

SYDNEY WESTERN CITY PLANNING PANEL

TO: Sydney Western City Planning Panel
REPORT: SWCPP Addendum Report
SUBJECT: 62-74 Canley Vale Road and 19-21 Phelps Street, Canley Vale
FILE No: DA 139.1/2025

Application lodged	13 May 2025
Applicant	On the Park Square Pty Ltd
Owner	On the Park Square Pty Ltd
Application No.	DA 139.1/2025
Description of Land	<p>Lot: 2A DP: 420389 - 62 Canley Vale RD, CANLEY VALE Lot: 3 DP: 22203 - 62 Canley Vale RD, CANLEY VALE Lot: 1A DP: 420389 - 68 Canley Vale RD, CANLEY VALE Lot: A DP: 398409 - 70 Canley Vale RD, CANLEY VALE Lot: 10 DP: 969 - 72 Canley Vale RD, CANLEY VALE Lot: 1 DP: 947762 - 74 Canley Vale RD, CANLEY VALE Lot: 4 DP: 22203 - 19 Phelps ST, CANLEY VALE Lot: B DP: 398409 - 19 Phelps ST, CANLEY VALE Lot: 5 DP: 22203 - 21 Phelps ST, CANLEY VALE</p>
Proposed Development	<p>Demolition of existing structures, site preparation works and the construction of a three (3) storey commercial building comprising:</p> <ul style="list-style-type: none"> • Supermarket; • Commercial Premises; • Food and Drink Premises; • Gymnasium; and, • Basement carpark and loading facilities. <p>This application also seeks consent for the supermarket anchor tenant, signage and lot consolidation.</p>
Site Area	8,778m ²
Zoning	E1 – Local Centre under the Fairfield LEP 2013
Heritage	Yes – The subject land is located in the vicinity of an item of local heritage significance.
Issues	Car parking, lack of a residential component to the development, overshadowing of residential properties.

Assessing Officer: Glenn Apps (Consultant Planner)

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SUMMARY

1. *Development Application No. 139.1/2025 was received on 13 May 2025 for a 3 storey commercial development with basement carpark at Nos.62-74 Canley Vale Road and Nos.19-21 Phelps Street, Canley Vale.*
 2. *The application was reported to the Panel for consideration on 1 December 2025 with a recommendation of refusal.*
 3. *The Panel resolved to defer determination of the matter pending consideration of additional material comprising:*
 - (a) *An “Independent Assessment – Parking and Access Issues” prepared at the Panel’s request by the Department of Planning through the “Team Leader Assessments (Transport);*
 - (b) *An email response from the Applicant dated 19 January 2026 and separate emails dated 9 February 2026 addressing traffic and parking and design matters;*
 - (c) *Council response to the above material from Council’s Coordinator, Development Planning – City Development; and*
 - (d) *Additional advice from the Department of Planning’s Independent Assessor, by email.*
 4. *Having regard to the above and amended material provided by the Applicant, the application is recommended for refusal on grounds as provided in the attached schedule.*
 5. *The application is referred to the Panel as the proposal has a Capital Investment Value of more than \$30 million.*
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REPORT

PRELIMINARY

Council has received a development application for a 3 storey commercial development comprising the demolition of all structures on site and the construction of a 3 storey commercial building over one level of basement parking at 62-74 Canley Vale Road, Canley Vale.

The development application was assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, and the provisions of relevant State Environmental Planning Policies, Fairfield LEP and the Fairfield DCP and was considered to be unsatisfactory for the following reasons:

Car Parking

1. The proposed development was unsatisfactory with regard to the quantum of carparking provided on site to meet the demand generated by the development.

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2. The proposed development was unsatisfactory with regard to the design and layout of the basement car park.

Site contamination

3. The site has been demonstrated to be subject to soil contamination. A Detailed Site Analysis was not 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.

Traffic

4. 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.
5. Driveway widths and separation of driveways do not comply with Australian Standard 2890.1:2004.
6. 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.

Stormwater and flooding

7. Insufficient information was provided to demonstrate appropriate stormwater management.
8. Insufficient freeboard was provided to Tenancies T.01 and T.02 which may result in inundation of those spaces.

Overshadowing

9. The proposed development results in unreasonable overshadowing of the residential properties to the south.

Visual impact and Design excellence

10. 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 and fails to satisfy Clause 6.12 – Design Excellence of the Fairfield Local Environmental Plan 2013.

Waste management

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11. Insufficient detail was 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

12. 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.

On 25 February 2026, the Sydney Western City Planning Panel deferred the subject application and directed the following:

1. The Applicant is to lodge the final version of its DA on the NSW Planning Portal within 21 days together with a Schedule of all documents to be relied upon as constituting the final version of DA to be considered
2. The Council is to supply an addendum determination report including draft conditions of consent to be imposed if the Panel is minded to approve the DA 21 days thereafter.

The Applicant has provided additional information. This addendum report outlines whether the additional information sufficiently addresses the above issues, and if so, how.

CONSIDERATION OF THE APPLICANT'S SUPPLEMENTARY INFORMATION

The Applicant has submitted additional information seeking to address the outstanding matters comprising:

- Amended architectural plans;
- Amended Operational Management Plan; and
- Detailed Site Investigation Report

The following assessment of the additional information and whether the outstanding matters have been resolved is provided.

- *The quantum of carparking provided on site to meet the demand generated by the development.*

In response to the parking shortfall, the revised proposal has reduced parking demand through a reduction in the proposed gymnasium floor area from its original size, with the space balance reconfigured to commercial office tenancies which generate lower parking demand (2.5 spaces/100m² for office space as opposed to 9.1 spaces/100m² for the gym) under the FDCP and have peak demand periods that differ from those of supermarket and retail uses.

The following parking calculations against the Fairfield City Wide Development Control Plan (FCWDGP) is based on the amended floor areas:

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COMPONENT	RATE	GFA(m²)	REQUIRED
Business Premises, Office Premises Canley Heights Town Centre, Canley Vale Town Centre	1 space per 40m ² gross leasable area (when provided on-site)	1,052 1,177 <u>915</u> 3,144	78.6
Retail Premises Canley Heights Town Centre, Canley Vale Town Centre	1 space per 40m ² gross leasable area (when provided on-site)	864 718 3,701 122 110 335 <u>79</u> 5,929	148.2
Food and Drink Premises (within the town centres of Canley Vale, Canley Heights, Smithfield and Fairfield Heights and Prairiewood)	1 space per 25m ² gross leasable area when provided on – site;	512 <u>435</u> 947	37.9
Recreation Facility (indoor) Gymnasium	1 space per 11m ² gross leasable area	<u>180</u> 180	16.4
TOTAL REQUIRED			281 (281.1)

The proposed development provides the following spaces in the basement:

Parking spaces:	234
Stacked spaces:	8
<u>Direct to Boot:</u>	<u>6</u>
	248

While the amendments have reduced the shortfall from 103 spaces, there remains a numerical shortfall of 33 car parking spaces.

The Applicant notes that mixed-use developments typically experience staggered peak parking demand across different land uses, with retail, food and beverage, office and service tenancies generating peak demand at different times of the day and week and has applied an operational utilisation factor of 85%. By comparison, the independent assessment adopted a 90% operational utilisation rate.

These utilisation rates have not been supported by the Applicant’s traffic and parking report.

Further, the end use of the tenancies is not known and any operational utilisation factor would be speculative and based on assumptions.

It is expected that some of the parking spaces will be reserved for office staff which is typical of lease arrangements which will remove those spaces from availability for general visitors to the development.

The shortfall in parking would need to be met by on-street parking, parking within Adams Park and the commuter parking. On street parking in nearby streets will impact street parking for the surrounding flats and medium density developments. The car park for Adams Park would be at or near capacity during Saturday sports and also provides for school pick up parking on weekdays. The commuter parking is located approximately 350m away and is not considered to be within proximity to provide parking for the proposed development. Further, the commuter car park is provided for rail commuters as well as the main street commercial strip which is unable to provide its own off street parking.

The *Traffic and Parking Impact Assessment* submitted with the original DA acknowledged the proposed parking provision did not fully meet the demand on site during certain periods being 4:00PM – 9:00PM on weekdays and 11:00AM – 2:00PM on weekends. There is no certainty as to how the reduced gym floor space and the increased office floor space will influence parking demand for the development throughout the day when the offices are in operation and the gym is expected to see less patronage.

The submitted *Traffic and Parking Impact Assessment* from the Applicant has carried out parking surveys of the surrounding road network within 200m of the site which determined a minimum of 54 available spaces during weekday peak times and 12 spaces on weekends and suggests the overflow from the development can be absorbed without negatively affecting local parking availability.

However, it is considered that whilst there may be availability of parking on-street in the vicinity of the land, the development should not be reliant on that capacity to take up overflow parking when the availability of on street parking should be maintained for the surrounding residential uses.

Where a development that is likely to generate a significant demand for parking and is located at a zone interface with residential land uses, it is critical that the parking demand be met by that development rather than impose any burden of overflow onto the residential streets.

The *Traffic and Parking Impact Assessment* notes that overflow can be accommodated in the nearby Canley Vale Train Station commuter car park, which is located approximately 350m from the site and is underutilised during evening and weekend hours.

Given the distance of the commuter car park from the development, it is unlikely that the commuter car park will contribute to managing overflow. There is nothing to compel patrons of the proposed facility to park in the commuter car park and it is likely that overflow parking will therefore be directed to local streets or Adams Park.

The proposal has not sufficiently met the parking needs of the development, having regard to the range of facilities provided within the development. Further, there is nothing to prevent of a reduction

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in GFA or the provision of an additional part basement level to accommodate additional parking to meet the demand.

There is no Section 7.11 Contributions Plan available for car parking in the Canley Vale Town Centre.

The quantum of car parking is insufficient for the proposed development and this issue has not been sufficiently addressed.

- *Pedestrian movement and pedestrian safety within the carpark.*

With regard to pedestrian safety, the Applicant notes that the car park layout incorporates open sightlines, direct pedestrian desire lines and clearly identifiable access points to the centre, which facilitate safe and legible movement through the car park. Vehicle speeds within the car park are inherently low and the internal circulation environment is designed to support shared pedestrian and vehicle use typical of retail parking facilities.

This issue is resolved.

- *Decreased performance of nearby intersections.*

The Panel noted that the intersections will retain overall satisfactory levels of service and that it is only some right turn movements that will have further reduced unsatisfactory levels of service during peak times. Transport for NSW (**TfNSW**) considered the traffic impacts of the proposal and advised that the application will not impact the surrounding classified road network.

Given this advice from TfNSW, the Panel was satisfied that the proposal would not result in unacceptable traffic impacts and no further action is required in this regard.

- *Design of driveway entry.*

The Panel has sought that the proposal comply with the Australian Standard however if that cannot be achieved, this will be considered at the time of final determination.

Council's Coordinator Traffic and Transport advises the driveway arrangement is not suitable for crossing by pedestrians and must satisfy AS2890.1:2004. Pedestrians must be provided with the opportunity to pause between entry and exit driveways before continuing along the footpath. While drivers must give way at the boundary, this does not always occur and pedestrian safety should be paramount. This requires separation between entry and exit movements and between the car park and service access.

The Applicant has proposed the imposition of a condition of consent as follows:

Prior to the issue of a Construction Certificate, amended traffic and engineering drawings shall be submitted to and approved by the Certifying Authority, and endorsed by a suitably qualified and experienced traffic engineer, demonstrating that vehicular access, driveway

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design and loading facilities operate safely and efficiently. The drawings shall address sight distance, swept paths and driveway splay geometry and demonstrate compliance with AS 2890.1, AS 2890.2 and AS 2890.6 (as applicable) to the satisfaction of the Certifying Authority.

The imposition of a condition of consent to this effect raises the concern that compliance with AS 2890.1, AS 2890.2 and AS 2890.6 may not be achievable. Indeed, if it was achievable, it should have been addressed prior to determination.

Notwithstanding, should the Panel be minded to impose such a condition, and given the implications for traffic safety and vehicle conflict, any amended traffic and engineering drawings should be submitted to and approved by Council.

This issue has not been sufficiently addressed.

- Loading bay access conflicts.

The independent assessment has indicated that additional site distance assessment is required. The Panel required this information to be supplied by the Applicant prior to determination to allow the Panel to understand this issue.

The loading dock driveway needs to be splayed at the driveway interface with the road carriageway to facilitate HRV access. This change relates to the area outside of the property boundary and therefore can be dealt with during CC stage of development.

This issue has not been sufficiently addressed.

- Hours of operation inconsistent with the gym.

Details were required as to how parking will be managed for the 24 hour use of the gym, particularly the safety of patrons. The 24-hour operation for the gym has been removed

The supermarket is likely to trade from 6am – 12am midnight seven days a week. The Direct to Boot Trading Hours would be 6am to 10pm Monday to Sunday.

Canley Vale has been recognised by the NSW Government in its Night Time Economy initiative and a Special Entertainment Precincts has been established along Canley Vale Road, Canley Vale. As such extended trading hours for the restaurants is proposed and for these usages to trade until 12:00am midnight 7 days per week.

The gymnasium at Canley Vale is likely to trade from 5 am – 11 pm from opening.

Gym opening times are commensurate with the commercial and retail uses which will operate from 6:00 AM to 12:00 AM midnight, 7 days a week.

The Operational Management Plan has been amended to reflect the above operating hours.

This issue has been resolved.

- Motorcycle and bicycle parking proposed in the public domain and conflicts with pedestrian pathways.

The design of the car park has been improved by relocating motorcycle parking spaces within the car park. 10 motorcycle spaces are provided. This issue is resolved.

20 bicycle lockers are provided in the basement carpark. While those lockers are located adjacent to the ramp and not within proximity to the lobby or vertical circulation, it is likely that those lockers will be utilised by staff. The lockers provide security for bicycles and will deter theft.

A further 9 bicycle spaces are located along Phelps Street in the form of wall mounted rails. This places the bicycles in the footway which conflicts with pedestrian movements.

This issue has not been sufficiently addressed.

- Location of accessible spaces.

The design of the car park has been improved by relocating accessible parking spaces in proximity to the lift. This issue is resolved.

- Tandem spaces.

The tandem spaces for office staff remain. This has previously been a contention on the basis that there are inherent difficulties in managing the use of those spaces in busy periods.

The Applicant has replied that:

- the tandem spaces will be allocated to office tenancies and managed by the building operator to ensure coordinated use and that tandem parking does not affect customer parking availability; and
- these spaces will be clearly signposted and allocated exclusively to office tenants and will not be available for customer parking.

It is noted that the Operational Plan of Management is silent on the management of the tandem spaces. A revised Operational Plan of Management should be provided to address the signage and management of these spaces and a condition of consent could be imposed to this effect.

- Southern elevation.

The amended plans have introduced a brick cladding and timber look panels to break up the expanse of precast concrete. This considered to provide an improved backdrop to the residences along

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Phelps Street and Pevensey Street, and is considered to offer a satisfactory treatment of the interface between the development and its neighbours.

This matter is resolved by the amended plans.

Figure 1 – South elevation - original

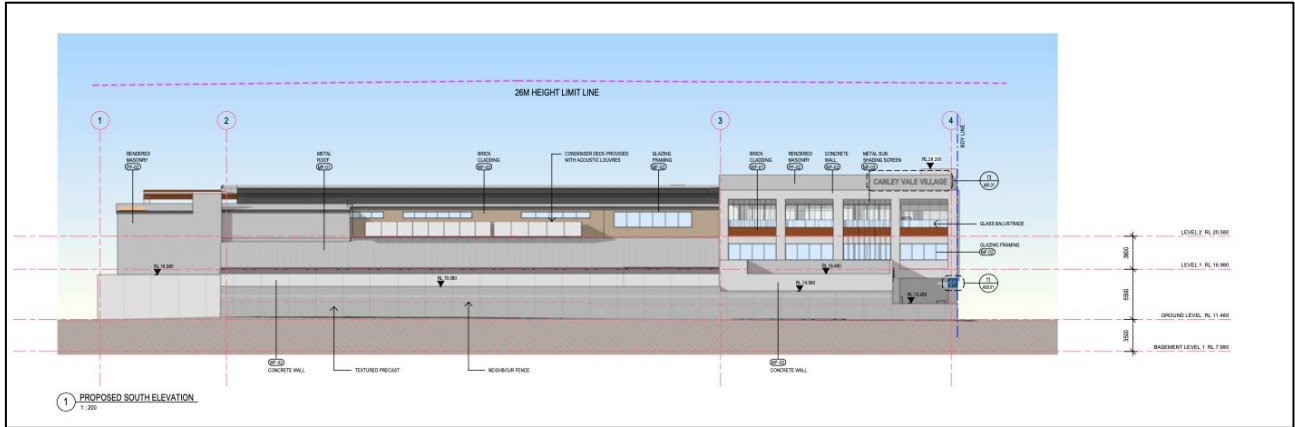
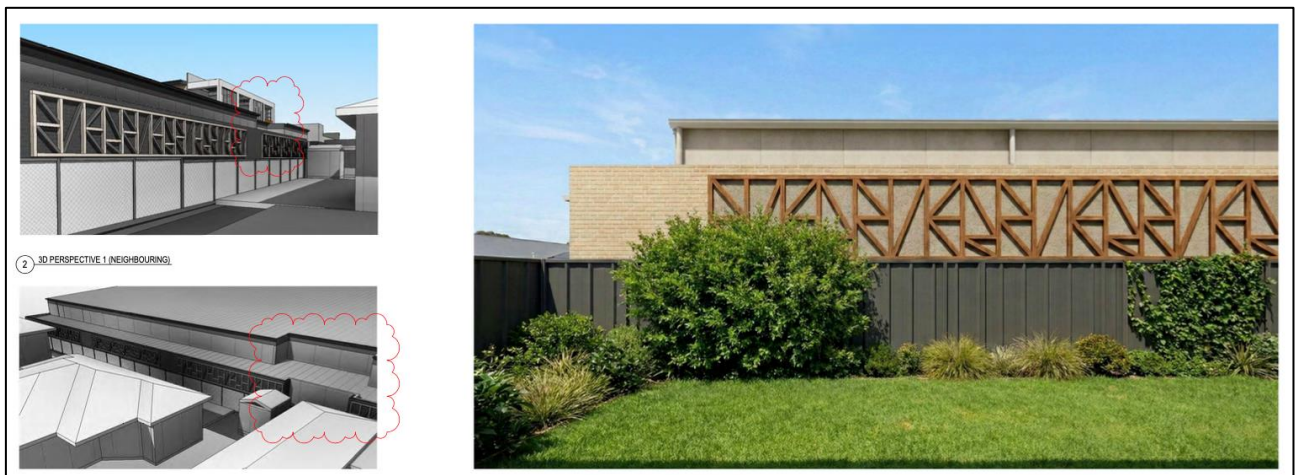


Figure 2 – South elevation - amended



Figure 3 – South elevation – additional detail



- Contamination.

A Detailed Site Analysis has been prepared by EI Australia and dated 11 March 2026.

This matter is resolved.

- Insufficient information was provided to demonstrate appropriate stormwater management.
- Insufficient freeboard was provided to Tenancies T.01 and T.02 which may result in inundation of those spaces.

A FFL of RL 11.150 has been provided to Tenancies T.01 and T.02. While this remains below the floor level of RL11.18, a 300mm wall with a top of wall level at RL11.18 has been provided to protect the tenancies from inundation.

This issue is resolved.

- The proposed development results in unreasonable overshadowing of the residential properties to the south.

Additional shadow diagrams have been provided to reflect the amended plans. The shadow diagrams demonstrate that the adjoining dwellings achieve compliant solar access to the adjoining residences.

This issue is resolved.

- Insufficient detail was 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.

The waste storage area is located adjacent to the loading dock and serves the supermarket and other tenancies. However the waste storage area lacks any capacity for compactors and the like that are typically associated

The Supermarket Waste Management Plan does not address cleaning and maintenance of the garbage storage areas however this is contained in the Operational Waste Management Plan provided with the DA.

This issue is resolved.

- 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.

If there remained other significant issues leading to the refusal of the DA, the lack of a residential component would be a matter of contention.

However, in the absence of other key issues being addressed, such as parking and solar amenity of neighbouring properties, the proposed scheme is not considered to be a properly resolved development and the option for a residential component remains a live issue that should be considered in any future scheme for the site.

INTERNAL REFERRALS

Development Engineer

The development application was referred to Council's Development Engineer for comment for comment who has reviewed the relevant environmental reports and advises that the proposal is unable to be supported on grounds of traffic, parking and access.

Traffic Engineer

The development application was referred to Council's Coordinator Traffic for comment who has advised that the proposed development cannot be supported as the proposal does not provide sufficient parking.

Public Health and Environment

The development application was referred to Council's Co-Ordinator Public Health and Environment for comment who has reviewed the relevant environmental reports and additional Detailed Site Investigation and advises that the proposal can be supported subject to conditions.

Canley Corridor Local Town Centres DCP No.37

In summary, the proposed development fails to satisfy the parking requirements of the DCP.

CONCLUSION

The amended development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, and the provisions of relevant State Environmental Planning Policies, Fairfield LEP and the Fairfield DCP and is not considered to be satisfactory.

While it is acknowledged that the proposed development is appropriately located within the E1 Local Centre zone under the relevant provisions of Fairfield LEP 2013 and will strengthen the role of the Canley Vale town centre, the proposal fails to provide sufficient parking to meet the demand generated by the proposed uses their floor space.

Further, the proposed development has not properly considered the design of the driveways to prevent conflicts between vehicles and between vehicles and pedestrians.

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However, in the absence of other key issues being addressed, such as parking and access, the proposed scheme is not considered to be a properly resolved development and the option for a residential component remains a live issue that should be considered in any future scheme for the site.

For these reasons, it is considered that the proposal is unsatisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development should be refused on the grounds outlined in the draft Notice of Determination annexed to this report.

RECOMMENDATION

1. **That Development Application No. 139.1/2025 for the Demolition of existing structures, site preparation works and the construction of a three (3) storey commercial building on land at Lot 2A, DP 420389, Lot 3, DP 22203, Lot 1A, DP 420389, Lot A, DP 398409, Lot 10, DP 969, Lot 1, DP 947762, Lot 4, DP 22203, Lot B, DP 398409 and Lot 5, DP 22203, Nos. 62-74 Canley Vale Road and Nos. 19-21 Phelps Street, Canley Vale be REFUSED on the grounds set out at Attachment 1.**
2. **Objectors be notified of the Panel's decision.**

ATTACHMENTS

1. Draft Notice of Determination
2. Amended Architectural Plans dated 17 March 2026
3. Applicant's Response to Record of Deferral dated March 2026