



# CABRAMATTA BUSINESS ASSOCIATION INC

Hiệp Hội Thương Nghiệp Cabramatta

卡市商業協會

P.O. Box 241, Cabramatta NSW 2166

22 May 2014

Joint Regional Planning Panel  
South West Sydney Panel

BY EMAIL

Dear Sir/ Madam,

**RE: DA 664.1/2013: 8-14 DUTTON LANE, CABRAMATTA**

**RE: FURTHER OBJECTION, COMMENTS AND SUBMISSION**

**INTRODUCTION:** The proponent and council appointed assessor have responded to our detailed objection/submission dated 5 December 2013. Unfortunately, the responses have in our view fallen short in dealing with the concerns of us, our thousands of supporters or Cabramatta generally. It is particularly concerning that, given the level of objection and community concern, the proponent have not even substantially amended their proposal. We continue to rely on our initial submission including those matters not responded to or not properly or reasonably responded to in the proponent's reply or Assessment Report.

**SUPPORT FOR FURTHER SUBMISSIONS OF URBIS AND TRAFFIX:** We confirm our strong support for the further submissions of Urbis and Trafix and urge the Panel to give full weight to their initial and further submission and to refuse the application.

**CAR PARKING:** We refer in particular to Trafix's more comprehensive survey carried out on our behalf on the weekend of 17 and 18 May 2014, referred to in Trafix's supplementary report of even date to which we refer you and very firmly support.

Trafix confirms that parking for the development is undersupplied. For this development to add to the chronic parking shortage is sufficient grounds in itself to refuse this application. As well, we of course fully support Trafix's and Urbis' comments regarding this matter.

We refer to Urbis' comments about the extent of any section 94 contributions required if approved.

**TOWN COMMON:** We refer to Urbis' comments. The open space provided by this proposal in no way matches the expectation of us or the community in relation to the Common. This area is the only area that can be used for a vital significant linking open space to link up to Freedom Plaza areas. The open space proposed is a grossly insufficient and inferior proposal and we consider that this alone should be grounds for refusal.

**THE SECTION 94 PLAN:** The DCP (at page 90) refers to council's Direct Development Contributions Plan 2011. In section 9.3, Appendix C, it refers to off-street parking and associated traffic facility projects for Cabramatta Town Centre being primarily based on the 1991 Cabramatta Town Centre Traffic Study. Yet that Study was overtaken by council's February 1996 *Cabramatta Town Centre: Traffic, Parking and Pedestrian Study* of Masson and Wilson Pty Ltd and June 2001 *Cabramatta Town Centre Car Parking Strategy* of PPK Environment & Infrastructure Pty Ltd. The multi-storey car park envisaged by that section 94 plan has not eventuated and there is a gross car parking shortage in the main western side CBD.

**A CRITICAL MATTER IF THE APPLICATION IS, AGAINST OUR OBJECTIONS, APPROVED:** In section 3.5 of the DCP, on page 92, the following appears:-

**“Should any development be proposed on one or more of the existing public car parks:**

- **existing spaces must be relocated elsewhere on the same site, or**
- **in a conveniently located position**

**within the Town Centre, before the removal of any existing spaces.”**

This requires council to provide temporary replacement parking for all 157 ordinary car spaces and 9 loading spaces in the Dutton Lane at-grade car park at another conveniently located position within the Town Centre before removal of existing spaces during construction.

If this development is approved, this must be made an enforceable condition of approval.

Further, given the importance of this matter, council should now provide a Construction Traffic and Pedestrian Management Plan well before the hearing of this application for review by us and for the Panel to consider as part of their determination of this application. The condition should provide for compliance with that condition to be monitored by a state government appointed *independent monitor/positive covenants/other* appropriate measures. Given the impact, an insufficient plan should be grounds for refusal of the application in our view.

**LOADING/SERVICING:** The idea that the whole retail centre just needs one extra loading bay does not have credibility. We refer in particular to Traffix's comments.

The reference on page 31 of the DCP to "Butcher, Fruit Store, Furniture Store/Showroom" is under the heading "Type of Use" which places it in context. Of course, there is likely to be more than one type of that, or similar, use in the proposed retail centre, clearly necessitating more than one extra loading zone.

The Assessment and supporting document response has not properly addressed these serious concerns.

**COMMUNITY LAND & IMPROPER RECLASSIFICATION:** The Assessment report refers to the reclassification being independently assessed. The independent assessment referred to is apparently the public hearing report.

Nobody attended the public hearing and nobody submitted regarding the re-classification. Given the level of public interest in Dutton Lane's future before and after the reclassification, its central position and strategic importance, the Panel should correctly regard this as remarkable and that it is indicative that hardly anyone outside of council knew about the reclassification. We are still greatly concerned by the purported reclassification and reserve our rights concerning it.

We ~~enclose~~ Statement of Council's Interest exhibited. This and the background material apparently exhibited as part of the reclassification demonstrated the community expectation for a parking or town common public benefit and for tangible public parking and civic benefits flowing back to the community from the development .

**PLAN OF SUBDIVISION:** At this stage, we just note without comment the proposed condition, if the application is approved, for a plan of consolidation. If council however are proposing any other amended plan of subdivision, that should be provided well before the hearing for our review and also for the Panel to consider as a different plan of subdivision may have quite significant future implications.

**ECONOMIC IMPACT ASSESSMENT:** The opportunity cost of using one of the very few sites in the Cabramatta CBD for more small shops, instead of a suitable medium scale use, to compliment uses in the centre and to reduce escape expenditure has not been properly considered. The Panel should also consider if our other points have been answered. We do not consider that they have been. It is not sufficient to answer our objections for council just to appoint a different council paid consultant to "assess" the Hill PDA study in general.

**ELTON CONSULTING DA SUBMISSIONS REPORT:** In the limited time available, we have not been able to write an analysis of this report. We do however disagree with various comments in it. This can be briefly advised at the hearing if we consider appropriate or if required.

**OTHER MATTERS:** **Invitation to comment:** The reply comments do not adequately address our concerns about the inadequacy of the Invitation document, especially for a predominantly non English speaking population.

**CONCLUSION:** On behalf of the Cabramatta Business community and residents, shoppers, please JRPP, we appeal to you to refuse this proposal.

Yours faithfully,

**Cabramatta Business Association Inc.**

*Mr Keith Hewlett ( Secretary )*

A handwritten signature in black ink, appearing to read 'Keith Hewlett', with a long, sweeping horizontal line extending to the right.

## **Fairfield draft LEP (amendment 94) - Statement of Council's Interest under the DUAP Best Practice Guidelines, 1997.**

**Covering the reclassification of Dutton Lane car park from community to operational land.**

### **Subject land.**

The Dutton Lane car park precinct is located in Cabramatta in the street block bounded generally by Dutton Lane, Hughes, Park, Hill and John Streets.

The land is currently zoned 3(b) – District Business Centre under Fairfield Local Environmental Plan, which permits a range of mixed uses including commercial, retail and residential development.

The lots comprising the car park are as follows: Lot 8 DP 238484; Lots 1, 2, 3, 4 & 6 DP 236708; Lot 2 DP 215976; Lot 3 DP 216870; Lot 3 DP 540495; Lot 3 DP 217606; Lots 1 & 2 DP 539611; Lot 2 DP 534197; Lot B DP 100284; Lot 2 DP 219389; Lot 2 DP 504815; Lot 2 DP 509053; Lot 2 DP 510936; Lot 1 and 2 DP 570243; Lot 2 DP 548450; Lot 2 DP 549499.

### **Council's interest in the land.**

All of the land comprising the Dutton Lane car park is owned by Fairfield City Council and constitutes public land within the meaning of the N.S.W. Local Government Act 1993.

In recent times there have been general discussions between Council and the community in regard to enhancing the amenity and urban design qualities of the public space forming the car park.

In time redevelopment of the car park area is anticipated, aimed at achieving the above improvements and at taken advantage of the development potential of the land as is flagged under the current provisions of Cabramatta Development Control Plan 5/99.

### **Purpose of the draft LEP and anticipated development.**

The principle purpose of the draft LEP is to clarify the status of the car park as operational land and to extinguish all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land.

This will ensure greater administrative certainty under the provisions of the Local Government Act in respect to re-development of this public land.

The draft LEP does not propose to alter the current zoning of the land.

### **Financial Implications**

There are no immediate financial implications of the classification of the car park as operational land.

In time any proceeds from re-development of the area would be diverted back into town centre improvements planned for Cabramatta.