

# **Dutton Lane DA Submissions Report**

Development Application No. 664.1/2013

**Client:**  
Fairfield City Council

**Date:**  
24 March 2014

**Contact:**

Samantha Czyz  
samantha@elton.com.au  
02 9387 2600

**Sydney**  
**02 9387 2600**

Level 6  
332 – 342 Oxford Street  
Bondi Junction NSW 2022

**www.elton.com.au**  
consulting@elton.com.au  
Sydney | Canberra | Darwin  
ABN 56 003 853 101

Prepared by	Jacqui Salter
Reviewed by	Samantha Czyz
Date	24 March 2014
Document name	Dutton Lane DA Submissions Report - FINAL
Version	Final

# Contents

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
1.1	Overview of key issues	1
<b>2</b>	<b>ISSUES AND RESPONSE</b>	<b>3</b>
2.1	Matters of concern	5
2.2	Matters in support	29

## TABLES

Table 1	Submission issues and proponents response – issues of concern	5
Table 2	Submission issues and proponents response – support	29

## APPENDICES

A	Height Variation Plan
B	Swept Path Plans



# 1 Introduction

This report contains a summary of all submissions received during public exhibition of Development Application No. 664.1/2013 (DA), at Dutton Lane, Cabramatta. The DA seeks approval to redevelop the existing at-grade car park at Dutton Lane with a three storey building containing retail on ground floor, commercial offices and a public car park on the first and second levels.

In total, 1,081 submissions were received as well as a petition containing over 5,000 signatories.

The submissions can be categorised as follows:

- » 13 individual submissions in support of the development
- » 10 individual submissions objecting to the development
- » 1,058 pro-forma submissions generally objecting to the development
- » A petition containing over 5,000 signatories.

The issues in the submissions against the development (both individuals and pro-forma) are similar in style and nature to the petition. The dominant issue is the request for more car spaces in Cabramatta.

Grouping the pro-forma submissions, the number of individual submissions in favour of the development is relatively equal to the individual submissions against the development.

The following report presents a summary of the key issues raised in all the submissions. The issues are grouped by "themes" and "sub-themes". To avoid duplication, issues raised more than once are grouped together.

A response to each issue is provided in Section 2 of this report.

## 1.1 Overview of key issues

The key issues raised in submissions are generally categorised as follows:

*Submissions **raising concerns** or objections, on the basis of:*

- » Car parking spaces
- » Car parking structure
- » Loading spaces
- » Construction traffic
- » Traffic generation rates and discounts
- » Traffic distribution and external traffic impacts
- » Reclassification of land
- » Economic Issues / Economic Impact Assessment
- » Statutory planning issues / Statement of Environmental Effects
- » Building Code of Australia issues
- » Community Consultation
- » Architectural / visual impact
- » Cultural impact.

*Submissions **expressing support**, on the basis of:*

- » Economic opportunities
- » Support for increased car parking provision
- » Better utilisation of a Council asset
- » Provision of new and improved public amenities such as public open space, lift access, history wall, community kiosk, pedestrian footpaths, community offices and sanitary facilities.
- » Cleaner and safer shopping environment
- » Promotes business activities, brings positivity and competition to the area
- » Revitalises Cabramatta
- » Attracts more tourism
- » Proximity to public transport
- » Visual impact
- » Long term community benefits as proceeds will be returned to Council.

Of the submissions, the **four most frequently** raised issues are summarised as follows:

- » The need for more car parking spaces in Cabramatta / Dutton Lane (approx. 993 submissions)
- » The need for 500+ spaces being provided on the site (approx. 575 submissions)
- » Approx. 138 submissions explicitly said there would be a negative impact on the traffic network / traffic congestion as a result of the proposal
- » The lack of demand for additional retail in Cabramatta and the proposal's negative impact on the existing retailers (approx. 206 submissions).
- » Approx. 80 submissions suggested that parking provision does not meet DCP requirements. The vast majority making this statement were pro-forma submissions.

It is noted that the numerical breakdown provided above does not include those submissions which were provided in a language other than English. Approximately 44 submissions were provided in a language other than English, predominantly in Chinese and Vietnamese. The 44 submissions were in the pro-forma format and it can be assumed that the issues contained within these submissions are similar in nature to the other submissions objecting to the development.

## 2 Issues and response

A summary of all the issues raised in submissions is provided in sections 2.1 and 2.2 in the report. All the issues have been summarised and grouped into common themes.

The applicant acknowledges the role of Council can be confusing where Council is both the applicant to a DA as well as the local statutory authority. This response is principally on behalf of the applicant, Council, acting in the capacity of a land owner and as the applicant to the DA.

It is noted that the Joint Regional Planning Panel (JRPP), not the Council, will be the consent authority for the subject proposal.

As detailed earlier, the most frequently raised issue in those submissions objecting to the development is for more car spaces in Cabramatta, with a common statement calling for "500 plus" spaces. The request for more car spaces in Cabramatta relates to a role Council undertakes as a local authority. As an applicant, Council has assessed the planning controls for the site and developed a proposal consistent with maximising parking within the height limit while providing a financially responsible development.

As the local authority, Council works with the community to establish the development capacity for the site (expressed in the LEP) and the guiding planning controls for its development (expressed in the DCP). Based on these controls, parking demands and supply requirements can be forecast and infrastructure delivery options considered. Other policies, such as Council's Section 94 Contribution Plans, assist in sharing costs of infrastructure delivery.

Council has recognised Dutton Lane plays a significant role in car parking for the town centre, however, it also recognises there are constraints on the amount of parking able to be provided on the site before traffic management issues make the site unworkable. An approach to disperse parking around the edges of the town centre allows supply to be increased while minimising traffic congestion impacts and land costs.

Council has applied the principle of providing car parking on the edge of the town centre. This is evidenced by its current planning controls as well as the development of the Hill Street car park and most recently, the Fisher Street multi-storey car park and the at-grade John Street car park on the corner of Hill/John Street and Cabramatta Road. In addition to the 95 spaces created at the Hill Street car park, these recent car parking stations have produced a further 247 spaces for the Cabramatta Town Centre outside of the Dutton Lane precinct (a total of 342 spaces to date).

Council acknowledges the overwhelming issue arising from the weight of the submissions received seeking more public car parking in Cabramatta. Finalisation of the current LEP Amendment for Cabramatta Town Centre is required prior to addressing the issue of parking requirements for Cabramatta. This is being undertaken by Council outside of its role as the applicant to this DA, and is the appropriate process for resolving the issue of more parking for Cabramatta. This process would also identify alternate sites to provide for any additional parking required, for example, the possible expansion of the at-grade John Street car park.

The subject DA proposes 275 car spaces over 2 levels. This is considered to be the optimum quantum of car spaces suitable for the site, which meets planning controls and strategic objectives set out by Council for the following reasons:

- » Accounts for the 166 car spaces to be replaced (157 at the existing site and 9 on Hughes Street).
- » Provides an additional net increase of 109 spaces in the Dutton Lane precinct. This recognises the demand for more on-site parking by the community and increases the amount of consolidated public parking. It maintains car parking in the Dutton Lane precinct without oversupplying the site with car spaces to unsustainable levels.

- » Provides for the immediate supply of car spaces to the area, which Section 94 funds are unable to facilitate at this point in time. The 'Section 94 Plan – Car Parking' in Cabramatta currently has a negative balance.
- » Allows for the payment of Section 94 contributions for 14 car spaces to provide for additional future car spaces outside the Dutton Lane precinct.
- » Enables compliance to the height limit of 10 metres. To provide any further car spaces on site would result in a structure that substantially exceeds the 10 metre height limit under Fairfield LEP 2013. In turn, such a variation to the height limit would trigger the requirement for 50% of the site to be set aside for open space making the development infeasible. To provide less than the nominated amount would result in an inefficient use of space.
- » The provision of the additional car parking (109 spaces) on site is supported by the commercial component of the development (retail space). Removal, or severe reduction, of the retail space would not provide sufficient funding for the project to occur.

The design of the proposed building, and the number of car spaces provided, provide a considered balance between the goals and objectives of Council, the approach to the provision of car parking in the town centre and planning controls governing the site. The DA achieves compliance with the applicable planning controls while improving parking and traffic management on the site.

The DA submitted demonstrates the effective use of the site to satisfy car parking requirements and a sensible balanced, practical and sustainable approach in meeting community expectation for car parking.



## 2.1 Matters of concern

A summary of issues raised in objection to the DA are summarised below.

**Table 1 Submission issues and proponents response – issues of concern**

Issue	Details	Proponents Response
<b>1. Car parking spaces</b>		
» Clarity on the amount of car parking spaces provided	Unclear whether 109 net additional spaces includes the loss of 6 spaces on Hughes Street.	<p>Section 3.1.5 of the Statement of Environmental Effects (SEE) describes the number of existing and proposed car parking spaces.</p> <p>A breakdown is provided below:</p> <p>157 existing spaces +  <u>+ 9 spaces removed from Hughes St</u>  <b>= 166 spaces to replace</b></p> <p>275 spaces provided  <b>= 109 net additional spaces</b></p> <p>The 109 net additional spaces are therefore inclusive of 9 spaces removed from Hughes Street.</p>
» Existing deficiencies in car parking in Dutton Lane / Cabramatta	The proposal will assist in addressing the existing deficiency of car parking in Dutton Lane / Cabramatta.	<p>The proposal provides an additional 109 spaces (net) within the Dutton Lane precinct. The provision of car parking spaces is in accordance with the Cabramatta Town Centre DCP (5/2000) (CTC DCP). All 275 spaces on-site are part of the consolidated parking station in Dutton Lane i.e. multi-use.</p> <p>CTC DCP requires the replacement of all existing car parking spaces and the provision of additional car parking spaces to service the new development. All required car parking spaces are provided within the development with the exception of 14 spaces.</p> <p>In accordance with CTC DCP, a developer contribution will be paid to Council to offset the equivalent of 14 spaces not provided on-site.</p>
» Need for more parking	<p>More car space required in the precinct.</p> <p>Additional 3 or 4 levels of underground or above ground parking should be considered.</p> <p>Need for at least 500 space.</p>	<p>The provision of car spaces for the town centre is not a matter for this Development Application as detailed earlier in Section 2 above.</p> <p>Notwithstanding, the proposal provides an additional 109 spaces (net) within the Dutton Lane precinct.</p> <p>The provision of 500 car parking spaces on this site would be infeasible, as it would require at least an additional two levels of car parking resulting in a substantial breach of the LEP building height controls. An additional two levels would result in a</p>

Issue	Details	Proponents Response																		
		<p>structure that substantially exceeds the 10 metre height limit under Fairfield LEP 2013. In turn, such a variation to the height limit would trigger the requirement for 50% of the site to be set aside for open space. Therefore, a parking structure on 50% of the site only would result in a substantial increase in the height of the building over and above the alternative height limit for the site under the LEP (i.e. 16 metres). It is also financially not viable.</p> <p>The development proposal does not require 500 spaces.</p>																		
» Shortfall in car parking provision	<p>Shortfall in car parking compared with DCP5 requirements.*</p> <p>Proposal does not account for the 133 additional spaces required to service the proposed retail and commercial uses as per the rates published in DCP5.</p> <p>With the addition of the loss of 9 on-street car spaces a total of 299 spaces are required, while the generation of 275 car spaces in the proposal.</p> <p>Under Precinct 2 Controls in the DCP (Page 30) there is an opportunity to reduce parking provision by 40% where parking is provided in a centralised facility. On this basis, the development would need to provide a net additional 18 spaces, over and above the 109 spaces contemplated, to achieve compliance.</p> <p>Note: this does not appear to add up in terms of the 40% reduction.</p> <p><i>* Note: statements about the shortfall in car parking varied in the submissions, ranging from a stated shortfall of 24, 30, etc.</i></p>	<p>The development meets the requirements for the provision of car spaces.</p> <p>CTC DCP car parking requirements are set out below, together with the resulting requirements for the proposed development:</p> <table><tr><th>CTC DCP parking rates</th><th>Required number of car parking spaces for the DA</th></tr><tr><td colspan="2">Office</td></tr><tr><td>1 per 40m<sup>2</sup> (above ground)</td><td>12.6 spaces</td></tr><tr><td colspan="2">Retail, restaurant, cafes</td></tr><tr><td>1 per 25m<sup>2</sup></td><td>119.8 spaces</td></tr><tr><td colspan="2">Replacement of existing</td></tr><tr><td>157 (Dutton Lane)</td><td>157 spaces</td></tr><tr><td>9 (Hughes Street)</td><td>9 spaces</td></tr><tr><td><b>Total</b></td><td><b>298.4 (299)</b></td></tr></table> <p>The development demands 133 spaces and is required to replace 166 spaces. A total of 299.</p> <p>A total of 275 spaces will be provided on site, resulting in a net physical increase of 109 spaces. This is considered to be the optimum quantum of car spaces suitable for the site as detailed earlier in the report.</p> <p>Section 94 Contributions are proposed to be paid to offset this shortfall. Note: the CTC DCP enables the payment of Section 94 contributions in lieu of any car parking not provided on-site.</p> <p>CTC DCP provides that where contributions are paid for centralised car parking in lieu of on-site parking provision, the required parking rates may be reduced by 40%. 24 spaces – 40% = 14 spaces.</p> <p>Therefore, it is proposed to pay contributions for 14</p>	CTC DCP parking rates	Required number of car parking spaces for the DA	Office		1 per 40m <sup>2</sup> (above ground)	12.6 spaces	Retail, restaurant, cafes		1 per 25m <sup>2</sup>	119.8 spaces	Replacement of existing		157 (Dutton Lane)	157 spaces	9 (Hughes Street)	9 spaces	<b>Total</b>	<b>298.4 (299)</b>
CTC DCP parking rates	Required number of car parking spaces for the DA																			
Office																				
1 per 40m <sup>2</sup> (above ground)	12.6 spaces																			
Retail, restaurant, cafes																				
1 per 25m <sup>2</sup>	119.8 spaces																			
Replacement of existing																				
157 (Dutton Lane)	157 spaces																			
9 (Hughes Street)	9 spaces																			
<b>Total</b>	<b>298.4 (299)</b>																			

Issue	Details	Proponents Response
		<p>spaces not provided on-site.</p> <p>The application of car park requirements for the DA is consistent with other similar developments in Cabramatta and is in accordance with the applicable planning controls and strategic objectives of Council.</p>
» Suitability of DCP controls	<p>Current DCP parking rates may be unsuitable and need to be rigorously applied, if not increased.</p>	<p>The current CTC DCP parking rates have been applied to the proposal as part of the assessment.</p> <p>The DA is consistent with the approach applied by Council to similar recent developments in the area e.g. the developments at 46 Hill Street and 263 Cabramatta Road.</p> <p>The suitability of car parking rates in CTC DCP is not a matter for this Development Application.</p>
» Demand assessment and parking surveys	<p>DA presents no parking survey data.</p> <p>Lack of recent “comprehensive review of parking demand” in Cabramatta.</p> <p>Council has not undertaken a Town Centre wide car parking survey since 2001 which is critical to the assessment of the application.</p> <p>Parking surveys are required to demonstrate the conditions at peak times before any concessions to the DCP rate are considered.</p>	<p>The DA has been prepared and assessed against the existing planning controls for the site, and against section 79C of the EP&amp;A Act.</p> <p>Notwithstanding, it is noted that traffic report accompanying the DA provides a comprehensive assessment of the potential traffic related impacts resulting from the proposed redevelopment. The report includes an assessment of existing traffic conditions including:</p> <ul style="list-style-type: none"> <li>» Surrounding road network road hierarchy;</li> <li>» Local traffic conditions</li> <li>» Local traffic controls</li> <li>» Traffic volumes (based on traffic surveys immediately surrounding the subject site undertaken on Friday 24th of May and Saturday 25th of May, 2013, at: <ul style="list-style-type: none"> <li>&gt; Park Road &amp; Hughes Street</li> <li>&gt; Hughes Street &amp; Dutton Lane East</li> <li>&gt; Hughes Street &amp; Dutton Lane West</li> <li>&gt; Hill Street &amp; Hughes Street</li> <li>&gt; Dutton Lane &amp; the Multi Storey Car Park Access</li> <li>&gt; Dutton Lane &amp; the Multi Storey Car Park Egress</li> <li>&gt; Dutton Lane &amp; the At-grade car park access driveway</li> <li>&gt; Hill Street &amp; Dutton Lane South</li> <li>&gt; John Street &amp; Hill Street</li> <li>&gt; Cabramatta Road West &amp; Hill Street)</li> </ul> </li> <li>» Existing Intersection Operation</li> <li>» Accident Analysis.</li> </ul>

Issue	Details	Proponents Response
		<p>Recent ticketing data obtained from the existing Dutton Lane car park operators indicates that Saturday, Sunday and Friday accommodate the peak influx of vehicles to the car park. This data supports the carrying out of traffic surveys on Friday and Saturday.</p> <p>During these periods of peak influx, the peak occupation of the car park is 94% of total capacity, occurring at midday on the Friday surveyed.</p> <p>The data shows that there are car spaces available during any one time at the Dutton Lane Car Park.</p> <p>This submission addresses the broader issue of how much parking should be provided in the town centre. This has been addressed in Section 2.</p>
» Section 94 Plan	<p>Section 94 car parking contributions do not solve existing problems.</p> <p>There is no other location within the Town Centre to accommodate these spaces.</p>	<p>The CTC DCP development controls for car parking and access in Precinct 2 states:</p> <p><i>"Note: Where contributions are paid for centralised car parking (in lieu of on-site parking) the above car parking requirements may be reduced 40%. See also clause 3.5 of the Plan."</i></p> <p>It is noted that clause 3.5 indicates that in some precincts within Cabramatta Town Centre, on-site car parking is not permitted, or is limited and the payment of a car parking contribution is necessary.</p> <p>For Precinct 2, the CTC DCP specifies that in the event of a proposed redevelopment of the Dutton Lane car park, all existing spaces must be replaced. As well as the replacement of existing spaces, any development proposal is required to supply car parking spaces to satisfy the proposed retail/commercial aspects of the proposed development.</p> <p>The CTC DCP also contains controls that limit the provision of on-site car parking to 30% of required car parking spaces. Given the circumstances of this site, the widespread use of the Dutton Lane car park and community feedback obtained prior to lodgement of the DA, it is considered that the redevelopment proposal should aim for maximum on-site provision of car parking spaces. This has been justified Section 2.</p> <p>The payment of contributions is therefore only proposed to offset any shortfall (14 spaces). This approach maximises the feasible provision of on-site car parking within Dutton Lane.</p> <p>It is noted that there are potential locations for the provision of any car parking shortfall, such as the expansion of the Hill Street / John Street /</p>

Issue	Details	Proponents Response
		Cabramatta Road car park.
<b>2. Car parking structure – design</b>		
» Access and circulation – new ramp	<p>The new ramp onto Dutton Lane (north) that serves the loop road is expected to attract significant traffic volumes which will increase volumes around the loop road.</p> <p>The Statement in the Traffic Report “it is considered most unlikely that motorists will subject themselves to this circuitous movement notwithstanding the efficient connection of the peripheral roadway to Hill Street via Dutton Lane South”.</p> <p>If so, why is this ramp provided? Either the traffic impacts need to be assessed or the ramp needs to be removed.</p>	<p>The new ramp will not attract further traffic volumes to the loop road. The design of the car park flow encourages egress from the premises from the existing multi-deck car park which does not require vehicles to enter the loop road. Notwithstanding, providing alternate entry/exit points allows the car park to function in event one being blocked for any reason.</p> <p>The assessment has taken account of the ramp in assessing the traffic distribution and traffic impact of the proposed development.</p>
» Internal design aspects – swept paths	<p>The design should use a B99 Design Car (not a B85 Design Car) according to Clause B2.2 of AS 2890.1. Therefore the sweep paths are unsatisfactory.</p>	<p>Application of a B85 Design Car is considered appropriate for this assessment. However, please find attached amended swept path plans incorporating B99 passenger vehicles in accordance with AS2890.1-2004.</p> <p>The amended swept path plans show that the design is suitable and will be able to accommodate all vehicle movements. Attached B.</p>
» Alternative access design	<p>Modify the geometry of the access ramps in the Dutton Lane car park (entry point of each ramp only rather than replacement of all ramps as previously considered by Council). This would result in the loss of one car space at each ramp (funded by Council).</p>	<p>Not relevant to this DA.</p>
» Alternative proposal	<p>A total of 1,200 parking spaces in the Dutton Lane Precinct could be accommodated by:</p> <ul style="list-style-type: none"> <li>» Providing a 400 or 409 space multi-storey car park over Hughes Street car park at the northern side of the Dutton Lane car park. The two car parks could be interconnected at upper levels with ground level of the new car park</li> </ul>	<p>Historically, the redevelopment of the Dutton Lane precinct has been debated and a number of development proposals contemplated by Council, including proposals featuring various land uses, heights and built form outcomes.</p> <p>Alternate solutions are not being considered at this time. The current proposal is considered the most feasible and appropriate redevelopment approach as it:</p> <ul style="list-style-type: none"> <li>» Maintains car parking in the Dutton Lane precinct without oversupplying the site with car</li> </ul>

Issue	Details	Proponents Response
	<p>featuring active uses. This will not require land acquisition (Federal Grant funding as this would promote tourism – a criteria of the Federal Grant). This was part of a Car Parking Strategy (prepared by PPK Consultants in 2001).</p> <ul style="list-style-type: none"> <li>» Construct a third multi-level car park over the western half of the Post Office car park.</li> <li>» The perimeter road and service parking around the Post Office car park would be retained as per previous schemes. An additional entry/exit driveway to Hill Street could be provided.</li> <li>» 320 additional car spaces in the Dutton Lane Precinct could attract drivers from the Fisher Street car park on the Eastern side. The Fisher Street car park would need to be upgraded in the future as the need arises based on parking surveys (Council funding).</li> </ul>	<p>parking to unsustainable levels</p> <ul style="list-style-type: none"> <li>» Provides a high quality design outcomes</li> <li>» Creates areas of high quality open space</li> <li>» Formalises the Dutton Lane precinct with designated pedestrian crossing points</li> <li>» Provides multiple entry/exit points to ease traffic flow and congestion</li> <li>» Provides a funding mechanism to allow construction to occur.</li> </ul> <p>The provision of an alternate multi-level car park within the northern portion of Dutton Lane (Hughes Street frontage) is not precluded by this development. However, no assessment of traffic or other impacts of such a proposal have been assessed.</p>
	Propose undergrounding of car parking, extra levels or roof-top parking	A basement car park would substantially add to the cost of construction of the development, making the project infeasible. Further it will not allow for the connection to the existing multi-deck car park.
<b>3. Loading spaces</b>		
» General	Traffic and transport report underestimates the loss of loading facilities (in the loop road system).	<p>The existing Dutton Lane precinct provides a number of loading areas for various vehicles under different arrangements, governed by relevant signage denoting the type and configuration of vehicles to be accommodated.</p> <p>Section 4.5 of the Traffic Impact Assessment provides a detailed and transparent assessment of the existing and proposed loading facilities, which specifies the replacement of all existing loading areas proposed to be deleted as part of the development and provision of new loading facilities required by DCP5/2000.</p> <p>The report also identifies a gross misuse of the existing loading bays which creates traffic congestion and reduces the availability of these spaces. It is suggested that while better enforcement and signage might help alleviate this</p>

Issue	Details	Proponents Response
		misuse, removal of the 90° loading spaces is seen as a more effective method of eliminating the problems.
	The implications of loading for existing business created by the development are significant.	<p>Whilst it is acknowledged that the proposal results in a reconfiguration of the existing precinct loading arrangements, the overall capacity of the precinct to accommodate loading activities will be increased.</p> <p>The proposed relocation of a portion of the existing loading activities to the periphery of the precinct (Hughes Street) is envisaged to significantly reduce the potential for undesirable and unsafe interaction between these activities and concentrated pedestrian activity within the Dutton Lane precinct.</p>
» Number of loading bays provided	Loss of 11 existing loading spaces is to be offset by 6 spaces in the general facility. This is only enough to offset loading requirements for the new development.	The small number of loading spaces proposed to be removed from Dutton Lane (one van and four truck spaces) are proposed to be reinstated within Hughes Street, providing safe and efficient connection to the existing premises within the northern portion of Dutton Lane.
	No van servicing spaces are indicated on the plans which are contrary to the statement made in Section 4.5.3.	Section 4.5.3 of the Traffic Impact Assessment states that the subject development is proposed to provide a total of six van loading spaces. These are proposed to be accommodated within two new indented loading bays within Dutton Lane immediately adjoining the north-eastern and south-eastern corners of the new building. These indented bays are proposed to be capable of accommodating up to three vans each.
	<p>The DCP loading rates have been incorrectly applied.</p> <p>(i.e. a single loading space can service 2,995m<sup>2</sup> of net lettable space; incorrect to assume that small tenancies will not generate as much need for loading facilities).</p> <p>The principal determinant of loading requirements should be floor area. On this basis, RMS Guidelines require 7 spaces for of which should accommodate trucks.</p>	DCP 5/2000 specifies that retail developments are to provide a single loading bay. The DCP does not provide a requirement for additional bays, based on the total provision of retail floor space. Compliance with DCP 5/2000 has been achieved.
» Loading bay design and location	Austroads and AS2890.1 define the standard service vehicle at 8.8m long which will attend the site on occasion reducing the capacity to 4 spaces on	<p>The existing Dutton Lane precinct provides various loading areas signposted to accommodate vehicles under or over 6m in length.</p> <p>The proposal involves the reconfiguration of existing loading areas resulting in the nett provision</p>



Issue	Details	Proponents Response
	occasions.	of 1 additional loading space (as per the DCP requirement) capable of accommodating a standard vehicle length of 8.8m.
	The loading zone needs to be 3.1m wide to comply with Table 2.1 AS2890.5 which include 0.5 lateral clearance which may undermine the 'seagull' arrangement proposed.	The on-street loading zone is proposed to be provided to the east and clear of the influence of the proposed seagull treatment.  Also refer to the Hughes Street plan showing the proposed arrangement.
	<p>The 55m kerbside loading bay is unacceptable due to:</p> <ul style="list-style-type: none"> <li>» The remoteness from retail facilities which relies on the use of pedestrian linkages which drivers are unlikely to use due to security concerns</li> <li>» Likelihood that double-parking of delivery vehicles will occur in the loop road</li> <li>» Poor streetscape as a result of 55m of truck/van parking on Hughes Street</li> </ul>	<p>The proposed on-street loading zone within Hughes Street is located immediately adjacent to various retail premises within the northern portion of the Dutton Lane precinct.</p> <p>The existing loading arrangements within Dutton Lane rely on the use of more concentrated pedestrian linkages.</p> <p>The relocation of some loading facilities from the Dutton Lane precinct to Hughes Street is envisaged to significantly reduce the potential for undesirable interaction with the concentrated pedestrian activity prevalent within Dutton Lane.</p> <p>The provision of formalised loading areas within Hughes Street (in addition to the 6 loading bays proposed within Dutton Lane) has the objective of reducing loading activities within Dutton Lane and therefore reducing the propensity for double parking of delivery vehicles.</p>
» Services short stay parking	Requires short-stay parking for essential services e.g. blood collection/delivery	<p>There is no requirement to provide "short stay" parking under any legislation.</p> <p>These users are not precluded from accessing parking either on or off street to enable collection / delivery.</p>
<b>4. Construction Traffic</b>		
» Impact on existing businesses	During construction there will be significant and adverse impact on parking conditions, adversely impacting business viability.	<p>The management and impacts of construction activities are to be addressed within a detailed Construction Traffic and Pedestrian Management Plan (CTPMP).</p> <p>The CTPMP is to address operational management measures relating to noise, dust, traffic and temporary road closures.</p>
» Construction Management Plan	Rather than a Condition of Consent, a detailed CMP should be prepared outlining the principles to be adopted (if not a final plan) demonstrating:	The applicant recognises a CTPMP prepared in consultation with relevant stakeholders is important to the successful delivery of the project. In this case, the stakeholders would include surrounding business owners, the community, Fairfield City Council, the Roads & Maritime Services (RMS) and



Issue	Details	Proponents Response
	<ul style="list-style-type: none"> <li>» How access will be maintained to existing properties</li> <li>» Pedestrian management</li> <li>» Parking overspill mitigation</li> <li>» Construction vehicle accommodation</li> <li>» Loss of revenue compensation during construction</li> <li>» Traffic management during construction</li> <li>» Alternative parking arrangements.</li> </ul>	<p>public transport providers.</p> <p>It is also critical that the CTPMP preparation be overseen by the principal contractor undertaking the building work, to ensure that the traffic and pedestrian management measures implemented are feasible and relate to the proposed construction methodology. A contractor cannot, however, be engaged until development consent has been granted.</p> <p>Notwithstanding the above, the applicant understands the expectation that adequate access to adjoining properties will be maintained during construction works.</p> <p>The applicant would request a consent condition requiring the preparation and approval of a CTPMP prior to the issue of the Construction Certificate. Matters to be addressed in the CTPMP are to include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> <li>» site location and road network</li> <li>» overall principles for traffic management</li> <li>» hours of work</li> <li>» truck routes</li> <li>» traffic and parking effects</li> <li>» pedestrians</li> <li>» extensive consultation</li> <li>» noise</li> <li>» pedestrian and traffic management plan</li> <li>» alternative parking arrangements during construction, including a shuttle bus.</li> </ul> <p>Note: this is not an exhaustive list of issues and will be finalised with the appointed principal contractor (which is subject to a tender process in accordance with Local Government legislation).</p>
<b>5. Traffic generation rates and discounts</b>		
» Traffic generation rates and discounts	<p>Concerns about the discounts applied for "linked trips" and modelling.</p> <p>Agree with discounts but these are not available at any site access (i.e. a single car passing by the development is a single trip but when it involves a visit to the development is generates two trips). It is unclear if this has</p>	<p>The Traffic Impact Assessment applied a traffic generation discount of between 20-25% to account for "mixed use" trips, not "linked trips".</p> <p>A "mixed use" trip is one which involves a customer visiting more than one shop in any given trip, a significant likelihood in the case of the Dutton Lane proposal, given the small size of a significant majority of the tenancies within the subject development and indeed, the Cabramatta town centre. Any discount to traffic generation associated with such a "mixed trip" applies to additional traffic</p>

Issue	Details	Proponents Response
	been accounted for.	<p>throughout the surrounding road network as well as that which enters and exits a specific development.</p> <p>A “linked trip” refers to passing trade, whereby a discount to traffic generation applies to the surrounding road network but not the site access driveways. This operation is more consistent with service station operation, thus not applicable to the subject proposal.</p> <p>An explanation with respect to this terminology is appropriately covered within the Roads &amp; Maritime Services’ <i>Guide to Traffic Generating Developments</i> – Section 3.6.1. The methodology adopted within the Traffic Impact Assessment is consistent with this publication.</p>
<b>6. Traffic distribution and external traffic impacts</b>		
» Trip distribution	The distribution of additional trips is supported. However, this would need to be revisited if the Dutton Lane (north) ramp is deleted.	The Dutton Lane (north) ramp is not proposed to be deleted for reasons previously outlined.
» Hughes Street impacts	Impact of the painted islands on Hughes Street – limiting access to private driveways along the northern side of Hughes Street.	<p>The proposed painted islands would replace an existing raised concrete median island, which currently restricts access movements to private driveways along the northern side of Hughes Street to left in / left out.</p> <p>The proposal will not change the access arrangements to any private properties on the northern side of Hughes Street.</p>
	Difficulty for pedestrians to cross Hughes Street due to “Seagull” arrangement. (i.e. drivers will be focussed on the merging manoeuvre they need to make).	<p>The proposed “seagull” arrangement is not envisaged to result in a deterioration of existing pedestrian crossing conditions.</p> <p>The proposed seagull treatment is proposed to assist right turn egress movements from the precinct and is a suitable arrangement from a traffic movement and network perspective. In this regard, the potential impacts of the proposed seagull treatment at the junction of Hughes Street and Dutton Lane are investigated through SIDRA modelling contained within the DA Traffic Report. This SIDRA modelling concluded that the proposed seagull treatment would in fact improve the overall level of service provided at the subject junction from ‘E’ to ‘C’, despite the additional traffic projected to be generated by the subject development.</p> <p>The proposed seagull arrangement is not envisaged to result in a deterioration of existing pedestrian crossing conditions. Indeed, pedestrians are</p>

Issue	Details	Proponents Response
		provided with signalised pedestrian crossing facilitates over Hughes Street at Hill Street and Park Road, some 95m and 150m to the west and west of Dutton Lane respectively.
	Question as to whether the length required for the merge lane can be achieved to comply with Austroads Guidelines. Alternative solution such as a roundabout may be required.	<p>Austroads specifies that the length of the lane required to merge from one lane to another with a 50km/h speed limit is less than 50m. The concept design provided within the Traffic Impact Assessment provides an indicative merge lane length of 60m.</p> <p>A roundabout junction control would provide priority for vehicles exiting Dutton Lane (a private road) over eastbound Hughes Street public road movements. This would likely result in increased eastbound queue lengths within Hughes Street having the potential to impact the operation of traffic signals at the intersection of Hill / Hughes St.</p>
» Traffic volumes	<p>The Traffic Assessment notes on p.28 that "A notable volume (between 180-240 vehicles per hour during peak period) of traffic travels around the circular lane periphery roadway in order to access the formalised indented loading bays."</p> <p>The traffic consultant conducted this survey during May 2013 when several of the entrances to the car park were blocked adding significantly to traffic generated (i.e. people trying to find an alternative route into the car park).</p>	<p>The traffic surveys were undertaken a number of weeks after the implementation of alterations to the Dutton Lane car park access arrangements.</p> <p>Entrances to the Dutton Lane car park were not blocked during these surveys and the results are considered to be representative of current conditions.</p> <p>The notable volumes of vehicles travelling around the periphery roadway have been observed to be associated with access to the desirable (no fee) northern Dutton Lane at-grade car park (only accessed via the periphery road), access to Hill Street and to a lesser extent, the formalised Dutton Lane loading areas.</p>
<b>7. Reclassification of land</b>		
» Land re-classification process	Lack of consultation, particularly the business owners in Cabramatta, regarding the reclassification of the land from community purposes to operational land.	<p>The classification of land is an important consideration for all development applications lodged by Council ('Community' or 'Operational' land).</p> <p>Council followed the appropriate process in reclassifying the land from 'Community' to 'Operational' land as follows:</p> <ul style="list-style-type: none"> <li>» LEP Amendment No. 94 was gazetted on 24 September 2004</li> <li>» The LEP Amendment converted a number of the allotments forming part of the Dutton Lane car park into Operation land</li> <li>» The process undertaken was in accordance with</li> </ul>

Issue	Details	Proponents Response
		<p>legislative requirements and directions provided by the then NSW Department of Infrastructure, Planning and Natural Resources. The process included:</p> <ul style="list-style-type: none"> <li>&gt; a public exhibition period between 23 July 2003 to 22 August 2003</li> <li>&gt; a subsequent further public exhibition period from 23 August 2003 to 22 September 2003</li> <li>&gt; a public hearing held on 30 October 2003.</li> </ul> <p>» An independent assessor determined that the reclassification process had been completed in accordance with legislation and the process of advertising, exhibiting and signage used were adequate.</p> <p>Council's engagement with the community on the commercial development of the site has occurred since the late 90's, clearly signalling the use of the land to the business and wider community i.e. consistent with 'Operational' land classification.</p>
	The [reclassification] process was improper and failed to comply with legal requirements.	Refer above.
	Unless Council acknowledge that the site should still be considered Community Land, urge the JRPP to determine the application on this basis (that it should be considered Community Land) and be refused as inappropriate and not permitted for Community Land.	The land that is the subject of the DA is classified Operational Land.
» Community expectation	<p>Reclassification as 'operational land' was accompanied by an outcomes report which included comments from Colliers International that:</p> <ul style="list-style-type: none"> <li>» There would be considerable interest from the development community to provide public parking to a level desired by the Council and the Community; and</li> <li>» Potentially a 'town common'</li> </ul> <p>This proposal does not meet community expectations in terms of delivering the desired outcome.</p>	<p>This is not a relevant consideration for this DA under Section 79C of the EP&amp;A Act.</p> <p>Notwithstanding, the following information is provided by way of background:</p> <ul style="list-style-type: none"> <li>» The Outcomes Report referred to was dated 12 August 2003</li> <li>» The comments from Colliers International relate to the possible sale of the subject site to the public and did not reflect community expectation at the time.</li> </ul> <p>It should be noted that the Colliers report suggested that the subject site would most likely attract a considerable interest from developers in the community provided it included the provision of public parking to the level desired by Council and potentially a significant portion of open space for a town common. In return the developer would most</p>

Issue	Details	Proponents Response
		likely require the right to construct a significant residential development with some ground floor retail space fronting the future town common.
<b>8. Economic Issues / Economic Impact Assessment</b>		
» Flawed or lacking assessment	Narrow and flawed assessment of the effect of redirection of expenditure from existing centres.	<p>HillPDA adopted the following methodology to determine the economic impact of the proposed development:</p> <ol style="list-style-type: none"> <li>1. Recorded reported turnover levels of the competing centres and/or estimated turnover levels based on industry benchmark turnover levels, expenditure modelling and by survey and observation (type and mix of retailers, levels of vacancies, etc)</li> <li>2. Estimated the turnover of the proposed development using benchmark turnover levels</li> <li>3. Redirected the turnover from competing centres using a bespoke gravity model</li> <li>4. Measured the 'point in time' impacts on competing centres as percentage shifts in turnover</li> <li>5. Measured the shifts in turnover over time taking into consideration growth in expenditure generated by the respective trade areas of impacted centres</li> <li>6. Assessed the resultant levels of turnover against industry benchmarks to ascertain whether or not any centre is likely to experience social detriment, significant closures or any other adverse impacts</li> <li>7. Considered whether or not mitigating measures would be required to limit the potential for adverse impacts.</li> </ol>
	There is no need for additional retail/offices and/or it will have a negative impact on existing retailers.	<p>HillPDA was commissioned to undertake an independent economic analysis of the proposal. Specifically, the economic analysis seeks to ascertain the economic impact for the retail component of the proposed development on the surrounding area and retail hierarchy. The study further investigates the demand for retail uses within Cabramatta which the proposed development seeks to provide.</p> <p>This assessment concluded that the proposed development complies with Council's Centres Policy because it will:</p> <p>» not result in unacceptable level of impact on the range of services provided in other existing sub-</p>

Issue	Details	Proponents Response
		<p>regional centres in Fairfield</p> <ul style="list-style-type: none"> <li>» not result in a reduction of the range of services provided in nearby neighbourhood centres</li> <li>» reduce some (albeit a minor amount) of escape spending form Fairfield (it will also increase expenditure coming into Cabramatta from other Local Government Areas)</li> <li>» improve the viability of Cabramatta by responding to growth in demand; and will result in a positive net community benefit in the locality by replacing the at-grade open car park in the middle of Cabramatta shopping centre with active vibrant retail space.</li> </ul>
	Study does not include a net community benefit test.	<p>The draft NSW Centres Policy 2009 requires that a net community benefit test be undertaken for all rezoning applications seeking to facilitate retail or commercial floorspace.</p> <p>The proposed development is not seeking to rezone the land, and as such a net community benefit test was not carried out. The retail component of the development is permissible in the zone in which it proposed.</p>
	Study does not recognise the substantial deficit of car parking and the increase in deficit by the proposal.	Refer to Traffic study and Section 2 on more parking issue.
	No full assessment of the overall adverse impact on the extent and adequacy of local community services and facilities.	<p>HillPDA was commissioned to carry out an independent Economic Impact Assessment (EIA) in relation to a proposed redevelopment. The purpose of the study was to ascertain the economic impact for the retail component of the proposed development on the surrounding area and retail hierarchy, and investigate the demand for retail uses within Cabramatta which the proposed development seeks to provide.</p> <p>It is not the role of an economic study to assess the impact of the proposed development on local community services and facilities.</p> <p>Notwithstanding, it is noted that the proposed development is permissible in the zone in which it is proposed, and seeks approval for a small amount of commercial space (505m<sup>2</sup>) which is proposed to be used for community uses (i.e. office space for Fairfield Council's Cabramatta place management team and community meeting spaces).</p>
	The assessment notes that this proposal supplies 60% of total	The proposed development is permissible in the zone and has economic benefits including:

Issue	Details	Proponents Response
	<p>retail floorspace requirements for ten years. Good planning perhaps, but objectionable when combined with the prime location, better position to parking, questionable conversion to from Community Land and potential damage to surrounding small businesses.</p>	<ul style="list-style-type: none"> <li>» Construction value estimated at \$16m, providing wider direct and indirect multiplier benefits of \$46m</li> <li>» The creation of 64 job years directly in construction and a further 199 job years indirectly during the construction process</li> <li>» Supporting an estimated 127 full time and part time jobs in retail and commercial services</li> <li>» Increasing shopper convenience by providing an accessible retail and commercial development is a direct response to growth in demand;</li> <li>» Increasing shopper convenience by providing onsite parking for 275 cars</li> <li>» Increased price competition.</li> </ul>
	<p>Issue with critical expenditure table – broad assessment of the whole of Cabramatta, not just the surrounding locality and impact on businesses therefore, may be greater than 2.5%.</p>	<p>The HillPDA assessment was carried out in accordance with a robust methodology and good practice in economic assessment consistent with industry standards.</p>
	<p>Study does not express that there is an advantage for the new shops being located below car parking facilities.</p>	<p>The provision of replacement car parking in the town centre location, together with ground floor retail activity, will increase shopper convenience by providing an accessible retail and commercial development that is a direct response to growth in demand.</p> <p>Alignment of pedestrian linkages has been considered carefully to facilitate movement to and from the site to adjoining buildings.</p>
	<p>Study does not substantively test against the mentioned NSW Draft Centres Policy (2009), the draft SEPP (Competition) or the case Kentucky Fried Chicken v Grantidis.</p>	<p>The HillPDA study cites previous court judgements which have provided some guidance on relevant issues in relation to impacts of DA's on retail centres. After citing a number of relevant cases and judgements, the report highlights that <i>"The LEC has stated that Councils should not be concerned about impact on any one trader. But it should concern itself with impacts on the whole of a retail centre. The impact on any one trader is only relevant if its viability is threatened and the viability of all the other traders are threatened due to a demonstrated nexus between the threatened trader and the other traders within the retail centre."</i></p> <p>The HillPDA report demonstrates that the proposal will not result in unacceptable level of impact on the range of services provided in other existing sub-regional centres in Fairfield and will not result in a</p>

Issue	Details	Proponents Response
		<p>reduction of the range of services provided in nearby neighbourhood centres.</p> <p>As such, the proposal does not threaten the Cabramatta retail centre. Indeed, the proposal will improve the viability of Cabramatta by responding to growth in demand. Furthermore the retail proposed is in keeping with the medium scale character of retail shops envisaged for this part of Cabramatta (Precinct 2) under CTC DCP.</p>
	Study does not acknowledge the "just in time" shopping trend resulting in leakage to surrounding centres such as Canley Heights.	The HillPDA study has carried out a comprehensive assessment of the current role of Cabramatta Town Centre and the existing floorspace in the centre (as well as surrounding centres). In addition, Section 4 of the study provides detailed market commentary on the Cabramatta town centre and competing markets, to inform the economic assessment.
» Mini-major retail	<p>The study does not consider alternatives to smaller shops.</p> <p>No recognition that the site in question is one of the few places that could support a "mini major".</p>	<p>Not relevant to the assessment of the current DA.</p> <p>The HillPDA study has justified the permitted retail uses which form part of the proposed development, having assessed the retail uses against:</p> <ul style="list-style-type: none"> <li>» demand for retail space in the area</li> <li>» demographics of the trade area</li> <li>» population forecasts</li> <li>» forecast household expenditure</li> <li>» forecast demand for retail floorspace.</li> </ul>
	The study does not address the escape expenditure from Cabramatta to Liverpool (and that one of the key reasons is the need for a "mini major" like Aldi in Cabramatta).	The HillPDA study has addressed competing markets as part of its assessment, including both Liverpool and Fairfield.
» Bing Lee/ Woolworths	<p>Bing Lee has not been in Cabramatta for a long time.</p> <p>Woolworths is some distance away and parking is poor.</p>	Not relevant to the assessment of the current DA.
<b>9. Statutory Planning issues / Statement of Environmental Effects (SEE)</b>		
» Clarity on GFA/GLFA description	<p>SEE describes 'gross floor area' (GFA) and 'gross leasable floor area' (GLFA) of the ground floor centre to be 2,995m<sup>2</sup>.</p> <p>The GFA should be made clearer.</p>	<p>Fairfield LEP 2013 uses the term gross floor area (GFA) in defining Floor Space Ratio.</p> <p>Section 3.1.3 of the SEE describes the GFA of the proposed development, being 2,995m<sup>2</sup> GFA of retail uses and 505m<sup>2</sup> of commercial uses.</p>
» Pedestrian	Existing pedestrian movement	Dutton Lane currently functions as a private road



Issue	Details	Proponents Response
movement	<p>described as ad hoc – this is a great advantage in that pedestrians are able to walk to any part of the surrounding shops.</p> <p>The current multi-directional large open space is proposed to be replaced by a much inferior smaller size bi-directional enclosed pedestrian space.</p>	<p>that accommodates visitor vehicles, loading vehicles and pedestrians. The precinct does not currently provide designated pedestrian crossing points, an environment with three modes in conflict (vehicles, loading vehicles and pedestrians).</p> <p>The proposal seeks to formalise the arrangements for pedestrian access across the precinct, making it safer for pedestrians to manoeuvre within and around the site.</p> <p>Designated, raised and marked pedestrian crossing points will make the site more legible, and direct pedestrians to safe crossing points. The internal arcades within the new development have been strategically designed and located to provide connectivity to the adjoining arcades in the surrounding locality. This will provide for a smooth transition and interaction between the proposed and existing buildings.</p> <p>As the area currently experiences times of traffic congestion, where pedestrian and vehicle movements conflict, the improved pedestrian access arrangements significantly improve the flow of cars and pedestrians safely through the precinct.</p> <p>Access to surrounding shops will continue to be available and the proposal does not impact the accessibility to the surrounding shops.</p>
» Undermines Cabramatta's uniqueness	Does not support the uniqueness of Cabramatta – a long-standing objective – as a tourist, cultural, retail and business centre.	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>» create an attractive public domain area that extends from the existing pedestrian linkage from Parks Road / Freedom Plaza</li> <li>» provide medium scale retail uses at the ground level that complement the existing character of Cabramatta Town Centre, contributing to the core retail / business function of the centre</li> <li>» provide some commercial space, which is intended to be used as Council offices and community meeting rooms</li> <li>» improve the appearance of the precinct through a well-designed building that does not present as a standard car park, but features architectural elements</li> <li>» provide an active edge through the placement of retail premises at the building facades, thus creating an active pedestrian realm in accordance with Crime Prevention Through Environmental Design principles</li> <li>» eliminate "hot-spots" for criminal activities, as well as improve lighting and safety in the vicinity, through Crime Prevention Through</li> </ul>

Issue	Details	Proponents Response
		<p>Environmental Design principles and CCTV cameras.</p> <p>In this regard, the proposal is considered to be in keeping with, and will contribute to, the character and uniqueness of Cabramatta Town Centre.</p> <p>Refer also to Section 13. Cultural impact in this table.</p>
» DCP Precinct 2 Objectives	Does not meet DCP Precinct 2 objectives of encouraging medium scale and car-based retail activities such as a variety store or supermarket up to 2,500m <sup>2</sup> .	<p>The proposal is consistent with the objectives of Precinct 2, primarily encouraging medium scale retail activities that are compatible with the central area of the town centre. Another objective is to ensure that the siting and bulk of buildings contributes to the existing or proposed character of the precinct.</p> <p>The proposal meets both of these objectives as it provides retail facilities that are compatible with this part of the Cabramatta town centre, in a building that has been designed to respect the scale of surrounding development.</p> <p>It is noted that one of the desired character statements for Precinct 2 is that: <i>"Council does not favour 'big box' retail development exceeding 2,500m<sup>2</sup> of floor space in this precinct of Cabramatta."</i></p> <p>According to the NSW Draft Centres Policy, 'big box' development refers to buildings designed to provide cheap and large floor areas, which typically accommodate one large, single-floor store. <i>"Big box store (or also called superstore, megastore and supercentre) is a large, free-standing, rectangular, generally single-floor store built on a concrete slab with a floor area of between 4,000 and 18,000m<sup>2</sup> depending on the sector and market providing general merchandise or specialising in a limited range of lower cost of goods."</i></p> <p>In this respect, the proposal does not provide a 'big box' development. Rather it provides medium scale retail facilities that are compatible with this part of the Cabramatta town centre.</p>
» Open space provision	<p>Lack of justification for the significant reduction in open space provision.</p> <p>Does not comply with DCP5 in relation to building height which requires the provision of 50% landscaped open space for development over a height of 10m.</p>	<p>The Fairfield LEP 2013 height of buildings controls state that the maximum permissible building height for the land is 16 metres. Notwithstanding, the LEP also states that the height of buildings should not exceed 10 metres unless at least 50% of the site area will be landscaped open space.</p> <p>The intent of these LEP clauses is to ensure that any major redevelopment of the site (which creates buildings of up to 16 metres in height – equivalent to 5 storeys) provides adequate open space in</p>

Issue	Details	Proponents Response
	<p>The Clause 4.6 variation may not be justified as the variation may not be in the “public interest”.</p>	<p>return for an increase in floorspace</p> <p>The Fairfield LEP 2013 also contains provisions (clause 4.6) that provide an appropriate degree of flexibility in applying certain development standards.</p> <p>The SEE seeks approval for a clause 4.6 variation as part of the proposed development. <b>Appendix A</b> illustrates the non-compliances. It is noted that only very minor variations to the building height controls are proposed, relating only to the fire stairs, lift core and plant room.</p> <p>The design of the structure has intentionally increased the height of the concrete fire stairs so as to add architectural interest to the building. Whilst a reduction to the height of the fire stairs and lift core could be undertaken to bring the proposal below 10 metres, it is considered that the proposal as exhibited presents an improved visual / architectural outcome. It is also noted that the non-compliance is limited to small parts of the building footprint as shown in <b>Appendix A</b>.</p> <p>The added height does not increase provide additional usable floor space or contribute to the leasable area of the development.</p> <p>The justification for the Clause 4.6 variation is considered sound. On this basis, it could be argued that the development is not required to provide any open space and such would typically be the case if the site was privately owned and developed.</p>
	<p>Does not comply with desired local character of the Dutton Lane Precinct (as per DCP5) which is to create open forum retail which provides a “centrally located pedestrian common as the third significant piece of public open space west of the railway line and will link to Freedom Plaza, John Street and Cook Square”.</p>	<p>The CTC DCP contemplates that any major redevelopment of the site (up to a height limit of 16 metres) would involve the provision of 50% of the site as open space.</p> <p>The current redevelopment proposal is generally consistent with the 10 metres height limit, with the exception of architectural elements, and thus is not considered a trigger for the provision of 50% open space. Notwithstanding, the proposal includes a useable area of public open space at the eastern part of the site, connected to Park Road and Freedom Plaza.</p> <p>The design of this area will be consistent with Council’s improvement program.</p> <p>A History Wall is also proposed.</p>
» Current parking deficit	<p>Does not address the existing parking deficit.</p>	<p>This is not a relevant consideration for this DA under Section 79C of the EP&amp;A Act (see Section 2 more parking issue).</p>

Issue	Details	Proponents Response
	SEE makes an incorrect claim that the proposal gives effect to the objective of providing a centralised car park.	<p>The proposal maintains one of the primary uses of the site, being for the purpose of car parking.</p> <p>It replaces all existing car parking spaces within the Dutton Lane precinct and maintains a centralised car park at the first and second floors.</p> <p>The DA provides as many car spaces on site as physically, practically and financially possible taking into account current the planning controls and design objectives.</p> <p>The 275 car spaces accounts for the 166 to be replaced and 109 of 133 for the development, to be built on site. This covers exactly 2 levels and satisfies the height limitation of 10m. Section 94 contribution is proposed to be paid on the remaining balance.</p> <p>It achieves the intentions of the DCP and Developer Contribution Plan to provide an appropriate amount of parking on-site and contribution towards a centralised car park in Cabramatta.</p>
» Retail uses	A “boxy” mall with 30 shops provides direct competition to the existing shops and a “mini” car park does not support these objectives, takes away community open space and increases car parking deficiency.	<p>The proposal provides car parking in accordance with the CTC DCP.</p> <p>An assessment of the proposed retail uses within the new development has been carried out by HillPDA against relevant planning policies and controls, including Council’s Retail and Commercial Centres/Activities Policy (2006).</p> <p>This assessment concluded that the proposed development complies with Council’s Centres Policy (Refer to Section 8 Economic Issues / Economic Impact Assessment, in the table above).</p>
» Section 94 Contributions Plan	SEE refers to the Section 94 plan regarding the construction of a multi-deck car park off Cabramatta Road which will never be built.	<p>The proposal has been assessed against the CTC DCP. The CTC DCP contains provisions enabling the payment of Section 94 contributions for any car parking not provided on-site.</p> <p>The DA meets the objectives set out in the Plan.</p>
» Waste Management	More attention should be paid to waste management processes in the development.	<p>A garbage room is located on the ground floor of the proposed development, towards the south eastern corner of the building, measuring 6.5m x 12.9m.</p> <p>The room is separated from other areas of the development by a service corridor.</p> <p>The garbage room will provide space for waste management and storage associated with the operation of retail and commercial developments on the ground and first floor.</p> <p>The room will be accessible through a door via a</p>

Issue	Details	Proponents Response
		service corridor which provides direct secure access to the southern side of the proposed building where garbage pick-up is proposed.
<b>10. Building Code of Australia</b>		
» Inconsistency with BCA	Sanitary facilities required under the BCA Compliance Report have shown that two employees per shop have been used to calculate sanitary requirements. Economic estimates indicate 3 staff for each shop and 5.44 staff from each office.	<p>Amended plans have been submitted to Council with the following changes:</p> <p>Sanitary facilities provided for retail space:</p> <ul style="list-style-type: none"> <li>» Male W/C – 7 (previously 5)</li> <li>» Male urinal – 8 (previously 6)</li> <li>» Male basin – 4 (previously 4)</li> <li>» Female W/C – 12 (previously 9)</li> <li>» Female basin – 4 (previously 5)</li> </ul>
<b>11. Community Consultation</b>		
» Community Information Session	<p>Boards and model only provided for 3 hours only.</p> <p>A presentation on the development should have been given followed by a question and answer session.</p> <p>More than one session should have been provided.</p> <p>Information session should have been held in closer proximity to the site.</p>	<p>The community consultation undertaken to support the DA was carried out prior to the DA being submitted to Council, thus outside of, and in addition to, the legislative requirements for DA's.</p> <p>Organising information sessions at a time when everyone can make it is always a challenge.</p> <p>An open house was held on a weeknight between 5.30-8.30pm to allow people the opportunity to make the session after work when they were able.</p> <p>The drop-in format provides members of the community with an opportunity to view information on the project and ask Council detailed questions one-on-one. In our experience this format is one of the best ways for people to find out information relevant to them and provide feedback.</p> <p>This session was held in addition to the period of statutory exhibition where the community had the opportunity to view plans and provide a formal submission to Council.</p> <p>The DA lodged reflects the feedback from the Community Information Session as the proposed development has increased the number of car spaces to be provided on site from a total of 240 to 275.</p>
	No copies of Traffic or Economic Study available at the session.	As the drop-in-session was held prior to the lodgement of the DA to Council, and to allow changes to the plans to be made in response to community feedback prior to lodgement, the Traffic and Economic Studies were not completed at the time of the drop-in-sessions.

Issue	Details	Proponents Response
		<p>The traffic engineer was in attendance at the session to answer questions and take comments.</p> <p>Both reports were available to view during the DA exhibition period.</p>
» Community information boards	Changes were made to the plans following consultation session and prior to lodgement (i.e. increase parking which meant the light well proposed, and shown on the community information boards, are not within the proposal).	<p>The feedback from the information session was that more parking should be provided as part of the proposal.</p> <p>Additional parking was therefore incorporated into the plans in response to this feedback, requiring the removal of the light well and a reduction in the ceiling height of the commercial space.</p>
	Board material was not available to be taken away from the session.	The information available on the boards was for information purposes only. A copy of the boards was attached to the Statement of Environmental Effects submitted and exhibited with the DA. Further, an electronic copy was provided to the Chambers of Commerce for distribution to its members.
	No internal layout plan provided at the session.	<p>The boards conveyed both written and graphical information about the proposed development, including the amount of retail space proposed.</p> <p>It is noted that the information boards at the drop-in session indicated that the proposal includes:</p> <p><i>"2,995m<sup>2</sup> of retail space at ground level fronting Dutton Lane and an internal arcade."</i></p>
» Timeframe	Not enough time provided to effectively respond to the proposal.	<p>This session was held in addition to the period of statutory exhibition where the community had the opportunity to view plan and provide a formal submission.</p> <p>In addition to the opportunity provided to community members to provide comments at and following the information session, Council placed the plans on public exhibition for comment for a further 21 days.</p>
» Invitation to comment letter	Invitation to comment letter – not provided in other languages.	<p>The applicant does not draft nor issue the invitation to comment (notification) letters.</p> <p>However, it is understood that the notification letter is only required to be issued in English. The Council envelopes used however has a statement advising that if an interpreter is required then they can contact Council. This statement is written in multiple languages applicable to the Fairfield area.</p>
	Lack of detail about the retail nature of the development in the descriptor of the development.	<p>The applicant does not draft nor issue the invitation to comment (notification) letters.</p> <p>However, it is understood the notification letter</p>

Issue	Details	Proponents Response
		<p>included a general description of the proposed development, being: <i>"Construction of a 3 level office / retail building with associated parking and proposed re-subdivision of various lots (redevelopment of Dutton Lane car park)."</i></p> <p>All reports and plans were available digitally on the Council website or at Council Chambers in hard copy.</p>
	<p>Diagram only shows the top car parking level but not show the ground floor retail.</p> <p>Misleading in that it gives the impression only car parking is being proposed.</p> <p>Should have included: site diagram, floor plans, elevations, sections, 3D displays, detail drawings and other diagrams as per other less significant developments.</p>	<p>All reports and plans were available digitally on the Council website or at Council Chambers in hard copy.</p>
<b>12. Architectural / Visual impact</b>		
» Design	Negative impact on Cabramatta appearance	<p>The design approach for the proposed development is described within the Architects Statement dated 16.09.2013. The proposed built form, elevational treatment, materials and façade detail have been carefully selected to respect and enhance the relationship of the site and its context. The design results in the creation of a unique and contemporary architectural expression that is contextual and identifiable in the existing context and surrounds. The development is considered to enhance the quality of the environment and surveillance as well as provides excellent amenity to the community.</p>
	<p>Lack of cultural acknowledgement in the design.</p> <p>Does not respect Asian culture influences in the local area. Opportunity to add cultural motifs.</p> <p>Interior sterile.</p>	<p>The proposal seeks to complement the Cabramatta town centre by provided an active frontage on three of four facades, medium scale tenancies that contribute to the vibrancy of the centre as a tourism and retail hub, and is designed in a colour that has cultural significance. The proposed open space has been designed with a "history wall" which is proposed to encapsulate the rich history of Cabramatta and give the space relevance.</p> <p>The design has cultural elements, such as the colour scheme and treatment of the façade to the car park, which reflects the important Asian influence in Cabramatta.</p> <p>It is important to note that Council's corporate</p>

Issue	Details	Proponents Response
		slogan is "celebrating diversity" and the development should have relevance to all cultures in Cabramatta.
	Prefer a park to improve the cityscape.	The proposed development replaces an existing car park and proposes permissible uses in the zone.
<b>13. Cultural impact</b>		
» Culture	Proposal undermines the culture aspect of Cabramatta.	The proposed development has been designed to reflect and contribute to the character of the Cabramatta as outlined in the CTC DCP.
	There should be "No Asian shops" proposed as part of the development.	<p>The proposed uses for the retail tenancies will be subject to future DA's and the take up of tenancies will be determined by market demand.</p> <p>It is noted that Council's corporate slogan is "celebrating diversity". To restrict Asian shops would contravene this vision and undermine the cultural authenticity associated with Cabramatta.</p>
<b>14. Council matters</b>		
» Political disclosure	Request for information about disclosure of interests and/or political donations or gifts in relation to this proposal.	<p>The owner and developer of the land is Council.</p> <p>The Applicant's name on the DA form is Council's consultant Architect, Antoniades Architects Pty. Limited. A letter from Antoniades Architects Pty. Limited has been supplied to Council disclosing no personal interest or political donations or gifts have been made in relation to this proposal by the firm.</p>
» Council as applicant	<p>Council should not act as a property developer.</p> <p>Respondents explicitly said they thought the land was being sold to developers.</p>	<p>It is not uncommon for Council to act as a developer for its own sites. This generally results in a better community outcome as the end product is not driven purely to maximise profitability but rather to provide a sensible balance between community benefits, needs and project viability.</p> <p>Council's intention is to develop, own and operate the completed development. This is reflected in its corporate plans and long term financial strategies.</p>
» Cost/Funding	Waste of money.	Not relevant to the assessment of the DA.



## 2.2 Matters in support

A summary of issues raised in support of the DA are summarised below.

**Table 2 Submission issues and proponents response – support**

Issue	Details	Proponents Response
Economic impact	<ul style="list-style-type: none"> <li>» More shops adds to the business centre</li> <li>» Will provide more opportunities for business in Cabramatta</li> <li>» Will bring positive economic value to the community</li> <li>» Will increase jobs in the local area</li> <li>» Increase tourism</li> </ul>	Noted
Rental market	Supportive of more competition in the real estate market in the Cabramatta town centre	Noted
Safety	Support a cleaner and safer shopping environment. Solves the problem of a dangerous and unsafe car park.	Noted
Increased car parking	In favour of additional car parking in Dutton Lane. Car parking provision is good as it provides an increase without overwhelming the surrounding road network, and solves a dangerous and unsafe car park with a workable solution. Others were supportive of the development if there was more parking included through underground parking provision/another level.	Noted
Proximity to public transport	Good public transport in the vicinity to service new shops	Noted
Construction	Supportive, but more thought to the impacts in construction phase – such as a shuttle bus and a signage plan to ensure people know Cabramatta is still open for business during the construction phase.	Noted. A Construction Traffic and Pedestrian Management Plan (CTPMP) is to be prepared. The CTPMP is to be provided prior to construction commencing. It will include a series of appropriate measures to mitigate impacts during the construction phase.
Accessibility	In support of making car parking more accessible to everyone.	Noted
Visual impact	Face-lift for Cabramatta with a modern development.	Noted
General	Supportive of the change and boost it will give Cabramatta. Will provide better facilities.	Noted

Issue	Details	Proponents Response
Ownership	Supportive of Council retaining ownership of the land and re-investing funds into the community.	Noted. Council's Long Term Financial Plan includes the net revenue from the development commencing after it has opened..
Rates subsidising parking	Supportive of rates not being used to subsidise parking in the town centre; the proposal benefits Fairfield rate payers.	Noted
Social	Supportive of the development, but flagged the opportunity to incorporate social uses that could be explored by council i.e. community chess, local artwork exhibition space etc.	Noted. The proposal provides 505m <sup>2</sup> of office space which is intended to be retained in Council ownership and used as community rooms and potentially offices for Council staff / Cabramatta place management team.
Environmental	Council could explore incorporating infrastructure to support cycling, include solar power generation and water cycle management.	Bicycle storage facilities are not currently incorporated into the proposal. Allocation of space for this purpose in future is not precluded at this time.
Design	Supportive but could include: » More trees and/or park » Include sky bridges to the west and south » Include paved public domain road.	Noted. The proposal incorporates an area of public domain to the east of the subject site which includes a decorative floor finish with awning above, creating a pleasant pedestrian / public environment. Benches and planter boxes are also proposed.

# Appendices

A	Height Variation Plan
B	Swept Path Plans

# A Height Variation Plan

Ground level at this location is

**RL 19.60**

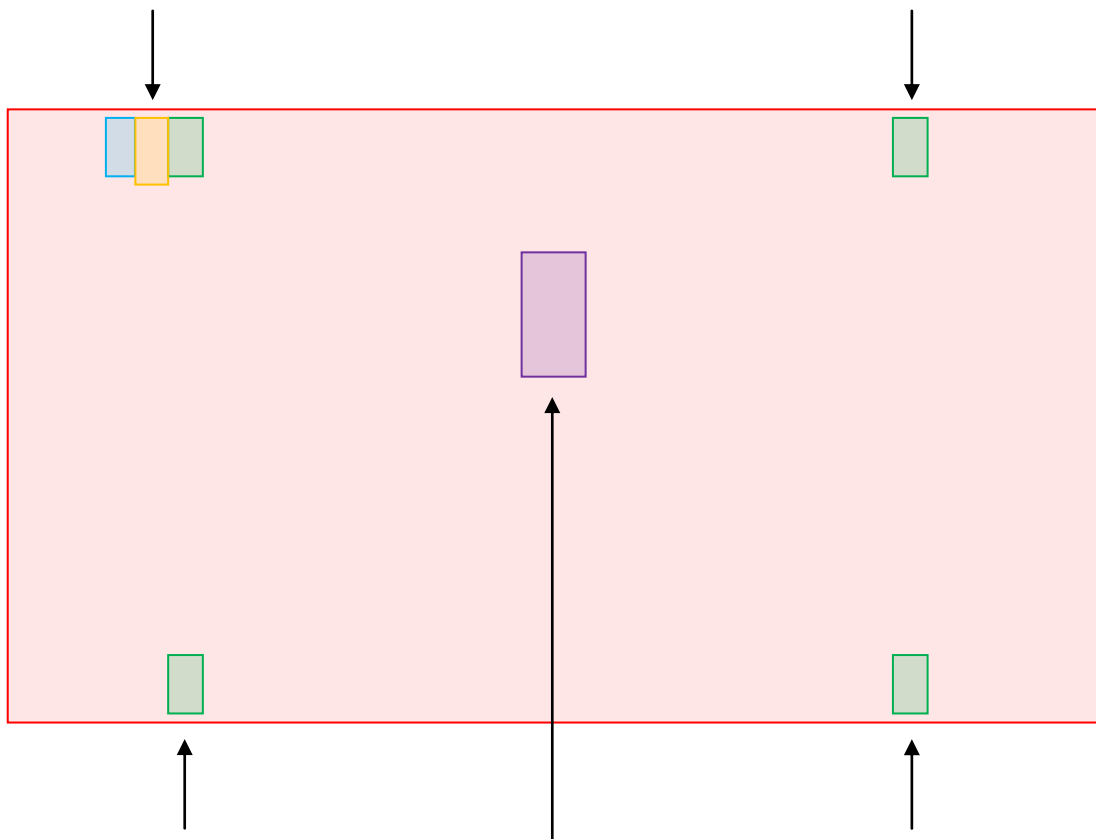
Height non-compliance is thus:

- 850mm in the area shaded green
- 850mm in the area shaded blue
- 100mm in the area shaded yellow

Ground level at this location is

**RL 19.00**

Height non-compliance is thus  
1,145mm in the area shaded green



Ground level at this location is **RL 20.80**

There is no height non-compliance in this location.

Ground level at this location is **RL 20.80**

There is no height non-compliance in this location.

Ground level at this location is **RL 20.30**

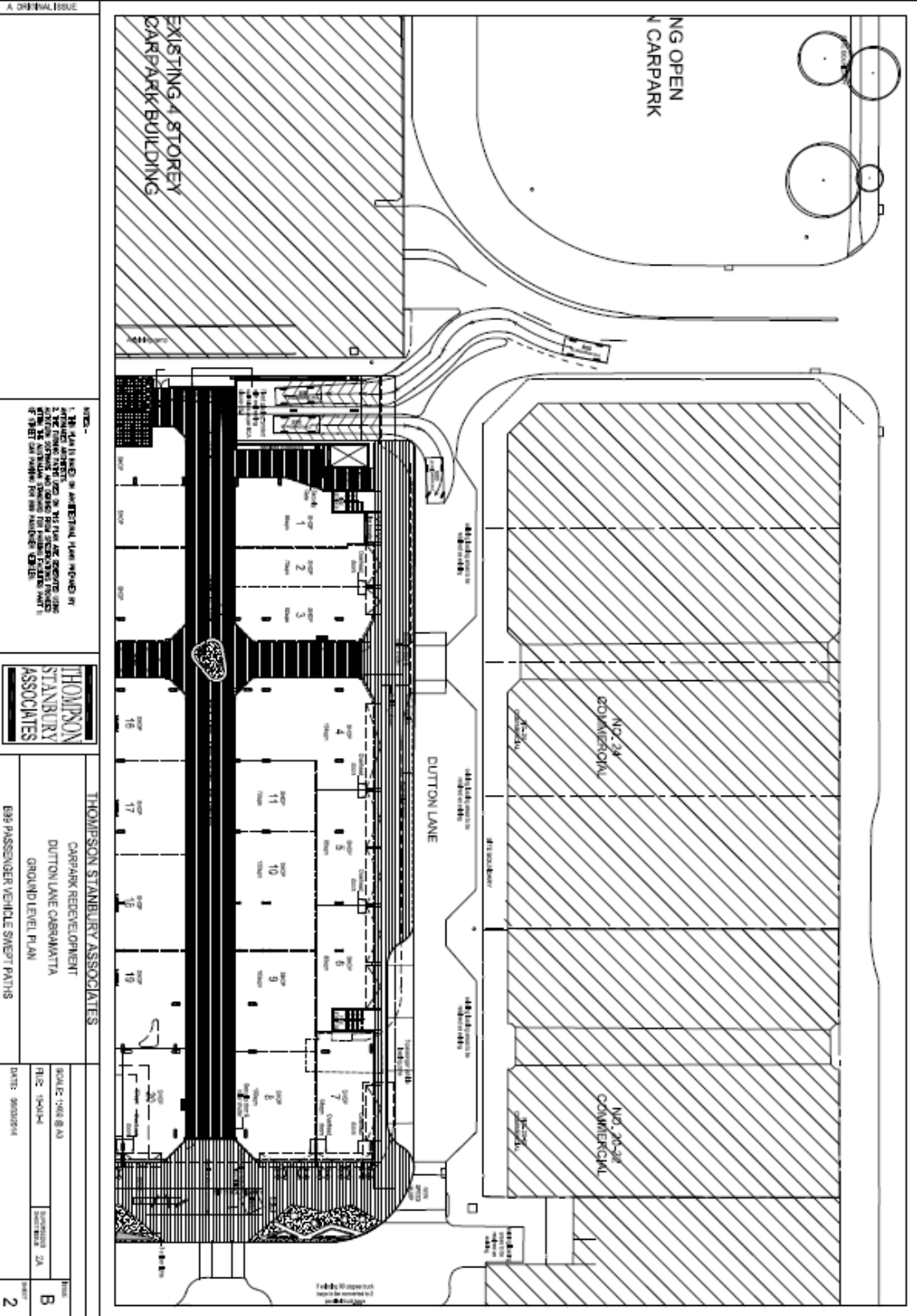
Height non-compliance is thus  
150mm in the area shaded green.

## Key:

- Building footprint
- Concrete stair shaft area (RL 30.45)
- Concrete lift shaft area (RL 30.45)
- Canopy over lift lobby area (RL 29.7)
- Plant room footprint (RL 29.4)

## B

# Swept Path Plans









[www.elton.com.au](http://www.elton.com.au)