

COUNCIL ASSESSMENT REPORT

SYDNEY WESTERN CITY PLANNING PANEL

Panel reference	PPSSWC-510
DA number	X/1578/2024
LGA	Blue Mountains City Council
Proposed development	Demolition of selected structures and tree removal; construction of a retail development comprising a full-line supermarket, separate retail tenancy, lower ground and rooftop parking, vehicular and pedestrian access, and associated landscaping; and a minor addition and external alterations to the Oriental Hotel
Street Address	110–112 Macquarie Road Springwood 2777 & 8–12 Raymond Road Springwood 2777
Applicant	FABCOT PTY LTD
Owner	Mrs D H Wayne J P Benson Pty Ltd Springwood Oriental Pty Ltd
Date of DA lodgement	10 December 2024
Submissions	402 total unique submissions, including 212 objections, 187 in support, and 3 with questions/comments
Key issues raised in objections	Character impacts, economic impacts, traffic impacts, and noise impacts
Recommendation	Approval
Regional development criteria	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Development with estimated development cost >\$30 million)
Relevant s4.15(1)(a) matters	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i>

	<i>Blue Mountains Local Environmental Plan 2015</i>
Documents submitted with this report for the Panel's consideration	Architectural plans Landscape plans Stormwater plans and report Survey plan Statement of environmental effects (including clause 4.6 request) Heritage impact statement Traffic report Acoustic report Geotechnical report Groundwater report Preliminary and detailed site investigation report Economic impacts report Plan of management Waste management plans Arborist's report Crime prevention report Design excellence report Review (x2) by independent urban design consultant
Clause 4.6 requests	Yes—building height (cl. 4.3 of <i>Blue Mountains Local Environmental Plan 2015</i>)
Report prepared by	Addison Boykin, Senior Planner, Blue Mountains City Council Gemma Bennett, Program Leader Commercial Development Assessment Alex Williams, Manager Development & Building Services
Report date	19 September 2025

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Clause 4.6 Exceptions to development standards

Yes

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions

Yes

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

CONTENTS

EXECUTIVE SUMMARY	4
1. THE SITE AND LOCALITY	6
2. THE PROPOSAL AND BACKGROUND	7
3. ASSESSMENT	11
4. CONTRIBUTIONS.....	61
5. REFERRALS AND SUBMISSIONS.....	62
6. SUMMARY OF REQUIRED AMENDMENTS.....	67
7. CONCLUSION AND RECOMMENDATION.....	67

ATTACHMENTS

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

ATTACHMENT B: DCP COMPLIANCE TABLE

ATTACHMENT C: ARCHITECTURAL PLANS

ATTACHMENT D: LANDSCAPE PLANS

ATTACHMENT E: CLAUSE 4.6 REQUEST

ATTACHMENT F: REVIEW OF AMENDED PLANS BY INDEPENDENT URBAN DESIGN CONSULTANT

EXECUTIVE SUMMARY

1. FABCOT PTY LTD lodged development application X/1578/2024 with Blue Mountains City Council on 10 December 2024. The proposal seeks approval for a new full-line supermarket and minor external alterations to the Oriental Hotel on the site at 110–112 Macquarie Road and 8–12 Raymond Road, Springwood.
2. The proposal is regionally significant development pursuant to Clause 3 and Schedule 6 of *State Environmental Planning Policy (Planning systems) 2021*, being development with an estimated development cost of more than \$30 million. The Sydney Western City Planning Panel is the consent authority.
3. The proposal is integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), being development for which an approval under Section 90 of the *Water Management Act 2000* (for construction dewatering) is required. Council officers referred the application to WaterNSW, and WaterNSW has issued its general terms of approval.
4. The site comprises two lots within the Springwood town centre. The site is zoned E2 Commercial Centre under *Blue Mountains Local Environmental Plan 2015* (LEP). Existing development on the site includes the Oriental Hotel (a local heritage item) on the northern lot and a former IGA building on the southern lot. Sensitive surrounding development includes the Blue Mountains Theatre and Community Hub (the Hub) to the east and low-density residential development and a childcare and after-hours care centre to the south.
5. Council notified the proposal for 28 days in accordance with Council's Community Participation Plan—from 13 January 2025 to 10 February 2025. Council received 402 unique submissions, comprising 212 objections, 187 submissions in favour of the proposal, and 3 submissions with questions/comments. The key issues raised by objectors were traffic congestion and impacts to the local character and economy. The key reasons for support were increased retail amenity, lower travel time (to a full-line supermarket) and urban revitalisation.
6. The development application proposes development that largely complies with relevant State and local planning provisions. However, the development as proposed would contravene the maximum building height development standard imposed by clause 4.3 of the LEP. The development application is accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that:
 - a. compliance with the development standard is unreasonable or unnecessary in the circumstances; and
 - b. there are sufficient environmental planning grounds to justify the contravention of the development standard.

Council officers consider that the applicant has demonstrated the matters set out in clause 4.6 of the LEP and that development consent may be granted for the proposed development pursuant to the clause even though it would contravene the development standard.

7. Council officers have assessed the proposal against the matters in section 4.15(1) of the EP&A Act that are of relevance to the development the subject of the development application. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

have been assessed and considered. Key impacts considered are heritage impacts, pedestrian circulation, traffic impacts, noise impacts and economic impacts:

- a. Regarding heritage impacts, the proposed supermarket generally exhibits an acceptable relationship to the Oriental Hotel and the Macquarie Road East Conservation Area. The supermarket's main bulk is situated away from and below the hotel, allowing the hotel to remain the most prominent element on the site when viewed from Macquarie Road and the top end of Raymond Road. Several relatively minor heritage issues remain unresolved, and Council officers have addressed these issues through conditions requiring discrete design amendments and deletion of certain elements.
 - b. Regarding pedestrian circulation, the design was amended during the assessment to greatly improve pedestrian permeability through the site and connections to the public domain. However, some further improvement is required to achieve an appropriate outcome. These matters are to be resolved via conditions of consent.
 - c. Regarding traffic impacts, the applicant has submitted a traffic report with SIDRA modelling which demonstrates that surrounding intersections will remain operating at satisfactory levels post development. Council officers recognise that the proposal will increase congestion in the area but are satisfied, based on the traffic modelling, that the impacts will be acceptable. TfNSW has reviewed the proposal and has no objections.
 - d. Regarding noise impacts, Council officers are satisfied that the proposal's operational noise impacts on surrounding sensitive receivers, including the Blue Mountains Community Theatre and Hub, will be acceptable and generally consistent with relevant criteria. Council officers are also satisfied that construction noise can be managed effectively. Prior to works commencing, a construction noise and vibration management plan will need to be prepared in consultation with the Hub to ensure that rehearsals and performances are not unduly affected by construction noise.
 - e. Regarding economic impacts, Council officers agree with the overall finding in the submitted economic report that Springwood can support a full-line supermarket. Smaller shops along Macquarie Road will be affected to some degree by the development, but this impact does not warrant refusal or a substantial reduction in the size of the proposal. Springwood is the largest town in the Blue Mountains by population size and a primary commercial hub of the Lower Mountains. A full-line supermarket is an appropriate retail amenity in a town of Springwood's size and strategic importance.
8. In conclusion, the proposal provides for a high-quality commercial development that, subject to conditions, generally complies with relevant planning provisions, avoids significant environmental impacts, and provides for retail amenity commensurate with Springwood's size and strategic importance. Council officers recommend that the proposal be APPROVED, subject to the conditions at Appendix A of this report.

1. THE SITE AND LOCALITY

1.1 The site

- **Dimensions and frontages:** The site comprises two allotments and is 5,905m² in area. The site has 3 street frontages—48m to Macquarie Road to the north, 93m to Raymond Road to the west and 45m to David Road to the south.
- **Existing development:** Lot 1, the northern lot, contains the heritage-listed Oriental Hotel. Lot 2, the southern lot, contains a former IGA building.
- **Topography:** There is an approximately 6m drop in level from Macquarie Road down to David Road. The fall is partly managed by a large retaining wall between the two lots.
- **Vegetation:** There is a row of mature Crepe myrtles along the Raymond Road frontage and several mature trees around the Oriental Hotel. The site is otherwise mostly covered by buildings and hardstand.
- **Access:** The site has two vehicular access points—a driveway off Macquarie Road leading to an at-grade parking area for the Oriental Hotel, and a driveway off Raymond Road leading to the former IGA building.
- **Heritage:** The northern lot is a listed heritage item with local significance—"Oriental Hotel" (SP029). The northern lot is also within the Macquarie Road East Conservation Area (HCA) (SP056).

1.2 The locality

- The site is situated at the eastern end of Springwood town centre, roughly 400m from Springwood Station. Springwood is the largest town in the Blue Mountains by population.
- Surrounding development includes:
 - to the north and west, commercial development across Macquarie Road and David Road, mostly retail and business premises;
 - to the south, a strip of R3-zoned land across David Road with a dwelling house, child care centre and out-of-hours care centre, with R2-zoned land beyond this; and
 - to the east, the Springwood Community Theatre and Hub (the Hub).



Figure 1: Aerial photograph (Source: Nearmap)

2. THE PROPOSAL AND BACKGROUND

2.1 The proposal

The proposed development comprises:

- demolition of selected structures, including the former IGA building and several ancillary buildings and structures around the Oriental Hotel;
- removal of 9 trees and 2 hedges;
- construction of a retail development comprising:
 - a full-line supermarket at ground level, with main pedestrian entry off Raymond Road;
 - a separate retail tenancy at lower ground level, accessed at the corner of Raymond Road and David Road;
 - level 1 (rooftop) parking accessed via a new driveway off Macquarie Road;
 - lower ground parking accessed via a driveway off David Road;
 - lower ground loading dock with turntable;

- associated landscaping;
- business identification and wayfinding signage;
- substation in the David Road nature strip adjacent to the existing substation associated with the Hub;
- minor addition and external alterations to the Oriental Hotel, including:
 - external upgrades to the Macquarie Road elevation;
 - refurbishment and expansion of the front outdoor seating area, including demolition of existing structures, new fixed shade structures, and additional seating;
 - new paved and landscaped areas behind the hotel;
 - new loading dock to the side of the hotel;
 - small rear lobby addition;
- upgrades to the surrounding road network, namely:
 - relocation of the pedestrian crossing on Macquarie Road to accommodate the new driveway;
 - new roundabout at the intersection of Raymond Road and David Road;
 - new pedestrian footpath along the eastern side of Raymond Road; and
 - new pedestrian crossings on Raymond Road and David Road.

Key development data are provided in the table below.

Table 1: Development data

Item	Proposal
Site area	5,905m ²
GFA	<ul style="list-style-type: none"> • Supermarket: 3,318.81m² • Specialty retail: 95.24m² • Lobby: 57.89m² • Lower ground lift lobby: 97.87m² • Level 1 lift lobby: 23.15m² • Pick up: 91.03m² • BOH: 91.24m²

Item	Proposal
	<ul style="list-style-type: none"> Hotel: 1,257m² Total GFA: 5,032.23m² total GFA
FSR	0.85:1
Clause 4.6 request	Yes—building height
Max height	12m (33% variation to 9m standard)
Car parking	159 spaces (87 at rooftop level and 72 at lower ground level)
Setbacks	<ul style="list-style-type: none"> Nil to Raymond Road Nil to David Road Nil to eastern side boundary (shared with the Hub) 1.05m to Macquarie Road (shade structures) (no change to setback of hotel building)
Hours of operation	Supermarket and retail shop: <ul style="list-style-type: none"> Monday to Sunday: 7am to 10pm Supermarket loading dock: <ul style="list-style-type: none"> Monday to Saturday: 5am to 10pm Sunday and public holidays: 8am to 10pm
	Hotel trading hours to remain as is. Hotel loading dock: <ul style="list-style-type: none"> Monday to Saturday: 5am to 10pm Sunday and public holidays: 8am to 10pm

2.2 Background

Previous DA (X/390/2020)

Development application X/390/2020 for a Woolworths supermarket on the site was lodged in June 2020. In February 2022, the local planning panel (LPP) chair called up the application for determination given the age of the application. Council officers were not in a position to recommend approval due to unresolved issues, namely heritage impacts and pedestrian access/public domain integration. Rather than let the application go to the LPP with a recommendation for refusal, the applicant withdrew the application.

Pre-lodgement meeting

A pre-lodgement meeting was held on 11 June 2024, and Council officers issued formal pre-lodgement advice on 27 June 2024. The advice identified heritage impacts and pedestrian access/connectivity as key issues to be addressed through design amendments. The issues were largely the same issues left outstanding during assessment of the previous application.

Assessment chronology

The subject application was lodged on 10 December 2024. A chronology of the development application process since lodgement, including the Panel's involvement, is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
10 December 2024	DA lodged.
2 January 2025	Council officers issued initial request for information (RFI) issued to applicant raising key issues of heritage impacts, pedestrian connectivity and public domain integration.
13 January to 10 February 2025	Exhibition of the application.
2 February 2025	Applicant submitted response to Council's RFI (text only—no changes made to design).
19 March 2025	Council officers issued further RFI to applicant, which reiterated key issues and identified multiple other items to address following feedback from internal specialists. The RFI also included a design excellence review by an independent urban design consultant.
31 March 2025	Initial briefing with Panel.
8 April 2024	Design workshop between design excellence consultant and applicant.
12 May 2025	Site visit with Panel.
12 June 2025	Applicant provided sketches to Council for comment.
23 June 2025	Council officers advised applicant to proceed in accordance with the sketches, subject to refinements.

Date	Event
24 July 2025	<p>Applicant lodged amended package responding to Council's 19 March RFI and 23 June comments.</p> <p>Amended documentation was accepted under section 38 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The amended plans showed marked improvement in terms of pedestrian connectivity and integration with the public domain.</p>
28 July 2025	Briefing with Panel to discuss outstanding key issues.
30 July 2025	Independent urban design consultant met with the project architect to discuss further refinements to the design.
1 August 2025	Independent urban design consultant provided advice to Council following the meeting with architect. The consultant recommended further refinement in terms of pedestrian amenity, public domain integration, landscaping, and sustainability.
7 August 2025	Council officers issued a letter to the applicant inviting lodgement of amended plans to address the recommendations of the independent urban design consultant. An outstanding operational waste issue was also raised.
7 August 2025	<p>Applicant declined to update the plans further and provided the requested additional information regarding waste.</p> <p>Council officers proceeded to prepare the subject assessment report based on the package submitted on 24 July.</p>

3. ASSESSMENT

3.1 Integrated development

The proposal is integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), being development that requires a water supply work approval under section 90 of the *Water Management Act 2000* (for construction dewatering).

The approval body, WaterNSW, has reviewed the application and issued GTAs, which have been incorporated into the draft conditions of consent.

3.2 Section 4.14(1) of EP&A Act—Environmental planning instruments, proposed instruments, development control plan, planning agreement and the regulations

When determining a development application, the consent authority must take into consideration such of the matters set out in Section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the development application.

These matters are considered below.

3.2.1 Section 4.15(1)(a)(i)—Provisions of environmental planning instruments

The following environmental planning instruments are relevant to this application:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Sustainable Buildings) 2022*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- *State Environmental Planning Policy (Industry and Employment) 2021*;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *State Environmental Planning Policy (Planning Systems) 2021*; and
- *Blue Mountains Local Environmental Plan 2015*.

Table 3 provides a summary of the key matters for consideration arising from these instruments. Further discussion is provided below the table.

Table 3: Summary of applicable environmental planning instruments

EPI	Matters for consideration	Comply (Y/N)
SEPP (Resilience and Hazards) 2021	Chapter 4: Remediation of land <ul style="list-style-type: none"> • Section 4.6—Whether the land is contaminated, and if so, is the land suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out 	Y
SEPP (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development <ul style="list-style-type: none"> • Section 3.2—Development consent for non-residential development 	Y
SEPP (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.48—Development likely to affect an electricity transmission or distribution network • Section 2.122—Traffic-generating development 	Y
State Environmental Planning Policy	Chapter 6: Water catchments	Y

EPI	Matters for consideration	Comply (Y/N)
(Biodiversity & Conservation) 2021		
SEPP (Industry and Employment) 2021	Chapter 3: Advertising and signage <ul style="list-style-type: none"> Section 3.6—Granting consent to signage Section 3.11(1)—Matters for consideration 	Y, subject to conditions
SEPP (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> Section 2.19(1) & Schedule 6(2) 	Y
Proposed instruments	No compliance issues identified.	Y
LEP	<ul style="list-style-type: none"> Clause 2.3—Permissibility and zone objectives Clause 4.3—Height of buildings Clause 4.4—Floor space ratio Clause 4.6—Exceptions to development standards Clause 5.10—Heritage conservation Clause 6.9—Stormwater management Clause 6.14—Earthworks Clause 6.19—Design excellence Clause 6.20—Active street frontages Clause 6.21—Sustainable resource management Clause 6.23—Essential services Clause 7.1—Development in villages Clause 7.11—Springwood Precinct 	Part N (height variation) Otherwise, Y, subject to conditions

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) requires the consent authority to consider whether the land is contaminated and, if the land is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the intended use. To inform these considerations, the applicant submitted a preliminary and detailed site investigation report.

The preliminary review identified hazardous building materials (associated with lead-based paint and asbestos from previously demolished structures) and fill of unknown origin as potential sources of contamination.

Detailed investigations were carried out in December 2019 and January 2020, including drilling of 15 soil borings and collection of one soil sample per boring for analysis. Three groundwater monitoring wells were also installed to assess the presence and depth of ground water at the site and groundwater quality. The results of these investigations are summarised below:

- Fragments of bonded asbestos-containing material (ACM) were observed on the ground surface of a garden bed adjacent to the Oriental Hotel.
- Elevated concentrations of organic nitrogen and E. Coli were detected in groundwater. The levels are typical of groundwater in urban environments.
- Ground water exists in shale bedrock below the basement level. There is no complete exposure pathway between groundwater and staff and visitors to the site. If dewatering is required during construction, contact with groundwater should be minimised and good hygiene implemented.
- The presence of organic nitrogen and E. Coli in groundwater is not considered a condition that would render the site unsuitable for use or require remediation.

The report concludes that the site is considered suitable for the proposed development, subject to removal of the bonded ACM fragments in the garden area adjacent to the hotel.

Based on the findings of the report, the consent authority can be satisfied under section 4.6 of the Resilience and Hazards SEPP that the site will be suitable for the proposed use subject to removal of any ACM fragments in the garden bed.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 of *State Environmental Planning Policy (Sustainable Buildings) 2022* specifies standards for non-residential development.

Section 3.2(1) of the Sustainable Buildings SEPP requires consideration of matters relating to waste, electricity, lighting, heating and cooling, renewable energy, energy consumption, and potable water. After reviewing the proposal against these matters, Council officers conclude that the proposal achieves the minimum acceptable level of sustainable design despite falling short of best-practice standards.

Section 3.2(2) of the Sustainable Buildings SEPP states that consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. The applicant has submitted an embodied emissions form which satisfies the requirements of this section.

The development is not a “large commercial development” under the Sustainable Building SEPP, and therefore Section 3.3 of the SEPP does not apply.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is traffic-generating development for the purposes of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP) being development for the purposes of a shop with at least 2,000m² gross floor area and a development generating 200 or more motor vehicle trips per hour. Section 2.112 of the Transport and Infrastructure SEPP requires traffic-generating development to be referred to Transport for NSW (TfNSW) for comment. The proposal was referred to TfNSW as required. TfNSW requested additional information, including updated traffic modelling and clarification of modelling inputs, and the applicant subsequently responded to the request with updated modelling and further information. TfNSW raised no further issues after reviewing the applicant’s response and did not recommend any conditions of consent. Pursuant to section 2.122(4)(b)(iii) of the TI SEPP,

potential traffic safety, road congestion and parking implications of the development have been taken into consideration and are dealt with later in this report.

Section 2.48 of the TI SEPP requires written notice in respect of specified development to be given to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks and for the consent authority to take into consideration any response to the notice that is received within 21 days after the notice is given. Notice was given to the electricity supply authority, and the response provided has been considered. No objection was raised by the electricity supply authority. Relevant conditions and advice have been included in the recommended conditions.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) applies to all signage that can be displayed with or without development consent and is visible from any public space. The proposal includes multiple signs which fit these criteria, including business identification signage for the proposed supermarket and the Oriental Hotel, as well as wayfinding and operational signage. The signs comprise external façade signs, awning signs, wall signs, and pylon signs.

Section 3.6 of the Industry and Employment SEPP states that the consent authority must not grant development consent to signage unless it is satisfied that the signage is consistent with the objectives of Chapter 3 and satisfies the assessment criteria in Schedule 5. **Table 4** provides an assessment against the objectives and criteria.

Table 4: Consideration against signage provisions in Industry and Employment SEPP

Provision	Comment	Comply?
Objectives		
(a) to ensure that signage (including advertising)— (i) is compatible with the desired amenity and visual character of an area, and	The signage is compatible with the desired amenity and visual character of the area, <i>except</i> for the proposed 2.97m-high pylon sign along Macquarie Road, which is inconsistent with the desired character of the Macquarie Road East Conservation Area.	Part Yes Part No
(ii) provides effective communication in suitable locations, and	The signage provides for effective communication in suitable locations.	Yes
(iii) is of high quality design and finish, and	The signage is of high-quality design and finish.	Yes
Schedule 5 assessment criteria		
1 Character of the area	The signage is compatible with the desired amenity and visual character of the area, <i>except</i> for the proposed 2.97m-high pylon sign along Macquarie Road, which is inconsistent	Part Yes Part No

Provision	Comment	Comply?
	with the desired character of the Macquarie Road East Conservation Area.	
2 Special areas	The signage does not detract from the amenity or visual quality of any surrounding special area, <i>except</i> for the proposed 2.97m-high pylon sign along Macquarie Road.	Yes, subject to conditions
3 Views and vistas	The signage does not cause any adverse view impacts, <i>except</i> for the proposed 2.97m-high pylon sign along Macquarie Road, which interferes with views within the Macquarie Road East Conservation Area including of the heritage listed Oriental Hotel.	Yes, subject to conditions
4 Streetscape, setting or landscape	The signage is appropriate to the streetscape and setting, <i>except</i> for the except for the proposed 2.97m-high pylon sign along Macquarie Road.	Yes, subject to condition
5 Site and building	The signage is compatible with and appropriate to the site and building, <i>except</i> for the proposed 2.97m-high pylon sign along Macquarie Road, which is incompatible with the Macquarie Road East Conservation Area.	Part Yes Part No
6 Associated devices and logos with advertisements and advertising structures	The signage does not include or require safety devices, platforms, integrated logos, or lighting devices.	NA
7 Illumination	Some of the proposed signage is illuminated. Illumination is unlikely to result in unacceptable glare or adversely affect nearby residences. The illumination will be subject to a curfew (illumination only during hours of operation). Adjustable illumination is unnecessary.	Yes
8 Safety	The proposed signage is unlikely to cause any safety issues.	Yes
In conclusion, Council officers consider that the proposed signage complies with the objectives and assessment criteria except for the pylon sign along Macquarie Road (SG01). Council officers have drafted a condition requiring deletion of this sign. The applicant can lodge a separate application for a more suitable sign to direct drivers to the rooftop carpark if desired.		

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* relates to development in water catchments. The chapter applies to the Hawkesbury-Nepean Catchment. The site is within the Glenbrook & Erskine Creek sub-catchment of the Hawkesbury-Nepean Catchment, which is a sub-catchment that is defined as being part of the Hawkesbury-Nepean conservation area sub-catchment. Clauses 6.6 to 6.10 and 6.13 set out matters that need to be considered by the consent authority and matters in respect of which the consent authority is required to form a positive opinion of satisfaction. Those matters are identified and discussed in **Table 5** below.

Table 5: Consideration of LEP provisions

Control	Provision	Comment
6.6(1) Water quality and quantity	(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway, (b) whether the development will have an adverse impact on water flow in a natural waterbody, (c) whether the development will increase the amount of stormwater run-off from a site, (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse, (e) the impact of the development on the level and quality of the water table, (f) the cumulative environmental impact of the development on the regulated catchment, (g) whether the development makes adequate provision to protect the quality and quantity of ground water.	(a) The proposal will have a neutral or beneficial effect on water quality as confirmed in the submitted stormwater modelling outputs. (b & c) No adverse impacts on water flow in a natural waterbody are expected. The submitted stormwater modelling outputs demonstrate that post-development flows will be less than pre-development flows. (d) The development incorporates on-site retention of roof water from the roof areas (excluding roof level carpark) for reuse. (f) The cumulative environmental impact of the development on the catchment is unlikely to be significant. (g) The proposal includes adequate provision for protection of the quality and quantity of groundwater as discussed in Section 3.3.8 of this report.
6.6(2) Matters about which the consent authority must be satisfied	(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.	(a) The proposal will have a neutral or beneficial effect on water quality as confirmed in the submitted stormwater modelling outputs. (b) No adverse impacts on water flow in a natural waterbody are expected. The submitted stormwater modelling outputs demonstrate that post-

Control	Provision	Comment
		development flows will be less than pre-development flows.
6.7(1) Aquatic ecology	<p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation</p> <p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p style="padding-left: 40px;">(i) a controlled activity approval under the Water Management Act 2000, or</p> <p style="padding-left: 40px;">(ii) a permit under the Fisheries Management Act 1994,</p> <p>(c) whether the development will minimise or avoid—</p> <p style="padding-left: 40px;">(i) the erosion of land abutting a natural waterbody, or</p> <p style="padding-left: 40px;">(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p> <p>(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology</p> <p>(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p>	<p>(a) The proposal will have no notable impact on terrestrial, aquatic or migratory animals or vegetation.</p> <p>(b) The proposal does not involve the clearing of riparian vegetation.</p> <p>(c) The proposal does not abut a natural waterbody and avoids sedimentation of any natural waterbody.</p> <p>(d) The proposal will not affect any wetlands.</p> <p>(e) The proposal includes adequate safeguards—namely, suitable management of stormwater discharge from the site—to protect aquatic ecology. Rehabilitation measures are unnecessary in this case.</p> <p>(f) The proposal does not adjoin a natural waterbody.</p>
6.7(2) Matters about which the consent authority must be satisfied	<p>(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development</p> <p>(b) the development will not have a direct, indirect or cumulative</p>	<p>(a) The proposal is within an established urban area and will have no notable impact on terrestrial, aquatic or migratory animals or vegetation.</p> <p>(b) The proposal will have no notable impact on aquatic reserves.</p>

Control	Provision	Comment
	<p>adverse impact on aquatic reserves,</p> <p>(c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained</p> <p>(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised</p> <p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p>	<p>(c) No controlled activity approval or permit is required.</p> <p>(d) The proposal does not abut a natural waterbody and will minimise sedimentation of any natural waterbody through implementation of appropriate erosion and sediment control measures.</p> <p>(e) The proposal will have no impact on any wetlands.</p>
6.8(1) Flooding	The likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.	The proposal will have no notable impact on any periodic flooding that benefits wetlands or other riverine ecosystems.
6.8(2) Matters about which the consent authority must be satisfied	<p>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—</p> <p>(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</p> <p>(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p>	The proposal is not on flood liable land.
6.9(1) Recreation and public access	<p>(a) the likely impact of the development on recreational land uses in the regulated catchment, and</p> <p>(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</p>	The proposal will not affect any recreational land uses.

Control	Provision	Comment
6.9(2) Matters about which the consent authority must be satisfied	<p>(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation</p> <p>(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe</p> <p>(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.</p>	The proposal does not affect access to and from natural waterbodies.
6.10 Total catchment management	The consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	The proposal is unlikely to have any impact on any adjacent or downstream local government area.
6.13 Hawkesbury-Nepean conservation area sub-catchments	<p>(a) whether the development will minimise human interference with the condition of the sub-catchment,</p> <p>(b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,</p> <p>(c) whether the development will maintain or enhance the scenic quality of the locality,</p> <p>(d) whether development has previously been carried out on the development site.</p>	<p>(a) The proposal suitably minimises human interference with the condition of the sub-catchment. Impacts to water quality and flows entering the catchment will be minimal.</p> <p>(b) The proposal is within an established town centre and will not notably affect the structural and floristics of native vegetation in the sub-catchment.</p> <p>(c) The proposal is within an established town centre and will not notably affect the scenic quality of the locality.</p> <p>(d) The site has been previously developed for a purpose similar to that proposed.</p>

State Environmental Planning Policy (Planning Systems) 2021

The proposal is 'regionally significant development' pursuant to Section 2.19(1) of *State Environmental Planning Policy (Planning Systems) 2021* in that it satisfies the criteria in Clause 2 of Schedule 6, being development with an estimated development cost of more than \$30 million (as confirmed in the submitted cost estimated report by a quantity surveyor). Accordingly, the Sydney Western City Planning Panel is the consent authority for the application.

Blue Mountains Local Environmental Plan 2015

Blue Mountains Local Environmental Plan 2015 (the LEP) applies to the site.

The proposal was amended during the assessment process to provide for an improved heritage outcome and improved pedestrian access to and from the rest of the town centre. Subject to conditions, the proposal can be considered consistent with the following relevant aims of the LEP:

- *To meet the needs of residents, visitors and the business community through the provision of an appropriate balance of land uses and built forms.*
- *To preserve and enhance watercourses, groundwater, riparian habitats, wetlands and water quality within the Blue Mountains, the Hawkesbury-Nepean River catchment and Sydney's drinking water catchments.*
- *To identify and retain the diverse built and landscape elements that contribute to the character and image of the Blue Mountains.*
- *To provide sustainable employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology, while protecting local amenity, character and environmental values.*
- *To ensure that the siting and design of new buildings, facilities and structures intended primarily for public use make reasonable provision for safe and comfortable access to those buildings, facilities and structures for all people, including older people, people with a disability and those with limited mobility.*
- *To integrate development with transport systems and promote safe and sustainable access opportunities, including public transport initiatives, walking and cycling.*

Zoning and permissibility (Part 2)

The site is located within the E2 Commercial Centre zone as shown in the zoning map below.

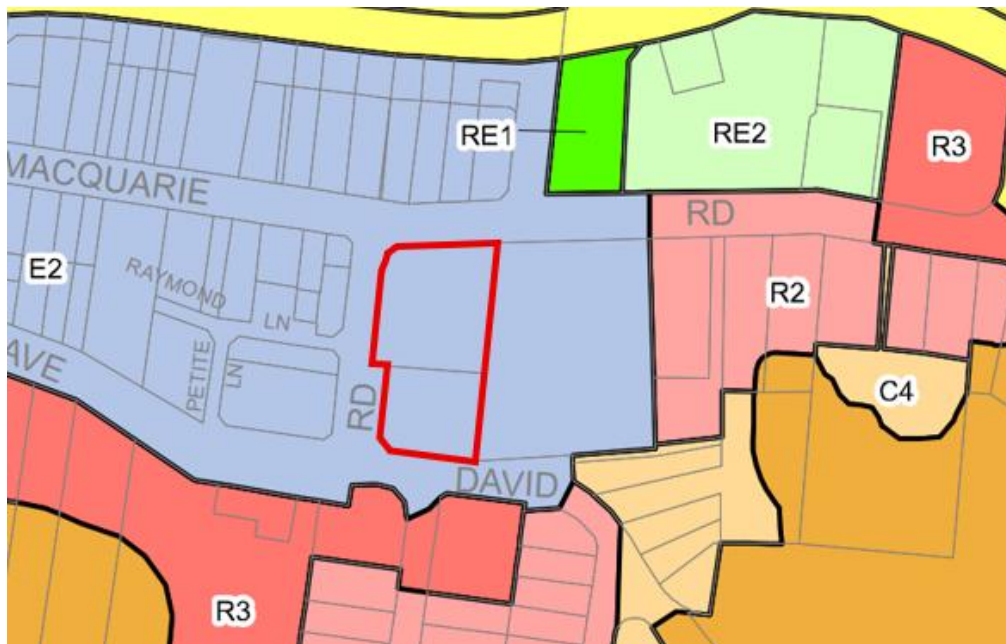


Figure 2: Zoning map (Source: BMLEP 2015)

The proposed supermarket and separate retail tenancy are best characterised as a “shop”, which is a type of “retail premises”, which are in turn a type of “commercial premises”, which are permitted with consent in the E2 zone.

The Oriental Hotel is best characterised as an existing “pub”, which is in turn a type of “food and drinks premises”, which are in turn a type of “retail premises”, which are in turn a type of “commercial premises”. The proposed external alterations to the hotel are therefore permitted with consent in the E2 zone.

The objectives of the E2 zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To promote the unique character of each of the towns and villages of the Blue Mountains.*

The proposal as amended is consistent with the relevant zone objectives in that it strengthens the role of the Springwood commercial centre as a centre of retail activity, generates employment opportunities and economic growth, provides a high level of accessibility and

amenity for pedestrians, contributes to active street frontages, and promotes the character of Springwood.

Development standards, miscellaneous provisions and local provisions (Part 4, 5 and 6)

The LEP contains provisions relating to development standards, miscellaneous provisions and local provisions. The relevant provisions are addressed in **Table 6** below.

The proposal does not comply with the height of buildings development standard at Clause 4.3 of the LEP. Accordingly, a Clause 4.6 request has been submitted with the application. This is discussed in further detail below the table.

Table 6: Consideration of LEP provisions

Control	Requirement	Proposal	Complies?
Height of buildings (Cl 4.3(2))	Maximum 9m	12m	No—see Clause 4.6 discussion below
FSR (Cl 4.4(2))	Maximum 1.5:1	0.85:1	Yes
Heritage conservation (Cl 5.10)	Effect on significance of the Oriental Hotel and Macquarie Road East Conservation Area must be considered. Effect on Aboriginal heritage must be considered.	The proposal will have an acceptable impact on the Oriental Hotel and Macquarie Road East Conservation Area, subject to conditions requiring removal of/changes to certain aspects. See further discussion in Section 3.3.2 of this report.	Yes
Stormwater management (Cl. 6.9)	The consent authority must form a positive opinion of satisfaction that the development: (a) incorporates best practice water sensitive urban design principles, and (b) is designed to maximise the use of water permeable surfaces on the land having regard to groundwater levels and the soil characteristics affecting on-site infiltration of water, and	(a) The proposal incorporates best-practice water sensitive urban design principles, including treatment of water before discharge, achievement of a neutral or beneficial effect on the waterway, and restriction of post-development flows to pre-development levels. (b) The proposal maintains deep soil planting areas in proximity to the Oriental Hotel; however, the majority of the site will be covered by hard surfaces, which is acceptable given the town	Yes

Control	Requirement	Proposal	Complies?
	<p>(c) includes, if practicable, on-site stormwater retention for reuse as an alternative supply to mains water, groundwater or river water, and</p> <p>(d) avoids any adverse impacts caused by stormwater runoff on adjoining properties, native bushland and the receiving natural environment by ensuring that—</p> <ul style="list-style-type: none"> (i) the quality of surface water or groundwater leaving the site is not reduced in the short or long term, and (ii) the quantity and flow characteristics of stormwater leaving the site is not adversely altered, and (iii) stormwater treatment and disposal methods achieve adequate filtration, absorption, dissipation and scour protection, and <p>(e) integrates stormwater management measures into the landscape so as to provide a neutral or beneficial effect on environmental and water quality protection, stormwater retention and detention, flood mitigation, landscaping, public open spaces and</p>	<p>centre context. Full site coverage in the town centre is anticipated by Council's built form controls.</p> <p>(c) The proposal includes a rainwater tank for reuse.</p> <p>(d) The submitted stormwater modelling outputs demonstrate that the quality of surface water leaving the site will not be reduced. Conditions will be applied requiring groundwater encountered during excavation to be treated as required prior to discharge. The proposal includes suitable on-site detention, which will ensure flows are controlled and adequately dissipated prior to discharge to the stormwater system.</p> <p>(e) Given the town centre location, the site does not have a notable 'landscape', but the proposal nonetheless includes adequate stormwater measures so as to provide a neutral or beneficial effect on environmental and water quality protection, and stormwater retention and detention. The proposal also includes multiple planter beds—including deep soil zones in front of the Oriental Hotel—which will contribute to visual amenity and the landscaped setting.</p>	

Control	Requirement	Proposal	Complies?
	recreational and visual amenity.		
Earthworks (Cl. 6.14)	<p>The consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) whether the development minimises cut and fill and the use and location of cut and fill on the site,</p> <p>(e) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(f) the source of any fill material and the destination of any excavated material,</p> <p>(g) the likelihood of disturbing relics,</p> <p>(h) whether the location of the earthworks is appropriate, taking into account land that has previously been cleared in response to site characteristics,</p> <p>(i) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive</p>	<p>(a) The earthworks are unlikely to cause any adverse effect on drainage patterns and soil stability. The site is within an established urban area that is not prone to landslip.</p> <p>(b) The earthworks do not adversely affect the likely future use or redevelopment of the land. A condition has been applied requiring construction details to be submitted to verify that the structure of the supermarket can accommodate a future addition behind the hotel as discussed in Section 3.3.2 of this report.</p> <p>(c) A condition has been recommended requiring any fill to be virgin excavated material and any excavated soil to be classified in accordance with the Environment Protection Authority's guidelines.</p> <p>(d) The proposal minimises cut and fill relative to the urban context. A single basement level is proposed, which is suitable in this context.</p> <p>(e) The excavation has potential to affect the structural integrity of the adjacent Oriental Hotel and the Hub. Conditions have been applied requiring detailed consideration and management of impacts on these structures.</p> <p>(f) As noted at (c) above, the source of fill and destination of excavation material will be managed via condition of condition.</p>	Yes

Control	Requirement	Proposal	Complies?
	<p>land and measures to prevent sediment, building materials, waste or other pollutants from leaving the site and entering adjoining land, street gutters, drains or watercourses,</p> <p>(j) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>(g) Conditions have been drafted archaeological monitoring to be undertaken to ensure that any relics uncovered during works are appropriately managed. The site is not known to have any notable Aboriginal cultural heritage significance.</p> <p>(h) All earthworks are appropriately located over previously cleared land.</p> <p>(i) The excavation is not in close proximity to any waterway or environmentally sensitive land. A condition has been drafted requiring management and treatment of any groundwater discharged during construction.</p> <p>(j) Earthworks will be suitably managed via conditions of consent, including requirements for preparation of a construction management plan and dewatering management plan, and implementation of the recommendations in the submitted geotechnical report.</p>	
Design excellence (Cl. 6.19)	<p>Development consent must not be granted unless the consent authority is satisfied the development exhibits design excellence.</p> <p>The consent authority must have regard to certain matters when considering design excellence.</p>	<p>The development exhibits design excellence. See the discussion of the matters to which regard must be had in considering whether the development exhibits design excellence in Table 6 below.</p>	Yes
Active street frontages	<p>All of the site's street frontages are identified</p>	<p>The proposal provides for an active frontage along all</p>	Yes

Control	Requirement	Proposal	Complies?
(Cl. 6.20)	as “Active street frontage” on the Active Street Frontages Map. Development consent must not be granted unless the consent authority is satisfied that the building will have an active street frontage.	street frontages. Specifically— The Macquarie Road frontage, which is already an active frontage, will be further activated through provision of additional seating. The Raymond Road frontage will be activated by the main supermarket pedestrian entry and the specialty retail entry at the splay corner. The David Road frontage will be partially activated by the specialty retail entry at the splay corner, but the majority of the frontage is dedicated to vehicular access and excluded from active frontage requirements as per subclause (4).	
Sustainable resource management (Clause 6.21)	The consent authority must consider whether the development achieves any ecologically sustainable development practices.	The proposal is far from best-practice but includes ecologically sustainable development practices that achieve the intent of this clause as set out in the submitted Sustainability Report.	Yes
Essential services (Clause 6.23)	Consent must not be granted unless the consent authority is satisfied that essential services are available or that adequate arrangements have been made to make them available.	The services specified in clause 6.23(1) that are essential for the development are available or, in the case of stormwater, adequate arrangements have been made to make them available. See further stormwater discussion at Section 3.3.7 of this report.	Yes

Control	Requirement	Proposal	Complies?
Development in villages (Clause 7.1) Springwood Precinct (Clause 7.11(1))	<p>Development must not be granted unless the consent authority is satisfied the development is consistent with the precinct objectives for the development.</p> <p>The site is within "Springwood Precinct E2-SP01".</p> <p>The objectives for development on land identified as "Springwood Precinct E2-SP01" on the Built Character Map are as follows—</p> <p>(a) to maintain and enhance the distinctive traditional pattern of continuous retail terraces interspersed by landmark buildings,</p> <p>(b) to maximise the diversity of retail and other business-related services provided primarily to local communities,</p> <p>(c) to accommodate permanent residents in shop top housing that promotes housing choice, incorporates high levels of residential amenity and encourages passive surveillance of streets and other public places,</p> <p>(d) to encourage increases in floor space that are consistent with the desired appearance and functions of the town centre and to which public access is provided via streets, laneways or car park frontages, rather than indoor arcades,</p>	<p>The proposal is consistent with the objectives of the precinct, specifically—</p> <p>(a) The proposal's Raymond Road façade is designed to reference a traditional pattern of retail terraces.</p> <p>(b) The proposal contributes to diversity of retail services for the local community through provision of a full-line supermarket, the current lack of which is a notable deficiency in a town of Springwood's size and strategic importance.</p> <p>(c) This objective is not relevant as shop top housing is not proposed.</p> <p>(d) The proposal achieves appropriate floor space which is consistent with the desired character of the town centre and to which public access via pedestrian links from Macquarie Road and Raymond Road is provided.</p> <p>(e) The proposal's built form is compatible with the scale and character of the town centre's early 20th century buildings. While large floorplate supermarkets are not characteristic of the early 20th century, the proposal's built form, particularly on Raymond Road, is suitably modulated to blend in with the character of the town centre.</p> <p>(f) Being a full-line supermarket, the proposal is relatively large in scale, but it will nonetheless maintain the established village character and modest scale of the town</p>	Yes

Control	Requirement	Proposal	Complies?
	<p>(e) to encourage building forms and designs that are consistent or compatible with the scale and architectural character of existing buildings constructed during the early 20th century,</p> <p>(f) to maintain the established village character and modest scale of existing development,</p> <p>(g) to control building heights to maintain existing National Park vistas from public places and to follow the line of sloping topography on hillside sites,</p> <p>(h) to provide landscaped frontages along Springwood Avenue.</p>	<p>centre. The supermarket's relationship to Raymond Road is well modulated and references traditional shopfronts. The large floorplate will be most evident from David Road, which functions as the rear service road and does not notably contribute to the town centre's village character.</p> <p>(g) The majority of the proposal is well below the height limit and situated below and away from the Oriental Hotel. The proposed built form will not block any National Park vistas from public places. The proposed height variation for the rooftop plant and parapet elements is minor and supported.</p> <p>(h) This objective is not relevant; the proposal does not front Springwood Avenue. Nonetheless, a condition has been applied requiring verge landscaping along David Road (which runs into Springwood Avenue), subject to design of the proposed roundabout.</p>	

Additional discussion—design excellence

The proposal involves erection of a new building and external alterations to an existing building on land shown edged heavy blue on the Built Character Map, and therefore Clause 6.19 (Design Excellence) of the LEP applies.

Pursuant to Clause 6.19(3) of the LEP, consent must not be granted unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to certain matters. These matters are addressed in **Table 7** below.

Given the absence of a design review panel in the Blue Mountains local government area (LGA), Council engaged an independent urban design consultant to review the proposal from a design excellence perspective. The consultant carried out workshops with the project

architect and provided written reports on the original and amended plans. The report on the amended plans is attached at **Attachment F**.

Table 7: Design excellence considerations

Matter	Comment
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	<p>The proposal achieves an overall high standard of design, materials and detailing. The Raymond Road elevation is well considered, with good composition and high-quality, durable materials (predominantly masonry).</p> <p>The David Road elevation is of a lower standard (with less articulation and extensive use of blank metal cladding), but this is reasonable because this elevation is less sensitive from a heritage perspective and will be used primarily for vehicular access and loading.</p> <p>Some minor clarification regarding colours and materials is required, and this can be resolved via condition of consent.</p>
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposal's form and external appearance are well considered and will improve the quality and amenity of the surrounding public domain. Some additional improvements to the public domain are required as noted at (f)(x) below.
(c) whether the development detrimentally impacts on view corridors,	The proposal will not detrimentally affect any view corridors.
(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Blue Mountains DCP,	The proposal's overshadowing is consistent with DCP controls.
(e) the requirements of the Blue Mountains DCP,	The proposal generally complies with the requirements of the DCP as discussed elsewhere in this report.
(f) how the development addresses the following matters—	-
(i) the suitability of the land for development,	The land is zoned for the proposed use and is not significantly constrained.
(ii) existing and proposed uses and use mix,	The proposal includes supermarket and specialty retail uses, which are a suitable mix in Zone E2 Commercial Centre.

Matter	Comment
(iii) heritage issues and streetscape constraints,	<p>The proposal unfortunately does not take advantage of the opportunity to remove or modify the Oriental Hotel's intrusive 1960s addition to reveal original fabric. This is a key recommendation of the Conservation Management Plan which applies to the site.</p> <p>Nonetheless, the relationship between the proposed supermarket and Oriental Hotel is generally well considered. The supermarket's bulk is purposefully situated below and to the rear of the hotel, ensuring the hotel remains the prominent element on the site when viewed from Macquarie Road and the upper portion of Raymond Road.</p> <p>Importantly, the proposal provides space between the rooftop carpark and hotel to accommodate a future pavilion-style addition to accommodate the uses currently occupying the intrusive 1960s addition (should that addition be removed in the future). As outlined in Section 3.3.2 of this report, a condition has been drafted to require that this space be widened and that further documentation be provided to ensure construction of the future addition is practical and feasible.</p> <p>The proposed trees at the northeastern corner of the site and along the Macquarie Road driveway are strongly supported as a measure to compensate for canopy loss, soften the built form when viewed from the public domain, and promote streetscape amenity in the Macquarie Road East Conservation Area. Council officers have drafted a condition requiring increased soil volumes for these trees to ensure they thrive and reach a reasonable mature size.</p> <p>The proposed shade structures in front of the hotel, though a minor element of the proposal, are not well considered. Council officers have drafted a condition requiring deletion of these structures.</p>
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	<p>As discussed in Section 3.3.2 of this report, the supermarket provides for an appropriate relationship to the Oriental Hotel, subject to provision of additional separation between the hotel and rooftop carpark to be required via condition of consent.</p> <p>The supermarket's nil setbacks from the surrounding road reserve and the Hub are appropriate to the urban context. The submitted noise report demonstrates that operational noise impacts on the Hub will comply with relevant criteria and will not unduly affect performances.</p>
(v) bulk, massing and modulation of buildings,	<p>The bulk and massing respond appropriately to the context, with the primary bulk of the supermarket positioned towards the south of the site, away from the heritage-listed Oriental Hotel. The Raymond Road</p>

Matter	Comment
	elevation, which features good modulation and references traditional shopfronts, will make a positive contribution to the street.
(vi) street frontage heights,	The street frontage heights are appropriate to the context.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The proposal is unlikely to cause any significant or unacceptable environmental impacts as discussed throughout Section 3.3 of this report.
(viii) the achievement of the principles of ecologically sustainable development,	The proposal falls well short of best-practice sustainability measures: it does not provide renewable energy production (or storage), electric vehicle charging points, a cool roof (with shade structures and/or canopy trees), or benchmarking/strategies to achieve building performance better than compliance with the National Construction Code. In its favour, the proposal includes, as outlined in the submitted Sustainability Report, a space-efficient building layout, high-efficiency electrical systems, energy-efficient climate control and ventilation, and effective waste management.
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	<p>Amendments made to the proposal during the assessment process include:</p> <ul style="list-style-type: none"> • pedestrian links between the rooftop carpark and Raymond and Macquarie Roads, • a forecourt area at the main entry on Raymond Road, and • a new footpath along the east side of Raymond Road. <p>As a result, the proposal now provides for good pedestrian permeability through the site with links to the public domain. However, some further improvements/refinements are required, namely:</p> <ul style="list-style-type: none"> • The east-west link across the rooftop carpark must be widened as discussed in Section 3.3.5 of this report. • The pedestrian entry area on Raymond Road must be refined and simplified as discussed in Section 3.3.5 of this report. <p>Vehicular and service access are fit for purpose. The truck loading dock is ideally located underground to minimise noise impacts on the Hub and nearby residents.</p>

Matter	Comment
(x) the impact on, and any proposed improvements to, the public domain.	<p>The proposal is unlikely to cause adverse impacts to the public domain.</p> <p>The proposal includes multiple improvements to the public domain, including a new footpath along the east side of Raymond Road and new street trees. However, some additional upgrades and resolution of the interface between private and public land (to be required as conditions of consent) are necessary as outlined in Section 3.3.3 and Section 3.3.5 of this report.</p>

In summary, the proposal achieves design excellence *on balance*, subject to conditions. While the proposal fails to implement a key opportunity in the CMP for the hotel (i.e. removal or modification of the intrusive 1960s addition to reveal original heritage fabric) and falls well short of best-practice sustainability measures, it is acknowledged that design excellence can take many forms. The proposal's shortcomings, though unfortunate, do not preclude design excellence and are counterbalanced by the strong architectural composition along Raymond Road and good pedestrian circulation. Some discrete design amendments and public domain improvements are required to enhance pedestrian amenity and improve the supermarket's relationship to the heritage setting, and these can be easily implemented via conditions.

Contravention of height of building development standard

The development application proposes, in accordance with Clause 4.6 of the LEP, development that contravenes the 9m maximum height of building development standard in clause 4.3 of the LEP.

Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Pursuant to section 35B of the *Environmental Planning and Assessment Regulation 2021*, the development application was accompanied by a document (see **Attachment E**) that sets out the grounds on which the applicant seeks to demonstrate the above matters.

- *Nature and extent of variation*

The site is subject to a maximum building height of 9m. The proposal's maximum height, which occurs at the stairs which provide access to the rooftop condenser enclosure at the southeastern corner of the building, is 12.09m—a variation of 3m or **34.3%** to the 9m standard. There are also breaches of a lesser degree at the southern corner parapets, kitchen exhaust, condenser units and rooftop stairs.

The variations are illustrated in the diagram below.

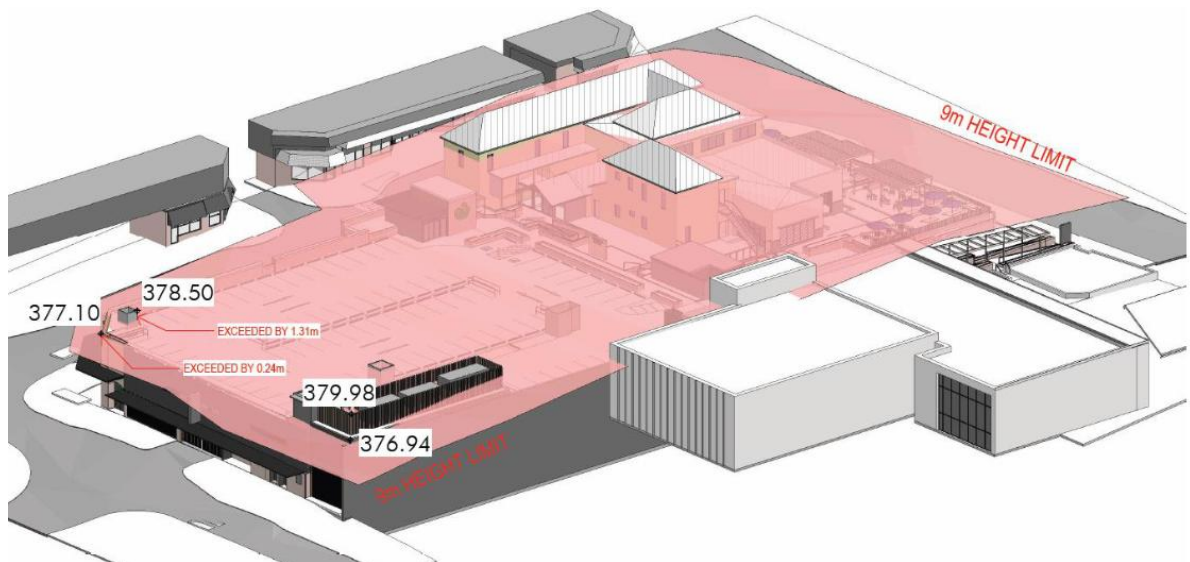


Figure 3: Height plane diagram (Source: Statement of Environmental Effects)

- *Is compliance with the standard unreasonable or unnecessary in the circumstances?*

The applicant's Section 35B document argues that compliance with the standard is unreasonable and unnecessary in the circumstances because the proposal achieves the objectives of the standard notwithstanding the variation (Wehbe test #1). In summary (paraphrased):

- The building bulk is not excessive and relates well to the context. The building envelope is the result of detailed site analysis and is designed to minimise bulk when viewed from the public domain, in particular from important viewpoints from Macquarie Road and Raymond Road.
- The proposal will not cause significant impacts to the privacy or use of any nearby private open space. The building does not allow for problematic overlooking to the residential land to the south. Overshadowing is compliant with the requirements of Blue Mountains Development Control Plan 2015.
- The proposal accords with the objective to provide a transition in built form and land use intensity. There is no abrupt or otherwise inappropriate transition to the Zone R3 Medium Density Residential land to the south.

The applicant's Section 35B document adequately demonstrates that compliance with the standard is unreasonable and unnecessary. It is clear the proposal will achieve the objectives of the height standard despite the contravention. The contravention is minor in area/extent, being limited to discrete pieces of rooftop services and small sections of parapet. This additional bulk will not notably contribute to building bulk, cause adverse amenity impacts to neighbours, or disrupt the LEP's height transition strategy.

- *Are there sufficient environmental planning grounds to justify the contravention?*

The applicant's Section 35B document includes the following environmental planning grounds for the contravention (summarised):

- The non-compliances primarily relate to rooftop services, which are necessary for proper functioning of the development.

- The non-compliances respond to the heritage context. The rooftop services have been positioned at the southern end of the building to provide considerable separation from the heritage-listed Oriental Hotel.
- The site's topography contributes to the non-compliance. There is a fall from Macquarie Road to David Road of approximately 6m. The majority of the building is under the height limit. The area of non-compliance occurs at the southern end of the site—i.e. at the low point.
- The non-compliance is compatible with the character of the locality, which is defined largely by the heritage values of the Oriental Hotel and the Macquarie Road East Conservation Area. The non-compliant elements are deliberately positioned at the southern end of the building, well away from the hotel and conservation area.

The applicant has demonstrated through the Section 35B document that there are sufficient environmental planning grounds to justify the contravention of the development standard. The heritage setting and topography are both good grounds that relate to the specific height contravention. The contraventions are minor in degree and area and do not notably contribute to adverse impacts to neighbours' amenity or the public domain.

Overall, the consent authority can be satisfied that the applicant has demonstrated the matters set out in Clause 4.6(3) of the LEP and that development consent may be granted even though the development would contravene the height of buildings development standard in Clause 4.3 of the LEP.

3.2.2 Section 4.15 (1)(a)(ii)—Provisions of any proposed instruments

There are no proposed instruments directly relevant to the proposal.

3.2.3 Section 4.15(1)(a)(iii)—Provisions of any development control plan

Blue Mountains Development Control Plan 2015 (the DCP) applies to the site.

An assessment against relevant provisions of the DCP is provided in a compliance table at Attachment B. In summary, the proposal generally complies with relevant objectives and controls.

3.2.4 Section 4.15(1)(a)(iiia)—Planning agreements under Section 7.4 of the EP&A Act

No planning agreements apply.

3.2.5 Section 4.15(1)(a)(iv)—Provisions of regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- The provisions of AS 2601 regarding demolition.

Conditions have been recommended to ensure compliance with AS 2601 during demolition works.

3.3 Section 4.15(1)(b)—Likely impacts of development

3.3.1 Built form

Prior to and during the assessment, Council officers encouraged the applicant to amend the proposal to provide for a complete, integrated development plan for the two lots, including significant refurbishment of the Oriental Hotel and co-location of supermarket and hotel servicing. Such an integrated approach would have undoubtedly resulted in a superior built form and urban design outcome. Unfortunately, the applicant rejected this approach due to a preference to avoid disruption to the Oriental Hotel's existing sports bar and poker machine operations.

Notwithstanding, Council officers consider that the proposed built form is generally well considered and suited to the context. The overarching design strategy aims to limit aboveground bulk near the Oriental Hotel while satisfying functional requirements for the supermarket and maintaining existing functional arrangements for the hotel. The proposed 'sandwich' design—with parking on the top and bottom with a supermarket in the middle—is a rational (though perhaps not ideal) response to the site conditions that limits building height, provides for suitable links to the pedestrian network, and limits deep excavation.

Additionally, the built form complies with building envelope controls (except for a minor height variation, which is justified in the circumstances) and provides for good street address and activation along Raymond Road.

3.3.2 Heritage

Heritage context

The site's northern lot is a listed heritage item—the "Oriental Hotel" (SP029), which has local significance. Key excerpts from the Oriental Hotel's statement of significance are provided below:

One of the three hotels established in Springwood by the 1880s, the Oriental has local significance as a century-old residential hotel with a restaurant, catering for locals and visitors alike in the town centre [...]

With its location at a prominent corner in the town, it is a local landmark and is one of the few buildings left in the commercial centre of Springwood which give a sense of the town's early history.

The northern lot is also within the Macquarie Road East Heritage Conservation Area (SP056), which is significant as a collection private residential estates and other development from the late Victorian period.

The Oriental Hotel has been subject to several updates and additions over the years, including a 1960s gaming and sports bar addition on the eastern side of the building in front of the original hotel fabric. The latest conservation management plan (CMP) for the site identifies alteration or removal of this addition as a key opportunity.

Proposed works in relation to heritage item

The proposed supermarket will extend well into the Oriental Hotel lot. Below ground, the supermarket trading area and basement parking level will have minimal separation from the hotel footprint (i.e. excavation will extend up to, but not under, the hotel). The rooftop carpark will extend over 15m into the heritage-listed lot and will be approximately 13m from the hotel building. The rooftop lift will be approximately 4m from the hotel building.

The proposal also includes the following works to and around the hotel:

- works to the front façade of the hotel, including alterations to the first-floor veranda and reinstatement of a historic sign, as informed by 1930s photographs that show an Inter-war Californian Bungalow style architecture;
- cosmetic upgrades to the 1960s addition (new doors and paint);
- works to the front outdoor area, including removal of existing trees, timber pavilion and awning; construction of additional seating with metal shade structures; new paving and landscaping;
- at the rear of the hotel, a new open space beer garden, new paving, and a link to the supermarket entry; and a small rear lobby addition; and
- a new loading dock to the side of the hotel.

Impacts—general

The applicant has submitted a heritage impact statement to support the proposal. Council officers largely agree with the report's assessment that the proposal will have an acceptable impact on the significance of the heritage item and conservation area. The supermarket has been designed to limit visual bulk close the hotel, ensuring the hotel will remain the most prominent feature of the site when viewed from Macquarie Road and the upper portion of Raymond Road.

The cosmetic upgrades to the front facade and the new landscaping and outdoor seating areas, while relatively minor improvements, are welcome, except for the shade structures, which are discussed further below.

The removal of trees around the curtilage of the hotel will not cause an unacceptable adverse impact. While the trees provide good amenity, they do not contribute directly to the heritage values of the hotel or conservation area. New landscaping, including several new trees, will help soften the built form and enhance amenity.

Relocation of 1960s addition

It is disappointing that the applicant has not taken up the opportunity identified in the CMP to remove or modify the 1960s addition to reveal original heritage fabric. The current proposal may be the best chance to act on that opportunity for the coming 25+ years. Nonetheless, Council officers accept that the applicant does not wish to remove or significantly alter the 1960s addition at this stage. The applicant has instead provided a basic sketch (see **Figure 4** below) demonstrating how a pavilion-style addition behind the hotel and a small sympathetic addition at the front of the hotel could be constructed to accommodate the uses in the 1960s addition should the addition be removed in the future.

Based on the submitted sketch, Council officers are generally satisfied that the supermarket does not preclude removal of the 1960s addition in the future. However, as noted in the pedestrian circulation discussion at Section 3.3.5 of this report, Council officers consider that additional separation between the hotel and rooftop carpark is necessary and have drafted a condition to require this. The additional separation will ensure the development simultaneously provides for a high-quality pedestrian link across the carpark and allows sufficient design flexibility for a future addition behind the hotel.

To ensure a future addition is feasible and constructable, a condition has been drafted requiring further detail as to how the belowground supermarket structure and services are designed to accommodate the future addition.

Furthermore, to ensure the area behind the hotel is indeed reserved for the purposes of facilitating removal of the 1960s addition, a condition has been drafted to require a restriction to be registered on the land title. The restriction will prohibit construction of any building in the reserved area unless the building forms part of a development to remove the intrusive 1960s additions. Removal of the intrusive additions is an extremely important goal for promoting the heritage significance of the hotel and conservation area, and the condition requiring the restriction on title will ensure this goal is recognised and taken seriously by the existing and future owners of the property.

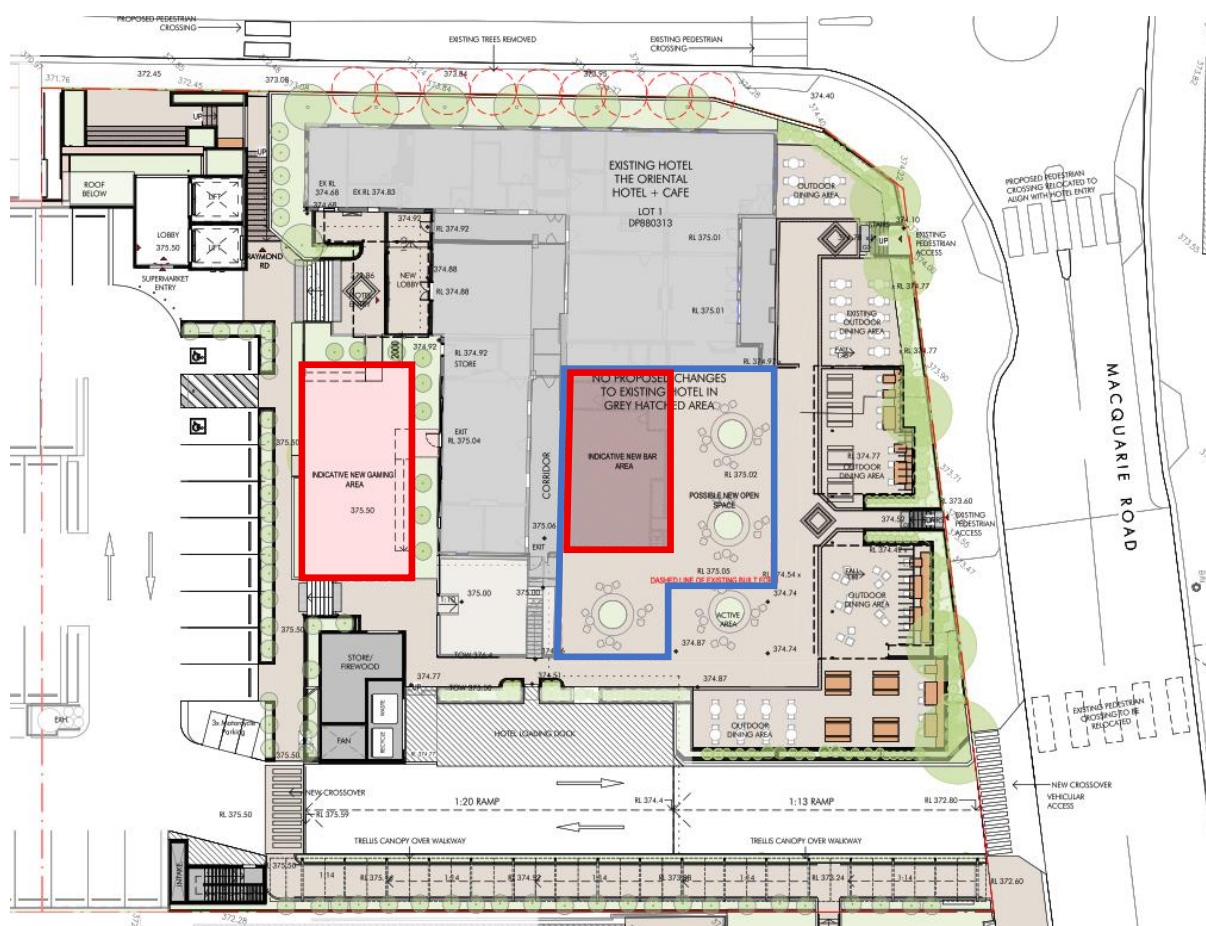


Figure 4: Sketch showing potential future removal of 1960s addition (Source: Nettletribe, annotated by Council officers)

= Existing intrusive 1960s addition

= Envelopes for potential future additions to accommodate uses currently in 1960s addition

Shade structures

Council officers disagree with the heritage report that the proposed steel-framed shade structures in front of the hotel will have an acceptable heritage impact. Fixed shade structures in front of the hotel are supportable in principle, but the proposed structures are oversized and appear like an off-the-shelf design rather than a well-considered response to the heritage context. During the assessment, Council officers requested that the applicant redesign these structures, but the applicant declined. Council officers have drafted a condition requiring deletion of these structures. The applicant can lodge a development application for shade structures in the future if desired.

Signage

Council officers disagree with the heritage report that the proposed pylon sign (SG01) along Macquarie Road will not have adverse heritage impacts. The sign is plainly oversized and out of character with the Macquarie Road East Conservation Area streetscape. The sign was reduced in height during the assessment (from 4m to 2.97m) but remains too visually prominent and incongruent with the heritage values of the area. Council officers recommend that the sign be deleted. A much smaller sign to direct drivers to the carpark may be acceptable—perhaps a sign positioned in a more sensitive location and integrated into the landscaping and retailing wall adjoining the western side of the relocated driveway. This would still be visible to westbound traffic, noting that eastbound traffic will not be able to use the Macquarie Road vehicular entry (see Section 3.3.4 of this report). The applicant can submit a separate application for a sign in the future if desired.

Air conditioning units

There are currently air conditioning (AC) units along the western side of the hotel in the planter bed containing a row of Crepe Myrtles and low shrubs. These units visually detract from the heritage facade but are reasonably well screened by the trees and shrubs. The proposal, however, includes removal of the existing vegetation and narrowing of the planter bed to accommodate a new footpath. The newly revealed units will become conspicuous against the heritage fabric, and they will not be easily screened by new plantings due to the narrowed width of the planter bed. Additionally, given the units are not more than 1m from the new footpath, noise and blowing air from units may adversely affect pedestrian amenity.

The units' potential adverse impacts to heritage values and streetscape amenity are great enough to warrant mitigation. To address the issue, a condition has been drafted to require the units to be removed or relocated, with details to be approved by Council's heritage advisor.

Additional detail for certain elements

The proposal includes a new small lobby area at the rear of the hotel. Council officers support this addition in terms of size, form and location, but Council requires further information regarding materials and attachments to heritage fabric. This requirement is included as a condition of consent.

Council also requires further detail regarding the colour and materiality of the new paving around the hotel. This requirement is included as a condition of consent.

Staging of works

To ensure the timely and proper conservation of the Oriental Hotel and recognise the item's significance as part of the development, Council officers have drafted a condition requiring the development be carried out in two stages: the restoration and landscaping works at the front

of the hotel first, followed by the supermarket development. Without such a requirement, potential exists for completion and operation of the supermarket, without the critically important works to the hotel ever being carried out.

Conclusion

Overall, the proposal will have acceptable heritage impacts on the Oriental Hotel and Macquarie Road East Conservation Area, subject to:

- pushing the parking area further away from the hotel to improve its curtilage and provide space for the future relocation of uses currently accommodated in intrusive building elements;
- deletion of the shade structures in front of the hotel;
- deletion of the pylon sign along Macquarie Road (SG01);
- removal/relocation of the AC units on the western side of the hotel; and
- provision of additional information regarding materials and attachment to heritage fabric.

The heritage report includes several recommendations to guide construction. These have been included as draft conditions.

Aboriginal cultural heritage

Council officers carried out a search of the Aboriginal Heritage Information Management System as part of the assessment. The search found that there are no records of Aboriginal sites or places within a 50m radius of the site. Council officers are unaware of any Aboriginal cultural heritage associated with or near the site. An archaeological monitoring condition has been drafted to ensure any finds uncovered during the excavation process are properly managed.

3.3.3 Public domain

Proposed works

While there is some conflict in the submitted documentation, Council officers understand, based on the latest written description from the applicant, that the proposal includes the following works in the public domain:

- new driveway crossings on Macquarie Road and David Road;
- removal of the Crepe Myrtles along the eastern side of Raymond Road and construction of a new footpath between the supermarket entry and Macquarie Road;
- relocation of the pedestrian crossing on Macquarie Road to avoid conflict with the proposed driveway;
- new pedestrian crossing on Raymond Road leading to the supermarket entry;
- street trees on the western side of Raymond Road;

- new roundabout at the intersection of Raymond Road and David Road at the supermarket vehicular entry;
- new pedestrian crossing on David Road;
- new pedestrian crossing on Raymond Road to the south of David Road; and
- a substation in the David Road nature strip adjacent to the existing substation associated with the Hub.

These works will help ensure the proposal avoids impacts to and enhances the public domain; however, some additional works and amendments to the above works are required as discussed below.

Regarding the substation: While it is typical to require developments to incorporate any required substation within the development site, Council officers are willing to be flexible in this case. The proposed substation location along David Road is ideal from a visual impact perspective. There is already a substation there, and this portion of David Road does not have significant aesthetic value. Also, there would be no tree removal and no apparent interference with vehicular or pedestrian traffic.

Additional/amended public domain works

Council officers recommend the following additional/amended works in the public domain (to be required via condition of consent):

- A pedestrian crossing on David Road is to be provided on the western side of the proposed roundabout. The crossings to the east and south of the proposed roundabout can be deleted. Refer to Section 3.3.5 of this report for further discussion.
- Pedestrian crossing line marking is to be provided in the footpath alignment across the vehicle crossovers on David Road. Refer to Section 3.3.5 of this report for further discussion.
- The wedge-shaped public domain area immediately to the south of the Raymond Road entry must be enhanced with seating and landscaping. Refer to Section 3.3.5 of this report for further discussion.
- Shrub and groundcover plantings are required in the existing (empty) planter bed at the splay corner at the intersection of Raymond Road and David Road (in front of the proposed retail shop).
- Street tree plantings are required to the south of the pedestrian entry on Raymond Road.
- Street trees and garden beds are required along David Road, subject to the detailed design of the new roundabout.

These changes relate to the public domain directly in front of the site and are required to respond to the additional pedestrian traffic generated by the proposal, soften the new built form, and achieve an excellent urban design outcome that delivers a public benefit commensurate with the scale and significance of the development.

Additional information—interface between private and public land

Further to the additional public domain works outlined above, additional information is required regarding the interface between the proposed development and the public domain, in particular the interface between the pedestrian forecourt on Raymond Road and adjacent footpath. For example, the submitted plans show levels at the top of the stairs near the supermarket entry that do not align with the adjoining existing footpath and would require a dangerously steep section of footpath to resolve the difference in levels. As the applicant declined to resolve these issues during the assessment process, conditions of consent are recommended to ensure resolution of these interface issues post-consent.

While it is conventional for the applicant to ensure the development site aligns with existing public domain levels, in this case Council officers consider it appropriate to allow adjustment levels in the public domain if it helps to achieve a better urban design outcome.

3.3.4 Vehicular traffic, access and parking

Traffic impacts

The applicant submitted a traffic report to support the proposal, as well as additional information and updated traffic modelling in response to a request from TfNSW. Key findings from the report and supplementary information are outlined below:

- Traffic counts were undertaken at key surrounding intersections on 21 June 2024 from 2:30pm to 6:00pm, and on 22 June 2024 from 10:30am to 2:00pm to gauge existing traffic conditions. These times correspond with the likely peak traffic generation periods for the proposed supermarket. The results were analysed using SIDRA software, and the analysis found that all surrounding intersections operate at a level of service (LoS) ranging from LoS A (good) to LoS C (i.e. satisfactory with spare capacity).
- Based on surveys of similarly sized supermarkets and TfNSW guidelines, the traffic report estimates that the proposal will generate some 420 vehicles per hour (two-way) in the peak periods. The applicant has separately advised in the Plan of Management that deliveries from the distribution warehouse to the supermarket will occur two to three times per day, with one delivery taking approximately 30 to 45 minutes. Additionally, up to six van deliveries per day will be made by smaller direct suppliers.
- The impacts of the estimated generated traffic on the surrounding network were assessed through SIDRA analysis. This included 'existing + development' as well as '10-year traffic growth + development' scenarios. The analysis showed that the development will reduce the level of service (LoS) at surrounding intersections, but the intersections will continue to operate at a LoS no lower than LoS C (i.e. satisfactory with spare capacity).

Council officers are satisfied with the modelling results and consider that the proposal is unlikely to cause any significant or unreasonable adverse impacts on the efficiency and operation of the surrounding road network. TfNSW has reviewed the traffic modelling and raised no objections.

The Blue Mountains Police Area Command (PAC) has recommended that a median strip be installed in Macquarie Road to limit driveway movements to left-in/left-out only. Council officers agree and have drafted a condition accordingly.

Vehicular access and loading

The proposal includes the following vehicular access and loading arrangements:

- Access to the rooftop car park will be via a new driveway off Macquarie Road (generally in the same location as the existing driveway for the Oriental Hotel).
- Access to the lower ground carpark will be via a new driveway at the intersection of David Road and Raymond Road. A roundabout will be constructed at this intersection.
- Servicing of the supermarket will occur via a loading dock along the eastern boundary of the site with access from David Road. Trucks up to 12.5m large rigid trucks will utilise this loading dock.
- Servicing of the hotel will occur in an at-grade loading dock along the new driveway off Macquarie Road. The largest vehicle to utilise this dock will be a 10.7m large rigid truck. Servicing trucks will utilise the rooftop car park to access the dock. Servicing will occur outside of peak trading hours.

These arrangements are fit for purpose and comply (or can comply) with relevant Australian Standards.

Car parking

The proposal includes 159 parking spaces, including 72 at Lower Ground Level (basement) and 87 at Level 1 (rooftop). Council has reviewed the parking layout and is satisfied the layout complies or can comply with relevant Australian Standards.

The DCP requires a minimum of 1 parking space per 25m² for shops (with spaces rounded down to the nearest whole number).

The proposed combined supermarket and retail tenancy GFA is 3,775.23m², resulting in a combined parking requirement of 151 spaces for these uses. However, there are certain areas that, while technically GFA for LEP purposes, do not contribute directly to parking demand and should therefore be excluded from parking calculations—namely, the two lift lobbies and the travelator lobby. Excluding these areas results in an adjusted parking requirement of 143 spaces for the supermarket and retail tenancy.

The existing Oriental Hotel has 22 parking spaces. The GFA of the of hotel is not changing except for the very small lobby addition to the rear of the hotel, which Council officers consider will not add to parking demand.

The total parking requirement is therefore 165 spaces (adjusted combined supermarket and retail tenancy requirement of 143 spaces plus 22 hotel spaces).

The proposed 159 spaces fall short of this requirement. Also, as discussed in Section 3.3.5 and Section 3.3.6 of this report, Council officers recommend a further reduction of up to 7 spaces to improve pedestrian amenity and landscaping outcomes and to secure heritage opportunities at the rooftop carpark level. The total parking provision will therefore be 152 spaces (13 spaces short of the requirement of 165 spaces).

This technical shortfall is acceptable particularly given the improved pedestrian links to the remainder of the town centre (meaning some demand for the supermarket will be met by people parking elsewhere in the town centre) and the supermarket's proximity to bus and rail

services. Furthermore, the submitted traffic report reasonably argues that the supermarket's direct-to-boot service is likely to reduce parking demand by some 10 spaces.

Bicycle parking

The proposal includes 12 bicycle parking spaces in the basement parking level. While the quantity complies with DCP requirements, the location does not. The DCP allows for basement parking but states that bicycle parking for 'visitors' must be provided in an accessible on-grade location near a major public entrance to the development. In this case, supermarket patrons should be considered 'visitors'. A condition has been drafted requiring a portion of the bicycle parking to be relocated to near the main pedestrian entry on Raymond Road.

3.3.5 Pedestrian circulation and amenity

Pedestrian circulation was the subject of significant discussion and amendment during the assessment. The amended arrangements generally provide good pedestrian permeability through the site and connections to the surrounding pedestrian network, including a pedestrian forecourt on Raymond Road; steps up from Raymond Road to the rooftop carpark and rear Oriental Hotel entry; a trellis-covered pedestrian walkway along the driveway off Macquarie Road leading to the rooftop carpark; and an east–west pathway along the northern edge of the rooftop carpark (linking the Raymond Road steps and pathway up from Macquarie Road).

However, Council officers consider that the following improvements are necessary to ensure an appropriate pedestrian outcome for the site:

- Pedestrian line-marking must be provided across the vehicular entries on David Road to improve pedestrian safety. See **Figure 5** below. Many submissions expressed concerns about conflicts between cars and pedestrians at this location.
- A pedestrian crossing must be provided on David Road between the existing and proposed roundabouts. See **Figure 5** below. This location will more closely align with the pedestrian 'desire line' between Raymond Road and the town centre. Provision of this crossing means that the proposed to the east of the new roundabout is not required.
- A footpath must be constructed along the southwestern side of the new roundabout to connect the two pedestrian crossings. See **Figure 5** below. As noted above, this route of travel more closely aligns with the natural pedestrian 'desire line' and avoids the need to cross two vehicular entries when walking between the town centre and the southern section of Raymond Road.

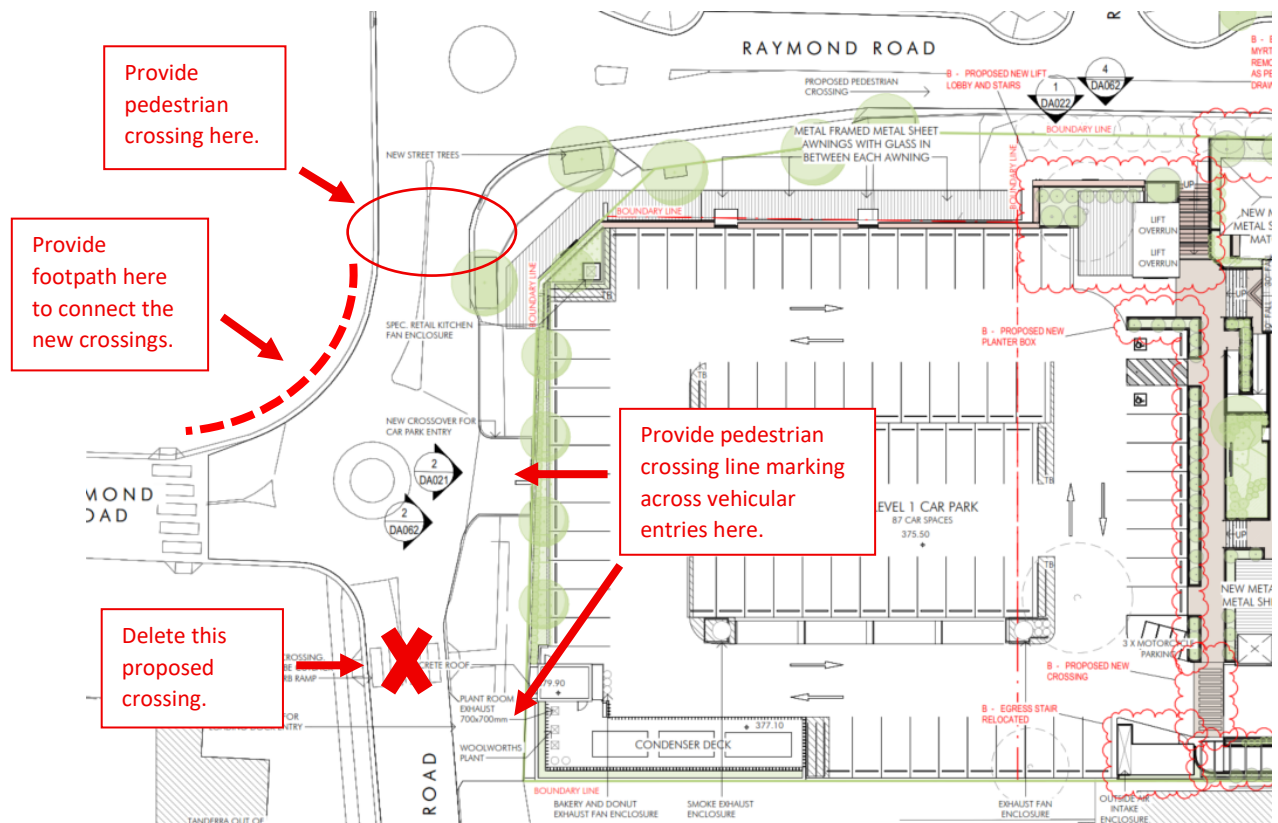


Figure 5: Required changes to pedestrian infrastructure (Source: Nettletribe; modified by Council officers)

- The east–west pedestrian pathway and adjacent planter bed across the Level 1 carpark should be widened. The pathway is approximately 2.2m wide, and there is an 800mm wide planter bed between this pathway and parking spaces. The combined pathway and planter bed should be widened by at least 2.4m (i.e. the approximate width of a parking space), with the planter bed to be at least 2m wide. Additionally, the planter bed immediately to the north of the motorcycle parking spaces should be shortened slightly to provide space for pedestrians to walk from the carpark to the east–west link. These changes are identified in **Figure 6** and captured in a recommended condition of consent.

The benefit of this amendment is substantial and the cost low. The benefits are increased pedestrian amenity along the northern edge of the carpark (including a wider walkway and denser and more robust plantings in the planter bed strip) and additional separation between the carpark and Oriental Hotel, which will increase the curtilage around the heritage item and allow for more flexibility in the future should a pavilion-style building be constructed behind the hotel as part of removal of the intrusive 1960s additions.

The cost is removal of up to 5 parking spaces (1 at the end of each centre aisle, 1 parallel space in the centre aisle, and potentially 1 space adjacent the lift lobby). The applicant has expressed a strong preference not to reduce parking quantity for commercial reasons. Nonetheless, Council officers are satisfied—as discussed in as discussed in Section 3.3.4 of this report—that the development will provide sufficient parking even accounting for this amendment.

The amendment aligns strongly with the objective of the E2 zone ‘to encourage development that has a high level of accessibility and amenity, *particularly for*

pedestrians' (emphasis added). In a town centre context, prioritising pedestrian-friendly design is more beneficial than a conservative approach to parking supply.

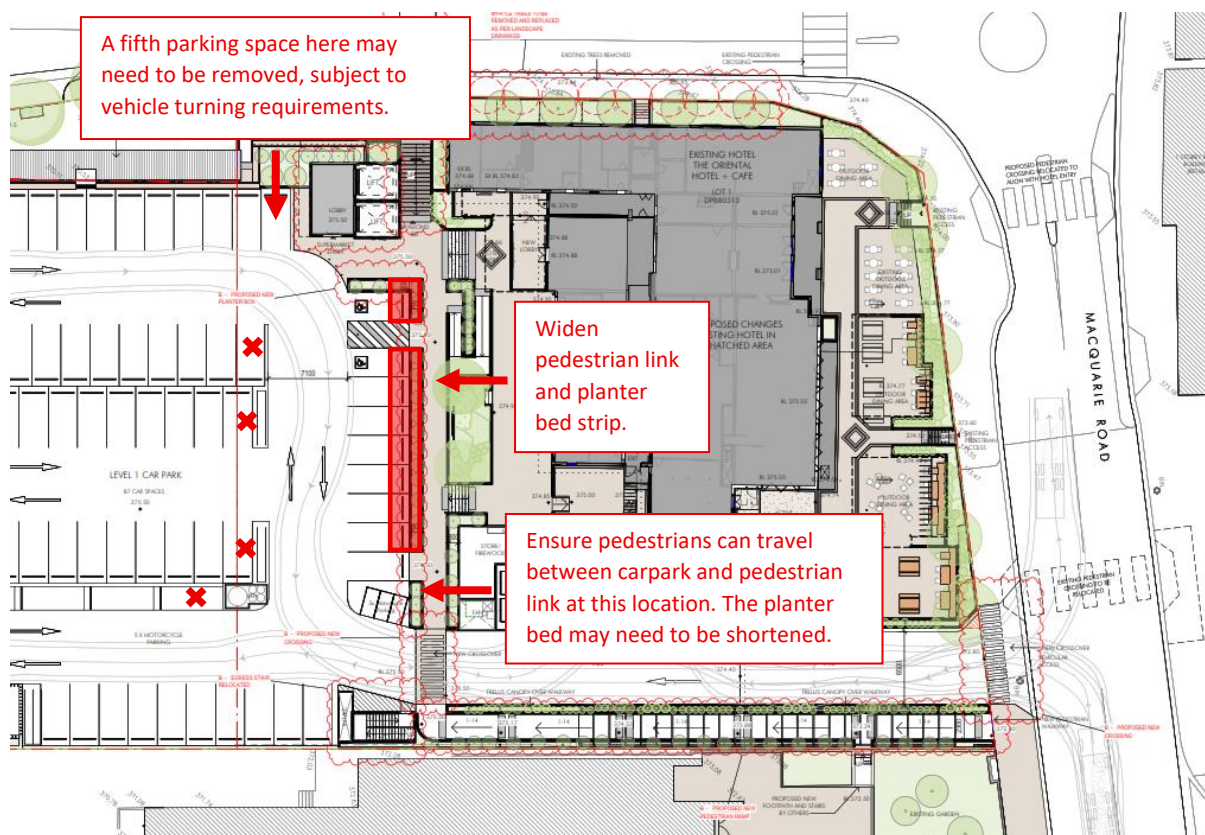


Figure 6: Required widening of pedestrian link (Source: Nettletribe; modified by Council officers)

■ = Approx. area of additional pedestrian path/planter bed width required

✗ = Parking space to be deleted to enable vehicle carriageway and row of parking adjoining landscaping/walkway to be shifted south

- Landscaping and seating must be provided in the wedge-shaped public domain area immediately to the south of the pedestrian entry, as marked in **Figure 7**. Council officers have recommended a condition of consent accordingly. This approximately 230m² area currently features a vehicle crossing (to be removed) and a wide footpath.

While the submitted plans show indicative landscape works (seats and plantings) in this area, they note that the design and approval for these works are 'by others'. However, it is common and expected for major developments in town centres—especially developments subject to design excellence provisions—to deliver improvements to the public domain immediately adjoining the site, at the developer's expense. The proposal will attract high foot traffic and introduce a new (larger) built form at the site.

The required enhancements will ensure safe and convenient pedestrian movement, soften the built form, and deliver public benefit commensurate with the scale and significance of the development.

In addition to seating and landscaping, the applicant must ensure the treatment to this area integrates appropriately with the entry forecourt area in terms of finishes and levels. Adjustments to the levels in the public domain may be allowed.

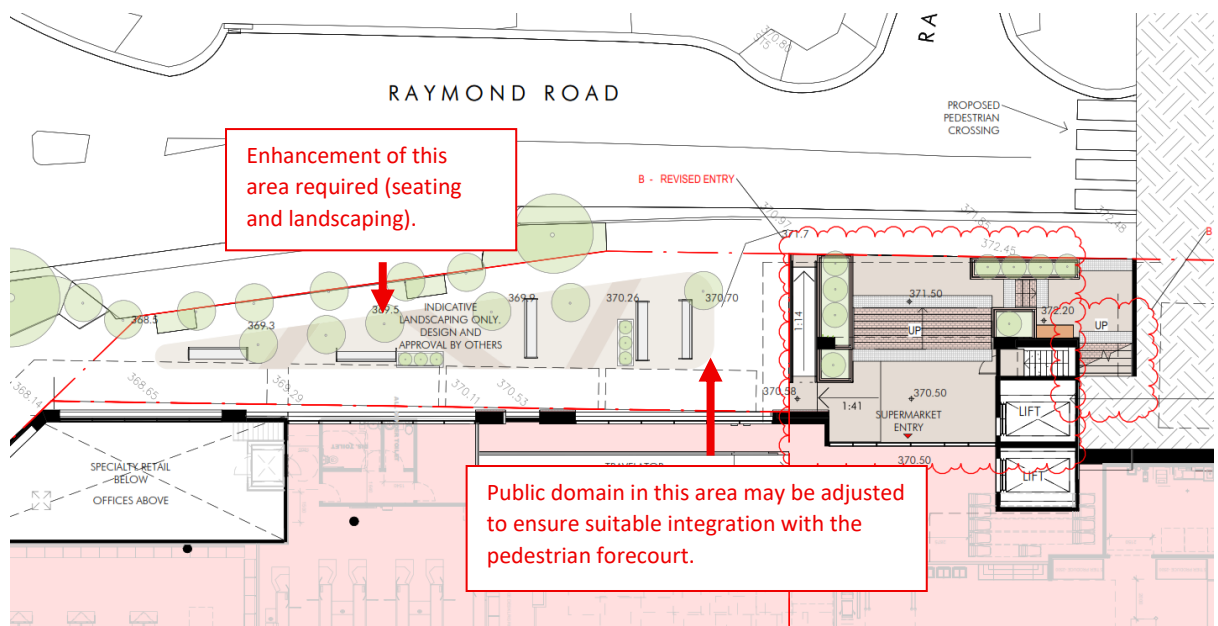


Figure 7: Public domain area to be enhanced (Source: Nettletribe; modified by Council officers)

3.3.6 Landscaping within the site

The proposal incorporates deep soil plantings in front of the Oriental Hotel as well as on-structure plantings around the hotel and supermarket. However, Council officers consider that the proposed landscape scheme generally fails to provide for adequate greenery to balance against the built form. The rooftop carpark and Macquarie Road driveway are particular areas of concern. These expansive areas of hardstand feature only narrow strips of landscaping along the margins.

To address the issue, conditions have been applied to require retention of select trees and widening of planter beds in key locations. In summary:

- Tree 3 and Tree 4 are to be retained and incorporated into the landscape scheme, as discussed in Section 3.3.9 of this report.
- The planter bed along the northern edge of the carpark is to be widened as discussed in Section 3.3.5 of this report and shown in **Figure 8**.
- The planter bed along the Macquarie Road driveway is to be widened to ensure the trees in this key location thrive and reach a reasonable height at maturity. Some outdoor seating will need to be removed to accommodate this amendment.
- A small planter bed is to be added in front of the air intake at the top of the Macquarie Road driveway. See **Figure 8**. While this change may seem minor, Council officers consider, given the absence of shade structures and the generally marginal nature of the carpark plantings, that even small areas of additional rooftop landscaping are worthwhile.
- The trolley bay to the east of the specialty retail shop kitchen exhaust is to be removed, and the adjacent planter bed extended to occupy its place. Council officers consider that removal of the trolley bay will not cause any serious adverse impacts to supermarket operations or customer amenity. See **Figure 8**.

- The addition of 2 trees in raised planter beds within the middle parking area, with 2 parking spaces to be removed to accommodate these trees. See **Figure 8**. In the absence of any rooftop shade structures, it is reasonable to require tree plantings within the carpark at the expense of parking. The trees will improve visual amenity, provide at least some shade, and align with Section F2.3 of the DCP, which requires new advanced trees in carparks where existing trees cannot be retained.

This amendment, along with the increase in the width of the east–west link discussed at Section 3.3.5 of this report, will result in a technical parking shortfall of 13 spaces. Council officers are nonetheless satisfied, as discussed at Section 3.3.4 of this report, that the proposal will provide for adequate parking.

- Change the rooftop carpark circulation to one-way, and incorporate any surplus circulation space into planter beds.

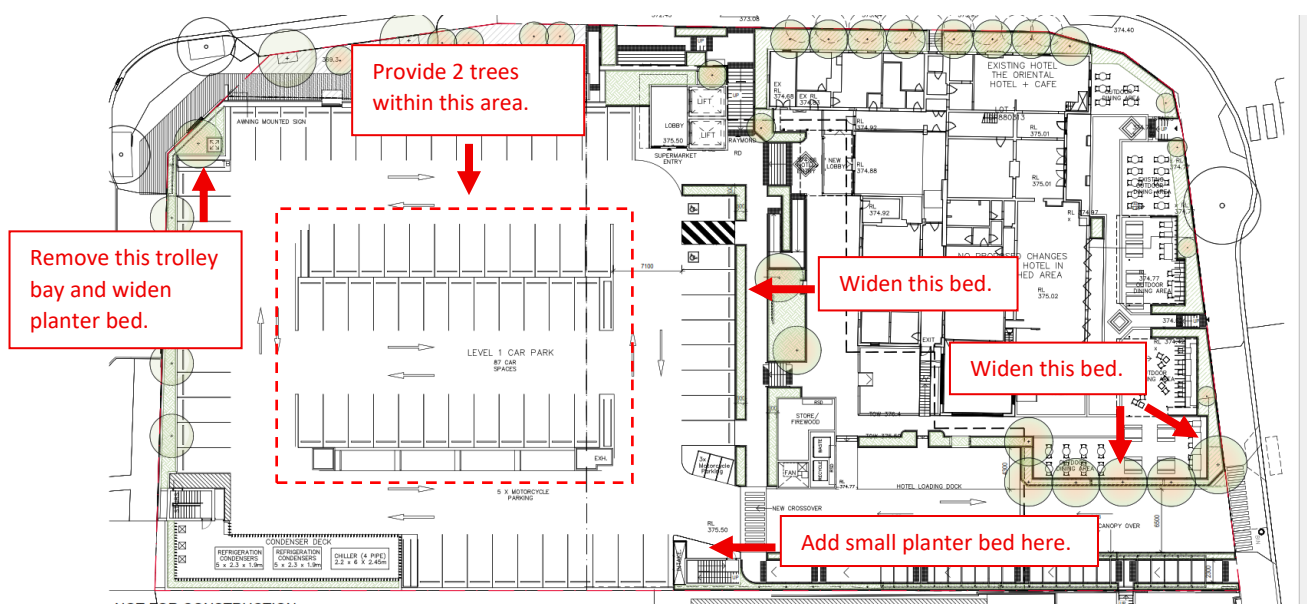


Figure 8: Required landscape amendments (Source: Site Image; modified by Council officers)

3.3.7 Stormwater

The proposal includes a suitable stormwater management system designed in accordance with DCP objectives. Roof water and carpark runoff will drain to underground on-site detention (OSD) and rainwater tanks prior to being discharged to Council's stormwater system.

Stormwater will be treated by filter devices prior to entering the OSD. The submitted MUSIC model output demonstrates a neutral or beneficial effect on water quality.

The OSD has been designed to ensure that peak post-development flows from all storms from the 5- to 100-year Annual Recurrence Interval will be limited to pre-development flows as shown by the submitted DRAINS model output.

Runoff from the hotel roofs and associated paths and outdoor seating areas will be managed generally as per the existing situation, with existing kerb outlets to be retained.

Council's development engineer has reviewed and supports the proposal's stormwater design. The engineer has flagged that upgrades to Council's stormwater assets may be required to accommodate the concentrated discharge from the site to the pit at the intersection

of Raymond Road and David Road. A condition has been applied requiring additional DRAINS modelling to be submitted with the application for approval for works in the road reserve under the *Roads Act 1993*. The modelling will identify whether any surcharge from the pit will adversely impact Council's stormwater network and whether upgrades to the system are required. Any required upgrades will be dealt with under the Roads Act approval. Based on this condition, the consent authority can be satisfied under Clause 6.23 of the LEP that adequate arrangements have been made to ensure the essential service of stormwater drainage will be available to the development when required.

3.3.8 Groundwater

Excavation works will extend up to 8m below existing ground level. Groundwater will likely be encountered.

Groundwater take

The applicant submitted a site hydrogeology report as required by WaterNSW to estimate groundwater extraction during the construction dewatering period and to define a methodology for measuring and recording the groundwater extraction in accordance with the NSW Aquifer Interference Policy.

The report estimates that the total volume of groundwater extraction over the construction period will be 1.93 megalitres, incorporating a safety factor of 1.5 to address uncertainty related to fractured rock inflows. Once the tanked basement structure is completed, no further groundwater extraction will be required.

WaterNSW has reviewed the groundwater report and has issued general terms of approval (GTAs) for the dewatering, including a requirement for a water supply work approval under Section 90 of the *Water Management Act 2000*.

Groundwater quality

Elevated concentrations of organic nitrogen and E. Coli were detected in shallow groundwater during investigations conducted as part of the detailed site investigation report (discussed in the Resilience and Hazards SEPP section above), suggesting that groundwater quality is being impacted by a sewer leak. As recommended in the detailed site investigation report, contact with groundwater should be minimised and good hygiene implemented during construction dewatering to avoid impacts to human health.

A condition has been drafted to require preparation of a dewatering management plan to guide dewatering works and to ensure that any groundwater discharged to Council's drainage system does not adversely affect the receiving environment.

Conclusion

Based on the groundwater report, site investigation report and the review by WaterNSW, Council officers are satisfied that the proposal will have an acceptable groundwater-related impacts, subject to implementation of the recommendations in the reports, compliance with the WaterNSW GTAs, and treatment of groundwater prior to discharge to Council's system.

3.3.9 Vegetation removal

Existing vegetation

The site has several mature trees, including a row of Crepe Myrtles along the western side of the Oriental Hotel; a Norfolk Island Pine, Turpentine and Jacaranda behind the hotel; and three large Plane trees (plus a few smaller trees and hedges) in front of the hotel. The most significant trees are the Turpentine, Norfolk Island Pine and Jacaranda. The project arborist has identified the Turpentine as the oldest of the trees, being approximately 120 to 150 years old. The Crepe Myrtles along Raymond Road and the Plane trees in the Macquarie Road setback area, while not highly significant, nonetheless contribute notably to streetscape amenity. Aerial photography from 1945 shows that none of the existing trees were present on the site, except for the Turpentine.

Vegetation removal

The application proposes removal of all trees within the site (9 trees and 2 hedges). Council officers support removal of these trees, except for a Plane tree and maple tree in front of the Oriental Hotel, as discussed below:

- The Turpentine, Jacaranda and Norfolk Island Pine (identified as Tree 7, Tree 8 and Tree 9, respectively, in the arborist's report) are in the development footprint. Simply put, it is not feasible to develop the site for the purposes of a full-line supermarket and retain these trees. The trees are not significant enough to justify refusal of the application.
- The Crepe Myrtles (Tree H3 in the arborist's report) are to be removed to accommodate the supermarket pedestrian entry area and a much-needed footpath along the east side of Raymond Road. The importance of the footpath outweighs the significance of the trees. A new row of feature trees and hedge plantings will be planted along the side of the hotel.
- The two Plane trees off the northeast corner of the hotel (Tree 1 and Tree 2 in the arborist's report) will be affected by the proposed driveway and hotel loading dock, which are necessary for access and loading purposes. New trees will be planted along the driveway and in front of the loading dock to visually soften the area and help balance against the built form.
- The row of 5 junipers at the corner of Macquarie Road and Raymond Road (Tree H2 in the arborist's report) have low retention value, and their removal will provide for a more activated interface between the hotel and public domain and also open up views to the restored front façade of the hotel.
- The maple tree along the Macquarie Street frontage (Tree 3 in the arborist's report), while not especially large, is a high-quality specimen with good form. Council officers consider that this tree should be retained and incorporated into the landscape scheme. The tree is already within a confined planter bed. The proposed retaining walls along the frontage could be reconfigured to incorporate this existing bed without a significant change to the design overall layout or design intent of the landscape scheme.
- The Plane tree directly in front of the hotel (Tree 4 in the arborist's report) is tall and in good health. The application's justification for removing the tree is to open up views to the heritage item. The tree, however, does notably block any views to the item because the lower limbs have been removed; and even if the tree did block views, this alone is

insufficient justification to remove the tree. Council officers therefore consider that this tree should be retained and incorporated into the landscape design. There is already a sizeable tree pit (i.e. permeable area) around the tree, and it does not appear the tree roots are disrupting the surrounding paving. While new paving works may affect the tree to some degree, Council officers are satisfied that the tree can be retained without fundamentally compromising the tree's health.

- The other trees/hedge to be removed have low retention value and are suitable for removal.
- The large Plane tree in the road reserve directly in the front of the hotel will be retained and protected during works.

Overall, while the proposal will result in a notable net canopy reduction at the site, Council officers consider this reduction to be appropriate given the town centre context and the fact that the hotel's heritage significance does not depend upon the retention of the trees to be removed.

3.3.10 Earthworks

The proposal involves excavation over much of the site, up to a maximum depth of 8m. The excavation will extend into the Oriental Hotel lot, but the land under the hotel will not be excavated.

The applicant has submitted a geotechnical report that assesses the geotechnical characteristics of the site and sets out construction requirements relating to earthworks, excavation, groundwater management, temporary battering, retaining walls and shoring, construction-induced vibration, foundations, slabs and pavements, salinity risk, and earthquake risk. A condition has been drafted requiring implementation of the recommendations in the report.

Notably, the report identifies that temporary anchoring into adjoining Council land may be required. A license agreement will need to be in place prior to these temporary anchoring works. A condition has been drafted accordingly.

3.3.11 Noise and vibration

The applicant submitted a noise impact assessment to assess the proposal's noise and vibration impacts on the surrounding area. Key points from the report are summarised and discussed below.

Existing noise environment

To determine the existing ambient noise environment, the project acoustic consultant carried out unattended noise monitoring on 28 November to 5 December 2019, and from 11 September to 21 September 2020 (as part of the previous development application). Supplementary attended noise measurements were undertaken during the daytime period in July 2024 to confirm these results remained valid. The 2024 measurements indicated that background noise levels were marginally higher than what was previously measured in 2019 and 2020. However, the previous levels were adopted for the subject assessment as a conservative measure. Council's environmental health officer supports this methodology and did not require further monitoring.

Surrounding noise receivers

The nearest surrounding noise receivers are:

- residential receivers to the south of the site across David Road;
- childcare centre and out-of-hours care centre to the southeast of the site on the corner of Raymond Road and David Road (the centres are on the same site and are collectively referred to as the childcare receiver in the acoustic report);
- commercial receivers to the west of the site across Raymond Road; and
- the Hub adjoining the site to the east.



Figure 8: Surrounding noise receivers (Source: Acoustic Logic)

Operational noise impacts

The primary sources of noise expected to be emitted by the development are:

- vehicle noise from use of the proposed carparking areas (lower ground and rooftop);
- noise associated with the use of the loading dock for deliveries; and
- noise from mechanical plant and equipment servicing the development.

Project noise criteria were established and noise impacts assessed in accordance with the Noise Policy for Industry (NSW EPA, 2017) (NPfI).

Table 8 summarises the project trigger noise levels (i.e. the most stringent of the applicable noise criteria) and the predicted noise levels resulting from vehicle and loading dock noise. Mechanical plant noise is addressed below the table.

Table 8: Operational noise assessment summary

Receiver	Criteria	Predicted noise level	Achieves criteria?
Noise from parking facilities			
Residents to the south of the site	Early morning: 44 dB(A) Daytime: 46 dB(A) Evening: 41 dB(A)	44dB(A)	Yes—see clarification below table.
Childcare centre south of the site	Outdoor area: 53 dB(A) Internal area: 35 dB(A)	Façade: 43dB(A)	Yes
Commercial receivers west of the site	63 dB(A) (Commercial)	45dB(A)	Yes
Community Theatre and Hub		48dB(A)	Yes
Noise from loading dock			
Residents to the south of the site	Early morning: 44 dB(A) Daytime: 46 dB(A) Evening: 41 dB(A)	41dB(A)	Yes
Childcare centre south of the site	Outdoor area: 53 dB(A) Internal area: 35 dB(A)	Outdoor area: 43dB(A) Façade: 36 dB(A)	Yes—see clarification below table
Commercial receivers west of the site	63 dB(A) (Commercial)	31dB(A)	Yes
Community Theatre and Hub		36dB(A)	Yes—see clarification below table.
Sleep disturbance caused by peak noise events			
Residents to the south of the site	Nighttime (10pm to 7am): 52 dB(A)	50 dB(A)	Yes

Receiver	Criteria	Predicted noise level	Achieves criteria?
	Early morning (5am to 7am): 54 dB(A)	62 dB(A)	No—see discussion below table.
<p>Table notes:</p> <ul style="list-style-type: none"> The specified noise criteria and the predicted noise level are averages over a 15-minute period as per the methodology in NPfl (except for the sleep disturbance levels, which relate to maximum noise events). The predicted noise levels represent the worst-impacted façade of the nearest receiver. Noise levels at all other façade and receiver locations will be lower. 			

Regarding impacts on the residential property to the south:

- During supermarket peak hours, the predicted noise level to the façade of the dwelling is 44 dB(A), which complies with the early morning criterion of 44 dB(A) and the daytime criterion of 46 dB(A). The noise report does not estimate what the noise level will be during the evening period. However, traffic movements (the primary source of noise) will of course be much lower during this period, and therefore Council considers it reasonable to assume that the noise level during this period will likely achieve the 41 dB(A) criterion.
- Even if the 41 dB(A) criterion is not achieved during the evening period, Council officers consider that a minor exceedance is warranted. The exceedance would only affect the closest dwelling (i.e. 17 Raymond Road); it can be assumed dwellings further to the south would achieve compliance. Also, this property is immediately adjacent to the commercial centre; some higher-than-average noise should be expected at this location.
- Given the potential for sleep disturbance at the nearest residential property due to peak noise events during the early morning hours, the noise report includes a detailed assessment of sleep arousal impacts. In summary:
 - Typically, there is a 10dB(A) noise reduction between an external noise level and the noise level inside the residence with windows left open. A higher noise reduction would be expected where windows are closed.
 - Maximum noise levels generated by truck movements servicing the loading dock during the early morning period is predicted to be 62 dB(A) externally at the residence and approximately 52dB(A) inside the residence, assuming windows are left open. EPA guidance states that internal noise levels below 50 to 55 dB(A) are unlikely to awaken people from sleep. The predicted internal noise level of 52 dB(A) is therefore within the identified acceptable range as outlined by the EPA guidance.
 - Additionally, the noise monitoring data obtained from site indicates existing peak noise events along Raymond Road during the early morning period are typically between 60 and 80 dB(A). Therefore, the predicted peak external noise level of 62dB(A) associated with operation of the proposed development is consistent with or below the majority of existing noise events during this period.

- Council officers accept the sleep arousal assessment and consider it unlikely that the nearest residential property will be unduly affected by peak noise events.

Regarding impacts on the childcare centre:

- The predicted noise level to the façade of the childcare centre is less than 45 dB(A), which, according to standard assessment methodology, will result an internal noise level of less than 35 dB(A) with windows left open, consistent with the relevant criteria.

Regarding impacts on the Hub:

- The noise report treats the Hub as a regular commercial receiver and shows that noise levels at the façade easily meet the relevant commercial noise criteria. While this approach may be consistent with the NPfI, Council officers consider that the Hub should be treated as a sensitive receiver because it contains a drama theatre.
- Ideally, the maximum internal noise level for a drama theatre is 30 dB as per AS2107. As set out in the table above, the predicted maximum average noise level to the external wall of the Hub (caused by noise from the carparking facilities) is 48 dB(A). Noise from the underground loading dock will be less at 36 dB(A). Based on standard industry methodology, it reasonable to assume that the Hub's western wall (with no openings) reduces noise levels by at least 20 dB. The predicted internal noise level of the Hub is therefore predicted to be below the maximum 30 dB recommended in AS2107.

Regarding mechanical plant noise:

- Mechanical plant for the development is not typically selected at the development application stage.
- The acoustic report advises, and Council officers accept, that, based on similar developments, acoustic treatments to achieve relevant noise criteria are both possible and practical. This may include lining of ductwork, acoustic silencers, variable speed controllers, time switches, and acoustic screens.

The acoustic report recommends the following to ensure operational noise remains within acceptable levels:

- A detailed review of mechanical plant shall be carried out at construction certificate stage.
- Floor of carpark shall have a rough finish to avoid noise from tyre squealing.
- Truck access to the loading dock should be limited to between 5am and 10pm.
- Within the early morning shoulder period (between 5am and 7am), a maximum of two truck movements (associated with home delivery operations) are permitted.
- The soffit of the loading dock ramp shall be treated with an acoustically absorptive lining with a minimum noise reduction coefficient (NRC) of 0.9 (equal to 50mm Enviro-spray or CSR Martini Absorb XHD50).

Further to the above, it is recommended that the hotel loading dock at the location where beer kegs are unloaded from beer delivery trucks, as well as the path of travel for beer kegs from the loading dock to the cellar door/shute, incorporate soft-fall to nullify noise impacts from loading and unloading beer kegs.

Council officers have drafted conditions requiring implementation of the above recommendations.

Construction noise impacts

The noise report includes a preliminary assessment of construction noise impacts produced by the development on nearby sensitive receivers, based on the requirements of the Interim Construction Noise Guideline (NSW DECC, 2019). The assessment is summarised below:

- The demolition, excavation/piling work, and construction activities are all expected to affect surrounding noise receivers.
- The loudest plant and equipment items associated with these activities will typically have sound power levels of approximately 110 to 115dB(A).
- Noise levels at the facades of the nearest receivers are expected to be above the “Noise Affected” management level (i.e. 51 dB(A) for residential receivers and 70 dB(A) for commercial receivers), and there is potential that the “Highly Noise Affected” management level (i.e. 75 dB(A)) could be intermittently exceeded for typically loud construction activities, such as excavation, piling and hammering works.
- To minimise the potential impact on residents and surrounding commercial uses, it is recommended that a construction noise and vibration management plan be prepared and implemented for the project.
- In preparation of the management plan, special consideration will need to be given to the operation of adjacent community theatre. The most sensitive time for the theatre would be during performances, which typically occur in the evening outside regular construction hours. However, matinee performances and daytime rehearsals will need to be taken into account. Close consultation between the builder and theatre operators will need to be undertaken to understand when appropriate and effective respite periods could be implemented to minimise disruption.

Council officers are satisfied with the preliminary assessment of construction noise and agrees that a construction noise management plan is the appropriate means of dealing with impacts. It is inevitable that surrounding receivers will be affected during construction, but the implementation of a management plan will help minimise impacts. Strategies that may be included in the plan include:

- selection of construction equipment and processes which minimises acoustic impact (e.g. the use of bored piling rather than sheet piling);
- locating machinery as far as practicable from sensitive receivers;
- management of deliveries and access to the site to minimise disturbance to sensitive receivers;
- community interaction and notification; and

- undertaking of high-noise activities (e.g. piling and hammering) outside of theatre performance and rehearsal times.

3.3.12 Waste

Waste management plans were submitted for the demolition, construction and operational phases of the development.

Demolition and construction waste will be managed in accordance with standard requirements and methods.

The proposed operational waste management strategy is outlined below:

- Waste from the supermarket will be stored at the loading dock level in suitably sized bins and collected daily by a private contractor. The collection vehicle will enter and exit the site in a forward direction by utilising the turn table in the loading dock.
- Waste from the corner retail shop will be stored in a separate storage room within the lower ground parking level. A smaller private contractor vehicle will collect the waste from this room on the nominated collection day.
- Waste from the Oriental Hotel will be stored in the waste storage room off the hotel loading dock on the east side of the hotel. The collection vehicle will enter and exit the loading dock in a forward direction by utilising the rooftop carpark for circulation. Council is satisfied that there will be no significant conflict between the waste collection truck and private vehicles. Waste collection will be scheduled to occur outside of peak trading hours.

Overall, the proposed waste management plans are acceptable and fit for use.

3.3.13 Construction impacts

Construction activities have the potential to cause noise, dust, traffic and pollution impacts. In accordance with standard practice, these impacts will be managed via management plans required by consent conditions, including a construction management plan, construction noise and vibration management plan (CNVMP), and construction traffic and pedestrian management plan (CTPMP).

Importantly, the conditions will require that the CNVMP be prepared in consultation with the Hub (to minimise impacts to performance), and CTPMP be prepared in consultation with Council as the relevant road authority.

Overall, provided the management plans are implemented, construction impacts will be effectively minimised and mitigated.

3.3.14 Crime prevention through environmental design

The applicant submitted a crime prevention through environmental design (CPTED) report that reviews the existing crime context and potential crime risks associated with the development and recommends measures to mitigate those risks. The report addresses the five standard CPTED principles, namely surveillance, access control, territorial reinforcement and space management.

Council officers have reviewed the report and have no crime-based objections to the proposal, subject to compliance with the recommendations in the report. Broadly speaking, these recommendations include proper illumination, CCTV along street frontages, locks and security alarms, well-maintained landscaping and appropriate wayfinding signage. Notably, the lower ground carpark will be secured via gate outside of trading hours, while the rooftop carpark will remain open 24-7.

The Blue Mountains PAC has reviewed the proposal and raised no objections relating to crime. (As discussed in the traffic impact section above, the PAC has recommended that a median barrier be installed in Macquarie Road to restrict driveway turning movements to left-in/left-out only.)

3.3.15 Management of premises

The applicant submitted a plan of management (PoM) for the proposed supermarket. Key elements from the PoM are outlined and discussed below.

Trading hours

The proposed hours of operation are:

- Supermarket and retail shop trading hours:
 - Monday to Sunday 7am to 10pm.
- Hotel trading hours to remain unchanged.

The supermarket and retail shop trading hours were shortened during the assessment (originally proposed as 6am to midnight). The amended hours are consistent with the other Woolworths supermarkets in the LGA.

Loading dock hours and operation

The proposed loading dock hours are:

- Supermarket loading dock hours:
 - Monday to Saturday: 5am to 10pm.
 - Sunday and public holidays: 8am to 10pm.
- Hotel loading dock hours:
 - Monday to Saturday: 5am to 10pm.
 - Sunday and public holidays: 8am to 10pm.

These loading dock hours are acceptable as they will facilitate effective operation of the supermarket and are supported by the acoustic assessment. To limit impacts to nearby residential property, a maximum of two truck movements (associated with home delivery operations) will be permitted during the early morning shoulder period (between 5am and 7am), as per the recommendation in the acoustic report.

Deliveries to the supermarket from the Woolworths distribution warehouse will be undertaken two to three times per day during the specified hours. The “run sheet” for every truck will be electronically and manually checked to ensure delivery restrictions are not breached. Additionally, there will be approximately six van deliveries per day from direct suppliers.

The PoM advises that deliveries for the hotel will generally occur outside of peak trading hours to minimise potential conflict with pedestrians and patron vehicles. Waste collection will also occur outside of peak hours.

Access and security

The lower-level carpark and loading dock will be secured after hours, while the rooftop carpark will not be secured. Pedestrian access points will be continuously monitored by CCTV.

Trolley management

A trolley contractor will be appointed to manage trolleys. The supermarket will utilise a trolley control system, such as a perimeter locking system. The details will be finalised prior to opening of the supermarket.

Conclusion

Overall, Council considers the management measures in the submitted PoM to be in line with best-practice standards. A consent condition has been drafted requiring an updated PoM with further detail prior to issue of an occupation certificate.

3.3.16 Social impact

The proposal will have positive social impacts in the form of:

- redevelopment of a large, tired commercial property in the town centre;
- additional retail amenity appropriate to Springwood’s role as the primary commercial hub of the Lower Mountains;
- reduced travel time for residents who prefer shopping at a full line supermarket;
- improved streetscape activation, including additional outdoor seating for the Oriental Hotel along Macquarie Road and a high-quality pedestrian entry along Raymond Road; and
- improved pedestrian links, including a through-site link and construction of a much-needed footpath on the east side of Raymond Road.

The proposal may have negative social impacts in the form of:

- increased local traffic congestion;
- financial impacts to smaller retail shops along Macquarie Road that contribute to the vibrancy of the street;
- perceived loss of a small village character for some residents; and

- reduced amenity for nearby residents during the construction process.

Council officers consider that, on balance, the proposal will have a net positive benefit on the community.

3.3.17 Economic impact

The applicant submitted an economic needs assessment to support the proposal. The assessment was prepared in 2019 as part of the previous development application. The applicant also submitted updated commentary on the topic during the assessment. Key points from the report and updated commentary are outlined below:

- The defined main trade area generally extends from 8km in the east to some 16km to the west. The main trade area population was estimated to be 36,500 persons.
- In Australia, an industry rule of thumb states that one major full-line supermarket is typically supportable for every 8,000 to 10,000 persons. On this basis, the main trade area population could support 4 to 5 full-line supermarkets.
- The existing Springwood IGA, which is the only supermarket in the primary sector and one of only two supermarkets in the main trade area (the other being the Coles in Winmalee), is small by modern standards at approximately 1,020m². Most modern full-line supermarkets that serve the weekly shopping needs of local residents are typically triple this size.
- Assuming the Sydney benchmark of 263m² of supermarket floorspace per 1,000 persons, there is an indicative undersupply of some 5,222m² of supermarket floorspace across the main trade area. Not all of this floorspace demand will be retained in the main trade area; nonetheless, it is considered there is significant demand for supermarket floorspace in the area.
- The projected impact on the Springwood Town Centre is estimated at around \$7.8 million or 11.5% post the opening of the proposed supermarket. This indicative impact may be somewhat offset by the increase in foot traffic as a result of a new anchor tenant in Springwood.

While some assessment methodologies within the report are debatable, Council officers agree with the overall finding that Springwood can support a full-line supermarket and will not have unacceptable economic impacts in the locality. This finding is consistent with the Council-commissioned Blue Mountains Visitor Economy, Retail and Employment Studies Final Report (Urbis, 2019), which was prepared to support Council's Local Strategic Planning Statement. The Urbis report identified the lack of full-line supermarket in Springwood as a clear retail gap that results in spending leaking outside the local government area.

Smaller shops along Macquarie Road, including the IGA, will undoubtedly be affected by the development, but Council considers that this impact does not warrant refusal or a substantial reduction in the size of the proposal. Springwood is the largest town in the Blue Mountains by population size (according to 2021 census data) and is a primary commercial hub of the Lower Mountains. A full-line supermarket is an appropriate retail amenity in a town of this size and strategic importance.

3.4 Section 4.15(1)(c)—Suitability of the site

The site is suitable for the following reasons:

- The proposal fits in with the locality in terms of design, bulk and scale.
- There are adequate services and transport infrastructure in the vicinity.
- The site is not significantly affected by any natural constraints.
- The site is zoned for the intended use.
- The site previously accommodated a supermarket (albeit a smaller one).
- The surrounding uses, while some are sensitive, do not raise any fundamental land use compatibility concerns.

3.5 Section 4.15(1)(d)—Public submissions

The submissions are considered in Section 5 of this report.

3.6 Section 4.15(1)(e)—Public interest

The proposal, on balance, is in the public interest for the following reasons:

- The proposal is generally consistent with relevant local and State planning controls, except for a variation to the height standard, which is acceptable on merit.
- Potential impacts of the development will be mitigated through design and management measures.
- The proposal will provide for economic and social benefits to the local community.
- The proposal is consistent with the objectives of the E2 Commercial Centre zone.
- The proposal is consistent with the principles of ecologically sustainable development.

4. CONTRIBUTIONS

4.1 Local contributions

Blue Mountains City-wide Local Infrastructure Contributions Plan 2022 applies to the development. Council has drafted a condition pursuant to Section 7.12 of the EP&A Act that requires payment of a levy of the percentage of the proposed cost of carrying out the development as authorised by the contributions plan.

4.2 Housing and productivity contribution

Given the proposal involves new commercial GFA, a housing and productivity contribution must be made in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*. A condition of consent has been included.

5. REFERRALS AND SUBMISSIONS

5.1 External referrals

The development application has been referred to various agencies as required by the EP&A Act and outlined below in **Table 9**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent.

Table 9: External referrals

Agency	Referral trigger	Comments	Resolved
Referral/consultation			
Electricity supply authority	Section 2.48 of Transport and Infrastructure SEPP— Development near electrical infrastructure	No objections. Standard recommendations and conditions provided.	Y
Transport for NSW	Section 2.121 of Transport and Infrastructure SEPP— Traffic generating development	No objections. No recommendations or conditions provided.	Y
Sydney Water	Section 78 of Sydney Water Act 1994— Notification of development applications	No objections. Standard conditions provided.	Y
NSW Police— Blue Mountains PAC	No formal trigger	No objections. Recommendation to provide median in Macquarie Road to limit driveway movements to left-in/left-out only.	Y
Integrated development (s4.46 of the EP&A Act)			

Agency	Referral trigger	Comments	Resolved
WaterNSW	S90(2) of <i>Water Management Act 2000</i> — Water management work approval	GTAs provided.	Y

5.2 Council officer referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 10**.

Table 10: Internal council referrals

Officer	Comments	Resolved
Development engineer	No objection subject to conditions.	Y
Health officer	No objection subject to conditions.	Y
Waste officer	No objection. Waste management plans acceptable.	Y
Heritage advisor	No objection subject to conditions.	Y
Landscape officer	No objection subject to conditions.	Y
Accessibility	No objection. Compliance with relevant accessibility standards can be achieved.	Y

5.3 Community consultation

The proposal was notified in accordance with Council's Community Participation Plan from 13 January 2025 to 10 February 2025. The notification included:

- notification on Council's website; and
- letters sent to surrounding properties (500+ letters).

Council received a total of 402 unique submissions, comprising 212 objections, 187 submissions in favour of the proposal, and 3 submissions with questions/comments. The issues raised in the objections are considered in **Table 11**. The matters raised in the supportive submissions are summarised below the table.

Table 11: Community submissions

Issue	Council comment
Village character and economic impacts	<p>Many objectors believe the proposal would harm the small, unique village atmosphere of Springwood. A full-line supermarket, objectors argue, would sap economic activity from small independent shops and diminish Macquarie Road's role as a vibrant high street.</p> <p>Council officers acknowledge that the proposal will have some economic impact on small retailers in Macquarie Street. Nonetheless, Council officers consider that a full-line supermarket is an appropriate retail amenity in the town centre, consistent with Springwood's role as a primary commercial hub of the Lower Mountains.</p>
Traffic, access and parking	<p>Many submissions point to the existing congestion in the area and express concern that a large supermarket would worsen the situation.</p> <p>Council's engineers reviewed the proposal from a traffic impact perspective and are satisfied there will be no unacceptable impacts to the network. Congestion will increase to some extent, but intersections will continue to operate at satisfactory levels</p> <p>TfNSW has reviewed the proposal and is satisfied there will be no unacceptable impacts to the functioning of the Great Western Highway.</p>
Pedestrian movement and safety	<p>Many submissions raised concerns about pedestrian access routes and conflicts between pedestrians and traffic.</p> <p>The plans were amended during the assessment to address several pedestrian movement issues. Council officers are now satisfied that the amended plans provide for good pedestrian movement in and around the site, subject to conditions requiring some discrete but important design changes.</p> <p>Several submissions pointed to the lack of a footpath on the east side of Raymond Road. The amended plans incorporate this.</p> <p>Several submissions raised concern that the addition of fencing at the existing roundabout at the intersection of Raymond Road and David Road would obstruct pedestrian movements. The applicant removed this component from the proposal in the amended plans, and conditions require a formal pedestrian crossing to be constructed at this location.</p> <p>Several submissions raised concerns about conflict between pedestrians and vehicles at the lower ground vehicular entries. A condition has been drafted requiring pedestrian line-marking across the vehicular entries.</p>

Issue	Council comment
Noise impacts	<p>Some submissions expressed concern about potential noise impacts to the Hub and other surrounding uses.</p> <p>The noise generated during operation of the proposal is consistent with EPA guidelines. The closest residence may experience some noise slightly above recommended levels, but this impact is considered minor and acceptable in the town centre context.</p> <p>Construction noise will be managed in accordance with a detailed construction noise and vibration management plan, which will be required as a condition of consent.</p>
Overshadowing	<p>The proposal's overshadowing of surrounding property is consistent with DCP requirements and acceptable in the town centre context. Also, the built form above the height limit is minor and does not contribute notably to overshadowing.</p>
Design, bulk and scale	<p>The design, bulk and scale are appropriate to the context. The proposal complies with all built form controls except height. The height variation is minor and acceptable on merit. The important Raymond Road façade is well considered and will make a positive contribution to the streetscape.</p>
Heritage	<p>Some submissions criticised the proposal's relationship to the Oriental Hotel.</p> <p>As discussed in Section 3.3.2 of this report, while an opportunity has been missed to invest in the heritage values of the property through removal of intrusive building elements, Council officers are nevertheless satisfied that the proposal exhibits an appropriate relationship to the Oriental Hotel, subject to conditions. The supermarket's main bulk is situated away from the hotel, and, subject to conditions, there will be adequate space behind the hotel to accommodate a future pavilion-style addition should the 1960s intrusive addition be removed in the future.</p>
Bushfire safety	<p>Some submissions raised concerns about the traffic gridlock in the case of a bushfire emergency.</p> <p>After reviewing the traffic impacts associated with the proposal, Council officers have no significant concerns that the proposal will contribute excessively to traffic during an emergency event.</p> <p>Notably, the proposal is not subject to the bushfire requirements in <i>Planning for Bushfire Protection</i> (NSW RFS, 2019) because the site is not bushfire prone land.</p>
Waste management	<p>The proposal includes suitable waste management plans for the demolition, construction and operational phases as discussed in Section 3.3.12 of this report.</p>

Issue	Council comment
Sustainability	<p>Some submissions criticise the proposal's lack of best-practice sustainability measures.</p> <p>Council officers agree that the proposal falls well short of best-practice sustainability measures but considers that the proposal meets the minimum required standards.</p>
Landscaping/trees	<p>Some submissions raised concern about the proposed tree removal and lack of replacement plantings.</p> <p>As discussed in Section 3.3.9 of this report, Council officers consider the proposed tree removal to be reasonable in the circumstances.</p>
Signage	<p>The proposed signage is generally suitable to the use and context. However, Council officers do not support the pylon sign along Macquarie Road and have recommended that this sign be deleted.</p> <p>Illuminated signage will be subject to a curfew (illuminated only during trading hours).</p>
Community consultation	<p>Many submissions criticised the notification period as too short. Many objectors felt there was limited opportunity to provide feedback on the proposal due to the timing of the notification period during the school holidays.</p> <p>The notification was notified for 28 days in accordance with legislative requirements and Council's community participation plan. The notification occurred outside of the holiday period specified in the community participation plan.</p>
Construction impacts	<p>Construction impacts, including noise, dust, traffic, and waste, will be managed through implementation of a construction management plan, construction noise management plan, and construction traffic management plan, as is typical for developments of this scale.</p>

The main points raised by supporters were reduced travel times and town revitalisation/beautification. Many supporters complained about the lack of full-line supermarket in the local area and welcomed the idea of not having to drive to another centre, such as Winmalee or Penrith, for their regular grocery shopping. Many supporters derided the existing IGA building as an eyesore and support its replacement with a new high-quality development. Some supporters also argued that development would benefit the local economy by providing job opportunities, creating beneficial "spillover" activity to local cafes and shops.

6. SUMMARY OF REQUIRED AMENDMENTS

As discussed throughout this report, there are several outstanding issues to be addressed by conditions requiring design amendments, including deletion of certain elements. In summary, the key amendments are:

Within the site:

- widen of the east–west pedestrian link along the northern edge of the rooftop carpark (and remove up to 5 parking spaces to accommodate this amendment);
- plant at least 2 trees within the middle parking area of the rooftop carpark (and remove 2 parking spaces to accommodate this amendment);
- increase the planter bed sizes adjoining the rooftop car park, around the northeastern corner of the site and along the driveway on Macquarie Road;
- delete the shade structures in front of the Oriental Hotel;
- delete sign SG01;
- retain Tree 3 and Tree 4 and incorporate these into the landscape design.

In the public domain:

- add pedestrian crossing on David Road between the existing and proposed roundabouts (and delete the crossings to the east and south of the proposed roundabout);
- resolve the interface between the pedestrian forecourt on Raymond Road and the public domain;
- enhance the wedge-shaped public domain area to the south of the pedestrian forecourt on Raymond Road; and
- add further street plantings along Raymond Road and David Road.

7. CONCLUSION AND RECOMMENDATION

Council officers have assessed the application in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment against the relevant planning provisions and issues raised in submissions, Council officers consider that the application should be approved, subject to conditions, including conditions requiring design amendments and deletion of certain elements.

The development as conditioned will provide for a high-quality commercial development that will improve retail amenity in Springwood and broader Lower Mountains, enhance the Raymond Road streetscape, and achieve an appropriate relationship to the Oriental Hotel and Macquarie Road East Conservation Area. The likely environmental impacts resulting from the development are acceptable and/or capable of being managed effectively.

Based on the assessment, Council officers recommend that the Panel resolves as follows:

1. In relation to the proposal by development application X/1578/2024 to contravene the height of building development standard in Clause 4.3 of *Blue Mountains Local Environmental Plan 2015*, the Panel is satisfied that the applicant has demonstrated that:
 - a. compliance with the development standard is unreasonable or unnecessary in the circumstances; and
 - b. there are sufficient environmental planning grounds to justify the contravention of the development standard.
2. That development application X/1578/2024 for demolition of selected structures and tree removal; construction of a retail development comprising a full-line supermarket, separate retail tenancy, lower ground and rooftop parking, vehicular and pedestrian access, and associated landscaping; and a minor addition and external alterations to the Oriental Hotel is APPROVED pursuant to Section 4.16(1)(a) of the EP&A Act, subject to the conditions attached to this report at Attachment A.