

DRAFT REASONS FOR REFUSAL

DEVELOPMENT APPLICATION NO. 139.1/2025

Lot: 10, DP: 969, Lot: 3, DP: 22203, Lot: A, DP: 398409, Lot: 1, DP: 947762, Lot: 4, DP: 22203, Lot: 2A, DP: 420389, Lot: B, DP: 398409, Lot: 5, DP: 22203, Lot: 1A, DP: 420389, No. 72 Canley Vale Road, CANLEY VALE

Demolition of existing structures and site preparation works, Lot Consolidation and the Construction of a three (3) storey commercial building comprising a Supermarket, Commercial Premises, Food and Drink Premises, Gymnasium and loading facilities over a basement carpark compromising 249 car parking spaces and associated signage.

REASONS FOR REFUSAL

1. Car Parking

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development will have an adverse impact given the following:

- a) The proposed development is unsatisfactory with regard to the quantum of carparking provided on site to meet the demand generated by the development. The proposed development will impact on street parking and parking provided in other parking facilities in the vicinity of the subject land.
- b) The proposed development is unsatisfactory with regard to the design and layout of the basement car park, particularly:
 - i. the use of stacked parking;
 - ii. the location of motorcycle and bicycle parking;
 - iii. the location of accessible parking spaces; and
 - iv. the lack of clearly defined pedestrian paths.
 - v. It has not been demonstrated that the car park is safe and functional.

2. Site contamination

Pursuant to the provisions of Section 4.15(1)(a)(i) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 and that the site is not suitable as follows:

- a) The site has been demonstrated to be subject to soil contamination. A Detailed Site Analysis has not been provided to properly consider the contamination and

the required remediation strategy in accordance with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021.

3. Traffic

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development will have an adverse impact given the following:

- a) The proposed development will impact local traffic, particularly a decrease in performance of nearby intersections including Canley Vale Road with Railway Parade, and Canley Vale Road with Sackville Street.
- b) Driveway widths and separation of driveways do not comply with Australian Standard 2890.1:2004.
- c) The loading dock access driveway does not comply with Australian Standard 2890.2 for the minimum width of an access from a minor road and the loading dock egress results in a conflict with the basement driveway.
- d) The design of the loading dock requires multiple manoeuvres which increases conflict risk within the site.

Stormwater and flooding

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development will have an adverse impact given the following:

- a) Insufficient information has been provided to demonstrate appropriate stormwater management as follows:
 - i. The stormwater plans do not demonstrate an orifice to the OSD system to control flows;
 - ii. The level of the underside of the OSD tank has not been clearly demonstrated;
 - iii. No basement pump out pit is shown on the stormwater plans and the stormwater report does not discuss the basement pump out.
- b) Insufficient freeboard has been provided to Tenancies T.01 and T.02 which may result in inundation of those spaces. A freeboard of 300mm is required to Tenancies T.01 and T.02 to demonstrate a minimum finished floor level of RL 11.48m AHD.

Overshadowing

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development as the proposed development results in unreasonable overshadowing of the residential properties to the south.

Visual impact

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development will have an adverse impact as the proposed development results in unreasonable visual impacts to the properties to the south as a result of the tall, unrelieved wall along the southern boundary of the subject site.

Design excellence is not achieved

Having regard to the aforementioned visual impact to adjoining residences, the proposed development fails to satisfy the matters for consideration under Clause 6.12 – Design Excellence of the Fairfield Local Environmental Plan, 2013.

Waste management

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development will have an adverse impact as Insufficient detail has been provided to identify the supermarket waste storage areas. The Supermarket Waste Management Plan also fails to address the cleaning and maintenance of the supermarket garbage storage areas.

Lack of a residential component

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development will have an adverse impact as the proposed development does not provide a residential component to contribute to housing within proximity to the railway station and to contribute to the vibrancy of the town centre.

Public interest

Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is contrary to the public interest having regard to the matters raised in submissions and the matters outlined above.