

Memorandum

Your ref: PPSSWC-562

Fairfield – DA 139.1/2025 - 72 Canley Vale Road, Canley Vale

19 June 2026

Subject: Supplementary Submission in Response Council's Response and Revised Draft Conditions of Consent

To: Sydney Western City Planning Panel

From: Theo van Veenendaal, Director, Australian Real Estate Solutions

Proposal

Location	72 Canley Vale Road, Canley Vale within Fairfield LGA
Details	Demolition of existing structures, site preparation works and the construction of a three (3) storey commercial building comprising: Supermarket; Commercial Premises; Food and Drink Premises; Gymnasium; and Basement carpark and loading facilities. This application also seeks consent for the supermarket anchor tenant, signage and lot consolidation

Introduction

The Applicant has reviewed Council's response dated 18 June 2026 and the revised draft conditions of consent.

The Applicant appreciates Council's review of the additional information submitted following the Panel Briefing and notes that a number of matters previously raised by Council have now been addressed through the submission of the Car Park Management Plan and Loading Dock Management Plan, both of which have been incorporated into the list of approved documents.

The Applicant has reviewed the revised draft conditions of consent and generally supports the revised conditions, subject to the specific matters identified in this memorandum. Apart from those matters, the Applicant has no objection to the draft conditions and considers that they provide an appropriate framework for the ongoing operation and management of the development.

1. Conditions 17, 65 & 84 – Car Parking

The Applicant notes Council's continued position that the development should provide a minimum of 281 on-site parking spaces.

The proposal has been the subject of extensive assessment by Council, the Independent Transport Assessment and the Applicant's traffic consultants. The principal remaining issue is not whether a parking shortfall exists, but whether the proposed development must provide all parking required by the DCP entirely on-site, or whether the demonstrated shared parking characteristics of the development, together with available surrounding parking capacity and the proposed management measures, justify approval with a reduced on-site parking supply.

Council's assessment appears to proceed on the basis that parking demand generated by redevelopment within the Town Centre should largely be accommodated on individual development sites and that limited weight should be given to shared parking, complementary trips and utilisation of existing parking capacity within the Town Centre. The Applicant does not consider that approach to be consistent with the way established town centres function in practice.

The Applicant further notes that the operation of established town centres throughout Fairfield LGA inherently relies upon a combination of on-site parking, public parking and shared parking opportunities between different land uses. Parking demand generated by individual uses is not typically accommodated entirely within the boundaries of each site, but rather forms part of the broader parking resource available within the centre.

The development is located within an established town centre where parking demand is commonly supported by a combination of on-site parking, public parking and shared parking between adjoining land uses. The Independent Transport Assessment has specifically considered those matters, including the shared parking characteristics of the development, complementary trip patterns and the availability of surrounding parking capacity. In those circumstances, the Applicant submits that a reduced on-site parking supply may be acceptable when considered alongside the approved management measures.

The Applicant notes that Canley Vale Town Centre is one of a number of town centres within Fairfield LGA that is not subject to a Car Parking Contributions Plan. The absence of a Parking Contributions Plan is consistent with the availability of public parking resources within the Town Centre and distinguishes Canley Vale from centres where Council has identified a need for additional parking infrastructure.

Accordingly, the Applicant submits that the availability of surrounding public parking forms a legitimate consideration in assessing the operation of the proposed development and the acceptability of the proposed parking supply.

Council has identified the nearby school as an additional demand generator, but the Applicant does not consider that factor to materially alter the assessment. The school pick-up period is generally earlier than the critical parking period identified in the Council's own assessment. Accordingly, the relevance of school-related parking demand to the identified shortfall is limited.

Council's own assessment generally identifies the same period and magnitude of parking exceedance as the Applicant's assessment. The principal disagreement is therefore not the existence of a parking shortfall, but whether that shortfall must be accommodated entirely within the site or whether the mixed-use nature of the development, shared parking characteristics, available surrounding parking capacity and proposed management measures justify approval with the proposed 248 parking spaces. The Independent Transport Assessment supports the latter position and TfNSW has not raised any objection in relation to the proposed parking supply.

The Applicant has submitted a Car Park Management Plan which establishes an operational framework for management of the parking supply, including parking allocation, customer parking controls, management of the stacked parking spaces, operation of the Woolworths Direct to Boot facility and ongoing monitoring of parking utilisation.

Condition 17 would effectively require a redesign of the approved development and would result in a substantially different development outcome to that assessed by the Applicant, Council and the Independent Transport Assessment.

Accordingly, the Applicant respectfully requests that **Condition 17** be deleted and **Condition 65** modified to reflect 248 car parking spaces.

In relation to **Condition 84**, the Applicant objects to the requirement that "all parking demands shall be met within the site, preventing any overflow onto the streets". The condition imposes an absolute outcome that is beyond the Applicant's control and is inconsistent with the parking assessment undertaken for the development. The Applicant requests that the condition be amended to require compliance with the approved Car Park Management Plan & Loading Dock Management Plan and operation of the development in a manner that minimises impacts on the surrounding road network.

The Applicant requests that **Condition 84** be modified to "*The development shall be operated in accordance with the approved Car Park Management Plan and Loading Dock Management Plan at all times. The approved management plans shall be implemented and maintained for the life of the development and reviewed as required to ensure the efficient operation of the car park, loading facilities and management of parking demand associated with the development.*"

2. Floor Area Schedule

The Applicant notes that the proposed floor area schedule does not appear to reflect the land use assumptions adopted within the Applicant's parking assessment.

The Applicant's assessment allows for flexibility in the ground floor tenancy mix, including a greater proportion of Food and Drink Premises than reflected in the current draft condition.

The Applicant requests that the approved floor area schedule be reviewed to ensure consistency with the land use assumptions adopted in the traffic and parking assessments relied upon during determination of the application.

The Applicant requests that **Condition 61** reflect the 1,665 m² Food and Drink allocation to align with the traffic assessment. The Applicant does not agree with Council's assertion that this shift inherently creates an unsustainable 44-space shortfall, noting that these exact land-use assumptions were fully integrated into, and supported by, both the Independent Transport Assessment and the Applicant's traffic consultants.

The Applicant requests that the areas included in **Condition 61** be modified to:

Office Premises:	3,144m ²
Retail Premises:	5,211m ²
Food and Drink Premises:	1,665m ²
Recreation Facility (indoor):	180m ²

3. Flood Mitigation Measures – Canley Vale Road Retail Tenancies

The Applicant notes that Council's response does not address the Applicant's proposed amendment relating to flood mitigation measures for the retail tenancies fronting Canley Vale Road.

As outlined in the Applicant's previous submission, the lower finished floor level along the Canley Vale Road frontage being RL11.15 AHD has been intentionally adopted to facilitate direct and accessible pedestrian access from the public domain, improve the activation of the street frontage and provide greater flexibility in the design and operation of the retail tenancies, while maintaining an equivalent level of flood protection through the proposed barrier system.

The final design and detailing of the flood barrier, including the treatment of tenancy entries, door thresholds and other openings, will be resolved as part of the detailed design phase and incorporated into the final flood management measures for the development.

The proposed flood protection strategy incorporates frontage flood protection measures designed to achieve an equivalent level of flood protection to the remainder of the development.

The Applicant respectfully requests that the draft flood-related conditions be reviewed to ensure they appropriately reflect the flood mitigation measures proposed and assessed as part of the application.

The Applicant requests that **Condition 76(e)** be modified to *“A freeboard of 300mm above the 1 in 100 Year ARI flood level shall be provided to all retail and habitable areas of the development, either through finished floor levels or approved flood mitigation measures incorporated into the building design.”*

4. Restriction of Use

The Applicant notes Council's suggestion that the first and second floor commercial areas be restricted to office premises only. The Applicant does not consider such a condition to be necessary or appropriate at this stage.

Future changes of use within the development would remain subject to the relevant provisions of the Environmental Planning and Assessment Act 1979 and any applicable approval pathways. The Applicant submits that the appropriateness of any future land use should be assessed on its merits at the relevant time, having regard to the applicable planning controls and parking assessment requirements.

Accordingly, the Applicant respectfully requests that **Condition 62** be deleted.

5. Drafting Matters

The Applicant notes that **Condition 11** appears to contain an incorrect reference to Condition 5. The relevant driveway design condition is Condition 6 and the Applicant requests that this drafting error be corrected.

Conclusion

The Applicant appreciates the opportunity to respond to Council's latest submission and respectfully requests that the Panel consider the matters outlined above when finalising the conditions of consent.

The Applicant remains of the view that the proposal represents an appropriate development outcome for the Canley Vale Town Centre and that the matters identified by Council can be satisfactorily addressed through the approved management plans and recommended condition amendments.

If the Panel remains concerned regarding parking demand, the Applicant would support appropriate amendments to the approved land use mix and floor area through conditions of consent, in preference to requiring a redesign of the development to provide additional basement parking. This approach would be preferable to requiring a redesign of the development to achieve compliance with a 281-space parking requirement.

Theo van Veenendaal

Director

Australian Real Estate Solutions Pty Ltd