

In reply please quote: 09/04923
Your Ref: 664.1/2013/sc

Contact: Hao Dang on 9725 0325

29 May 2014

Co-ordinator Development Planning
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Attention: Ms Sunnee Cullen

Dear Sunnee,

DEVELOPMENT APPLICATION 664.1/2013 – DUTTON LANE CAR PARK REDEVELOPMENT, CABRAMATTA.

Reference is made to the additional submission made by the Cabramatta Business Association and accompanying documents dated 22nd May 2014 in relation to DA 664.1/2013.

In addition to our previous response provided on 24 March 2014, we submit the following response as the Applicant to DA 664.1/2013 addressing the issues contained in the further submission as follows:

Reclassification of Land

With each reclassification undertaken, Council provides a Statement of Council's Interest. This identifies the purpose of the reclassification and a copy of the Statement provided at the time of the Dutton Lane land reclassification addressed a number of items.

The CBA lodgement placed emphasis on *enhancing the amenity and urban design qualities of the public space forming the car park* as part of outlining a public interest argument for a significantly larger open space as part of the development.

When a broader view of the Statement of Council's Interest is examined, it also identifies "*In time redevelopment of the car park area is anticipated, aimed at **achieving the above improvements** (being enhancing the amenity and urban design qualities of the public space forming the car park) and **[taking] advantage of the development potential of the land** as is flagged under the current provisions of the Cabramatta DCP 5/99*" [emphasis added].

The development proposal submitted is considered to achieve enhanced public amenity and urban design outcomes for the public spaces in and around the development.

The Statement further discloses the purpose of LEP 1994 (Amendment 94) “... 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.” It further states “this will ensure greater administrative certainty under the provisions of the Local Government Act in respect to redevelopment of this public land”.

The lawful reclassification allows for the redevelopment of the site as proposed.

Cabramatta Town Centre DCP 5/99 – Site Options

The site options adopted within the DCP provide for two (2) forms of development.

The first option being a development with a higher floor space ratio and building height which would require a 50% open space component. This option envisaged the redevelopment to consist of ground floor retail shops (occupying 50% of the site), public open space (occupying the remaining 50% of the site) and possibly a residential tower up to 5 storeys.

The second option provides redevelopment of the site up to a maximum height of 10 metres consisting of retail/commercial use. This option does not specify any provisions for open space.

Both options require the existing car parking spaces to be replaced within either the site or the town centre.

Over the past 15 years, various proposals of different scales and mixes have been considered. The Cabramatta Common was one of these concepts examined for the site. This concept was predicated on the first option noted above being commercially viable. It also noted on page 3 of The Cabramatta Common document (annexed to the submission) that “*The concepts for the Common are by no means final designs. I emphasise that they are concepts only.*”

The resultant expectation was that any redevelopment of the site would be based on an economically sustainable development. Factors informing concept development included reinstatement of the existing car spaces, improved public amenities and civic space. The relative mix of these factors depends on the scale of the development.

The Dutton Lane proposal lodged develops the site in accordance with the second option noted above. This has been determined to provide the most appropriate mix of factors identified above whilst being financially feasible. Under this option, there are no planning requirements to provide any public open space. However, the Applicant has recognised the need identified in the DCP and included an area for civic space connecting Dutton Plaza through to Freedom Plaza, the central focus of the town centre.

The proposed development incorporates a sensible and practical amount of public open space. This provides numerous public benefits which would otherwise potentially not be provided if the site was sold and developed privately.

The Applicant also recognises the large scale of submissions received. The civic space, lifts, public toilets, urban streetscape upgrades and increased parking on site respond to the majority of concerns raised.

The issue of more parking in the town centre, an underlying theme tying the submissions and petition together, is a strategic and policy decision for Council separate to the consideration of the development.

Building Height

The Statement of Environmental Effects (SOEE) submitted with the development application and subsequent response dated 24th March 2014 provides an extensive explanation to the minor height variations. These were assessed against clause 4.6 of the LEP.

The claims made in the submission that the variations above the height limit of 10 metres trigger the requirement to provide more open space under the DCP is incorrect.

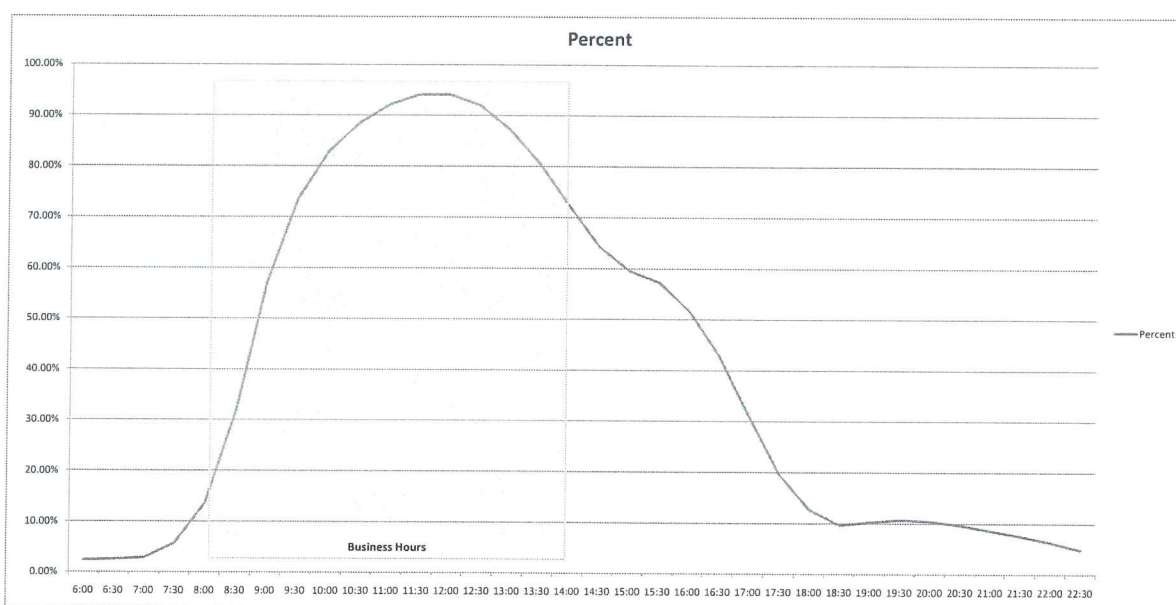
If the development proposed floor space above the 10 metre height mark, then the requirement for 50% open space would be triggered. The current minor variations above the 10 metre height are for architectural features and service elements (i.e. fire stair and lift overruns). Clauses 4.6 and 5.6 of the LEP address variations to standard and exceptions. As the building elements of concern are architectural features or service elements, they do not trigger the DCP requirement for exceeding the 10 metre height limit.

Car Park Operation

Council actively manages the parking stock throughout Cabramatta, with a mix of demands for short stay shopper, medium stay tourism / business and long stay commuter / worker parking in and around the town centre.

The area surveyed in the Traffix report does not include key shopper parking and loading facilities in Arthur Street, Hughes Street, Park Road and the two alternate off-street parking areas near Hill Street. Parts of the on-street areas surveyed are not time restricted and would therefore include long stay / commuters / workers. These are generally occupied early in the day and have very low turn-over. These spaces do not serve the same role as those in Dutton Lane and confuse the issue.

The Dutton Lane Car Park operational (see attachment) data shows that between November 2013 and April 2014, on average the car park operates at 94% capacity at its highest peak for a 30 minute period, resulting in an average of approximately 30 spaces remaining available during this period.



Car Park Reinstatement

Section 3.5 of the Cabramatta Town Centre DCP 5/99 is to ensure the amount of car parking provided within the Town Centre remains no less than when the DCP was adopted.

It also states that “*replacement car parking for car spaces not reinstated on site must be provided before the existing car parking facility is removed” [emphasis provided]. The proposal incorporates the replacement of all car parking removed on site.*

This section also identifies two scenarios where removal of car parking in a public parking area occurs – one where car parking is removed temporarily and then reinstated on site, and the other where the permanent removal of car parking spaces is proposed.

In the first scenario, an existing car park site (or part thereof) continues its use as a car park servicing the Town Centre once redeveloped. Existing car spaces would be located somewhere on the same site. The total amount of car parking within the Town Centre would not be reduced.

Alternatively, in the second scenario an existing car park site would not continue to be used for public car parking once redeveloped. This would be the case if the site was proposed for a larger scale development where high costs associated with

underground parking may require relocation of public parking to an alternate location. The existing spaces would be relocated within the Town Centre environs before the existing spaces are removed permanently. The relocation of existing spaces to another “conveniently located position” maintains the total amount of car parking spaces within the Town Centre in different locations.

The proposal fully reinstates the existing car parking spaces removed on-site upon completion, maintaining the number of parking spaces.

Construction Impacts

Since the adoption of the Cabramatta Town Centre DCP 5/99, Council has invested in excess of \$10 million providing approximately 330 spaces within Cabramatta.

The Applicant is aware of the possible impacts of disruption during construction and will look to mitigate these through the following measures:

1. Management of the off street car parks consistent with demands being experienced;
2. Review of on-street parking arrangements in the fringe areas in and around the town centre;
3. Active management of the Dutton Lane car park site, particularly during peak usage;
4. Connection of significant parking areas in the surrounding area using a shuttle bus during peak demand times; and
5. Manage the principal contractor through contractual agreements to ensure effective traffic controls, signage and notification, consultation and the staging of major works are applied.

Council is able to control some of these measures, while others will require approval of other regulatory bodies such as the Local Traffic Committee and Transport NSW.

The proposed conditions of consent require the preparation of a CTPMP prior to the issue of a Construction Certificate. This is appropriate and the CTPMP would demonstrate how the impacts of construction will be addressed and managed.

Car Park Requirements

The letter by Traffix (dated 22nd May 2014) states the proposal does not achieve the required number of car spaces, falling short by 30. It further suggests the 40% discounting factor associated with Section 94 Contributions payment should not be applicable.

The planning proposal submitted for the site is consistent with the Fairfield LEP and Cabramatta Town Centre DCP 5/99. These are the appropriate strategic documents for the development to be assessed under.

The strategic provision of parking in the town centre is a policy matter for Council to consider in association with the development potential for the whole of the town centre, not a specific site. Development of the Dutton Lane site does not preclude further parking and/or development on the site where the planning controls may permit such development in the future. However, these issues are not considered appropriate to the specific proposal at this time.

The SOEE and traffic report by Thompson Stanbury clearly outline the parking requirements and approach for the development.

The application of the LEP and DCP requirements should be applied in a consistent manner for all applicants. The Traffix proposition Council is a special case has not been substantiated under the existing planning controls and/or policy documents relating to the site.

The broader issue of more car parking spaces in the Town Centre is not a matter for this development application to address.

Loading Provision

There are some misleading statements in the Traffix submission such as *'the traffic report states that the Dutton Lane precinct will lose 11 existing and publicly accessible loading spaces in total'*. Six of these 11 spaces will be replaced within the Dutton Lane precinct as part of the development, whilst the other five will be relocated to Hughes Street. The precinct will therefore not 'lose' the spaces, they will merely be reconfigured. This is clearly stated within supporting documentation and the independent planners report.

The proposed loading solution adequately replaces all of the existing bays and provides the sufficient amount of loading bays to satisfy the requirements of the DCP. We also note that the Roads and Maritime Services have not raised any concerns with this proposal through its assessment of the application.

In our opinion, the loading solution will significantly improve vehicular and pedestrian safety within the Dutton Lane loop road, particularly at the eastern end. Whilst the subject development is projected to generate additional traffic to and from the Dutton Lane precinct, the ancillary pedestrian and traffic management measures proposed are designed to improve the general accessibility, safety and efficiency of the overall precinct.

The remaining issues contained in the Traffix submission relating to construction traffic impacts, design deficiencies and internal design aspects have been adequately addressed in our previous supporting documents.

Summary

The current proposal has been developed from prior concepts, community comments, urban streetscape improvements and public amenity elements considerations.

The proposal delivers the most practical and feasible outcome for the site whilst ensuring continued community improvements and benefits. These include the provision of a civic space, reinstatement of existing car spaces on site, new public toilets, new lift facilities, improved traffic and pedestrian safety, improved traffic movements, employment opportunities, economic activities and benefits, beautification of the immediate area, a history wall to recognise the cultural significance of Cabramatta, a public community kiosk and community space.

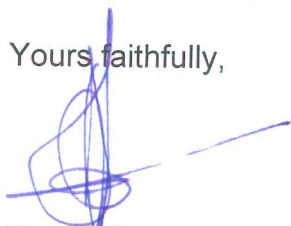
The Applicant has also recognised the community's request for more immediate car spaces on site and has responded by modifying its initial development design to provide for an additional 35 spaces, resulting in the removal of the Centre's skylight feature and the lowering of its office space ceiling. This occurred after the public information session and prior to lodgement of the development application.

In addition, the approach to car parking provision has been to maximise the amount of parking on site. The DCP allows a developer to limit provision to 30% of the requirements and make contribution for the residual requirement at further discounts. The proposal minimises Section 94 payments to maximise parking provision and address concerns about car parking provision.

The Dutton Lane proposal conforms to current planning documents and provides a sensible amount of car parking spaces on site (including Section 94 Contributions). The proposal delivers an economically sustainable development which will rejuvenate the Cabramatta Town Centre. It meets the relevant requirements of the planning documents and therefore the Applicant seeks approval of the development application.

Should you wish to discuss this matter, please do not hesitate to contact Hao Dang on telephone 9725 0325.

Yours faithfully,



David Niven
ACTING DIRECTOR

29.5.14