

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 98

SUBJECT:

Issue: Voluntary Planning Agreement and Submission to the JRPP associated with Fairfield Chase Redevelopment DA 306.1 / 2011

Premises: No's 49-61 Spencer Street, Fairfield (Lot 1, DP730010)

Applicant: Urbis Pty Ltd

Owner: The Fairfield Chase Centre Pty Ltd

Zoning: Zone 3(a) Sub-Regional Business Centre

FILE NUMBER: 11/02202

PREVIOUS ITEMS: 19 - Outcomes Committee - 8 February 2011
 3 - Outcomes Committee - 8 February 2011
 5 - Outcomes Committee - 8 February 2011

REPORT BY: Robert Cologna, Manager Strategic Land Use Planning

RECOMMENDATION:

That subject to Council resolving to adopt the Site Specific DCP for the subject site:

1. Council agree, in principle, to enter into the Voluntary Planning Agreement (VPA) proposed by the applicant in their correspondence dated 22 June 2011.
2. Once the Draft VPA document and associated Explanatory Note is finalised in consultation with the applicant, the Executive Manager Environmental Standards be delegated the responsibility to place the Draft VPA on exhibition on behalf of Council.
3. That the final draft VPA document and Explanatory Note be exhibited for 30 days and that the result of the exhibition be reported to Council to allow Council to determine whether it will finalise the agreement with the applicant.

NOTE: This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Site Ownership and Applicant Details	1 Page
AT-B	Council Resolution, Item 19, 8 February 2011, Fairfield Town Centre	3 Pages
	Parking Issues - Developer Contributions Plan	
AT-C	Letter of offer to enter into a VPA re Redevelopment Fairfield Chase	1 Page

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 98

AT-D Site
Memo from Development Assessment Planner - Preliminary Parking Assessment 4 Pages

SUMMARY

As part of Council's Planning Framework for the Fairfield Town Centre, Council has adopted an Interim VPA Policy, which provided a mechanism for a development in Fairfield Town Centre to make a contribution to carparking when the development is not able to provide it on site.

The development proposal to re-develop the Fairfield Chase site (DA 306.1/2011) involves a parking shortfall and this report recommends that Council accept the applicant's offer to enter into a Voluntary Planning Agreement, which would result in a contribution of \$408,000 being paid to Council to be spent on parking projects in lieu of the parking being provided on site.

The Fairfield Chase re-development is of such a scale that it is an application that will be determined by the Joint Regional Planning Panel (JRPP) set up by the State Government rather than Council. This report considers whether Council should raise any issues/concerns regarding the development proposal to a submission to the JRPP and concludes that there are no significant strategic issues that warrant the submission being made.

BACKGROUND

Recent Reviews to Parking Policy in Fairfield Town Centre and VPA Framework

Council reviewed its policy position in relation to car parking in Fairfield Town Centre in February 2011 in two reports considered by the Outcomes Committee. In response to the findings of a Parking Review for the Fairfield Town Centre Council resolved:-

- to amend the car parking controls in the Fairfield Town Centre Development Control Plan (DCP) and the City Wide DCP;
- to repeal the section of the Contributions Plan associated with Parking in Fairfield Town Centres and to replace it with a new Voluntary Planning Agreement (VPA) policy framework to manage issues arising where new development in the centre is unable to provide car parking on-site.
- Adopt an interim VPA framework that would apply to any application lodged while the new VPA Framework was being formulated to ensure that applications could continue to be assessed and address parking issues in a satisfactory manner.

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 98

Attachment B of this report contains the resolution from February 2011 that relates to the amendments to the Section 94 Plan and which also includes in detail the interim VPA Policy Framework for any development in Fairfield Town Centre which is critical to consideration of this report.

The amendments to the relevant DCP and the Section 94 Plan were exhibited and in June 2011 the Outcomes Committee resolved to adopt the changes which will come into force on 6 July 2011 when an advert is published in the local paper. The new VPA Framework is still being developed so this assessment relies on the interim policy shown in Attachment B.

Site Specific DCP for Fairfield Chase Site

At the same February 2011 Outcomes Committee meeting the Council also resolved to place on public exhibition Site Specific DCP controls for the Fairfield Chase site described above. The Site Specific DCP process allows for the Site Specific DCP and a Development Application (DA) to be exhibited concurrently. The Site Specific DCP and DA were exhibited simultaneously in this case. Details on the development proposed on this site and the results of the exhibition of the Site Specific DCP are dealt with in a separate report included in this business paper.

REPORT

The purpose of this report is to allow Council to assess two matters:-

1. Whether it wishes to enter into a VPA agreement proposed by the applicant in order to address a parking shortfall in the DA for the Fairfield Chase redevelopment proposal.
2. As the Fairfield Chase redevelopment is substantial enough for it to be referred to the Joint Regional Planning Panel (JRPP) to be determined (instead of it being determined by Council) Council needs to determine whether it wishes to lodge a submission with the JRPP.

JRPP Submission Issues

As indicated in the separate report on this agenda on the exhibition of the Site Specific DCP (and concurrently the DA) three (3) submissions have been received in relation to this proposal. These submissions are summarised in the separate report. Council Officers have concluded that none of the issues warrant not proceeding with the Site Specific DCP. Therefore, if Council choose to adopt the Site Specific DCP, there are no strategic issues upon which to base a submission to the JRPP. The submissions also deal with site specific and operational issues which Council's Strategic Planning team consider can be addressed via conditions on any approval that may be recommended. Council Officers advise that the DA generally complies with the Site Specific DCP. There

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 98

are some minor variations which are of minimal impact and one more significant impact associated with a shortfall in car parking provided on the site.

In order to address the parking shortfall the applicant has lodged with Council an offer to enter into a planning agreement (discussed in detail below).

If Council agrees to adopt the Site Specific DCP the subject of the separate report in this business paper and enter into the VPA to address the parking variation then all issues associated with the application either comply with or satisfactorily address Council's strategic policy framework for the subject site and no JRPP submission is considered necessary.

The report to the JRPP will still need to formally assess whether the development application is suitable to be approved but subject to Council making the decisions detailed above there are no strategic planning issue which would necessitate a separate submission being made to the JRPP on the application.

However, Council is still within its rights should it consider any of the operational issues raised in the submissions, to lodge a JRPP submission on these issues. In this regard, Council Officers do not believe the operational issues warrant a JRPP submission.

VPA Offer

As indicated above the applicant has submitted an offer to enter into a voluntary planning agreement with Council to address the parking shortfall. The applicant has been advised by Officers assessing the DA that the development has a parking shortfall of 30 spaces and accordingly is proposing to contribute \$13,600 per space (a total of \$408,000) as part of the VPA for Council to use on parking projects in the Fairfield Town Centre. The applicant is proposing that the funds would be paid prior to release of the construction certificate.

This offer is consistent with the VPA policy framework adopted by Council in February 2011 (See Attachment B).

While the VPA offer is consistent with Council's policy and addresses the shortfall identified by Officers assessing the DA the history of parking provision on this site is complicated and has been the subject of legal advice so it is considered prudent to make sure Council is aware of the history and the detail of the assessment so it can determine it is satisfied that the VPA will address the parking issues associated with this development in an appropriate manner.

I have included as Attachment D a parking assessment provided by the Officers assessing the DA on behalf of the JRPP.

In summary the parking assessment indicates:-

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 98

- The file history for the site indicates that a substantial contribution was made to car parking as part of a Deed of Agreement when Council sold the subject site (the site was formerly the site of the Council's Chambers). A significant contribution of \$3.72 million was paid and the best information we were able to obtain from Council's records suggest it was spent on multi deck car parks in Fairfield Town Centre. Council obtained legal advice which indicated it is not obliged to consider this payment in the assessment of this development application and the parking provided on site.
- The applicant was advised of this history and was advised that if they wished to make an argument that this historical payment was sufficient to address the parking shortfall in the current application they should submit justification for this argument supported by legal advice detailing why it was relevant.
- The applicant has chosen not to pursue the historical payment argument and instead is proposing to address the parking shortfall via the VPA the subject of this report.
- The site requires the following parking. The difference between the DCP required parking and the spoon provided is 167 spaces.

Use	Required Spaces	Spaces Provided
Retail/Commercial	198	30
Medical Centre	72	72
Residential	162	163
Total	432	265

- It is established practice that where an existing development is redeveloped they retain existing parking rates for existing floor space. This means they retain a historical parking credit equal to the difference between the existing car parking provided and the required parking under the DCP for the existing development. In this case this historical credit is 118 spaces. (Note this is not related to the contribution paid under the Deed of Agreement discussed above. This historical right is established because Council previously granted an approval with the existing level of parking provided and it is not deemed reasonable to impose new higher rates for existing floor area in a redevelopment of this kind where the existing floor space is essentially being retained).
- Taking into account the historical credit the parking shortfall is 49 spaces.
- Council's Interim VPA policy sought to maintain an interim policy that was equivalent to what would have been payable under the Section 94 Plan that previously applied until the new VPA policy is finalised and adopted. In the previous Section 94 plan commercial floor space was assessed at 1 per 66m² when a contribution is paid rather than the 1 per 40m² required if they were provided on

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 98

site. If this adjustment is applied as per the methodology used in previous Section 94 plan the number of spaces requiring payment of a contribution is 30 spaces.

The assessment above has been agreed by the applicant and Council Planners as the parking contribution generated by the development under the Interim Policy and it is on this basis that the VPA proposes to contribute \$13,600 for each of the 30 spaces identified as the shortfall (a total contribution of \$408,000).

VPA Process

Council Officers intend to pursue the provisions of Section 93(1)3 of the Environmental Planning and Assessment and if the application is ultimately supported to make the recommendation to the JRPP (subject to Council agreeing to enter into the agreement) that the finalisation of the VPA be made a requirement via imposition of an appropriate condition on any development consent granted.

Council has received advice from Council's solicitor which indicates that:-

"Given the nature of planning agreements and requirements for their public notification and consideration in determining applications best practice suggests that planning agreements should be negotiated between planning authorities and developers before applications are made so that applications may be accompanied by copies of draft agreements. However, this does not preclude the preparation of a draft planning agreement and the making of an offer by a developer to enter into an agreement in the terms set out in the draft agreement after a DA has already been notified."

The applicant's application when lodged indicated they intended to pay a Section 94 contribution for any shortfall.

Given that Council only formulated the VPA policy for Fairfield Town Centre at the same time as the Site Specific DCP was being considered the applicant did not have much time to plan in advance to lodge a VPA and negotiate it with Council so it could be exhibited with the Development Application. Given the circumstances it is not considered appropriate to ask the JRPP to delay the determination of the DA given that the matter can be legally dealt with as a condition on any approval that might be granted This will allow the assessment of the development application to proceed without it having to wait for finalisation of the VPA but still require the applicant to finalise the VPA as a condition of the approval.

Accordingly the process Council Officers intend to pursue in relation to this matter is as follows:-

- Council will determine whether it wishes to accept the offer put by the applicant and enter in the VPA in principle.

OUTCOMES COMMITTEE**Meeting Date 12 July 2011****Item Number. 98**

- Upon receipt of the Explanatory Note and Draft VPA, which the applicant advises they are in the process of drafting, these documents will be referred to Council's Solicitors for review. Upon the VPA and Explanatory Note being finalised to the satisfaction of both parties the VPA will be publicly exhibited. (Note it is also proposed that Council give delegation to the Executive Manager Environmental Standards to enclose the Draft VPA for public exhibition to avoid it having to be reported to Council again prior to exhibition).
- Following completion of the exhibition period the Draft VPA will be reported to Council for final endorsement so that both parties can bring the agreement into force.

If a condition is imposed on the consent then the applicant will not be able to have their construction certificate released until they have finalised the agreement and paid the parking contribution specified in the agreement.

CONCLUSION

The payment of a contribution of \$408,000 via a VPA as proposed by the applicant meets the intention of the Council's Interim VPA policy for development with parking shortfalls in the Fairfield Town Centre. Accordingly, it is recommended that Council enter into the VPA pursuing the process identified in the body of this report.

If Council are willing to adopt the Site Specific DCP and enter into the VPA there are no strategic issues associated with the redevelopment of the Fairfield Chase site that warrants a submission to the JRPP. The issue raised in submissions are also not strategic but instead are operational best dealt with via conditions of approval. Accordingly, in the opinion of Council Officers there is no need to lodge a submission to the JRPP on this DA.

Robert Cologna
**Manager Strategic Land Use
 Planning**

Authorisation

Executive Manager Environmental Standards

Outcomes Committee - 12 July 2011

File Name: **OUT120711_17**

***** END OF ITEM 98 *****

ATTACHMENT A

Site Ownership, Applicant details

Premises	Lot 1 DP 730010 otherwise known as 49 - 61 Spencer Street, Fairfield
Owner	The Fairfield Chase Pty Ltd Director – Sam Krslovic
Applicant	Urbis Pty Ltd Directors: <ul style="list-style-type: none"> ▪ Sally Herman Non Executive Director (Chair) ▪ John Wynne Managing Director ▪ Tim Blythe Regional Director ▪ Sarah Emons Director ▪ Simon Rumbold Director ▪ Roger Scrivener Director ▪ David Usasz Non Executive Director ▪ Paul Quinlan Company Secretary

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ATTACHMENT B

Item: 98

Council Resolution, Item 19, 8 February 2011, Fairfield Town Centre Parking Issues -
Developer Contributions Plan

<p style="text-align: center;">Ordinary Council</p> <p style="text-align: center;">*** CONFIDENTIAL MINUTES ***</p> <p>Meeting Date: 22 February 2011</p>		<p>ATTACHMENT B</p> <p>Page 2</p>
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The Committee closed session at 9.42pm

REPORT BY CHAIRMAN OF THE OUTCOMES COMMITTEE - 8 FEBRUARY 2011

- 19:** Issue: Fairfield Town Centre Parking Issues – Developer Contributions Plan.
Premises: All Fairfield Town Centre properties zoned for Business purposes.
Owner: Various land owners.
Applicant: Not applicable.
Zoning: Zone 3(a) Sub-Regional Business Centre.
File Number: 09/01536

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Trapla	Non-significant Non-pecuniary	I am a property owner in Fairfield CBD.	This will not impact my decision on this matter.
White	Pecuniary	I am a business owner and property owner in The Crescent, Fairfield.	Councillor White left and took no further part in debate or discussion.

Councillor White left (9.44pm) the meeting.

MOTION: (Huynh/Mooshi)

1. That Council resolve to exhibit an amendment to Council's current Section 94 Developer Contributions Plan to remove the component of the plan relating to Carparking in the Fairfield Town Centre, with all other parts of the plan to be retained until Council can further consider its option in relation to the plan.
2. That Council amend the Fairfield Town Centre DCP and City Wide DCP to require all parking requirements generated by new development in the Fairfield Town Centre to be provided on site and to remove any reference to parking contributions being made under Council's Section 94 Plan.
3. That a Draft Voluntary Planning Agreement (VPA) Policy be drafted and reported to Council for consideration. The VPA should set out the conditions under which Council will enter into a Voluntary Planning Agreement in cases where a development is unable to provide Council's on-site parking requirements (other than the residential component) within their development.
4. That a review of the viability of preparing a new Contributions Plan for Parking in Fairfield be undertaken in two (2) years.

ATTACHMENT B

Item: 98

Council Resolution, Item 19, 8 February 2011, Fairfield Town Centre Parking Issues -
Developer Contributions Plan

Ordinary Council

*** CONFIDENTIAL MINUTES ***

Meeting Date: 22 February 2011

Page 3

5. In the interim, while the above reports/policies are being prepared and amendments processed (as well as the amendments to the DCP discussed), any applications lodged in the Fairfield Town Centre will have its carparking provision assessed based principles set out in the following policy:-

Interim Carparking Assessment Policy Fairfield Town Centre

While Council is in the process of reviewing its Development Controls Plans and repealing the part of the Section 94 Contributions Plan that applies to Carparking in Fairfield Town Centre any application lodged will be assessed according to the following policy:-

Council will

- Not impose Section 94 controls requiring a contribution for carparking not provided on site.
- Require all carparking to be provided on site in accordance with the principles and parking rates resolved by Council following consideration of the report titled "Fairfield Town Centre Parking Issues – DCP Issues" by the Outcomes Committee in February 2011.

Should there be any shortfall in parking on site, the applicant be advised that Council is willing to consider a VPA but until Council has finalised a VPA policy, Council will as its initial negotiating position, request payment of funds equivalent to those required under Council's current Contributions Plan (per carparking space) to be utilised to:

- Provide additional parking.
- Upgrade existing parking facilities.
- Improve access arrangements to existing parking to improve its accessibility.

Council will not enter into any voluntary planning agreement in relation to parking of residential development which must be provided on site.

ATTACHMENT B

Item: 98

Council Resolution, Item 19, 8 February 2011, Fairfield Town Centre Parking Issues -
Developer Contributions Plan

Ordinary Council

*** CONFIDENTIAL MINUTES ***

Meeting Date: 22 February 2011

Page 4

A division was taken with the following results:

Aye

Nay

Mayor Lalich
 Councillor Huynh
 Councillor Khoshaba
 Councillor Molluso
 Councillor Mooshi
 Councillor Oliveri
 Councillor Rohan
 Councillor Toma
 Councillor Tran
 Councillor Trapla
 Councillor Yousif

Total=(11)

Total=(0)

CARRIED UNANIMOUSLY

Councillors Carbone and White returned (9.45pm) to the meeting.

REPORT BY CHAIRMAN OF THE SERVICES COMMITTEE - 8 FEBRUARY 2011

- 4: Lease of Air Bridge connecting 41-43 Smart Street, Fairfield to Nelson Street Car Park
 File Number: 09/02360

Councillor Huynh left (9.46pm) the meeting.

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Khoshaba	Non-significant Non-pecuniary	I know the owner of Monamor Reception Lounge.	This will not influence my decision as I don't have a personal relationship with this person.
Mooshi	Non-significant Non-pecuniary	I know the owner of Monamor Reception Lounge.	This will not influence my decision as I don't have a personal relationship with this person.
Rohan	Non-significant Non-pecuniary	I know the owner of Monamor Reception Lounge.	This will not influence my decision as I don't have a personal relationship with this person.

Ordinary Council

Page 4

ATTACHMENT C

Item: 98

Letter of offer to enter into a VPA re Redevelopment Fairfield Chase Site

Suite 6, Level 6
228-231 Macquarie Street
Sydney NSW 2000

Phone 02 9231 3221
Fax 02 9231 5224

Web: www.conomoslegal.com.au
Email vc@conomoslegal.com.au
ABN 477 219 737 72



22 June 2011

The General Manager
Fairfield City Council
Administrative Centre
86 Avoca Road
Wakeley NSW 2176

BY EMAIL

Dear Sir

**DA No 306.1/2011 – Proposed redevelopment of Fairfield Chase
Letter of offer to enter into a Voluntary Planning Agreement
Property: 49-61 Spencer Street, Fairfield
Our Ref: VC:TO:C9910**

We refer to the above matter and advise that we act for the Fairfield Chase Centre Pty Ltd (the Applicant).

We are advised by the Applicant that Fairfield Council minutes of meeting dated 25 May 2011, in the Annexure A to those minutes, identifies that DA No 306.1/2011 contains a deficit of 30 car spaces.

We understand that the current rate of \$13,600 per car space applies to any shortfall.

The Applicant thus offers to enter into a Voluntary Planning Agreement which would see the Applicant pay contributions to the Council in the sum of \$408,000 with such payment being made prior to the release of the construction certificate.

We are currently drafting an Explanatory Note and draft VPA in anticipation that Fairfield Council will advise that it wishes to proceed on the basis of this offer.

Yours faithfully


Vasili Conomos

Liability is limited by the Solicitors Scheme, approved under the Professional Standards Act 1994 (NSW)

ATTACHMENT D

Item: 98

Memo from Development Assessment Planner - Preliminary Parking Assessment

ATTACHMENT D

memorandum

TO: ROBERT COLOGNA - MANAGER STRATEGIC LAND USE PLANNING

FROM: SENIOR STRATEGIC LAND USE PLANNER, STRATEGIC LAND USE PLANNER

SUBJECT: FAIRFIELD CHASE DEVELOPMENT APPLICATION 306.1/2011 - CAR PARKING REQUIREMENTS

SITE: 49-61 SPENCER STREET, FAIRFIELD, (LOT 1, DP730010)

FILE: 10/03144

DATE: 30 JUNE 2011

The purpose of this memo is to:

- Provide a brief history of the car parking associated with the Fairfield Chase site.
- Outline the discussions between Council Officers and the applicant in respect to the car parking requirements for the Fairfield Chase Development Application 306.1/2011

Early History of Chase Site and Car Parking

In the early 1980's the site was the location of Council's Civic Centre. In late 1985 the site was sold for commercial development. Following the submission of a number of development applications an amended application was lodged in 1987. The 1987 application provided for the construction of a retail and commercial complex. This application was approved (Consent 90/1987), and as far as can be determined represents the development currently located upon the site.

Numerous applications for individual shop fit outs and alterations have been approved since 1987.

Of particular relevance to the current development application is the historical provisions made for car parking relating to the site. The Council, as part of the sale documents prepared in 1985, required the purchaser to enter into a Deed of Agreement relating to the provision of car parking for this development. Condition 2 of the Deed, required the purchaser, in addition to the purchase price, to pay to council an amount of \$1,245,000. This amount being equivalent to the anticipated car parking contribution generated by a development having an FSR of 2:1. Condition 3 of the Deed required these funds to be deposited into a specifically designated trust fund and for council to deal with these funds in the same way as a

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ATTACHMENT D

contribution paid in accordance with Section 94(3) of the Environmental Planning and Assessment Act, 1979.

The policy of Council at that time was to discourage significant on site car parking upon sites located within the central CBD area. Instead it embarked on a policy which resulted in the construction of multi storey car parks located around the perimeter of the CBD. To ensure the success of this policy, at least as far as the sale of its own site was concerned, it required the payment of a parking contribution at the time of property purchase.

The development application assessment reports considered by council in 1986 made reference to the payment a contribution for the provision of 249 off street car parking spaces. Reference to these spaces was also made in the assessment report for the 1987 application which was determined under delegated authority. It was this contribution that off set the requirement for subsequent development applications to provide the full complement of car parking on site.

Records cannot be found as to where the contribution was spent however it is known that the contribution was paid and allocated for car parking. Available evidence would suggest that the monies were allocated towards the construction of a multi storey car park near Barbara Street, Fairfield. A multi storey car park is located off Downey Lane which runs off Barbara Street.

Legal advice has been obtained relating to whether the contribution previously paid should be credited to the current applicant to offset any car parking deficit for that application. That advice was based a draft unexecuted copy of the 1985 Deed and to that extent may be required to be reviewed if a properly executed final version of the Deed, in similar terms to the draft Deed cannot be located. The advice in summary is as follows:

1. The development contemplated by the Deed was a retail and commercial development. Council is not obligated to take the Deed into consideration in respect to the residential component of the development.
2. It is arguable that it would be both reasonable and appropriate for the Council to take into account the car parking contribution made under the Deed if the Applicant seeks to satisfy any shortfall in car parking for retail and / or commercial components of the proposed redevelopment by the payment of a monetary contribution (provided that it is established that the rights and obligations of the original purchaser of the site under the Deed have transferred to the current owner/applicant).
3. It is relevant to consider section 94(6) of the Act and the Department of Infrastructure, Planning and Natural Resources, 2005, publication "Development contributions, Practice Notes" relating to credits for past contributions.

Meeting with the Applicant

On 25 May 2011 Council Officer's convened a meeting with the applicant to discuss several aspects of the above Development Application. During this

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ATTACHMENT D

Item: 98

Memo from Development Assessment Planner - Preliminary Parking Assessment

ATTACHMENT D

meeting the issue of past contributions and the draft Deed were discussed with the applicant and owner who were invited to research this issue and make a case to Council supported by legal advice. Council Officer's also advised the applicant the Council has since considered a report proposing amendments to the Fairfield Town Centre DCP 2006 and the Fairfield City Development Contributions Plan 1999 in respect to car parking. These amendments would require the applicant to enter into a Voluntary Planning Agreement in respect to addressing the shortfall in car parking via way of a contribution.

Applicant's Response

The applicant advised that they will not be pursuing the matter relating to the past car parking credits and advised Council Officers that the shortfall in car parking will be dealt with via a Voluntary Planning Agreement.

Clause 5.1.3 of FTCDP - Compliance with Car Parking requirements

The table below shows that the proposed development generates a requirement for 432 spaces of which 265 are proposed to be provided on site. This results in a shortfall of 167 spaces. When a credit for the current shortfall (117 spaces) is applied it reduces the shortfall, as a consequence of the current development, to 49 spaces. However this shortfall is further reduced to 30 spaces where it is proposed to make provision for such spaces by way of a monetary contribution to car parking. This is due to different parking rates applying when a contribution is proposed i.e. 1 space per 66m² of Gross Leaseable Area (GLA) instead of 1 space per 40m² of GLA for Office and Business Premises.

Development Component	Parking rate	Development Components	Parking Requirement
Medical Centre	3 spaces per room	24 rooms	72
Retail	1/25 on site	1978m ²	79
Commercial	1/40 on site	4768m ²	119
Sub Total 1			270
Residential 1 & 2 bed unit < 110m ²	1 space / unit	94 units	94
Residential 3 bed unit or > 110m ²	1.5 space / unit	25 units	38
Visitors	0.25 space per unit	119 units	30
Sub Total 2		(161 Residential Spaces allocated)	162
TOTAL REQUIRED			432
Proposed number of spaces to be provided on site		(1 extra space counted)	265
Shortfall			167
Existing Development			
Medical	3 spaces per room	24 rooms	72
Retail	1/25m ²	2088m ²	84
Commercial	1/40m ²	4660m ²	117
Total required for Existing			273
Total provided for existing development			155
Existing Shortfall			118 spaces
Discount shortfall by Existing Shortfall			(167- 118) = 49 spaces

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ATTACHMENT D

Item: 98

Memo from Development Assessment Planner - Preliminary Parking Assessment

ATTACHMENT D

VPA Policy Position Option			
1. Assume shortfall for Commercial floor space			
2. Assume 1960m ² Commercial floor area to be offset			49 Spaces x 40m ² = 1960
3. Divide 1960 m ² by rate of 1/66 to obtain shortage			2000/66 = 30
Total VPA contribution	Rate of 1/66 if contribution at the cost of \$13600 per space		30 Space shortfall for VPA resolution at \$13600 per space Total VPA contribution required \$408,000

Proposed consent conditions will require all residential spaces generated by this development to be provided on site. This is readily achievable.

In a letter dated 22 June 2011, the applicant made an offer to enter into a Voluntary Planning Agreement in order to resolve the 30 car space shortfall for the commercial/retail component of the development via way of a contribution.

KLAUS KERZINGER
SENIOR STRATEGIC LAND USE PLANNER

JULIO ASSUNCAO
STRATEGIC LAND USE PLANNER

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 116

SUBJECT:

Issue: Voluntary Planning Agreement and Submission to the JRPP associated with Fairfield Chase Redevelopment DA 306.1 / 2011
Premises: No's 49-61 Spencer Street, Fairfield (Lot 1, DP730010)
Applicant: Urbis Pty Ltd
Owner: The Fairfield Chase Centre Pty Ltd
Zoning: Zone 3(a) Sub-Regional Business Centre

FILE NUMBER: 11/02202

PREVIOUS ITEMS: 3 - Outcomes Committee - 8 February 2011
 19 - Outcomes Committee - 8 February 2011

REPORT BY: Robert Cologna, Manager Strategic Land Use Planning

RECOMMENDATION:

In addition to the three (3) recommendations related to the VPA for the subject site in Item 98 of this business paper Council also resolve that:-

"Council will utilise the contributions paid as part of the VPA for the following purpose

- *provide additional parking;*
- *upgrade existing parking facilities;*
- *improve access arrangements to existing parking to improve its accessibility;*

within 5 years of the issue of the construction certificate."

NOTE: This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

There are no supporting documents for this report.

SUMMARY:

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 116

This report has been prepared to provide additional information in relation to the Draft VPA related to the Fairfield Chase redevelopment which is discussed in detail in Item 98 on this agenda.

Since the finalisation of this report a Draft VPA and Explanatory Note have been submitted to Council Officers. The submission of these documents has resulted in an additional issue being identified which requires Council's consideration. As per the process described in the previous report these documents have been referred to Council's Solicitor to commence the review process.

The applicant has as part of the preparation of the VPA document requested that Council specify the times at which, the manner in which and the public purpose for which development contribution are to be applied:

Council has not resolved a detailed works plan in relation to parking improvements in Fairfield Town Centre. It is recommended that Council commit to undertake the following works within 5 years of the issue of the construction certificate:-

- Provide additional parking.
- Upgrade existing parking facilities.
- Improve access arrangements to existing parking to improve its accessibility.

The works listed above are those listed in Council's VPA Interim Policy discussed in detail in the previous report. The only real additional commitment being made by Council is that it will expend these funds for one of the purposes listed within 5 years.

The applicants have advised via an email that they are happy with this approach.

It is recommended that an additional recommendation be added to those listed in the previous report (Item 98) confirming this approach.

Robert Cologna
**Manager Strategic Land Use
 Planning**

Authorisation:
 Executive Manager Environmental Standards

Outcomes Committee - 12 July 2011

OUTCOMES COMMITTEE

Meeting Date 12 July 2011

Item Number. 116

File Name: **OUT120711_29**

***** END OF ITEM 116 *****