



Attachment 2 to Item 2.1.1.

DA0035/25 – Updated SEE May
2025, 13 Bells Line of Road, North
Richmond

Date of meeting: 17 July 2025
Location: By Audio-Visual Link
Time: 10am



URBAN CITY®

Planning

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**

ABN: 45 603 799 542 **ACN:** 603 799 542
Building 2, 4 Christie Street,
Windsor NSW 2756

info@ucgteam.com.au
ucgteam.com.au
02 4587 7000

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
No. 1 – DRAFT	October 2023	Sela Crisafulli Kefu Town Planning Assistant	Greg Hall Town Planning Manager
No. 2 – FINAL	September 2024	Sela Crisafulli Kefu Town Planning Assistant	Greg Hall Town Planning Manager
No. 3 – REVISED	December 2024	Sela Crisafulli Kefu Town Planning Assistant	Greg Hall Town Planning Manager



URBAN CITY[®]
Planning

© 2024 Urban City Planning Pty Ltd

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client for the purpose which it has been prepared. Any unauthorised reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means without express written permission from Urban City Planning Pty Ltd.

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.

TABLE OF CONTENTS

APPENDICES LIST	5
1.0 SUMMARY	6
1.1 INTRODUCTION	6
1.2 MATTERS PREVIOUSLY RAISED	7
1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS	9
2.0 SITE ANALYSIS.....	10
2.1 SITE LOCATION AND CHARACTERISTICS	10
2.2 DEVELOPMENT HISTORY / BACKGROUND	12
3.0 PROPOSED DEVELOPMENT	13
3.1 PURPOSE OF THE PROPOSAL	13
3.2 DESCRIPTION OF THE PROPOSAL	13
3.3 DEVELOPMENT DETAILS	16
3.3.1 Car parking.....	16
3.4 OPERATIONAL DETAILS	18
4.0 LEGISLATIVE FRAMEWORK	19
4.1 CONTROLS AND POLICY OVERVIEW	19
4.2 State Planning Context	20
4.2.1 Environmental Planning and Assessment Act 1979	20
4.2.3 Environmental Planning and Assessment Regulation 2021	21
4.2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	22
4.2.5 State Environmental Planning Policy (Transport and Infrastructure) 2021	23
4.3 Local Planning Context	24
4.3.1 Hawkesbury Local Environmental Plan 2012.....	24
4.3.2 Hawkesbury Development Control Plans	28
5.0 LIKELY IMPACTS OF THE DEVELOPMENT	35
5.1 CONTEXT AND SETTING	35
5.2 BUILT FORM	35
5.3 TRAFFIC & TRANSPORT	35
5.3.1 Parking.....	35
5.3.2 Access	36
5.4 EMISSIONS	36
5.5 WASTE	36
5.6 BUILDING CODE OF AUSTRALIA	36

5.7 SUITABILITY OF THE SITE FOR DEVELOPMENT 36

5.8 THE PUBLIC INTEREST..... 36

6.0 CONCLUSION..... 37

APPENDICES LIST

Appendix	Document	Prepared by
1	Architectural Plans	Graham Zerk
2	Survey Plan	McKinlay Morgan & Associates Pty Ltd.
3	Building Code of Australia Assessment Report	Accurate Fire & Building Consulting Pty Ltd.
4	Environmental Noise Assessment	Day Design Pty Ltd.
5	Access Report	Vista Access Architects Pty Ltd.
6	Revised Traffic & Parking Impact Assessment dated 16 th of October 2024.	PDC Consulting Pty Ltd.

The relevant reports listed above are further discussed in section 5 of this SEE.

This SEE has been revised in accordance with councils request for additional information dated 25th of November 2024. These matters have been addressed in section 1.2 of this SEE.

1.0 SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Urban City Planning Pty Ltd on behalf of Richard Petherick (the Applicant) and is submitted to Hawkesbury City Council (Council) in support of a Development Application (DA) at 13 Bells Line of Road, North Richmond (the Site), which is legally described as:

- Lot 21 DP 832826

This DA seeks development consent for Proposed Alterations and Additions to the existing hotel and pub (the proposal). This is described further in Section 3 of this SEE.

The Site is zoned **E1 Local Centre**, pursuant to the Hawkesbury Local Environmental Plan 2012 (HLEP2012), which is expected to:

- 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.

The proposed development is permissible within the E1 zone and aligns with the zoning objectives.

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Part 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation). An assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been provided under Section 4 of this SEE.

This SEE describes the site and proposal, provides relevant background information and responds to the proposal in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The following matters are addressed and discussed –

- Section 2 – Description of the subject site.
- Section 3 – Proposed development.
- Section 4 – Discuss Statutory Controls such as the Environmental Planning & Assessment Act 1979 and Regulation 2000, Environmental Planning Instruments (EPI's) and Development Control Plans (DCP's).

The proposed development will not have any significant environmental impact on the locality and is consistent with the current land uses of the locality and is worthy of approval from Hawkesbury City Council.

1.2 MATTERS PREVIOUSLY RAISED

Councils request for additional information letters dated 25th of November 2024 from Hawkesbury City Council in respect to the previously submitted application (ref. PAN-471571) have been identified and address below –

TABLE 1. Matters previously raised	
Council Comments	Applicant Response
1. Request for additional information letter dated 25th of November 2024	
a. Council officer considers that the location of the garbage collection and loading/unloading areas are to be provided on the plan to understand the impact on service vehicle movements to the overall parking and access arrangements. Appropriate justification is to be provided as the proposal seeks to increase the dining area.	<p>The proposed development involves no changes to the existing building, car parking layout, or traffic movement patterns. The garbage collection, loading and unloading areas will remain unchanged, as these services have already been approved by council. The proposed development involves a modest increase of 55m² to the existing service area, which is not expected to significantly impact the overall operation or traffic movements on the site.</p> <p>Furthermore, the proposed development is minimal and will not cause any adverse effects or require any amendments to the use of the car park. This is further confirmed by the Traffic Impact Assessment report provided, which demonstrates that the existing parking and access arrangements will remain sufficient to accommodate the slight increase in patrons.</p> <p>No changes are proposed to the garbage collection, loading/unloading areas, or parking layout, and the proposed development will not have significant impact on traffic or service vehicle movements.</p>
b. Council officer considers that the traffic report proposes some options for road safety controls which will be assessed by Council during the detailed assessment.	The revised Traffic Impact Assessment (TIA) report submitted with this application should be reviewed as part of the Development Application (DA) process. Should it be determined during the assessment process that additional road safety measures are necessary, we propose that such measures be included as conditions of consent, in consultation with RMS.
c. Council officer considers that the kitchen layout is to be provided as the submitted	The ground floor kitchen is existing, and the proposed development does not involve any

<p>plan shows new/modified kitchen area from the approved layout.</p>	<p>alterations or modifications to the current kitchen layout. No works are proposed that would impact or change the existing area. Additionally, the kitchen has recently been inspected and licensed by councils Environmental Health officers, with no requests for further information, upgrades or repairs. As such, the current kitchen layout is considered acceptable and does not require any changes as part of this proposed development.</p>
<p>d. Council officer considers that the site plan must show the existing garbage and servicing area and identify any modification to this arrangement</p>	<p>The proposed development involves a minor increase to the existing service area and relates to an existing operation on site. No significant alterations or disruptions are intended to the current waste management on site. The existing garbage and servicing areas will remain unchanged, retaining their current operation and location.</p> <p>As such, the proposed development will not have any adverse impact on these areas, and the waste management system will operate as they currently do. Given the minor proposal and lack of impact on the functionality of the existing garbage and servicing areas, as well as the first floor has had previous existing use that was accommodated by the existing operations on site, the requested amendment to the site plan is not considered necessary.</p>
<p>e. Council officers consider that the matters raised by engineer and EHO are valid request. Appropriate justification is to be provided to all the matters raised by Council, and it will be assessed during the detailed assessment of the application</p>	<p>All matters raised by councils engineer and Environmental Health Officer (EHO) have been addressed, ensuring that all requirements outlined by council have been met. The responses included in this submission are intended to satisfy the matters raised by council.</p>

1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

The proposed development does not require Referral to external agencies.

- **The proposed development does not require referral to any external agencies.**

2.0 SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Site is identified as 13 Bells Line of Road, North Richmond, and is legally described as:

TABLE 2. SITE DESCRIPTION		
Site Address	Legal Description	Land Area (Approximately)
13 Bells Line of Road, North Richmond	Lot 21 DP 832826	1,902m ²

The Site has a total area of approximately 1,902m² and is located within the City of Hawkesbury LGA, approximately 66km north-west of the Sydney CBD.

The site has primary vehicle access from Bells Line of Road via the ROW over the adjoining service station site and secondary vehicle access from Pitt Lane.

The site has frontage to Bells line of road of approximately 30m along the northern boundary.

The site currently comprises of an existing Hotel and Pub.

Land surrounding the Site comprises the following zoning categories:

- R3 – located to the South-west of the site
- E4 – located North-east of the site

Refer to Figures 1 – 3 below:



Figure 1. Cadastral Map (Source: Six Maps, 2024).
Subject site outlined in red.



Figure 2. Aerial Map (Source: Near Map, 2024).
Subject Site outlined in red.



Figure 3. Streetview from Bells Line of Road (Source: Google Maps 2023).

2.2 DEVELOPMENT HISTORY / BACKGROUND

TABLE 3. provides a summary of the previous approvals, pertaining to the Site and of relevance to the proposal, that have been determined or are under assessment.

TABLE 3. PREVIOUS APPROVALS	
Council Reference	Summary
13 Bells Line of Road, North Richmond	
68A/365A/69	Extension to Existing Hotel
DA242/89	Extension to hotel and erection of bottle shop
SA122/92	2 Lot Subdivision (Lots 21 & 22) of current lots
DA0257/14	Alterations and additions (minor) to the hotel

3.0 PROPOSED DEVELOPMENT

3.1 PURPOSE OF THE PROPOSAL

This proposal seeks development consent for the Proposed Alterations and Additions at the Site. The reasoning for seeking approval for the proposal is as follows:

- The proposed development promotes the development and expansion of the existing business activity to generate employment opportunities and economic growth.
- The proposed development aims to restore the original character of the existing pub and will be consistent with the character and amenity of the area.

The Site and the proposed design are considered to meet the objectives of the project as it enables development on land that has been zoned for Business development and related uses.

3.2 DESCRIPTION OF THE PROPOSAL

The proposal includes the following scope of works:

- Use of the First Floor for Dinning and Bar Facilities
- Installation of a lift
- Construction of a new Verandah

Use of the first floor for Dinning and Bar Facility

The proposed first floor will involve the following –

TABLE 4. PROPOSED AREAS		
Female Bathroom (x2 toilets and wash basins)	Male Bathroom (x1 toilet, x2 urinal, x1 wash basin)	New Fire stairs
Bar	Dinning	Storeroom x2
Verandah (existing and proposed)	New Lift	-

Installation of a lift

- The proposed lift adjoins the proposed new Fire stairs.
- The proposed lift is 1.5m by 1.5m.
- A new covered entry is proposed towards the south-west boundary

Construction of new verandah and proposed works to the existing foot path along Pitt Lane

- The proposed verandah is located along the north-western boundary and is proposed to extend over the existing foot path along Pitt Lane.
- The verandah involves new support columns located over council verge.
- The proposed verandah is 25m by 2.4m
- The development involves raising the footpath level, so it aligns with the Secondary entry from Pitt Lane.
- The foot path is then proposed to be extended and graded between the existing footpath and new raised footpath.
- 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 widened to 2.4m at floor level.
- This proposal seeks councils’ consent in respect to the proposed extension and works to the footpath along Pitt Lane.
- The verandah will be limited to the hours of 7am-10pm to ensure noise emissions do not exceed the relevant criteria, in accordance with the recommendations of the accompanying Environmental Noise Assessment.

Extracts from the architectural plans of the proposal are shown below in Figures 4,5 and 6.

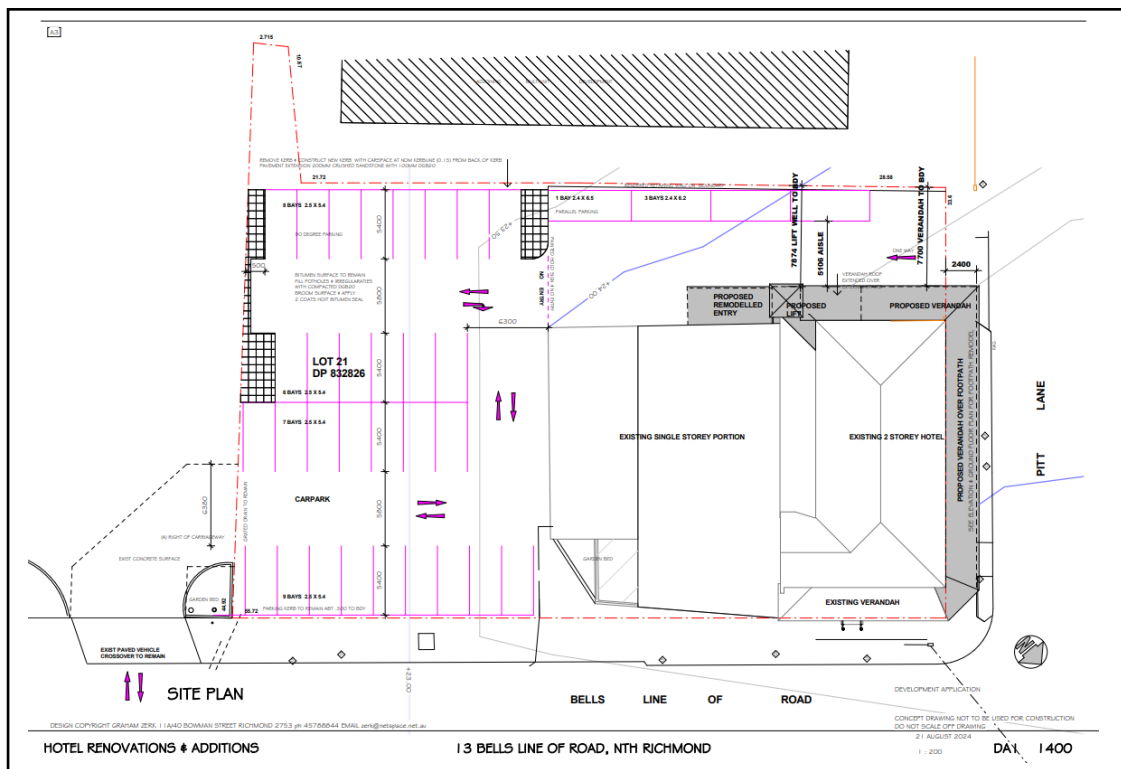


Figure 4. Site Plan (Source: Graham Zerk, 21 August 2024).

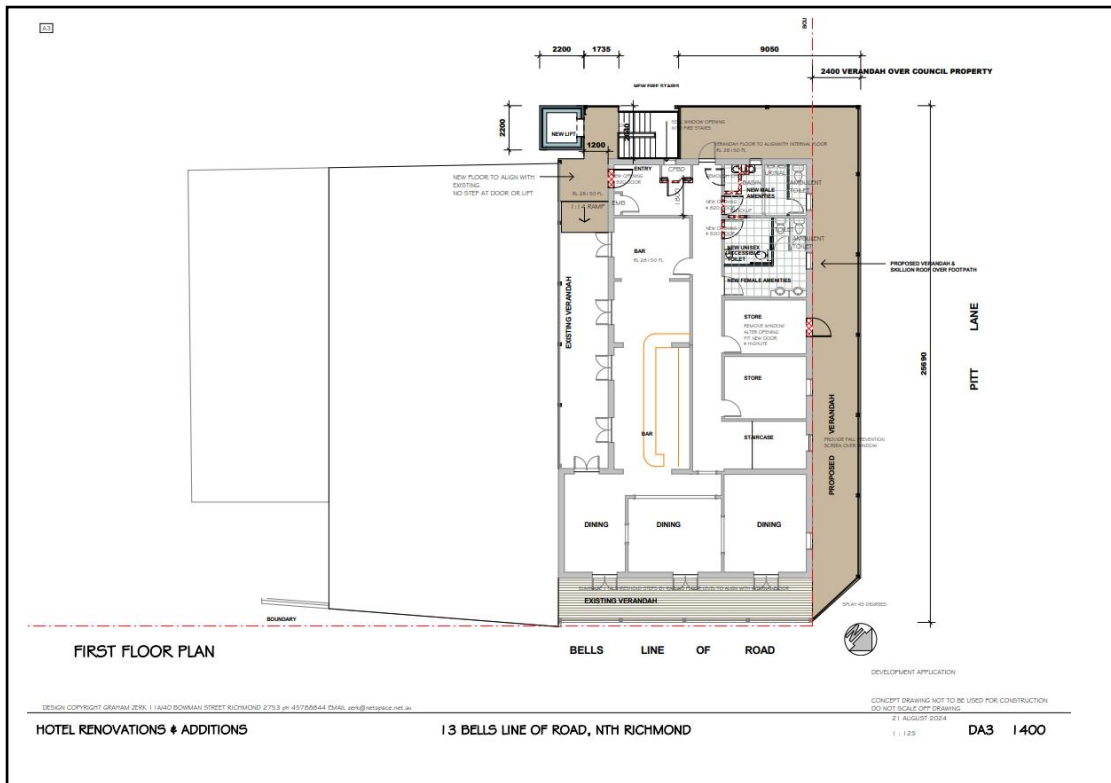


Figure 5. First Floor Plan (Source: Graham Zerk, 21 August 2024).

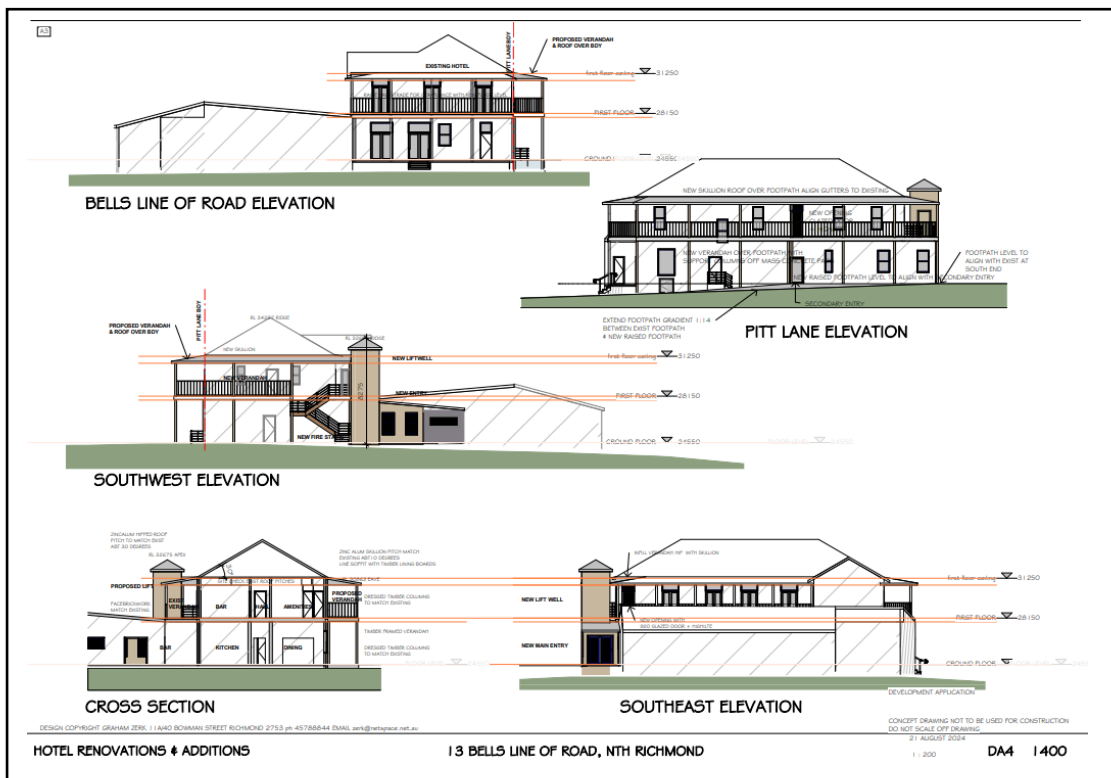


Figure 6. Elevation Plan (Source: Graham Zerk, 21 August 2024).

3.3 DEVELOPMENT DETAILS

Consent is requested for the proposed alterations and additions to the existing pub on the site.

The proposed development includes the works identified in **TABLE 4** below.

TABLE 4. PROPOSED ALTERATIONS AND ADDITIONS DETAILS	
Component	Proposed
Site Area	1902m ²
Building Type	Existing Pub
Gross Floor Area	Proposed new entry and lift – approx. 22.7m ² Proposed verandah – approx. 80.7m ² Total – 103.4m²
Building Height	No works are proposed to the existing building height.
Number of Storeys	2
Earthworks	Minor earthworks proposed
Driveway/s	Proposed one way entry from Pitt Lane and Exit from Bells line of road.
Car Parking	Proposed 34 Car parking spaces, refer to below comments concerning car parking.
Tree Removal / Planting	No tree removal proposed
Cost of Works	\$ 624,800

3.3.1 Car parking

The development proposes to retain and use the existing car parking on site and involves no additional parking.

The current provision of car parking approved by SA122/92 had approved 40 spaces for the hotel.

The most recent approval for the site DA0257/14 had retained the previously approved 40 spaces on site as shown on the approved carpark plan associated with SA122/92.

The approved car park plan associated with SA122/92 shows dimensions for the spaces and aisle widths, however, the plan was not drawn to any scale.

The existing car parking area has since been resurveyed and a detailed parking layout plan has been prepared confirming that the site as previously approved by DA0257/14 and SA122/92 cannot physically accommodate 40 parking spaces and would have never been able to accommodate for 40 parking spaces on site, refer to accompanying car park plan prepared by Mckinlay Morgan & Associates Pty Ltd dated 31st of October 2022.

The survey confirms that only a maximum of 34 car parking spaces is available.

The 34-parking spaces while not compliant with council controls has been accommodating the existing use of the site.

The building footprint of the existing pub is to be increased by an additional 60m² as a result of the proposed new verandah, the provision of additional car parking is not required as the new verandah does not increase the existing service area.

The proposed development also 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 had 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 of new service area.

Previously, the first floor was used as functions rooms, and the demand for parking generated by the previous use has already been accommodated with the 34 existing parking spaces on site.

This application seeks a minor variation to the car parking control and is justified given that the existing parking provision adequately accommodates the previous demand and will similarly address the needs of the proposed dining and bar facility. Refer to a further discussion in section 4.3.2.2 of this SEE. The proposed variation should be considered reasonable and consistent with the objectives of the car parking controls.

3.4 OPERATIONAL DETAILS

The proposal is for the Alterations and Additions to the existing pub and hotel. The following table demonstrates the anticipated operational outcomes.

TABLE 5. OPERATIONAL DETAILS				
Component	Proposed			
Use	Use of the First Floor for Dining and Bar Facilities			
Hours of Operation	Day	Open	Close	Licensed Operating Hours
	Monday	9am	12am	6am – 12am
	Tuesday	9am	12am	6am – 12am
	Wednesday	9am	12am	6am – 12am
	Thursday	9am	12am	6am – 12am
	Friday	9am	12am	6am – 12am
	Saturday	9am	12am	6am – 12:30pm
	Sunday	10am	10pm	10am – 10pm
	Proposed number of Staff	Day	Open	Close
Monday		9am	12am	4
Tuesday		9am	12am	4
Wednesday		9am	12am	7
Thursday		9am	12am	7
Friday		9am	12am	8
Saturday		9am	12am	7
Sunday		10am	10pm	5
Loading and Delivery arrangements		Loading and Delivery will occur as previously approved within the laneway adjacent to the kitchen or on Pitt Lane.		
Complaints handling	Complaints are handled by Managers who are available on site during operating hours.			

4.0 LEGISLATIVE FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Section of the SEE addresses and responds to the legislative and policy requirements relevant to the proposal at the Site in accordance with the EP&A Act. The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

State Planning Context

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

Local Planning Context

- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Development Control Plan 2023
- Hawkesbury Development Control Plan 2002

4.2 State Planning Context

4.2.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

Section 4.15(1) of the EP&A Act details the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 6** below.

TABLE 6 SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Comment
<i>Section 4.15(1)(a)(i) any environmental planning instrument, and</i>	The Hawkesbury LEP is the relevant Environmental Planning Instrument (EPI) applying to the Site, which is assessed in Section 5.3.1 of this SEE.
<i>Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	There are no draft instruments applicable to the Site.
<i>Section 4.15(1)(a)(iii) any development control plan, and</i>	The Hawkesbury DCP applies to the Site and is addressed in Section 5.3.2 of this SEE.
<i>Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	The applicant does not seek to enter into a Voluntary Planning Agreement for this development.
<i>Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The EP&A Regulation is addressed in Section 5.2.3 of this SEE.
<i>Section 4.15(1)(b)-(c)</i>	These matters are addressed in Section 5 of this SEE.

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposal is Hawkesbury (Council).

4.2.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines ‘integrated development’ as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The proposal is not nominated integrated development.

4.2.3 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 7 MAKE UP OF THE DA	
Considerations	Response
Division 1 – Making development applications	
<i>Section 23 – Persons who may make development applications</i>	
<i>(1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land.</i>	This DA is made by Richard Petherick. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.
<i>Section 24 – Content of development applications</i>	
<i>(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.</i>	The DA includes all relevant information including details of the development, address and supporting documents. A complete DA is submitted to council via the NSW planning portal.
<i>Section 25 – Information about concurrence or approvals</i>	
<i>A development application must contain the following information— (a) a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, (b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</i>	Refer to Section 1.3 of this Report.

4.2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The relevant chapters of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 are discussed hereunder:

Chapter 6 Water Catchments

The site is located within the area of the Hawkesbury Nepean which has been incorporated into chapter 6 of the SEPP Water Catchments which applies to the Hawkesbury Nepean Catchment.

The proposed development will have no impact on the Hawkesbury-Nepean River system due to the nature of the works proposed and location of the proposed development to the river and any natural watercourse.

Clause 6.8 – Flooding

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.*
- (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—
 - (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or*
 - (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.**

The site is not impacted by flooding and will not cause any recession of floodwater into a wetland or other ecosystems and therefore the impact on water quality is highly unlikely.

The proposed development is consistent with the requirements and aims, objectives and controls in the SEPP (Biodiversity and Conservation) 2021.

4.2.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Planning Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across NSW.

Clause 2.119 – Frontage to a classified road

The subject site does front a classified road however, the proposed development will not have an impact on effective and ongoing operation of classified roads as there is very minimal additional traffic volumes generated by the proposal.

Clause 2.122 – Traffic Generating Development

Pursuant to Clause 2.122, the Transport and Infrastructure SEPP provides for certain proposed developments known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (NSW RMS, now TfNSW) for concurrence. Schedule 3 of the Transport and Infrastructure SEPP, lists the types of development that are defined as Traffic Generating Development.

The proposed development is defined as an enlargement or extension of an existing Food and Drink premises.

The proposed additions and alterations do not meet the 300m² referral threshold of additional gross floor area in accordance with Schedule 3 of the Transport and Infrastructure SEPP.

4.3 Local Planning Context

4.3.1 Hawkesbury Local Environmental Plan 2012

The HLEP2012 is the primary Environmental Planning Instrument that applies to the Site. The relevant provisions of HLEP2012 are considered in the following subsections.

4.3.1.1 Zoning and Permissibility

The Site is located within the E1 zone under the HLEP2012 as shown in Figure 6.

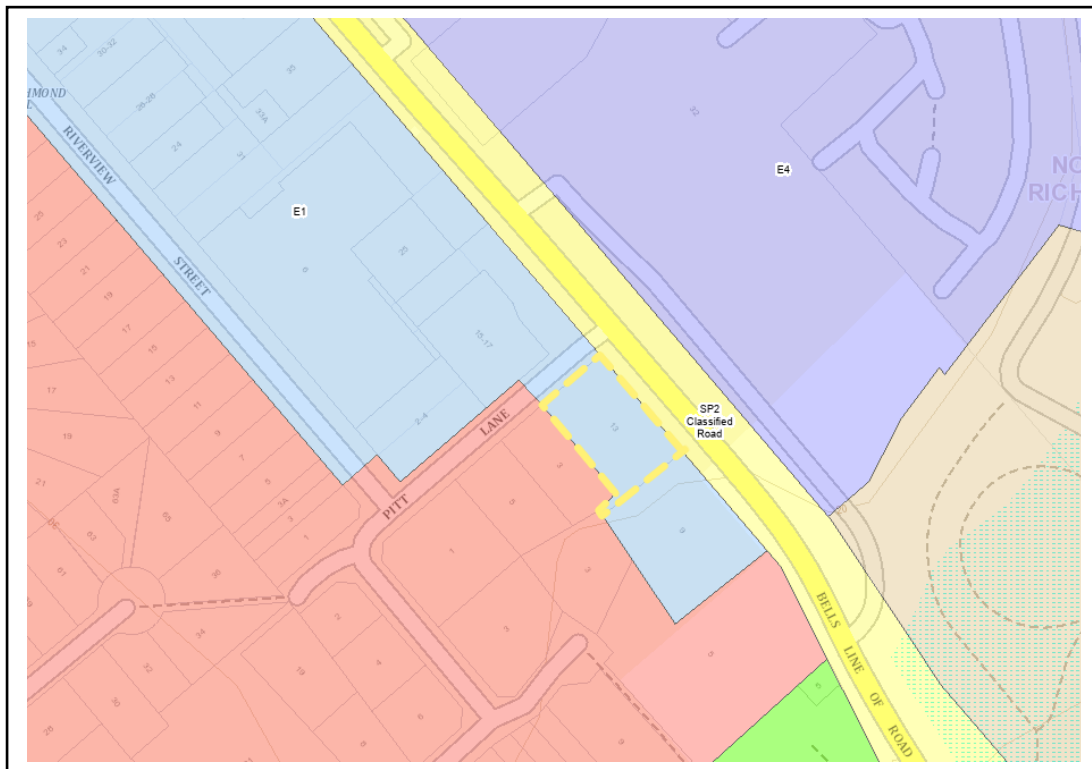


Figure 6. Cadastral Map (Source: ePlanning Spatial Viewer, 2024).

Subject site outlined in yellow.

The objectives of the **E1 – Local centre** zone include:

- 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.

Clause 2.3 (2) states *'The consent authority must have regard to the objectives for development in a zone when determining a development application in respect to land within the zone'*.

The proposal is consistent with the zone objectives because the proposed development promotes the development and expansion of the existing business activity to generate employment opportunities and economic growth. The proposed development is consistent with the character and amenity of the locality. These reasonings should be considered in councils' determination of the DA.

Within the E1 zone, the proposed development is permitted with consent.

In accordance with the HLEP2012, the proposed development is associated with the existing approved use of the site as a pub.

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.

Note –

Pubs are a type of food and drink premises –

Food and drink premises are a type of Commercial Premises

4.3.1.2 *Development Controls*

TABLE 8. DEVELOPMENT CONTROL	
Clause	Comment
Part 4 – Principal Development Standards	
4.1 – 4.2 Minimum Subdivision Lot Size	Not applicable. No Subdivision proposed.
4.3 Height of Buildings	The proposed development will retain the existing height.
4.4 – 4.5 Floor Space Ratio	Not applicable to the Site. No maximum floor space ratio is prescribed for the Site
4.6 Exceptions to Development Standards	The proposal does not seek to vary any development standards.
Part 5 – Miscellaneous Provisions	
5.1 – Relevant acquisition authority	The land is not subject to any acquisition purpose
5.2 – Classification and Reclassification of Public Land	Not applicable
5.3 – Development near zone boundaries	The development does not seek any flexibility in zone boundaries.
5.4 – Controls relating to Miscellaneous Uses	Not applicable.
5.6 – Architectural Roof Features	The structure does not contain any architectural roof features
5.7 – Development Below Mean High Water Mark	No works are proposed below the mean high-water mark.
5.8 – Conversion of Fire Alarms	Not applicable.
5.10 – Heritage	There are no heritage items on the subject property.
5.11 – Bushfire Hazard Reduction	Not applicable.
5.21 – Flood planning	Not applicable.
Part 6 – Additional Local Provisions	
6.1 – Acid Sulfate	No works proposed that will impact on the acid sulfate.
6.2 – Earthworks	No earthworks proposed
6.4 – Terrestrial Biodiversity	Not applicable
6.5 – Wetlands	Not applicable
6.6 – Development in areas subject to craft noise	Not applicable
6.7 – Essential services	The existing services and utilities provided and available to the site are adequate for the proposed development to the existing hotel/pub.



Figure 7. HLEP2012 Heritage Map (Source: ePlanning Spatial Viewer, 2024). Subject site outlined in yellow.

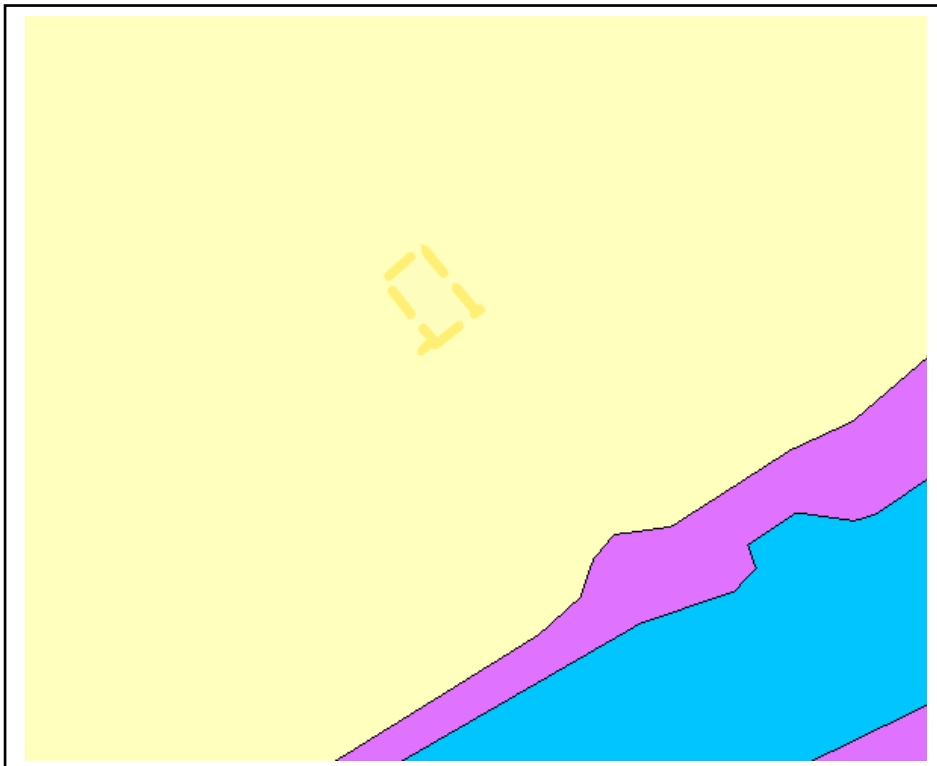


Figure 8. HLEP2012 Acid Sulfate Soils Map (Source: ePlanning Spatial Viewer, 2024). Subject site outlined in yellow.

4.3.2 Hawkesbury Development Control Plans

The key local development controls have been discussed while all other relevant matters for consideration an assessment of the proposal against the relevant sections of the DCPs has been undertaken. While the DCP is a relevant consideration when making a determination of this proposal, Council is reminded that the proclamation of the EP&A Act 1979 under Division 3.6 confirmed that the provisions of a development control plan are not statutory requirements and are for guidance purposes. The weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome. Should a development application not comply with the provisions of the DCP a consent authority should allow for reasonable alternative solutions to achieve the objectives of those standards.

The HDCP2002 and HDCP2023 provides detailed planning and design guidelines to support the planning controls of the HLEP2012. The HDCP2023 revokes Part C of the HDCP2002 for Car Parking and Access, Effluent Disposal and Heritage Conservation.

An assessment of the proposal against the relevant sections of the DCPs has been undertaken.

4.3.2.1 Hawkesbury Development Control Plan 2023

Chapter 2 – Site Analysis

The objectives of this chapter are as follows:

- a) *Identify the constraints and opportunities of a development site*
- b) *Provide an understanding of how the development relates to the site*
- c) *Identify the capability and suitability of the site for development, and determine the most appropriate built form that the site can accommodate*
- d) *Inform the architectural style of the development, to direct a suitable design outcome that is consistent with and responsive to the predominant context or streetscape character*
- e) *Reduce adverse amenity impacts and improve sustainability outcomes of development*
- f) *Protect the scenic value of Hawkesbury's natural and built environment.*

The proposal is consistent with the objectives of Chapter 2 as it is considered to be consistent with the current and adjoining land uses. A site plan has been prepared and shows that the proposal can be appropriately accommodated on site. The proposal does not increase any potential amenity impact as, the proposed development is of a similar scale, bulk and external appearance of the surrounding commercial development. The proposal is consistent with the Hawkesbury's natural and built environment.

Chapter 3 – Heritage

The objectives of this chapter are as follows:

- a) *Promote and protect Hawkesbury's natural and cultural heritage as a valuable resource that must be conserved for future generations*

- b) *Consider the potential heritage significance of all properties identified in the LEP Heritage Map and other applications as a matter to be taken into account in the assessment of DAs affecting those properties*
- c) *Integrate conservation issues and management into the planning and development control process*
- d) *Ensure that any development with respect to a heritage site is undertaken in a manner that is sympathetic to, and does not detract from, the identified significance of the site*
- e) *Encourage innovative approaches to the conservation of Hawkesbury's heritage and to provide incentives for good management practice.*

The site is not in a heritage conservation area or contains heritage item. There is no heritage item adjacent to the site.

Chapter 4 – Effluent Disposal

The objectives of this chapter are as follows:

- a) *Ensure that the on-site disposal of wastewater can be achieved without significantly affecting public health, the environment, surrounding properties, environmentally sensitive areas, ground or surface waters, or significant vegetation*
- b) *Ensure that the selection and design of any proposed on-site sewage management facility represents the best management practice for wastewater on the site over the expected life of the system*
- c) *Minimise the cost of on-site sewage management facilities without compromising the achievement of environmental and public health objectives*
- d) *Ensure that on-site sewage management facilities are capable of being operated and managed in the long term and provide for ongoing risk minimisation*
- e) *Identify special provisions relating to connection to reticulated sewerage systems and development within the rural and environmental zones*
- f) *Set out the limited circumstances where Council may agree to removal of sewage by pump out or tanker removal*
- g) *Encourage consideration and use of the variety of NSW Health approved sewerage management facilities*
- h) *Set out the minimum requirements for development requiring or relying the installation of an on-site sewage management facilities and provide a framework for improved management of on-site sewage/wastewater management systems.*

Not applicable – No effluent disposal proposed.

Chapter 5 – Traffic, Access, Street Design and Parking

The objectives of this chapter are as follows:

- a) *Ensure pedestrian and traffic safety and achieve a balance between the needs of proposed development and the needs of vehicular and pedestrian traffic and cyclists*
- b) *Provide streets that are safe, functional and comfortable for all users (vehicles, cyclists and pedestrians)*
- c) *To integrate parking facilities within the design of the development to ensure adequate traffic safety and management, integration with the streetscape and acceptable environmental and sustainability outcomes*
- d) *Ensure that adequate provision is made for off-street parking and loading of passenger and service vehicles generated by new developments and redevelopments, including visitor parking*
- e) *Ensure the provision of sufficient and suitably located parking for persons with a disability, cyclists, and motorcyclists within developments*
- f) *To protect neighbourhood amenity and safety in the design and operation of all parking, loading and service facilities 59 Hawkesbury Development Control Plan 2023
Hawkesbury Development Control Plan 2023*
- g) *To ensure streets and related infrastructure are designed for a high level of convenience for all users, and economy of construction and maintenance*
- h) *To encourage use of sustainable forms of transport, including public transport*
- i) *To ensure that all road safety measures are considered and accounted for in the design of the development.*

Request for Variation to Parking Control

The control being varied –

- Chapter 5 – Table 1

Hotels, registered clubs, night clubs and pubs

Service/Bar Area

- 1 space per 20m²
- 1 space per bedroom or motel type unit

The non-compliance with the relevant control –

The proposed development seeks approval for the alterations and additions to the existing Pub involving the use of the first floor for Dining and Bar services.

Chapter 5 of the HDCP 2023 requires a parking rate of 1 space per 20m² of service area/bar area and 1 space per bedroom or motel type unit.

The proposed use of the first floor for Dining and Bar services involves the additional use of 105.7m² as a service area.

The building had undergone construction that removed the previously existing enclosed verandahs, which reduced the approved service area by 50m². Consequently, the proposed development would only add 55.7m² of new service area.

The development would require the provision of an additional 3 car parking spaces in accordance with the control, however the development is proposing to utilise the existing car parking on site and therefore does not comply with the car parking control.

Reason and Justification for the non-compliance –

The proposed development involves an additional 55.7m² of service area as a result of the use of the first floor for dining and a bar.

The most recent approval issued for the premises, Development consent no. DA0257/14 had accepted a total of 40 parking spaces for minor alterations and additions to the hotel.

A survey plan prepared by Mckinlay Morgan Pty Ltd dated 31st of October 2022 had confirmed that the area cannot physically meet the 40 spaces as approved based on Councils requirements and that only a maximum provision of 34 car parking spaces can be provided on site.

The existing use of the site has been adequately accommodated by the existing car parking on site.

The first floor has existing use as function rooms and the demand for car parking already exists and is accommodated by the existing provision of car parking on site.

The peak hours of the business occur outside of typical business hours of the establishment and businesses located within the vicinity. Allowing for ample car parking on site and off site to cater for the reduction of car parking as previously approved and for the proposed development.

More so, given the nature of the proposed development there would be an expectation that there would be a lower number of cars parked on site as alcohol will be served in the premises and alternate modes of transport will be relied upon.

How the development meets all the relevant objectives of the DCP –

The objectives of the DCP control in respect to car parking are discussed hereunder:

- *the size and type of development and its traffic generation*

Comment:

The nature of the proposed development will generate minimal traffic generation given the high proportion of customers would utilise alternate modes of transport.

- *the availability and accessibility of public car parking areas*

Comment:

Peak hours of the business on site are outside of normal business hours of the surrounding commercial uses allowing for ample on and off street car parking to be available for the site.

- *the degree of accessibility by public transport; and*

Comment:

The site benefits from good access to bus services and is situated within 400m of bus stops located Bells Line of Road which are serviced by 3 bus routes.

- *traffic volumes on the street network, including expected future traffic volumes relating to Hawkesbury Road hierarchy.*

Comment:

The development does not propose significant increase in traffic volumes as the peak hours of the business is outside of normal business hours of the surrounding developments and due to the nature of the business on site alternative transport modes are expected to be utilised.

- *site conditions, such as slope and drainage*

Comment:

The proposed development involves the use of the existing car parking spaces on site.

- *visual amenity of the development and adjacent sites*

Comment:

The development is proposing no change to the existing car parking area and will have no impact on the adjacent sites.

- *proximity of the parking area to any neighbouring residential areas*

Comment:

The proposed development adjoins a residential area.

The development will have no significant impact on residential areas as the car parking is existing and traffic generated from the proposed development is considered to be minimal given the nature of the use of the site.

- *relationship of the building /s to the parking area; and*

Comment:

The development proposes to utilise the existing car parking on site.

- *relationship of the parking area to the street.*

Comment:

The development proposes to utilise the existing car parking on site.

Why compliance with the control is unreasonable or unnecessary in the case of the development –

Compliance with councils parking requirements for pubs is considered unreasonable due to the site's constraints and proposed use of the site.

As discussed previously, the recent DA consent for the development on site had approved for 40 car parking spaces on site. A car parking layout plan prepared by Mckinlay Morgan & Associates Pty Ltd dated 31st of October 2022 had confirmed that a maximum of 34 car parking spaces can be accommodated on the site.

More so, the additional provision of car parking for the proposed change of use of the first floor is not considered necessary given there is already an existing demand for car parking for the use of the first floor that has been accommodated by the existing car parking on site.

The nature of the business on site would encourage patrons/customers to utilise alternative modes of transport such as carpooling and public transport.

The site is easily accessible via public transport services and is located within 400m of bus stops along Bells Line of Road. Richmond Railway station is the closest station to the site and is serviced by T1 Leppington to Richmond Service and T2 Emu Plains/Richmond city services which provides connectivity to the wider transport network and will result in staff and customers utilising public transport.

The peak hours of operation for the business on site is outside of normal business hours of the surrounding commercial developments which allows for ample off and on street carparking to be available during peak business hours.

The proposed departure from the prescribed parking control for pubs as outlined above would have minimal impact on the amenity of adjoining properties and there is already an existing demand for the proposed development which has been accommodated by the existing car parking on site.

While not meeting the numeric control for carparking the proposed development still meets the objectives of the controls as discussed above and should be considered on its merit.

4.3.2.2 Hawkesbury Development Control Plan 2002

Part C – General Guidelines

Chapter 1 – Landscaping

The objectives for this chapter are to:

- *encourage the enhancement of the natural, cultural and built environment;*
- *outline the landscaping requirements relating to all forms of development;*
- *encourage the recognition of climatic influences and the incorporation of landscaping design features to enhance or modify the climatic factors relating to the site;*
- *encourage the design of low maintenance landscaping; integrate development into the landscape to minimise the impact on the natural environment;*
- *and provide for landscaping which allows freedom of access and mobility.*

The proposed development involves no tree or vegetation removal.

Chapter 3 – Signs

The objectives for this chapter are to:

- *allow signs that add to the character of the streetscape and complement the architectural style and use of the building ;*

- *encourage suitably located signs that provide legible and clear messages; encourage well designed and located signs that contribute to the streetscape and the site on which it is proposed;*
- *avoid visual clutter through the proliferation of signs;*
- *and consider the amenity of the area and the visual quality of the public domain*

Not applicable, no new signage is proposed.

Chapter 4 – Erosion and Sediment Control

Not applicable for the proposed works.

Chapter 5 – Bushfire Prone Land

The subject site is not identified as Bushfire Prone Land.

Chapter 6 – Energy Efficiency

Not applicable. The proposal involves industrial / commercial development and therefore BASIX is not required.

Chapter 8 – Management of Construction and Demolition Waste

The chapter aims to ensure a responsible approach to waste minimisation in the Construction and Demolition (C&D) sector. It makes it compulsory that Waste Management Plans are submitted with development applications for the following types of development:

- *Single dwellings*
- *Multi-unit housing*
- *Walk-up flats*
- *Industrial and commercial development*
- *Subdivision requiring engineering works*
- *Demolition*
- *Dwelling additions*

A waste Management Plan accompanies the application.

Chapter 9 – Preservation of Trees and Vegetation

The aim of this chapter is to preserve the amenity, biodiversity, ecology and heritage of the area through the preservation of trees and vegetation.

The objectives of this chapter are to:

- a) prescribe the trees and vegetation to which this chapter applies*
- b) clarify the assessment criteria under which applications to ringbark, cut down, top, lop, remove, injure, or wilfully destroy trees or vegetation will be determined*
- c) define the meaning of terms used within this chapter*

The proposal does not involve the removal of any vegetation.

5.0 LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The proposed development is consistent with the intended outcome of the land, being to provide for a Pub and related uses. The proposed development is appropriate when considering the surrounding commercial setting, with there being other similar structures in the immediate locality.

The proposal would not exhibit any significant environmental impacts and will not adversely impact on the amenity or operations of any adjoining sites. The proposal has considered the potential impacts on the site and surrounding environment.

5.2 BUILT FORM

The proposed development involves the additions of a Verandah, installation of a lift and use of the First Floor as a Bar and Dining facility, and is of similar scale, bulk and external appearance to the surrounding commercial development.

5.3 TRAFFIC & TRANSPORT

A Traffic Impact Assessment accompanies this statement.

The report has assessed and concluded that the proposed development is considered to be adequately accommodated by the existing on-site car parking and use of publicly available off-site parking location.

The report has concluded that the proposed development will generate minimal traffic generation given the high proportion of customers would utilise alternative modes of transport and the peak patronage and parking demand is outside of the typical on-street commuter peak hour.

5.3.1 Parking

The site allows for a maximum of 34 Car parking spaces on site which does not meet councils numerical control.

The proposed development does not increase the current approved floor area of the hotel and only involves the change of use of the first floor for dining and bar facilities, however it can be noted that the first floor was previously used as function rooms and the site already adequately accommodates for car parking demands for the use of the first floor.

Therefore, the proposed development will adequately accommodate for car parking demands and while not meeting the DCP numerical control the proposed development still meets the objectives of the control.

5.3.2 Access

Vehicular access is from the existing locations on Pitt Lane and adjacent service station through existing use/ easement rights.

The Pitt Lane access is proposed to be a one-way access.

Pedestrian access is located from Bells Line of Road.

5.4 EMISSIONS

This application is accompanied by an Environmental Noise Assessment.

The report has assessed the proposed development against relevant noise controls to ensure emissions meet within the required criteria.

The Environmental Noise Assessment has advised that with compliance of their recommendations the proposed development will meet the relevant requirements.

5.5 WASTE

During construction all waste will be recycled at an approved recycling facility or will be taken off the site by a contractor.

On-going use of the premise will retain the existing waste management operations on site which involves all general waste and recycling to be stored in a four wheeled enclosed wastebin for council waste collection services.

Refer to accompanying Waste Management Plan

5.6 BUILDING CODE OF AUSTRALIA

This application is accompanied by a Building Code of Australia Assessment Report (BCA).

The report concluded that compliance with the recommendations made in Section 3 of the Report will ensure that the proposed development is in keeping with the intent of the Deemed-to-satisfy provisions of the BCA 2022.

5.7 SUITABILITY OF THE SITE FOR DEVELOPMENT

The development is consistent with the surrounding context and setting of the place and is of similar scale, bulk, and external appearance to the surrounding commercial development.

5.8 THE PUBLIC INTEREST

The proposed development meets the public interest as fits within the surrounding use of the area and is an existing development that is utilised by the public.

6.0 CONCLUSION

The aim of this report has been to:

- To describe the proposal
- To discuss compliance of the proposed development with relevant statutory considerations; and
- To provide an assessment of the likely environmental effects of the proposal
- Provide information to permit Council to undertake an assessment under 4.15 of the EPA Act.

The proposed development is consistent with the provisions of the Environmental Planning and Assessment Act and Hawkesbury Local Environmental Plan 2012 and is permissible with consent in the E1 zone.

This report provides an assessment of proposal against Hawkesbury Council's Development Control Plan and the development is generally consistent will all the provisions generally meets the requirements of the relevant chapters.

The SEE has provided the matters for consideration under Section 4.15(1) of the EP&A Act and the proposal is deemed to be compatible with the site and surrounding environment.

Overall, the proposal will have no significant impact on the locality and adjoining land uses and is consistent with the surrounding development.

The development application is submitted for Council approval.

