



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY WESTERN CITY PLANNING PANEL

|                                 |                                                                                                                                                                       |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DATE OF DETERMINATION</b>    | 6 November 2025                                                                                                                                                       |
| <b>DATE OF PANEL DECISION</b>   | 6 November 2025                                                                                                                                                       |
| <b>DATE OF PANEL MEETING</b>    | 13 October 2025                                                                                                                                                       |
| <b>PANEL MEMBERS</b>            | Justin Doyle (Chair), Natasha Harras, David Kitto                                                                                                                     |
| <b>APOLOGIES</b>                | None                                                                                                                                                                  |
| <b>DECLARATIONS OF INTEREST</b> | All Councillors have declared a conflict and excluded themselves from the Panel due to commentary within media regarding the proposal and Blue Mountains City Council |

Public meeting held by videoconference on 13 October 2025, opened at 1:30pm and closed at 4pm.

**MATTER DETERMINED**

**PPSSWC-510 – Blue Mountains – X/1578/2024** – 8-12 Raymond Road, Springwood - Demolition of selected structures, construction of retail development comprising a supermarket (with Direct-to-Boot) and retail tenancy, lower ground and rooftop parking, vehicular and pedestrian access, associated landscaping, minor alterations to external areas of existing heritage hotel.

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

**Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

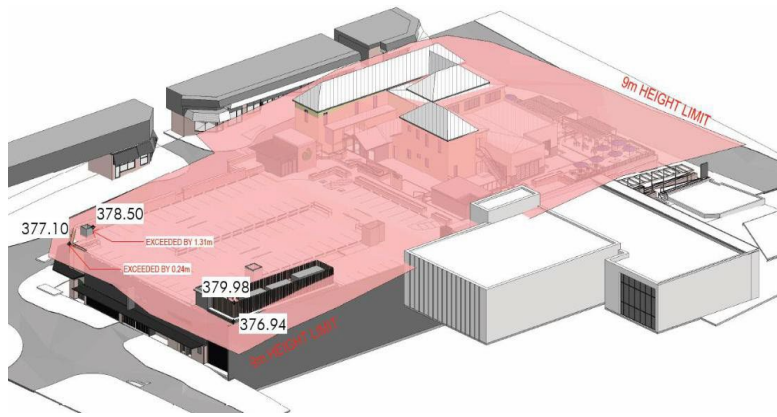
The decision was unanimous.

**Application to vary a development standard:**

The Panel has considered the written request from the applicant, made under cl 4.6 (3) of the Blue Mountains Local Environmental Plan 2015 (LEP) to the development standard for maximum building height of 9 metres set by clause 4.3(2).

The greatest extent of the non-compliance occurs at the stairs which provide access to the rooftop condenser enclosure at the southeastern corner of the building (which are a maximum of 12.09m in height - resulting in a variation of 3m or 34.3% above the 9m standard). Other exceedances occur at the southern corner parapets, kitchen exhaust, condenser units and rooftop stairs.

This height blanket diagram (prepared by the Applicant from the original DA plans) depicts the parts of the building which will exceed the height standard (noting that the parts of the roof of the heritage hotel shown as exceedances are existing).



Noting that the substantial non-compliances are adjacent to commercial property, and conditions are imposed to address light-spill from the elevated carpark and associated structures the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 (building height) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

### REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council assessment report.

The Council staff assessment includes this analysis addressing the key considerations of heritage impacts, pedestrian circulation, traffic impacts, noise impacts and economic impacts with which the Panel concurs:

- “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.

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. ..."

The need for a full-line supermarket in Springwood was emphasised in many of the public submissions, to allow for the weekly shopping needs of the local population, noting the reduction in size of the IGA branded store that has traded from different locations in Springwood as the only other significant grocery outlet. That need is recognised in the 'Blue Mountains 2040 Living Sustainably: Draft Local Strategic Planning Statement' and is accepted in the Council staff report. While the Panel acknowledges that the introduction of a Supermarket may have some negative effects on local specialty retailers, there is also the positive effect of attracting shoppers presently leaving Springwood to buy groceries at the Coles supermarket in Winmalee and other centres.

Importantly, the DA was modified significantly during the assessment process in response to feedback provided by the Council assessment staff with reference to independent design input from distinguished architect and urbanist Roderick Simpson. An important issue raised by Mr Simpson and the Council staff was to improve pedestrian permeability through the site and to design pedestrian access and connections to better respond to the long term growth and revitalisation of the Springwood township. The Panel is satisfied that the changes made to the design in the current amendment sufficiently address those design priorities.

Another critical consideration examined carefully by the Panel, raised in many of the public submissions, are the related issues of traffic congestion in Springwood to which the supermarket proposal will contribute, and high parking demand in the Springwood Town Centre. As noted in the Council report as cited above, the Council's analysis of the SIDRA modelling concludes that surrounding intersections will continue to operate to satisfactory levels without significant or unreasonable adverse impacts to the efficiency and operation of the surrounding road network after commencement of the operation of the supermarket. Notably, TfNSW raised no issue with the development after its own examination. The Panel is aware that there will be some shortfall against the DCP requirement for parking which is to be exacerbated to a minor extent by conditions recommended by Council staff and accepted by the Panel to increase landscaping separating the heritage item and the carpark. The Panel accepts the Council staff assessment that improvements in pedestrian links to the remainder of the town centre in the final design (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 will sufficiently compensate for that shortfall.

The Panel accepts the advice of Council staff that all relevant and applicable statutory instruments are complied with by the final amendment of the plans subject to the conditions, including Section 4.6 of the Resilience and Hazards SEPP and 2.48(2) of the Transport and Infrastructure SEPP, noting that a detailed site investigation report was provided in the DA material to address groundwater issues as well as ACM fragments identified in the garden bed of the Hotel, and no objection was raised by the electricity supply authority. If the conditions are complied with, no significant issue is expected to arise in relation to the requirements and considerations of *State Environmental Planning Policy (Biodiversity and Conservation)* 2021.

Having regard to those matters, and taking into account the public submissions and conditions as commented on above and further below, the Panel is satisfied that the development is in the public interest and should be approved.

## CONDITIONS

The Applicant raised objection to a number of the conditions recommended by Council staff. At the public meeting convened to assist the Panel in its determination, the Applicant and the Council were requested to communicate in relation to disputed conditions. As a result, Council uploaded revised draft conditions to the Portal on 5 November 2025 which are amended by the Panel as follows:

- Condition 11(a)(ii) is to be deleted for reasons put forward by the Applicant
- Condition 11(f) is amended by inserting the words “or as approved in writing by Blue Mountains Council” after the words “trip hazards” to ensure a smooth transition from public land.
- Condition 13 is amended by adding the words “for above ground works (not including demolition) and for clarity, the reason for condition 13 is to be amended to add the words “Demolition, and excavation and basement construction are not intended to be caught by this condition.”
- Condition 14(a) is amended to read “Be raised crossings, except for the Raymond Road South crossing, which may be a painted line crossing, or such design as is acceptable to the Local Traffic Committee.”
- Condition 18 is amended by adding the words “Variation from the design stipulations in this condition may be adopted were approved in writing by Blue Mountains Council.” to allow flexibility for any agreed future solution.
- Condition 78 is to be deleted as sufficient protection is afforded by condition 27(b)
- Condition 92 is amended by adding the words “or has written approval from the Council of a satisfactory arrangement for addressing any such damage.”
- Add to Condition 96 the words “The project architect is to provide a certification to the effect that AS 4282 has been complied with in that regard, with specific reference to light spill into No 17 Raymond Avenue.”

Lastly, an issue discussed at the public meeting and in the assessment report was the impacts on no. 17 Raymond Avenue from noise and headlight glare. The Panel accepts that no. 17 Raymond Avenue will be the property most affected by the approved development, as a consequence of its location immediately opposite the supermarket carpark egress. The impacts will be exacerbated by the heritage weatherboard style of construction of the dwelling and the traditional low wire fence consistent with the character of old Springwood. It was reported to the Panel that Woolworths had been in discussions about funding a timber fence for the property as mitigation, but there is nothing in the DA or proposed conditions requiring that. The owner of 17 Raymond Avenue in a submission to the Panel proposed a masonry wall at Woolworths expense.

The Panel is satisfied that the acoustic impacts of the development on 17 Raymond Avenue are significant and should be addressed, such that an additional condition is to be included as follows:

“Prior to the release of a construction certificate, the certifying authority is to be provided with written evidence that either agreement has been reached with the owner of 17 Raymond Avenue Springwood in relation to the fencing of the boundary of that property to David and Raymond Road, or alternatively that the total cost of a lap and capped hardwood fence with steel posts along that boundary as quoted by an appropriately experienced fencing contractor has been paid to that owner.”

The Panel was made aware of an erratum in the amendments to condition 14 as contained in the Panel’s original Statement of Determination and Reasons (DSOR) published on 6 November 2025, as they related to the crossing in Raymond Avenue, which was intended to reflect the substantive agreement in that regard

between the Applicant and the Council, and the Council's advice that a raised crossing would be unnecessary in that location. This revised DSOR corrects that erratum.

### CONSIDERATION OF COMMUNITY VIEWS

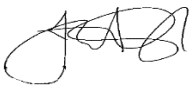
In coming to its decision, the panel considered the large number of written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Village character and economic impacts
- Traffic, access and parking
- Pedestrian movement and safety
- Noise impacts
- Overshadowing
- Design, bulk and scale
- Heritage
- Bushfire safety
- Waste management
- Sustainability
- Landscaping/trees
- Signage (including illuminated signs)
- Community consultation not long enough
- Construction impacts

The Panel understands that its summary table of comments made by speakers at the public meeting included within the Panel's Record of Deferral was redacted administratively after correspondence was received from persons presenting at the meeting. The Panel has been asked to note the following matters raised at the public meeting:

- Accuracy of traffic modelling and traffic counts
- Size of the proposed supermarket
- Council nominated members not sitting on the Panel
- Suit suitability
- Active street frontage
- Loading dock hours
- A call for deletion of all signage to the David Road frontage

The Panel has considered all of the public submissions made during the notification period and at the public meeting in coming to its determination. The Panel considers that concerns raised by the community in writing and at the public meeting have been adequately addressed in the assessment report and the Panel's own assessment.

| PANEL MEMBERS                                                                                            |                                                                                                      |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Justin Doyle (Chair)  | Natasha Harras  |
| David Kitto           |                                                                                                      |

| SCHEDULE 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 1          | PANEL REF – LGA – DA NO.          | PPSSWC-510 – Blue Mountains – X/1578/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2          | PROPOSED DEVELOPMENT              | Demolition of selected structures, construction of retail development comprising a supermarket (with Direct-to-Boot) and retail tenancy, lower ground and rooftop parking, vehicular and pedestrian access, associated landscaping, minor alterations to external areas of existing heritage hotel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3          | STREET ADDRESS                    | 8-12 Raymond Road, Springwood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4          | APPLICANT/OWNER                   | Applicant: Woolworths/Fabco Pty Ltd<br>Owner: J P Benson Pty Ltd/Springwood Oriental Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | General development over \$30 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ Blue Mountains Local Environmental Plan 2015</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Blue Mountains Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>• Council assessment report: 19 September 2025</li> <li>• Clause 4.6 variation request: Height of Building</li> <li>• Written submissions during public exhibition: 412</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Simon Mundy, Clare McNamara, Helen Yoxall, Laurie Facer, Mary Schulha, Cameron Davie, Margo Adelson, Celia McGregor, Michael Fero, Adam Pallister, Robyn Gordon, Helen Johannsen, Christopher Bryett, Martina Feros, Jessica Colusso, Robert Johnson obo Springwood Residents Group</li> <li>○ Council assessment officer – Addison Boykin, Alex Williams, Rod Simpson</li> <li>○ On behalf of the applicant – Jonathon Mathews, Wesley Dose, Pater Wayne, Robert Wayne, Jeff Mead, Jonathan Joseph, Tim Rogers, David Puleo</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 212</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| 8  | MEETINGS, BRIEFINGS AND<br>SITE INSPECTIONS BY THE<br>PANEL | <ul style="list-style-type: none"> <li>• Briefing: 31 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: David Kitto (Acting Chair), Natasha Harras, Justin Doyle, Romola Hollywood, Mick Fell</li> <li>○ <u>Council assessment staff</u>: Addison Boykin, Alex Williams, Gemma Bennett, Rod Simpson (independent urban designer)</li> <li>○ <u>Applicant representatives</u>: Jonathan Joseph, Jonathon Matthews, Tim Rogers, Kerime Danis, David Puelo, Wesley Dose, Daniel Terry, Peter Wayne, Robert Wayne</li> </ul> </li> <li>• Site inspection: 12 May 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, Romola Hollywood, Mick Fell</li> <li>○ <u>Council assessment staff</u>: Gemma Bennet, Addison Boykin, Alex Williams, Christo Aitken</li> <li>○ <u>Applicant representatives</u>: Jonathan Matthews, Jonathan Joseph, Jeff Mead, Tim Rogers, Kerime Danis, Tony Pratt, Wesley Dose, David Puleo</li> </ul> </li> <li>• Briefing: 28 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Natasha Harras</li> <li>○ <u>Council assessment staff</u>: Addison Boykin, Alex Williams</li> <li>○ <u>Applicant representatives</u>: Jonathon Matthews, David Puelo, Daniel Terry, Peter Wayne, Robert Wayne</li> </ul> </li> <li>• Public Determination Meeting to discuss council's recommendation: 13 October 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, David Kitto</li> <li>○ <u>Council assessment staff</u>: Addison Boykin, Alex Williams, Rod Simpson (independent urban designer)</li> </ul> </li> </ul> |
| 9  | COUNCIL<br>RECOMMENDATION                                   | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10 | DRAFT CONDITIONS                                            | As uploaded to the Portal on 5 November 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |