



City of
Newcastle



CITY OF NEWCASTLE

PUBLIC VOICE COMMITTEE

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that a Public Voice Committee will be held on:

DATE: Tuesday 18 October 2022

TIME: 6.00pm

VENUE: Council Chambers
Level 1
City Administration Centre
12 Stewart Avenue
Newcastle West NSW 2302

J Bath
Chief Executive Officer

**City Administration Centre
12 Stewart Avenue
NEWCASTLE WEST NSW 2302**

11 October 2022

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In participating in this Meeting, Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under City of Newcastle's Code of Conduct for Councillors to disclose and appropriately manage conflicts of interest.

PUBLIC VOICE COMMITTEE
18 October 2022

CONTENTS

Item	Business	Page
	APOLOGIES/LEAVE OF ABSENCE	
	DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTEREST	
	PUBLIC VOICE SESSIONS	3
ITEM-1	PV 18/10/22 - 204 UNION STREET, THE JUNCTION - DA 2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING TREE REMOVAL	3

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PUBLIC VOICE SESSIONS

ITEM-1 **PV 18/10/22 - 204 UNION STREET, THE JUNCTION - DA 2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING TREE REMOVAL**

APPLICANT: **STIRLING JUNCTION FAIR SHOPPING CENTRE PTY LTD**
OWNER: **PERPETUAL CORPORATE TRUST LIMITED**
REPORT BY: **PLANNING & ENVIRONMENT**
CONTACT: **INTERIM EXECUTIVE DIRECTOR, PLANNING & ENVIRONMENT / ACTING MANAGER, PLANNING, TRANSPORT & REGULATION**

PURPOSE

A Development Application (DA2021/01107) has been received seeking consent for a centre based childcare facility including tree removal.

A copy of the submitted documents for the proposed development is attached at **Attachment A**.

The application is referred to the Development Applications Committee (DAC) for determination, due to the application being called to DAC for determination by Councillor Duncan and Councillor Winney-Baartz.

The proposed development was publicly notified in accordance with City of Newcastle's (CN's) Community Participation Plan (CPP). In response a total of four submissions were received, comprising one submission of support, two submissions of objection and one late submission of objection.

The key concerns raised by the objectors in respect of the amended development include:



Subject Land: 204 Union Street The Junction

- i) Saturation of childcare centres.
- ii) Streetscape impact.
- iii) Traffic impact.
- iv) Car parking impact.
- v) Overshadowing neighboring commercial properties.
- vi) Emergency and evacuation risk to children in design.
- vii) Discriminates against some children and parents in the design.
- viii) Consideration of current COVID19 pandemic in design, particularly in cross flow ventilation.
- ix) Concern of non-compliance with non-planning matters under the *Education and Care Service National Regulations*.
- x) Concerns raised of non-compliance with design regarding National Construction Code requirements from 1 July 2021.

Further details of the issues raised by the objectors is provided at **section 4.0**.

1.0 THE SITE

The subject site comprises Lot 10 DP 1129170, 204 Union Street, The Junction. The site contains the existing Junction Fair Shopping Centre. The subject development area is an existing staff car parking area servicing the centre and faces Farquhar Street (approximately 450m² in area). The lot is an irregular shaped allotment with boundaries addressing Glebe Road, Union Street, Farquhar Street and Kenrick Street.

The site is zoned B2 Local Centre in accordance with the Newcastle Local Environmental Plan 2012 (NLEP 2012) with the proposed centre based childcare facility is permissible in the zone.

3.0 THE PROPOSAL

The applicant seeks consent for a four-storey childcare centre, which includes:

- i) Demolition of existing staff carpark
- ii) Site works and infrastructure
- iii) Construction of a four-storey childcare centre (841m² gross floor area)
- iv) Landscaping

- v) A ground floor car park including 12 car spaces
- vi) 109 total childcare places (24 babies, 35 toddlers and 50 pre-schoolers)

A copy of the current amended plans is appended at **Attachment A**.

4.0 PUBLIC NOTIFICATION

The original application was publicly notified in accordance with CN's Community Participation Plan (CPP), for a period of 14 days between 1 September and 15 September 2021. In response a total of four submissions were received, one submission of support, two submissions of objection and one late objection were received in response. The concerns raised by the objectors in respect of the proposed development are summarised as follows.

a) Statutory and Policy Issues

Concerns were raised of noncompliance with the *Education and Care Service National Regulations*. The regulation is specified in State Environmental Planning Policy (Transport and Infrastructure) 2021.

b) Traffic, parking and access Issues

- i) The proposal is catering for increased people in the area, including staff which will impact on traffic in Farquhar Street.
- ii) The interaction of the existing car parking area for The Junction Fair Shopping Centre and the proposed car parking area.
- iii) The loss of existing parking (19 spaces) for the existing shopping centre.
- iv) The lack of proposed car parking for the development.

c) Overshadowing and solar access

- i) Overshadowing to the private courtyard of neighbouring businesses which are utilised by staff.

d) Streetscape

- i) Building design and streetscape appearance.
- ii) Lack of passive surveillance on the street.

e) Miscellaneous

- i) Emergency and evacuation risk to children through the design.

- ii) Accessibility on site regarding the staff, children and parents/caregivers with disabilities.

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The application has been assigned to Senior Development Officer, Ian Clark for assessment.

Statutory and Policy Issues

Submissions have raised concerns over the development's compliance with the *Education and Care Services National Regulations*, specifically the amount of unencumbered floor space. The floor area of the proposed building is to comply with regulation 107 requiring 3.25m² of unencumbered indoor space per child. The proposal complies with this requirement.

The proposal is compliant with the development standards prescribed under the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The proposal is compliant with the NLEP 2012 development standards. Clause 4.3 Height of Buildings identifies a maximum height of 14 metre for the site, the proposed development has a height of 14 metres. Further, Clause 4.4 Floor Space Ratio (FSR) applies a maximum FSR of 2.1 to the site, with the proposed development having an FSR of 0.7:1.

Traffic, Parking and Access Issues

Parking has been a key issue raised in the assessment and in the submissions. The site currently includes an existing 200 space covered car park underneath The Junction Fair. The proposed development will include 12 car spaces. The development will displace 19 existing tenant (staff) car spaces currently associated with the shopping centre.

The development proposal generates an on-site parking demand of 27.25 car spaces based on the rate of 1 space per 4 children.

The applicant submitted an amended Traffic Report (SECA) including a parking analysis. The applicant identifies the 200-space covered car parking (existing) as being underutilised with up to 100 spaces available during a parking analysis completed for reporting during morning and afternoon peak times (6am-9am and 3pm-6pm).

The proposal is designed to connect directly into the existing Junction Fair Shopping Centre from a new opening within the pedestrian ramp area. The main entry of the childcare facility links to the existing car park area. The 12 spaces that are to be proposed to be constructed, will be used for staff parking only, with all other parking needs to be met by the existing parking area of the shopping centre.

Overshadowing and solar access

The site will overshadow the adjacent commercial buildings due to the orientation of the subject site and neighbouring site to the east. The shadows proposed impact on the B2 Zone other commercial spaces. There are no overshadowing impacts to residential uses across Farquhar Street.

Streetscape

The submissions raised a number of concerns regarding the design of the proposed development, including the streetscape appearance and opportunities for the development to provide passive surveillance. In response, to matters raised during the assessment, including comments by CN's Urban Design Review Panel (UDRP), the applicant submitted amended plans which resulted in changes to the upper-level setbacks to Farquhar Street elevation. The UDRP were satisfied with these changes from a design perspective.

The proposal addresses Newcastle Development Control Plan 2012 - Section 3.10 Commercial Uses with regard to streetscape and front setbacks, including side and rear setbacks.

In addition, A Crime Prevention Through Environmental Design Report has been submitted and a response to the issues around secure points of entry and car parking safety. The amended application identifies the lift access points and the secure access points.

Miscellaneous

An issue arising within the submissions was the emergency and evacuation procedures. The Applicant has provided plan of management (refer to **Attachment B**) for the centre and outlines emergency evacuation procedures for the movement of people within the basement area.

A Disability Access Report has been included and identifies that the proposed development is compliant with *The Commonwealth Disability Discrimination Act 1992*, and other relevant policies, standards and codes.

Whilst submissions noted that the proposal had not addressed COVID 19, there is no requirement for COVID 19 protocols to be addressed through design controls. However, the proposal has been reviewed on two occasions by UDRP and cross ventilation has been considered.

Urban Design Review Panel (UDRP)

The proposal was reviewed by the UDRP on two occasions on the 27 October 2021 and 25 May 2022.

The applicant provided responses to the matters raised by the panel, and these have been satisfactorily addressed and included:

- i) An amended Plan of Management including emergency evacuation.
- ii) Amended architectural plans including a sign in desk, perforated balustrade to level one western elevation, additional ventilation through level one outdoor play area and the provision of mechanical ventilation to all habitable rooms.
- iii) Amended Landscape Plans including the provision for more indoor planting species for improving air quality and sensory plant species to provide further stimulation for children i.e. herbs and vegetables.

The above issues, and matters raised in the received submissions, will be addressed in a comprehensive planning assessment report to be submitted to the Development Application Committee for consideration and determination.

ATTACHMENTS

Item 1 Attachment A: Amended Architectural Plans – 204 Union Street The Junction

Item 1 Attachment B: Plan of Management – 204 Union Street The Junction

Item 1 Attachments A-B – distributed under separate cover