

DATE OF DETERMINATION	26 June 2026
DATE OF PANEL DECISION	26 June 2026
DATE OF DEFERRAL	25 February 2026
DATE OF PANEL BRIEFING	1 June 2026
PANEL MEMBERS	Justin Doyle (Chair), Natasha Harras, David Kitto
APOLOGIES	None
DECLARATIONS OF INTEREST	Ninos Khoshaba declared a perceived conflict of interest and did not participate.

Papers circulated electronically on 24 November 2025.

MATTER DETERMINED

PPSSWC-562 – Fairfield – DA 139.1/2025 – 72 Canley Vale Road, Canley Vale - 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.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material in Schedule 1.

The Panel noted that while some of the initial reasons for refusal in Council’s assessment of November 2025 have been resolved through the provision of revised plans and additional information, Council’s outstanding recommended reasons for refusal relate to:

- Quantum of car parking,
- Parking design and bicycle parking,
- Driveway design and loading dock access, and
- Lack of a residential component.

Each of these issues have been considered by the Panel below.

Parking

The Panel notes Council’s key outstanding concern relates to a shortfall of parking on the site, specifically that the proposal results in a shortfall of 44 spaces when applying Council’s DCP parking rates (292 spaces required, 248 spaces proposed). Provision of additional parking would require excavation of an additional basement level which the applicant advises is not commercially feasible.

The Applicant submitted additional information in support of the proposed parking arrangements. The Panel also sought independent advice from the Department’s Traffic Engineer, both in relation to the assessment of the original application as lodged, and the amended proposal. The Panel also notes that Transport for NSW provided a submission on the application as lodged which found that *“The shortfall in on-site parking provision has been justified by the Applicant through shared-use parking assumptions and peak period offsetting”*.

Having regard to the information provided by Council, Council's DCP, information provided by the Applicant, the Department's Traffic Engineer, and the advice from TfNSW, the Panel concludes that the proposal would provide adequate off-street parking, consistent with the Council DCP objectives.

Specifically, as set out below the Panel has given consideration to:

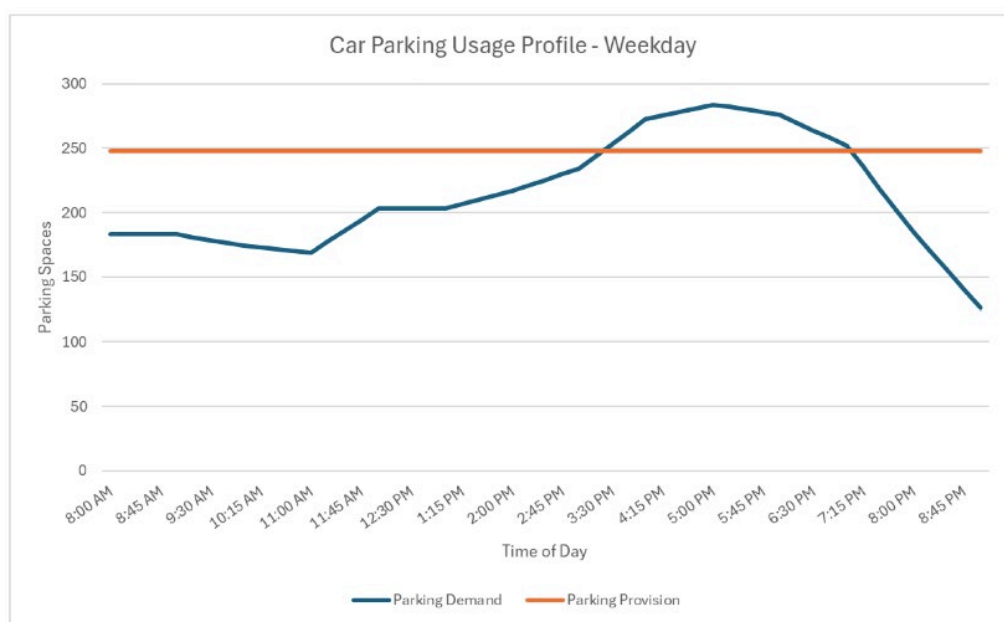
- Variations in peak demand,
- Trip sharing, and
- Availability of public parking.

Variations in Peak Demand

Council's DCP provides:

In those instances where the Applicant can demonstrate that the use/activity will generate a demand for parking outside those times when peak demand is likely to be expected (for example, restaurant peak times and retailing peak times rarely coincide) Council will consider variations to the requirements of this DCP.

The Applicant has provided daily usage profile analysis which addresses this. For example, it assumes that the restaurant uses will operate at 0% capacity or 0% parking demand in the morning period, and at 100% at 8.00pm, while the office uses will operate at 100% in the mornings and at 0% at 8.00pm. While every use is assumed to operate at 100% for at least a part of the day, this does not occur simultaneously and therefore the full 292 spaces anticipated by the DCP are unlikely to ever be required. On the basis of these assumptions, the Applicant demonstrates that demand would only be likely to exceed supply between 3.30pm and 7.00pm on weekdays, when the number of cars required to park on the surrounding streets would fall between 1 and 33. At all other times sufficient parking would be available on site.



The Panel notes the above assessment relies on shared use of parking spaces, and that Council has provided an alternative assessment which removes office parking from the analysis on the basis that it is usually reserved and not available for public use. To address this issue, the Panel has recommended a condition of consent requiring an updated Car Park Management Plan to ensure that any parking allocated to office premises is available for public use outside of standard office hours. On this basis, the Panel is satisfied the above analysis can be relied upon.

Council has also raised potential conflict with the neighbouring school after-school pick up times. Noting that Canley Vale Public School finishes at 2.50pm, the Panel is satisfied that the demand for on-street parking which is expected to commence from 3.30pm would be unlikely to materially conflict with school pick up requirements.

Trip Sharing

The Panel notes the above analysis relates only to variations in occupancy /demand between uses and does not account for shared trips. In this regard, Council's DCP provides

"In shopping centres, customers may patronize a number of shops during their visit and thus parking required may be less than this DCP might otherwise necessitate".

The Department's Traffic expert has provided advice that it would be reasonable to apply a 10% reduction in demand to account for typical internal trip sharing in mixed-use developments. The Panel notes Council does not agree with this approach on the basis that DCP rates are already calculated based on 85-90% of actual demand. However, the Panel considers a 10% reduction is reasonable and aligns with the recognition the DCP makes in relation to shopping centres as set out above.

Applying a 10% reduction to the demand shown in the above figure to account for trip sharing would result in a peak demand of 253 spaces, or a shortfall of around 5 spaces on site at around 5pm each weekday. On this basis, the demand for on-street parking would be likely to be reduced to between 1 and 5 spaces for a very short period at around 5.00pm.

Available on-street parking

Council's DCP also provides:

The provision of nearby public car parking and the type of transport used to gain access to the premises, along with car ownership rates among users, will also be considered as mitigating factors in determining appropriate parking rates.

To address this issue, the Applicant has considered the availability of nearby public parking, including on-street parking. Based on surveys, the Applicant has demonstrated that there is ample on-street capacity to absorb any overflow in demand without material impacts on-street parking availability. The analysis demonstrates ready availability for 1 – 33 spaces, however as considered above, it is likely that only 1-5 spaces would in fact be required.

Further, the Panel considers that the construction of an additional level of basement parking to cater for any potential additional demand would be likely to be of no effect for the availability of on-street parking in any case. Typical driver behaviour demonstrates that as most drivers approach a shopping centre, if there is readily available on-street parking in the immediate vicinity, drivers often prefer to use that parking, which may be more convenient than entering the basement. Given the demonstrated current levels of readily available of on-street parking in the immediate vicinity of the site, the Panel considers that regardless of how many basement spaces are made available, at least some of the parking demand will be absorbed by the surrounding streets, and this is unlikely to be materially different from the 5 (or even 33) spaces that could not be accommodated on the site in peak periods.

Finally, the Panel notes Council's concerns that as the Canley Vale Town Centre develops, available on-street parking will likely be reduced, and therefore should not be relied on. The Panel agrees that the Centre and the surrounding area will likely change over the coming years, including the development of more residential uses within the centre and the surrounding area noting the immediate area is designated as a Low and Mid Rise Housing Area under the Housing SEPP. The Panel considers that any reduction in off-street parking availability as the locality changes would also be accompanied by an increased proportion of residents using the centre being located within walking distance of the site, thereby reducing demand for parking at the site over the longer term, consistent with strategic planning intentions.

For all of these reasons, the Panel considers that requiring the Applicant to provide an additional level of basement parking, or refusing the application on the basis of not providing additional parking is not reasonable or warranted in this case.

The Panel also notes that there is disagreement between the Council and the Applicant about the quantum of food and drink premises floor space used to undertake the analysis of parking demand. The above assessment by the Panel, the Applicant's traffic assessment, and the Department Traffic Engineer's

assessment is based on food and drink premises being allocated a floor space of 1,665m². Changes are recommended to the conditions to reflect this as outlined below.

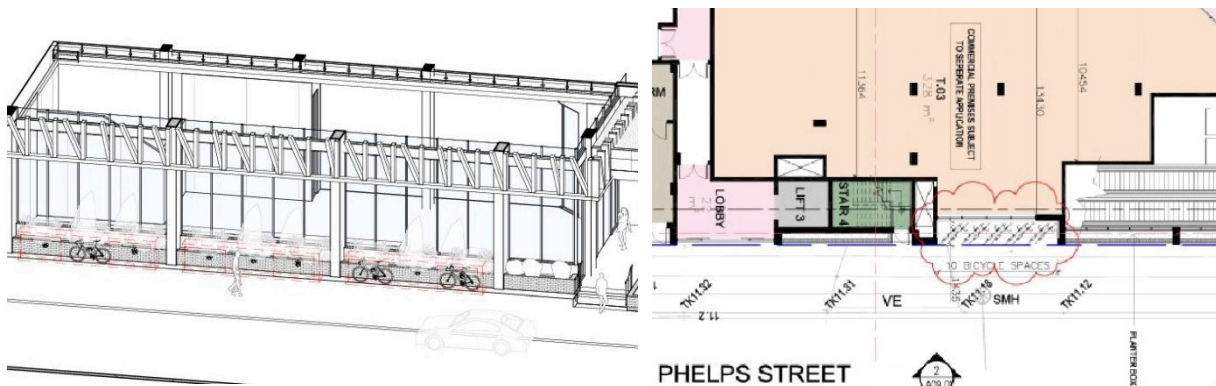
Parking Design and Bicycle Parking

Council's recommended reasons for refusal also relate to the parking design and specifically the use of stacked parking and the location of motorcycle and bicycle parking. However, Council's report advises that updated plans have resolved the issue of motorcycle parking and that the use of the 8 proposed tandem parking spaces can be resolved via appropriate conditions and an operational management plan. The Panel agrees and considers an appropriate condition has been included in the recommended draft conditions in relation to this matter.

The key outstanding issue therefore relates to bicycle parking, and specifically customer parking at the ground level. The proposal makes provision for 20 bicycle parking spaces in the basement carpark and a further 9 spaces near the main shopping centre entrance at ground level. Council raised concern that the 9 spaces would result in encroachment of bicycles into the footway which could potentially conflict with pedestrian movements.

The Panel considers that provision of bicycle parking that is convenient to the front entry of the shopping centre is important for encouraging non-car forms of travel, particularly as the proposal will result in a small shortfall of parking supply in the early evenings as discussed above. The Panel also agrees with Council that this parking should be provided on-site and designed so as not to interfere with the pedestrian footpath.

The Applicant has identified two solutions that have the potential to meet these requirements within the site adjacent to the Phelps Street boundary as shown in the following two images. The Panel considers that either solution would be appropriate, subject to detailed design to demonstrate the 9 spaces can be provided without encroachment of parked bicycles into the footpath. A condition is recommended requiring updated plans to this effect as detailed below.



Subject to satisfaction of this condition and other conditions as recommended by Council, the Panel is satisfied the proposal would be acceptable with regard to parking design.

Driveway Design and Loading Dock Access

Council's outstanding issues or recommended reasons for refusal relate to design of the basement driveway, design of the loading dock driveway, and service vehicle manoeuvres within the loading dock. Having regard to the information provided by Council, the Applicant and the Department's Traffic engineer, the Panel is satisfied that subject to conditions, the proposed driveway design and access is appropriate and would not result in unacceptable impacts. In particular, the Panel considers:

- It is not necessary to provide a pedestrian refuge between the vehicle ingress and egress movements to the basement. Having regard to the width of the 2-way driveway, available sightlines, and the number of traffic movements to the basement likely generated by the proposal, the Panel is satisfied the proposed arrangement would not result in undue conflicts or pedestrian safety concerns.

- The proposed loading dock driveway is also appropriate and can accommodate most expected vehicle movements. Some movements would utilise the full width of the driveway, but in the context of only 1-2 expected delivery vehicles per hour, it is considered that this can be managed by the loading dock manager through a loading dock management plan. The one exception is HRV movements making a left turn entry to the site. Left turn entry HRV movements would require an additional driveway splay which would interfere with basement driveway egress and adversely affect pedestrian safety. To address this, the Applicant proposes a right in / left out only access arrangement. The Panel considers this appropriate and has recommended conditions requiring the loading dock management plan to be updated to ensure these movements. It has also recommended a condition preventing an increased splay to the driveway for the reasons outlined here.
- The Applicant has demonstrated that all service vehicles will be able to enter and leave the site in a forward direction and will not require multiple manoeuvres where they could affect road safety or the public domain. The Panel is therefore satisfied the proposal is satisfactory with respect to service vehicle movements.

Land Use

The Council has maintained 'lack of a residential component' as a reason for refusal. While planning controls and strategic planning goals encourage housing development generally, there are no planning controls which specifically require the development of housing on this site, and therefore the Panel does not consider the absence of residential development could warrant refusal of the application.

Conditions

Although recommended for refusal, at the Panel's request the Council prepared a set of draft conditions of consent, which have been reviewed by the Applicant. The Panel has reviewed the representations made by the Applicant, and has amended the conditions where the Panel considers it appropriate to address the concerns of the Applicant, or to address the matters raised in the assessment above.

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.

REASONS FOR THE DECISION

The Panel determined to approve the application based on the advice contained in the Council assessment report that all matters arising for assessment under section 4.15 had been resolved, other than issues of car parking, car and bicycle parking, driveway and loading dock design, and the development mix. Those remaining matters have been satisfactorily resolved for the reasons discussed in this report above.

In particular, the Panel concluded that:

- The development either complies with or is consistent with the provisions of the relevant environmental planning instruments, including the requirements in the *Fairfield Local Environmental Plan 2013*;
- The impacts of the development are acceptable and can be suitably controlled by conditions;
- The development will support the development of the Canley Vale town centre in line with strategic planning objectives by providing improved activation, upgraded building stock, and improved access to retail and commercial services to support residential development and a growing population; and
- The development is in the public interest

CONDITIONS

The development application is approved subject to conditions. Council's draft conditions issued on 18 June 2026 are approved, subject to the following amendments shown in red.

6. Driveway Design

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 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. **Additional driveway splays beyond those depicted on the approved plans are not approved.**

Reason: To ensure compliance with Council Vehicular Crossing Policy and pedestrian and vehicle safety.

11. Vehicular Crossing Application

Before the issue of a Building Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a crossing as per the approved driveway design in Condition No. **5 6** of this consent and in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

Reason: To ensure compliance with Council Vehicular Crossing Policy.

17. Amended Architectural Design

~~Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to and approved by Fairfield City Council, demonstrating that an additional thirty—three (33) car parking spaces are provided onsite within a basement level. In this regard, the basement for the approved development shall contain a minimum of 281 car parking spaces. The plans shall demonstrate sight distance and swept paths and demonstrate compliance with AS 2890.1, AS 2890.2 and AS 2890.6 (as applicable) to the satisfaction of Fairfield City Council.~~

~~Reason: To ensure compliance with the Fairfield City Wide Development Control Plan 2024 and prevent any impact to the on-street car parking and road network around the site.~~

~~Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to and approved by the certifier, demonstrating the provision of nine (9) ground level bicycle car parking spaces in accordance with AS2890.3 that:~~

- ~~• are located in close proximity / view of the main shopping centre entry;~~
- ~~• are located within the subject site and designed to ensure no part of any parked bicycle would encroach into the pedestrian footpath;~~
- ~~• are designed to ensure no reduction in levels of activation or natural surveillance compared to the approved plans~~

~~Reason: To provide adequate bicycle parking.~~

17A. Amended Architectural Design

~~Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to and approved by certifier, demonstrating the achievement of a freeboard of 300mm above the 1 in 100 year ARI levels to all retail and habitable areas of the development by either:~~

- ~~• raising the finished floor levels of the shopfronts facing Canley Vale Road; or~~
- ~~• incorporating an automatic flood barrier, certified by an appropriately qualified engineer as resulting in the achievement of an equivalent level of flood protection.~~

~~The chosen solution must be demonstrated to achieve requirements for equitable access for all persons though the retail entries during ordinary (non-flood) operations and must be demonstrated to result in no material reduction in activation or natural surveillance compared to the plans approved by condition 1.~~

~~Reason: To ensure mitigation of flooding impacts~~

20. Bicycle Parking Spaces

In addition to the nine (9) spaces required by condition 17, the basement bicycle storage area must be capable of accommodating a minimum of 20 bicycles and these are to be within a fixed bicycle lockers. The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890.3:2015. Bicycle parking and access arrangements shall ensure that the potential conflicts with vehicles are minimised. Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide adequate bicycle parking.

61. Maximum Floor Space

The approved development shall have a maximum gross floor area (GFA) of 10,200m² at all times. The maximum allowed gross floor area for the following types of landuses shall not exceeded:

Office Premises: 3,144m²

Retail Premises (excluding food and drink premises): ~~5,929~~ 5,211m²

Food and Drink Premises: ~~947~~ 1,655m²

Recreation Facility (indoor): 180m²

Reason: To protect the amenity of surrounding properties and ensure the development operates in accordance with the development consent

~~62. Restriction of Use~~

~~The commercial premises located on the first and second floor (T.11, T.12 and T. 23) of the approved development, which equates to an area of 3144m², shall be used as office premises only in accordance with the definition within the Fairfield Local Environmental Plan 2013.~~

~~Reason: To protect the amenity of surrounding properties and ensure the development operates in accordance with the development consent~~

62. Loading Dock Management Plan and Car Park Management Plan

Prior to the issue of the first occupation certificate, the Loading Dock Management Plan and the Car Park Management Plan are to be updated as follows:

- a. The Loading Dock Management Plan is to be updated to:
 - i. Reflect all relevant conditions of this consent relating to loading dock operations
 - ii. Include arrangements to ensure all delivery drivers contracted to make deliveries to the site are aware of the requirement to only enter and leave by the northern approach on Phelps Street (ie right-turn entry and left turn exit)
 - iii. Include arrangements to ensure a loading dock manager or appropriate person is within the loading dock at all times it is in operation and is able to effectively manage all vehicle movements to and from the loading area in accordance with these requirements
- b. The Car Park Management Plan is to be updated to
 - i. Reflect all relevant conditions of this consent relating to car park operations
 - ii. Enable office tenant carparking (other than the stacked parking spaces) to be accessed by the general retail, gym, and restaurant customers when not in use by commercial tenants after 5.00pm on weekdays and on weekends

Reason: To protect the amenity of surrounding properties and ensure the development operates in accordance with the development consent

65. Carparking – General

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access

Management - Chapter 12:

- i. Two-hundred and ~~eighty-one~~ forty-eight (~~281-248~~) off-street car parking spaces for staff and visitors, including

- ii. Five (5) off-street accessible car space in accordance with AS 2890.6.

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

Reason: To ensure compliance with Fairfield City Wide Development Control Plan 2013.

68. Hours of Future Use for Commercial Tenancies

Unless approved by a future development application for fit-out and use, any future use of commercial tenancies shall not extend outside the hours of:

Monday to Friday: 9:00am to 7:00pm

Saturday: 9:00am to 7:00pm

Sunday: 9:00am to 7:00pm

Public holidays:

No work / trading / operation is permitted.

Reason: To ensure the acoustic amenity of surrounding properties.

73. Closed Circuit Television (CCTV)

- a. A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
 - i. the person represents not less than 100% of screen height, and
 - ii. there is an unobstructed view of the person's face.
- b. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - i. all other public entrances and exits, whether or not in use at the time
 - ii. staircases in multi-level premises
 - iii. portions of the floor area accessible to the public where facilities are provided
 - iv. toilet external areas
 - v. all general areas accessible by the public
 - vi. the car park area adjacent or within the premises

To avoid doubt in relation to the above, cameras are not required within individual retail or commercial tenancies.
- c. The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
 - i. the person represents not less than 50% of the screen height, and
 - ii. there is an unobstructed view of the persons face.
- d. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e. Recordings must;
 - i. be in digital format
 - ii. record at a minimum of six frames per second, and
 - iii. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.
- f. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- g. Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
- h. When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.

- i. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.
- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.
- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.
- l. Camera recordings must meet the standards set in (a) and (k) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

Reason: To ensure the safety and security of the premises and of patrons/staff utilising the premises.

76. Flood Affected Development

The development the subject of this consent is located within flood prone land. The following shall be complied with during the construction process:

- a. Only flood resistant materials shall be used below the designated floor level.
- b. All services and utilities connected to the property are required to be flood proofed.
- c. There is to be no alteration to the existing ground levels.
- d. A flood evacuation plan prepared by a qualified consultant shall be kept within the premises and implemented as required.
- e. A freeboard of 300mm above 1 in 100 Year ARI level shall be enforced on all Finished Floor Levels and in accordance with the plans required by condition 17A.

Reason: To ensure the safety of occupants and to ensure the development is carried out in accordance with flood prone land requirements.

82. Compliance with ~~Operations~~ Management Plans

The Operational Management Plan prepared by Theo Van Veenendaal, Ref A6534093, dated ~~28~~ March 2025 2026 and submitted as part of this development application shall be complied with at all times, except where superseded by conditions of this consent. The Carpark Management Plan and the Loading Dock Management Plan required by condition 62 are to be complied with at all times.

Reason: To protect the amenity of neighbouring properties.

83. Compliance with Documentation

The approved development and its construction shall comply with all the following documentation, at all times:

- Tree AZ Assessment prepared by Anderson Environmental Pty Ltd Version 2 dated 22/11/2023.
- Flora and fauna Assessment prepared by Anderson Environmental Pty Ltd Version 1 dated 20 March 2025.
- Supermarket Waste Management Plan prepared by On The Park Pty Ltd dated August 2025.
- Traffic and Parking Impact Assessment Version 240860.01FA prepared by McLaren traffic Engineering & Road Safety Consultants dated 8 April 2025.
- Statement of Environmental Effects prepared by HDC Haskew de Chalain Planning, dated 16 April 2025.
- Flood Risk Management Report prepared by Floodmit Pty Ltd dated March 2025.
- Flood Impact Assessment prepared by BMT Commercial Australia Pty Ltd dated 26 March 2025.
- Crime Prevention through Environmental prepared by HDC Haskew de Chalain Planning dated 16 April

- Statement of Heritage Impact prepared by Heritage 21 dated March 2025
- Geotechnical Report prepared by Geotechnique Pty Ltd dated 19 June 2024
- Operational Waste Management Plan prepared by Elephants Foot Consulting, Revision D dated 21 March 2025
- Net Zero Statement prepared by Efficient Living Issue B dated 11 April 2025
- Mechanical Services Air Pollution and Odour Report prepared by BenMax, Revision 2 dated 28 February 2024.
- ~~— Loading Management Plan prepared by On The Park Pty Ltd dated 15 June 2026.~~
- ~~— Car Park Management Plan prepared by On The Park Pty Ltd dated 15 June 2026.~~

Reason: To protect the amenity of neighbouring properties.

84. Traffic Requirements

The following shall be complied with at all times:

- ~~• All parking demands shall be met within the site, preventing any overflow onto the streets.~~
- All vehicles shall enter and exit the site in forward direction.
- All car parking spaces and driveways shall be designed in accordance with AS2890.1 and AS2890.2.
- The largest vehicle to access the site's dedicated loading and unloading dock shall be limited to 12.5m truck. The largest vehicle size permitted to access the carpark is a B99 vehicle.
- All loading/unloading activities shall be undertaken within the site without vehicles queuing on adjacent streets or across driveways.

Reason: to ensure that the development does not have an adverse impact to the road network

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Increased flood risk to submitter property
- Parking entry location directly adjacent to my property- non-compliance with DCP and associated safety risks, increased noise, light and air pollution for my property
- Car park exhaust location non-compliance to Australian Standards and associated air quality impact concerns
- Southern Boundary Fencing/Building Height - potential non-compliance with DCP and associated negative impacts to my property
- Reduction of Solar Access to my property and associated negative impacts (including potential non-compliance with DCP)
- Relocation of proposed Demolition Bin Storage areas away from residential dwellings
- Parking provision non-compliance to DCP and inability of local parking network to handle overflow

The Panel considers that concerns raised by the community have been adequately addressed in the Council assessment report and in this report.

PANEL MEMBERS	
Justin Doyle (Chair) 	Natasha Harras 
David Kitto 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-562 – Fairfield – DA 139.1/2025
2	PROPOSED DEVELOPMENT	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.
3	STREET ADDRESS	72 Canley Vale Road, Canley Vale
4	APPLICANT/OWNER	Applicant: On the Park Square Pty Ltd Owner: On the Park Square Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ Fairfield Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: ○ Fairfield Development Control Plan 2024 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 24 November 2025 • Councils' addendum report: 22 June 2026 • Additional information prepared by the Applicant and by Council • Expert parking and traffic advice from the Department's traffic engineer • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing to discuss council's recommendation: 1 December 2025 ○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, David Kitto, Ninos Khoshaba ○ <u>Council assessment staff</u>: Liam Hawke, Sunnee Cullen ○ <u>Applicant representatives</u>: Robert Canceri, Daniela Atelj, Theo van Veenendaal, Gilbert B. de Chalain, Stephen Blaxland, Mike Fairhurst • Panel Only Discussion: 23 February 2026 ○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, David Kitto

		• Final Determination Briefing: 1 June 2026 ○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, David Kitto ○ <u>Council assessment staff</u>: Liam Hawke, Sunnee Cullen ○ <u>Applicant representatives</u>: Robert Canceri, Daniela Atelj, Theo van Veenendaal, Gilbert B. de Chalain, Stephen Blaxland, Mike Fairhurst • Panel Only Discussion: 22 June 2026 ○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, David Kitto
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Final set prepared by Council on 18 June 2026