bollards around the lift and waste collection areas have not been incorporated into the plans.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)

3. Likely Impacts

The subject application has not been accompanied with plans which accurately reflect the as-built condition of the site. As such, Council is unable to conduct an accurate and detail assessment of the likely impact of the proposed development.

(Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979)

4. Suitability of the Site

The subject application has not sufficiently demonstrated that the site can accommodate the increased operational intensity associated with the proposed first floor bar and dining areas, particularly in relation to traffic generation, parking demand, waste management, and public domain interface.

(Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979)

BACKGROUND

1. Site Description & Conditions

The subject site is legally described as Lot 21 DP 832826, 13 Bells Line of Road, North Richmond.

The site is an irregular shaped allotment with an overall site area of 1,902m² and has north-east facing primary frontage to Bells Line of Road, and a north-west facing secondary frontage to Pitt Lane. The site falls from the north to south.

The site accommodates an existing pub, known as the North Richmond Hotel. Vehicular access is gained via an existing driveway from Pitt Lane as well as via an easement across the adjoining lot to the south, providing access to Bells Line of Road. Open hard stand parking is located to the south of the existing building.

The site is located approximately 200m north of the North Richmond Bridge. The site is in a E1 Local Centre and adjoins residential land to the south-west.

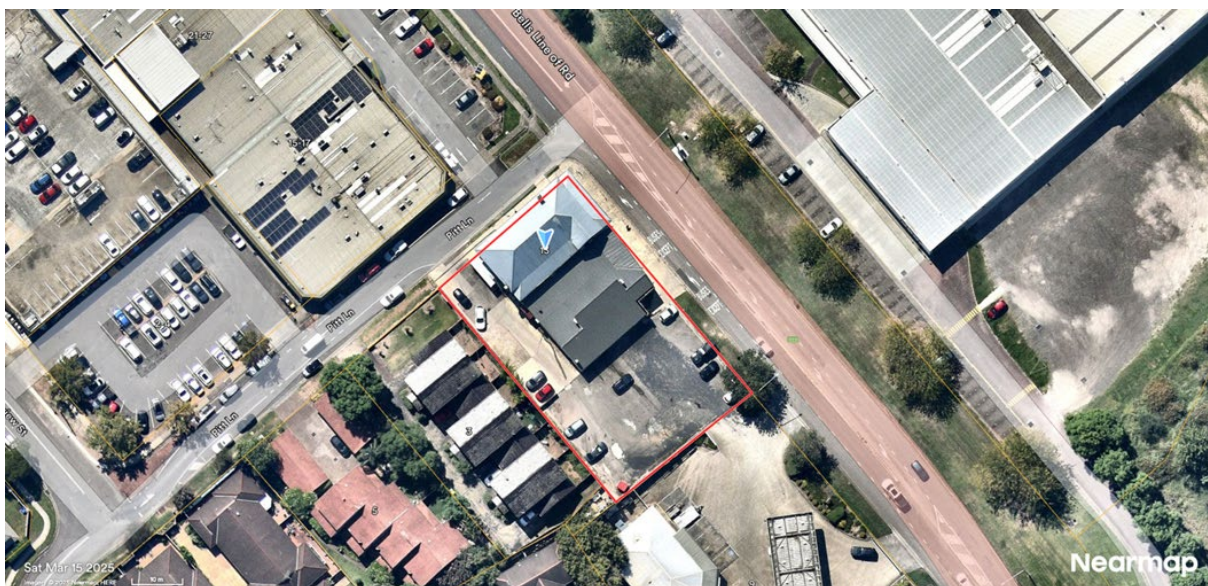


Figure 1 Aerial image of subject site outlined in red



Figure 2 Zoning Map with subject site outlined in green

2. Relevant Site History

The site has not been subject to any previous development applications other than the current development application DA0561/24, which was lodged on 4 December 2024.

3. The Proposal

Consent is sought for the alterations and additions to the North Richmond Hotel where involves:

- Use of the first floor for dining, bar facilities and associated amenities;

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- Installation of a lift;
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 - The verandah will be limited to the hours of 7am-10pm to ensure noise emissions do not exceed the relevant criteria.

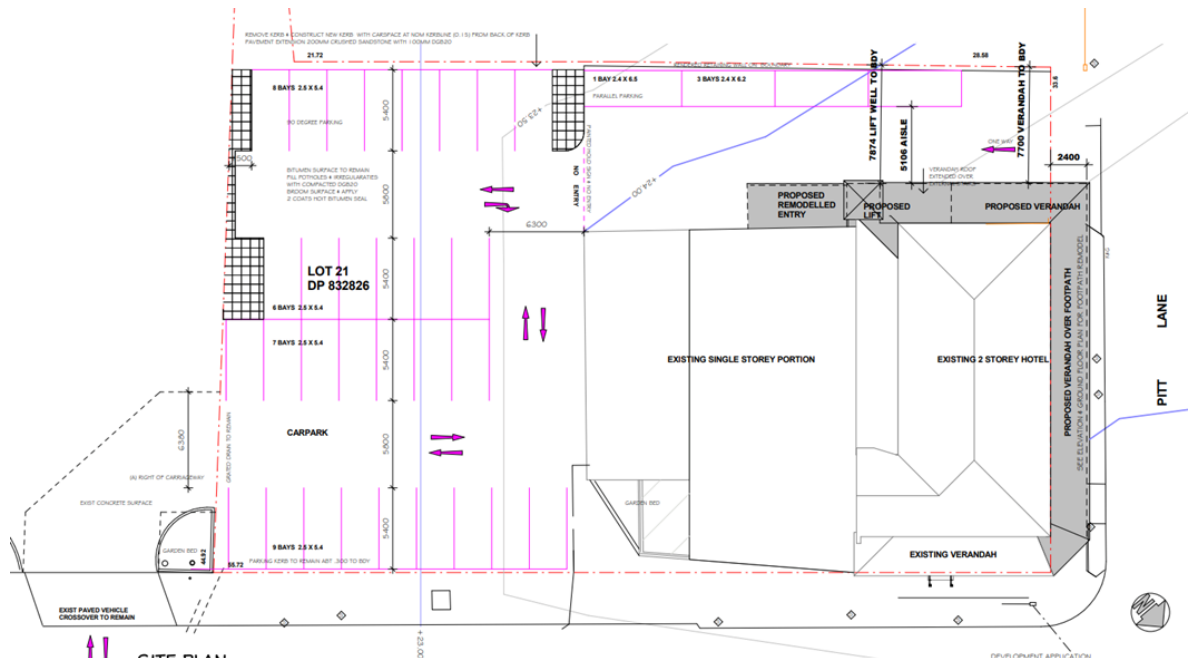


Figure 3 Site Plan (Source: Graham Zerk)

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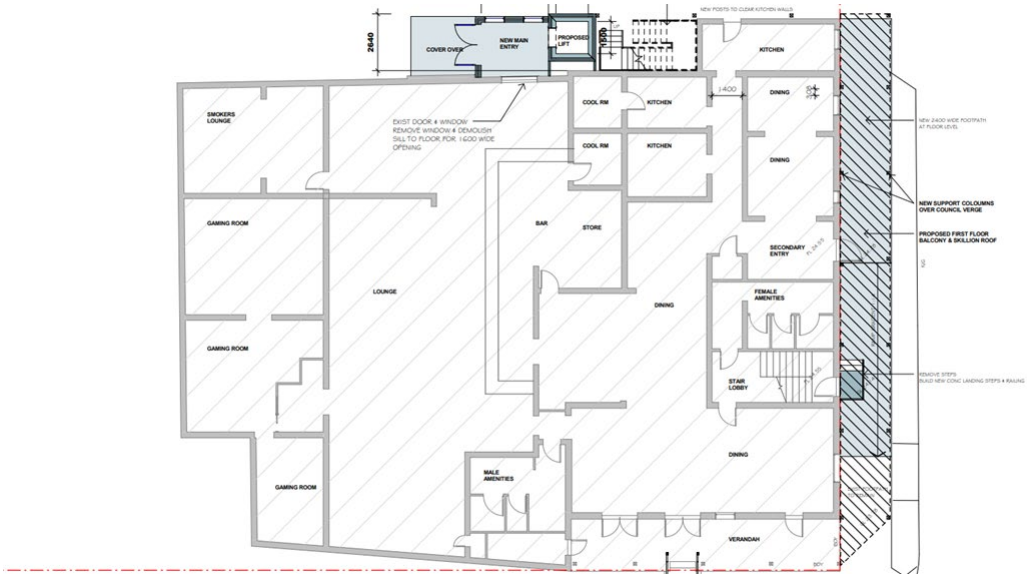


Figure 4 Ground Floor Plan (Source: Graham Zerk)

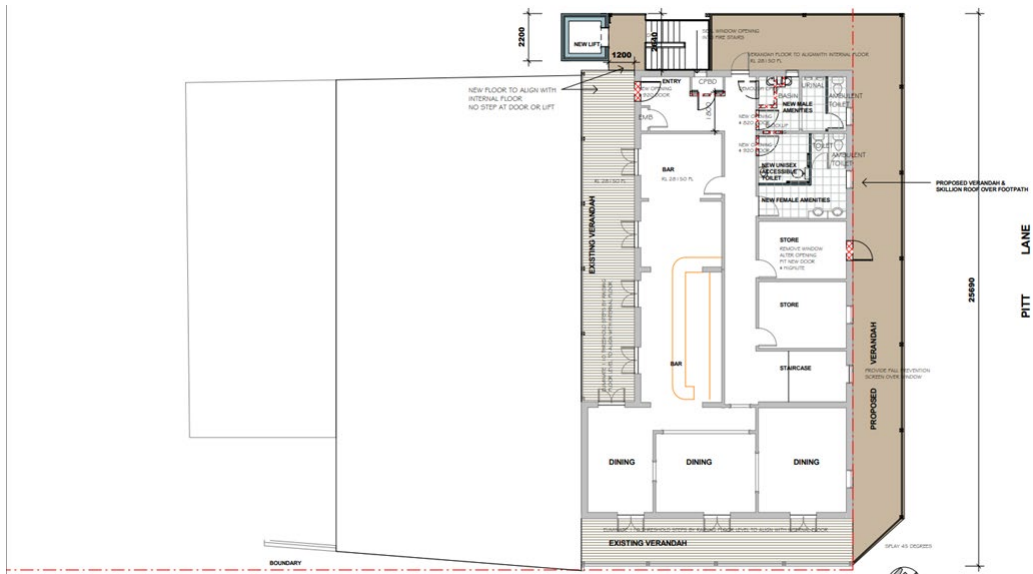


Figure 5 First Floor Plan (Source: Graham Zerk)

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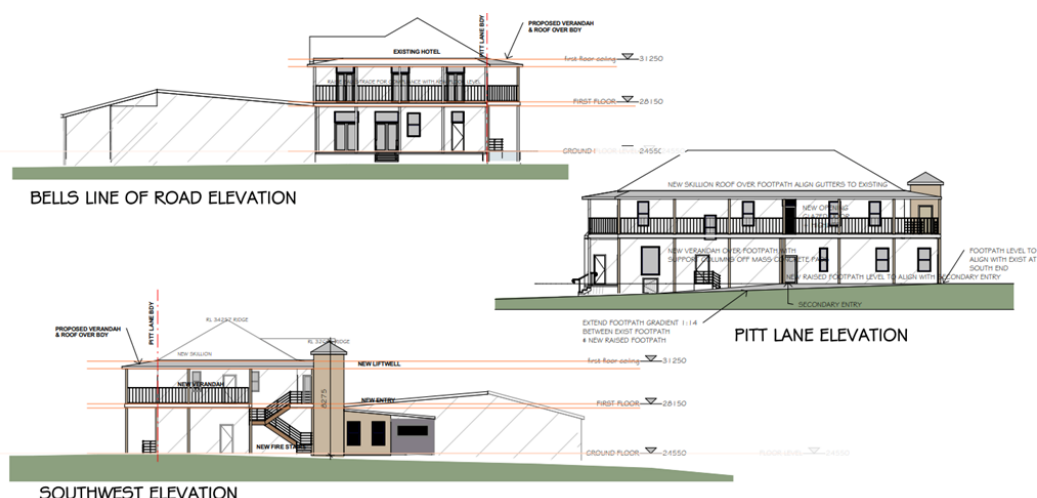


Figure 6 Elevations (Source: Graham Zerk)

A comparison between the most recent consent (DA0257/14) and its approved ground floor plan with the ground floor plan submitted under the current application reveals extensive inconsistencies between the two. In addition, the site inspection confirmed that substantial unauthorised works have been carried out on the first floor.

These unauthorised works fundamentally alter the use and operation of the premises and raise serious concerns regarding impacts on traffic generation, car parking demand, food preparation areas, public domain, amenity, and liquor licensing, among other issues. The resulting development is not representative of what has been approved and cannot be assessed as such.

1. Relevant Application History

Date	Comment
27/09/2024	<p>An initial review of a previously submitted development application was undertaken, during which a number of deficiencies and non-compliances were identified. As a result, the application was returned to the applicant. While several matters may have been addressed in the current submission, outstanding issues remain that preclude the application from being fully assessed.</p> <p>Notably, the applicant had confirmed that a Building Information Certificate was to be lodged to regularise the unauthorised works already undertaken on site. However, at the time of lodgement of the subject DA, a BIC had not been lodged with Council.</p>
17/02/2025	Application lodged to Council.
06/03/2025 - 04/04/2025	Neighbour notification period. No submissions were received.
04/05/2025	<p>A Request for Information was issued requesting further information relating to the following matters. A subsequent response was provided by the applicant on 21st of May. The response is provided below.</p> <ol style="list-style-type: none"> 1. Insufficient plan detail <ol style="list-style-type: none"> a. Existing and proposed works

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Date	Comment
	<p>While not explicitly noted in the RFI letter, the application is supported by an outdated survey plan (2022) which does not accurately show the extent of existing buildings, including unauthorised work.</p> <p><u>Applicant response:</u></p> <p>The applicant advised that updated plans would be provided by the 3 June 2025. Updated plans have not been provided at the time of preparing this report.</p> <p>1. Operational details</p> <p>a. Existing approved operating hours</p> <p>b. Plan of Management to be provided</p> <p><u>Applicant response:</u></p> <p>A PoM was prepared and provided by the applicant.</p> <p>In relation to existing approved operating hours, the applicant provided the following response:</p> <p><i>Interim development consent 68A/365A/69 - for the proposed extension of the hotel does not reference any restrictions relating to the hotels operating hours.</i></p> <p><i>Development Consent DA242/89 - Approval for extension of hotel and erection of a freestanding bottle shop contains no conditions restricting the hours of operation.</i></p> <p><i>Development Application DA0257/14 - for the approval of an extension to the hotel does not specify no restrict operating hours.</i></p> <p><i>As there are no conditions across the consents issued by Council as identified above that limit the operating hours of the premises, the business has continued to operate in accordance with their Business Liquor License issued by the Independent Liquor & Gaming Authority.</i></p> <p><i>An acoustic report has also been submitted with the application that confirms the proposed development, and current operating hours comply with relevant noise standards.</i></p> <p>1. Traffic/Engineering</p> <p>a. Traffic report using incorrect parking rates</p> <p>b. Clarification on the extent of GFA and public service/bar area and the implications on the required parking rate</p> <p>c. Road safety control measures, such as bollards, shall be provided for garbage trucks and service vehicles</p> <p>d. Garbage truck turning template is required due to the proposed lift, parallel parking spaces and required safety control measures.</p> <p><u>Applicant response:</u></p>

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Date	Comment
	<p><i>The proposed development involves the use of the existing first floor as a dining and bar facility, which will include 105.7m² of service area. It is important to note that the building has undergone construction that removed the previously existing enclosed verandahs, which reduced the approved service area by 50m². Consequently, the proposed development only adds 55.7m².</i></p> <p><i>This is consistent with the accompanying Traffic report which assesses parking based on the service area increase of 55.7m².</i></p> <p><i>The reference to the 60m² addition of the verandah was included to identify the extent of the proposed works and that the addition of the verandah increases the building footprint but does not contribute to the GFA and calculation of car parking.</i></p> <p><i>The SoEE has been amended to provide clarity and accompanies this letter.</i></p> <p><i>Please also see attached updated Traffic report which details the correct car parking rate under Hawkesbury DCP Chapter 5 2023.</i></p> <p>1. Food and Health</p> <ol style="list-style-type: none">Insufficient toilets for the proposed dining areaUnapproved alterations to the kitchen and potential for compliance issues relating to relevant standardsKitchen plans and dining area plans are to be provided <p><u>Applicant response:</u></p> <p><i>The proposed change of use on the first floor from function rooms to bar/service area does not result in an increase in floor area. The function rooms were previously in active use and serviced by the existing facilities. The change in use does not result in a greater demand on services than the previous function use.</i></p> <p><i>Further the removal of the enclosed verandah has reduced the overall service area by approximately 50m², representing a decrease in floor space.</i></p> <p><i>As mentioned in previous correspondence the site undergoes annual food safety inspections by Hawkesbury Council which has assessed the existing kitchen layout and food practices against Australian Standards.</i></p> <p><i>Refer to the accompanying food premises inspection report dated 20th June 2024, which confirms that the existing kitchen complies with the applicable standards.</i></p> <p><i>We acknowledge that certain kitchen works were undertaken without formal approval. A Building Information Certificate application will be submitted.</i></p> <p><i>The kitchen and dining areas are currently being updated on the plans to provide detail on the number of diners there a likely to be, this will be provided to you shortly.</i></p> <p>1. Waste and Sewerage</p> <ol style="list-style-type: none">Inadequate waste management plan. The waste storage areas are located outdoors within the car parking, which is not considered appropriate given the scale of the development. As the development effectively seeks a 50%

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Date	Comment
	<p>increase in floorspace within the hotel, Council is of the view that a dedicated and appropriately design waste storage area should be incorporated into the plans to accommodate the expected increase in waste generation.</p> <p>b. Clarification is required how the lift in the carpark may impact on the existing grease trap. The location of the grease trap is to be shown on the plan to determine its proximity to the lift.</p> <p><u>Applicant response:</u></p> <p><i>We note Council's reference to a 50% increase in floor area. However, we wish to clarify that the proposed development does not involve any increase in floor space.</i></p> <p><i>The change on the first floor is a change of use only, from function rooms to a bar/service area. The floor area remains unchanged.</i></p> <p><i>Additionally, the removal of the enclosed verandah has resulted in a reduction of approximately 50m of previously approved service area.</i></p> <p><i>The function rooms were in use and generated waste consistent with venue operations. The change of use as a bar/service area is expected to result in similar or potentially lower waste generation, as the space will be primarily used for service rather than large-scale catered functions.</i></p> <p><i>The existing grease trap is under the jurisdiction of Sydney Water. A Section 73 Compliance Certificate will be sought from Sydney Water to confirm the adequacy of the existing grease trap and its location relative to the proposed lift.</i></p>
15/05/2025	<p>Following a site inspection of the premises, a further letter was issued to the applicant requesting that the application be withdrawn. This was due to the extent of unauthorised works which has been identified during the inspection and implications these works would have on the subject DA. Many of these unauthorised works are also subject to the current DA.</p> <p>These unauthorised works fundamentally alter the use and operation of the premises and raise serious concerns regarding impacts on traffic generation, car parking demand, food preparation areas, public domain, amenity, and liquor licensing, among other issues. The resulting development is not representative of what has been approved and cannot be assessed as such.</p> <p><u>Applicant response:</u></p> <p><i>Given that unauthorised works have occurred and Council's Compliance team has been notified, we respectfully suggest that the most appropriate way to regularise these works is through the submission and assessment of a Development Application and BIC. As such, the request to withdraw the current DA appears inconsistent with council's usual process of addressing unauthorised works. In line with this, our client does not wish to proceed with the withdrawal of the application and intends to submit a Building Information Certificate to support the regularisation process.</i></p> <p><i>Further our team requests an extension of time to provide the amended plans which are currently being finalised in accordance with your letter dated 4th May 2025. We are aiming to provide the remaining documentation by the 3rd June.</i></p>

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6. Referrals

Department	Comment
Health	Refusal due to insufficient information relating to compliance with waste, dining, kitchen and food preparation area standards.
Engineering	Refusal due to insufficient information relating to traffic safety and vehicular access issues.
Building Surveyor	Approval subject to conditions.
Property	<p>The verandah structure is to be cantilevered or certified to withstand vehicles inadvertently hitting pylons/supports.</p> <p>An airspace lease is entered into with Council.</p> <p>The stairs proposed to be located on the footpath are to be internalised into the building or if this cannot be done and the stairs are to be external, that the width of the footpath between the stairs and pylons is compliant and safe.</p>

7. Environmental Planning Instruments

7.1. Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- Hawkesbury Local Environmental Plan 2012 (LEP 2012); and
- Hawkesbury Development Control Plan 2023 (HDCP 2023)

7.2. State Environmental Planning Policy (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the site.

Chapter 4 - Remediation of Land

The aims of this chapter are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with this chapter, Council must consider if the land is contaminated, and if it is contaminated, if the land is suitable for the proposed use.

The proposal includes alterations and additions to existing pub, known as the 'North Richmond Hotel'. Minimal earthworks are proposed as part of this application. Furthermore, given historical use of the subject site for the purposes of a pub and subsequent development approvals, which do not indicate potential contamination, there is no specific evidence that indicates the site is contaminated. This is considered to be acceptable in this instance.

7.3. State Environmental Planning Policy - Transport and Infrastructure 2021

The relevant matters to be considered under Chapter 2 of *State Environmental Planning Policy - Transport and Infrastructure 2021* for the proposed development outlined below:

"2.1.22 Traffic-generating development

- *This section applies to development specified in Column 1 of the Table to Schedule 3 that involves-*
- *new premises of the relevant size or capacity, or*
- *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity."*

The application was subsequently referred to Transport for NSW (**TfNSW**) who advised the following:

- *The DA proposes alterations and additions to the existing establishment that will unlikely impact Bells Line of Road (classified road) with traffic generation and operation.*
- *The works proposed, specifically the veranda extension, appears from the plans to exceed the property boundary into Bells Line of Road. TfNSW does not support the construction of any buildings or structures within the road corridor.*

As such, TfNSW recommends that the following requirements are included in any Development Consent issued by the relevant Consent Authority:

1. *All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property along the Bells of Line Road property boundary.*
2. *Any proposed civil works or structures on Bells Line of Road shall obtain TfNSW concurrence under section 138 of the Roads Act, 1993.*

7.4 Hawkesbury Local Environmental Plan 2012

The relevant matters considered under the HLEP 2012 for the proposed development are outlined below:

8.1. Clause 1.2 Aims of plan

'(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

- *to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.*
- *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- *to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*
- *to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,*
- *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,*

- *to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.'*

The subject development application seeks approval for upgrades to an existing pub. However, it is evident from site inspection that extensive building works have already been undertaken without development consent, and that the plans submitted with the application do not accurately reflect the current as-built condition. No building information certificate (BIC) has been lodged to regularise these works, and no clear strategy has been provided to address the as-built works.

In this context, and having regard to the aims of the Hawkesbury Local Environmental Plan, the proposed development as currently submitted is considered inconsistent with the following:

- *to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.*

The development undermines the orderly management of land in Hawkesbury by bypassing statutory planning processes and undertaking works prior to consent being issued. This is inconsistent with the objective of ensuring that development is undertaken in an informed and transparent manner that allows for proper assessment of impacts.

8.2. Clause 2.3 Zone objectives and land use table

The site is zoned E1 Local Centre under the HLEP 2012. The objectives of the E1 Local Centre are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure the scale and type of development is compatible with the character and amenity of the area.

While the proposed use may support certain zone objectives in principle, the current application fails to demonstrate consistency with the objectives due to the unauthorised nature of the works, the inaccurate representation of the existing built form, and the absence of a BIC to address unauthorised works. In this regard, until these deficiencies are addressed, the development is found to be inconsistent with the zone objectives.

8.3 Permissibility

A 'Pub' is defined pursuant to HLEP 2012 as follows:

'pub means-

licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises."

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A pub is a type of 'food and drink premises' which is defined as:

"Food and drink premises means -

A premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following-

- *a restaurant or cafe,*
- *take away food and drink premises,*
- *a pub,*
- *a small bar."*

The proposed development is best described as a 'a pub', which is permitted with consent in the E1 zone under the HLEP 2012.

Clause	Comment
	Part 4 - Principal development standards
4.1 Minimum subdivision lot size	The application does not include subdivision works.
4.2 Rural subdivision	N/A
4.3 Height of buildings	The maximum permitted building height on the site is 10 metres. The proposed building height of the lift is 8.3m, below the existing building height of the pub.
4.4 Floor Space Ratio	There is no nominated FSR for the site.
	Part 5 - Miscellaneous provisions
5.1A Development on land intended to be acquired for public purposes	The land is not identified to be acquired for public purposes.
5.10 Heritage conservation	Not applicable.
5.11 Bush fire hazard reduction	The site is not mapped as being located on bushfire prone land.
5.21 Flood planning	Not applicable.
	Part 6 - Additional local provisions
6.1 Acid sulphate soils	Not applicable.
6.2 Earthworks	The proposal does not include substantial earthworks.
6.6 Development in areas subject to aircraft noise	The site is not considered to fall within the vicinity of the RAAF base Richmond.
6.7 Essential services	The subject site is appropriately serviced. The nature of the development will not place unnecessary strain on these services.

9. Hawkesbury Development Control Plan 2023

Consideration of the relevant provisions within the Hawkesbury Development Control Plan 2023 is provided below:

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Hawkesbury Development Control Plan 2023

CONTROL	COMPLIANCE
	Chapter 5: Traffic, Access, Street Design and Parking
	4 Development Outcomes
4.1 Off Street Parking Rates D1.1.1 Parking is to be provided in accordance with Table 01.	<p>The Development Control Plan (DCP) prescribes a parking rate of 1 space per 20m² of public service/bar area, which expressly includes entertainment rooms, function/reception areas, beer gardens, and restaurant components. The amended Traffic and Parking Assessment (TPA) submitted by the applicant adopts a rate based on gross floor area (GFA) and identifies a requirement of 2.8 (rounded to 3) parking spaces. This methodology is inconsistent with the DCP, which requires parking to be calculated based on public service area, not total GFA.</p> <p>Moreover, the TPA does not identify or quantify how the area used in the calculation has been derived, nor does it provide a breakdown of spaces included (e.g. specific bar, dining, or function room areas). This lack of detail limits Council's ability to verify the parking calculation.</p> <p>Separately, given the extent of unauthorised works undertaken across the site, including at ground floor level, and the fact that the proposed works would result in a net increase to the total public service/bar area, it is reasonable and necessary to undertake a whole-of-site assessment of parking demand and impacts. The development, although physically confined to the first floor, would increase the overall operational intensity of the premises, generating cumulative effects that must be considered in full.</p>

10. Development Contributions

Hawkesbury 7.12 Contributions Plan in which contribution of \$5,948.00 applies to the development if supported in its current form. This is based on a \$30,000.00 deduction given the cost of lift services per Clause 208(4)(j) of the Environmental Planning and Assessment Regulations 2021.

11. Environmental Planning and Assessment Regulations 2021

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection will be covered under the recommended conditions of consent, should the application be approved.

12. The likely impacts of the development

The proposed development is likely to result in adverse impacts due to the cumulative intensification of use, unresolved unauthorised works, and deficient documentation. The increase in public service area would generate additional demand for parking and services, yet the Traffic and Parking Assessment applies the incorrect rate and fails to provide a whole-of-site analysis.

Furthermore, significant unauthorised construction has occurred, and no Building Information Certificate has been submitted to confirm the structural or regulatory compliance of the as-built works. In accordance with relevant case law, as discussed above, development consent should not be issued until such works are regularised. Without accurate plans and proper sequencing, the development cannot be reliably assessed and poses unacceptable impacts on the surrounding area.

13. Suitability of the Site

The subject application has not sufficiently demonstrated that the site can accommodate the increased operational intensity associated with the proposed first floor bar and dining areas, particularly in relation to traffic generation, parking demand, waste management, and public domain interface. In the absence of a comprehensive and lawful framework for assessing the full extent of impacts, the site cannot be deemed suitable for the proposed development at this time.

14. Public Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was required to be notified to adjoining properties. During this time, zero (0) submissions were received in response to the proposal.

15. Public Interest

While the use of the site as a pub is permissible and may, in principle, contribute to local economic and social activity, it is noted that substantial elements of the proposed development both on the first floor and the ground floor have been undertaken without development consent, resulting in significant unauthorised works. The absence of a Building Information Certificate, coupled with the submission of inaccurate and outdated plans has not enabled Council to conduct a detail and accurate assessment of the proposed development. Accordingly, the proposal is not considered to be in the public interest.

16. Conclusion

The application has been assessed having regard to the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies, the Hawkesbury Local Environmental Plan 2012, and the applicable Development Control Plans. While the proposed use of the site as a pub is permissible within the E1 Local Centre zone, the application is fundamentally undermined by the extent of unauthorised works already undertaken on the site and the absence of a Building Information Certificate to regularise those works.

The development application is supported by inaccurate and outdated documentation, including plans that do not reflect the as-built condition of the premises. As a result, Council is unable to properly assess the planning, environmental, and amenity impacts of the proposal. The submission also fails to adequately address traffic, parking, health and waste management impacts arising from the cumulative intensification of the use.

Given these deficiencies of the subject application, refusal of the application is therefore recommended.

Attachments

AT - 1 DA0035/25 - Submitted Plans - September 2024, 13 Bells Line of Road, North Richmond - *(Distributed under separate cover)*.

AT - 2 DA0035/25 - Updated SEE May 2025 - 13 Bells Line of Road, North Richmond (220130) - *(Distributed under separate cover)*.

AT - 3 DA0035/25 - Car Parking Layout - 13 Bells Line of Road, North Richmond.

AT - 4 DA0035/25 - Amended Traffic Impact Assessment - *(Distributed under separate cover)*.

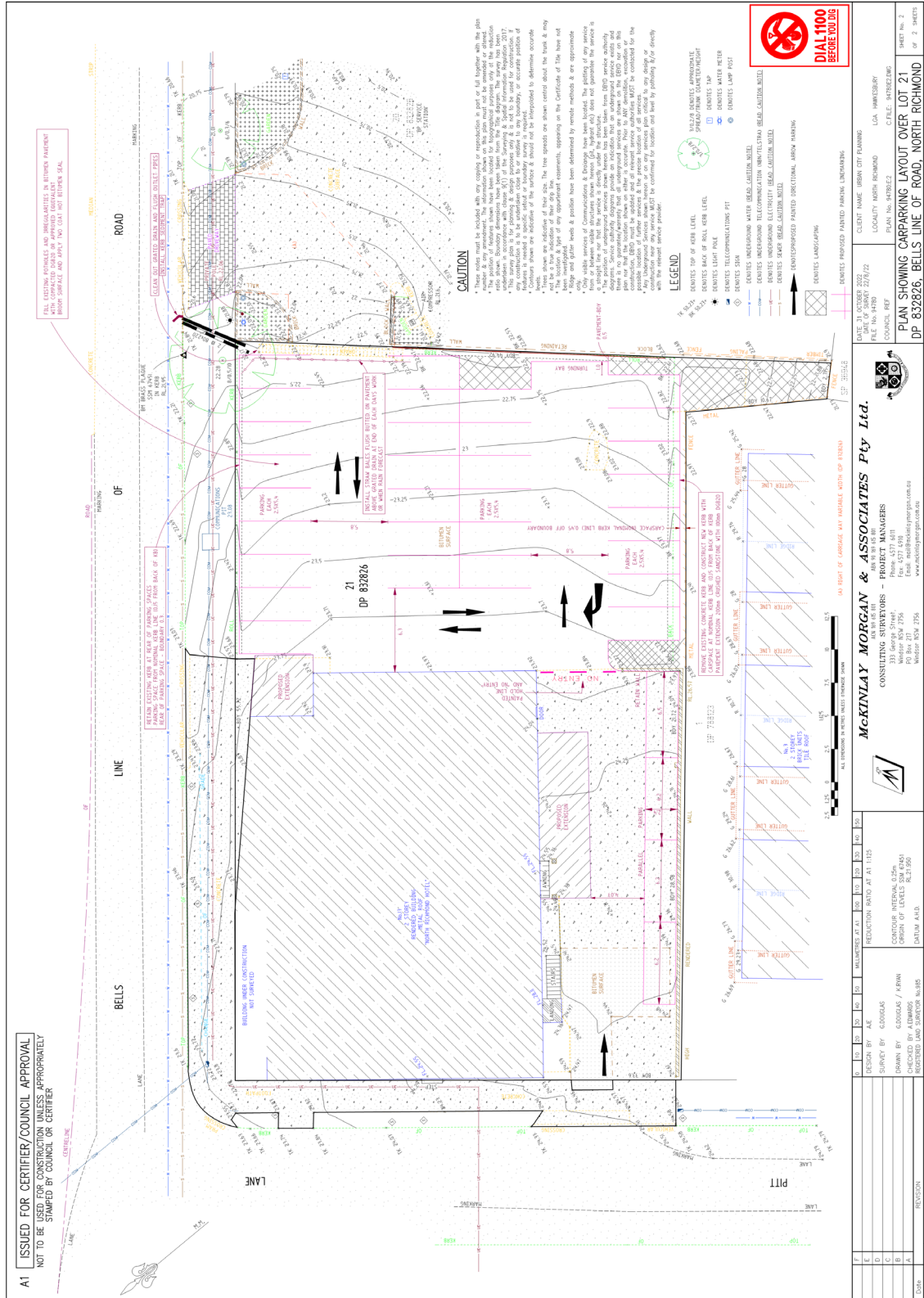
AT - 5 DA0035/25 - Plan of Management - 13 Bells Line of Road, North Richmond.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 July 2025

Attachment 3 - DA0035 25 - Car Parking Layout - 13 Bells Line of Road NORTH RICHMOND



HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 July 2025

Attachment 5 - DA0035 25 - Plan of Management - 13 Bells Line of Road, North Richmond

REF: 220130.

May 2025



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Alteration and Additions to Existing Hotel and Pub

13 Bells Line of Road, North Richmond NSW 2754
Lot 21 in DP 832826



Subject Site – Lot 21 DP 832826

Source: Google Maps 2023.



PREPARED BY URBAN CITY PLANNING ON BEHALF OF **RICHARD PETHERICK**

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HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 July 2025

Plan of Management

13 Bells Line of Road, North Richmond NSW

DOCUMENT CONTROL

Document Reference:	220130		
Contact:	Greg Hall Urban City Planning Pty Ltd PO Box 1201 Windsor NSW 2756 Telephone: 02 4587 7000		
Version	Date	Prepared by	Checked by
1 – Final	19 th May 2025	Sela Crisafulli Kefu Town Planner	Greg Hall Town Planning Manager



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Details contained in this report only address issues of significance relevant to the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 as well as the Environmental Planning Instruments applicable at the date of the assessment.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

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Plan of Management

13 Bells Line of Road, North Richmond NSW

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HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 17 July 2025

Plan of Management

13 Bells Line of Road, North Richmond NSW

1. DESCRIPTION OF PROPERTY

The property is legally described as Lot 21 in DP832826, known as 13 Bells Line of Road, North Richmond.

2. INTRODUCTION

This Plan of Management (PoM) has been prepared to accompany the Development Application for the change of use of the first floor premises to include dining and bar facilities. The PoM outlines the operational practices and management strategies that will be implemented to ensure the use of the premises is conducted responsibly and in accordance with regulatory requirements, while minimizing impacts on neighboring properties.

3. USE OF PREMISES

The first floor of the premises will be used for dining and bar services, integrated with the existing hotel operations on the ground floor.

4. HOURS OF OPERATION

Day	Opening	Closing	Licensed Hours
Monday	9:00am	12:00am	6:00am – 12:00am
Tuesday	9:00am	12:00am	6:00am – 12:00am
Wednesday	9:00am	12:00am	6:00am – 12:00am
Thursday	9:00am	12:00am	6:00am – 12:00am
Friday	9:00am	12:00am	6:00am – 12:00am

HAWKESBURY LOCAL PLANNING PANEL

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Plan of Management

13 Bells Line of Road, North Richmond NSW

Saturday	9:00am	12:00am	6:00am – 12:30am
Sunday	10:00am	10:00pm	10:00am – 10:00pm

5. STAFF ON SITE

Day	No. of Staff
Monday	4
Tuesday	4
Wednesday	7
Thursday	7
Friday	8
Saturday	7
Sunday	5

6. NOISE MANAGEMENT

Noise levels will be monitored regularly to ensure compliance with relevant acoustic standards

- The use of the proposed new verandahs will be limited to the day and evening time periods (7am – 10pm) in accordance with the recommendations of the Acoustic Report.
- Doors and windows will be kept closed where necessary to minimise noise escape
- Patrons will be asked to leave the premises quietly, particularly during late-night hours.
- The premises will operate in accordance with the recommendations of the Acoustic report.

7. SAFETY AND SECURITY

- Responsible service of alcohol will be enforced by all staff in accordance with the venues Liquor License.
- RSA-trained staff will be on-site during all trading hours.
- Security personnel may be present during peak periods and as required.
- CCTV is installed and operational throughout the premises.
- Lighting around the entry/exit and external areas will be maintained for safety.

8. AMENITY OF NEIGHBOURING PROPERTIES

- All deliveries and waste removal will occur within approved hours to minimise disruption.
- Noise and lighting will be managed to avoid impact on adjacent properties.
- Staff will be instructed to manage patron behaviour and prevent any disturbances to neighbouring properties.

9. WASTE MANAGEMENT

- Waste will continue to be stored in the existing outdoor area.
- Waste will be managed in accordance with health regulations and collected regularly to avoid overflow and odour.

10. LOADING AND DELIVERY ARRANGEMENTS

- Loading and deliveries will take place as per existing arrangements along Pitt Lane.
- All deliveries will be scheduled during appropriate hours to minimise impact on traffic and neighbouring properties.

11. COMPLAINTS HANDLING AND RESOLUTION

- A manager will be on-site during all operating hours to address any complaints from the public or neighbours.
- Complaints can be made in person, by phone, or email and will be recorded on the complaints register.
- The manager will investigate and resolve complaints promptly.
- Records of complaints and actions taken will be retained and made available upon request.

12. LIQUOR LICENSING

- The premises operate under a valid Liquor License issued by the Independent Liquor & Gaming Authority.
- All staff involved in alcohol service are RSA certified.
- The business is committed to the responsible service of alcohol and maintaining compliance with all license conditions.

13. REVIEW AND UPDATES

This Plan of Management is to be reviewed and updated by the owner every 12 months.

The plan shall include a register of the monitoring and reporting of non-conformances to management. All complaints received in relation to the farm operation shall be recorded, together with actions taken to remediate any concerns. Details of any complaints received shall be made available to Council on request.

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL

3. REPORTS FOR ADVICE

Meeting Date: 17 July 2025

3. REPORTS FOR ADVICE

3.1.1. CP - LEP002/25 Detached Dual Occupancy in Rural and Environmental Zones - 124414

Previous Item: 12.1.2 , Ordinary (10 June 2025)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number:	LEP002/25
Property Address:	RU1, RU2, RU4, RU5, C3 and C4 zoned land
Applicant:	Hawkesbury City Council
Owner:	Various
Current Zone:	RU1, RU2, RU4, RU5, C3 and C4 zones
Site Area:	Various
Key Issues:	Permit Detached Dual Occupancy in RU1, RU2, RU4, RU5, C3 and C4 zones.

RECOMMENDATION

That the Hawkesbury Planning Panel:

1. Provide advice on Planning Proposal LEP002/25 to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to permit detached dual occupancy development in zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- C3 Environmental Management
- C4 Environmental Living.

BACKGROUND

Currently, the Hawkesbury Local Environmental Plan 2012 permits 'Attached' Dual Occupancy in the following zones:

- RU1 Primary Production
- RU2 Rural Landscape

HAWKESBURY LOCAL PLANNING PANEL

3. REPORTS FOR ADVICE

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- RU4 Primary Production Small Lots
- RU5 Village, C3 Environmental Management
- C4 Environmental Living.

Given the nature and size of lots in these zones, which are mostly larger, it is considered that permitting detached dual occupancy on these sites has merit. In 2015 Council, through a house keeping amendment to the Hawkesbury Local Environmental Plan 2012 sought to permit detached dual occupancy in these zones, however, that component was not supported at the time by the Department of Planning and Environment. The reason for not supporting detached dual occupancy in these zones was that the Infrastructure NSW led Hawkesbury-Nepean Flood Management Strategy was not complete and there were concerns at the state level in terms of potential impacts on flood evacuation routes. Council also submitted a Planning Proposal in 2016 seeking to permit Detached Dual Occupancy in the abovementioned zones, but was again refused for the same reasons. However, since 2017, the Hawkesbury-Nepean Flood Management Strategy was released, following which various actions have been undertaken, including the release of the Hawkesbury-Nepean River Flood Study in 2024.

Additionally, following adoption and endorsement of the Hawkesbury Local Strategic Planning Statement, Council prepared a Hawkesbury LEP 2012 Review and Update Planning Proposal. That Planning Proposal included a number of items including permitting detached dual occupancy development in rural and environmental zones in order to bridge the gap between the current NSW Planning Framework requirements and the Hawkesbury LEP 2012.

Council at its Meeting on 22 November 2022 endorsed the progression of the Planning Proposal to Review and Update the Hawkesbury LEP 2012 and submit it to the Department of Planning and Environment for a Gateway Determination. To date, a Gateway Determination has not been issued.

Council recently considered a 'Notice of Motion' at its Meeting on 10 June 2025, where Council resolved to prepare a Planning Proposal to amend the Hawkesbury LEP 2012 with the following intent:

'That in every zone where Attached Dual Occupancies are currently permitted, that the word 'Attached' be deleted.'

Accordingly, a Planning Proposal has now been prepared and is included as Attachment 1. The Planning Proposal is a Council initiated proposal and details the proposal's consistency with relevant requirements.

DISCUSSION

Site Context:

This Planning Proposal applies to all land in zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- C3 Environmental Management

HAWKESBURY LOCAL PLANNING PANEL

3. REPORTS FOR ADVICE

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- C4 Environmental Living.

Detached Dual Occupancy Development - Alignment with the State Housing Reforms:

Recent reforms such as amendments to the State Environmental Planning Policy (Housing) 2021 and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 have paved the way for more diverse and affordable housing options across NSW, including council discretion to opt-in for housing supply options, such as the LEP Standard Instrument Clause 5.5 Controls relating to secondary dwellings on land in rural zones.

Benefits of Detached Dual Occupancy Development in Rural and Environmental Zones:

There are a number of potential benefits to permitting detached dual occupancy in rural and environmental zones including:

- Detached dwellings maintain a low-density appearance, and can blend seamlessly into the rural landscape, and keep the rural character
- Enables housing for farm workers or extended families without fragmenting farmland through subdivision
- Offers opportunities for multi-generational living, allowing older parents or adult children to live nearby while maintaining independence
- Through appropriate planning controls development can be managed responsibly.

Clause 5.5 - Controls relating to secondary dwellings on land in a rural zone:

While, Hawkesbury City Council had not yet adopted the LEP Standard Instrument Clause 5.5 Controls relating to secondary dwellings on land in rural zones, Council is seeking the adoption of this clause through the Hawkesbury LEP 2012 Review and Update Planning Proposal. Detached dual occupancy complements this provision by offering slightly larger, more independent housing options while still preserving rural character.

Development Control Plan:

While detached dual occupancy may raise concerns about rural land use efficiency and infrastructure capacity, these can be mitigated through:

- Planning controls to ensure environmental protection, infrastructure adequacy, and protection of visual amenity
- Application of Council's Flood Policy 2020 and its schedule of development controls that will ensure new dwellings are constructed above the Flood Planning Level (1:100)
- Preventing the effective subdivision and maintaining the integrity of rural character and environmental values.

Comparative Analysis:

Research has indicated that there are a number of councils within the Western City District including Penrith City Council, and Liverpool City Council that permit detached dual occupancy within their rural and environmental zones. Table 1 below illustrates the Detached Dual Occupancy permissibility in Rural and Environmental zones of other Councils.

Council	Zones Detached Dual Occupancy is permitted
Penrith City Council	RU5 - subject to local constraints

HAWKESBURY LOCAL PLANNING PANEL

3. REPORTS FOR ADVICE

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	RU1, RU2, RU4, C3, C4 - Requires lots to be greater than 2 Ha if not connected to reticulated sewer.
Liverpool City Council	RU1 and RU4 - Requires lots greater than 10 Ha for RU1 and 2 Ha for RU4.

Table 1 - Detached Dual Occupancy permissibility in Rural and Environmental Zones of other Councils.

An analysis of development applications for dual occupancy and secondary dwellings development from 2014 to 2025 in the Hawkesbury Local Government Area indicates that there are not a significant number of such developments. Over the past 12 years only 185 applications were approved for dual occupancy and 356 applications were approved for secondary dwellings. It is noted that secondary dwellings are only permitted in urban zones currently. Table 2 below highlights the number of approvals granted for dual occupancy and secondary dwellings from 2014 to 2025.

Table 2 - Number of approvals granted for dual occupancy and secondary dwellings from 2014 to 2025.

Dual Occupancy		Secondary Dwellings	
Year	No.	Year	No.
2014	24	2014	4
2015	18	2015	14
2016	21	2016	29
2017	23	2017	43
2018	12	2018	46
2019	19	2019	55
2020	9	2020	43
2021	12	2021	32
2022	16	2022	27
2023	14	2023	18
2024	9	2024	28
2025	8	2025	17
Total	185	Total	356

As demonstrated in the Planning Proposal included as Attachment 1, the proposal seeking to permit Detached Dual Occupancy in Hawkesbury's rural and environmental zones is a strategic response to evolving housing needs in the local government area, while preserving the local character and environmental values. The Planning Proposal aligns with the objectives of the NSW Planning Framework including the Greater Sydney Region Plan, the Western City District Plan, the State Environmental Planning Policies and local strategies and policies. The proposal supports the Hawkesbury Local Strategic Planning Statement which encourages sustainable rural living and resilient communities. It reflects the principles of the Hawkesbury Rural Lands Strategy by allowing flexible housing options that respects the rural amenities and environmental constraints. The Planning Proposal is also consistent with the Hawkesbury Local Housing Strategy in addressing the demand for diverse housing types.

ATTACHMENTS

AT - 1 Planning Proposal for Detached Dual Occupancy in Rural and Environmental Zones - *(Distributed under separate cover).*

HAWKESBURY LOCAL PLANNING PANEL

3. REPORTS FOR ADVICE

Meeting Date: 17 July 2025

oooO END OF REPORT Oooo