

Minutes for this meeting will be confirmed at the Planning, Environment & Development Committee Meeting to be held in the Council Chambers, Council Administration Building, on 17 June 2004 commencing 5pm.



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(CITY BUSINESS UNITS COMMITTEE)**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**3 June 2004**  
**Commencing At 5.00pm**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>GENERAL MANAGER'S REPORT</b>		
10	FLUORIDATION OF COFFS HARBOUR WATER SUPPLY	1
<b>CITY BUSINESS UNITS DEPARTMENT REPORTS</b>		
B19	DRAFT PLAN OF MANAGEMENT FOR WOOLGOOLGA BEACH RESERVE	8
B20	EASTERN DORRIGO SHOWGROUND, ULONG - ADOPTION OF REVISION TO PLAN OF MANAGEMENT	13
<b>PLANNING ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORT</b>		
PED18	ADDITIONAL INFORMATION ON DEVELOPMENT APPLICATION NO. 1406/04 - 29 PLACE CHILD CARE CENTRE - LOT 20, DP 1058434, 15 WILLIAM SHARP DRIVE, COFFS HARBOUR	16
<b>CITY SERVICES DEPARTMENT REPORT</b>		
S35	MACCUES ROAD, MOONEE BEACH.	30



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**(CITY BUSINESS UNITS COMMITTEE)**

**3 June 2004**

Mayor and Councillors

**GENERAL MANAGER'S REPORT**

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**10 FLUORIDATION OF COFFS HARBOUR WATER SUPPLY**

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**Purpose:**

For Council to decide on the option to be taken in proceeding with the fluoridation of the town water supply, following a presentation to Council by the Mid North Coast Area Health Service on Thursday 20 May 2004, in their prevention program called "Teeth for Life".

**Description of Item:**

The issue of fluoridation of the City's water supply has again been brought to the fore by the Mid North Coast Area Health Service prevention program called "Teeth for Life". It involves health promotion initiatives to improve community awareness of diet, teeth cleaning and regular check-ups. The Mid North Coast Area Health Service advises that *"The other option, which is considered to be safe and effective by every major health body in the world, is fluoridation."*

The Council has received correspondence from the following organisations and individuals promoting the "Teeth for Life" campaign and the fluoridation of the water supply:

- The Australian Dental Association
- Council for Social Services of NSW
- The Cancer Council NSW
- The Australian Medical Association
- The Oral Medicine Society of Australian & New Zealand
- Andrew Fraser MP
- Luke Hartsuyker MP

**cont'd**

## 10 Fluoridation Of Coffs Harbour Water Supply (cont'd)

Coffs Harbour City Council has debated this issue in the past and decided not to fluoridate the water supply. In June 1991 the then Council decided to fluoridate the water and then rescinded its previous motion on 15 July, 1991. Council further resolved that the matter of fluoridation of its water supply be the matter for referendum at the Council elections on 14 September 1991. The results of the referendum were:

Should the Coffs Harbour Reticulated Water Supply be fluoridated?

	Number	%
Yes	9,589	35
No	16,671	60
Informal	1,332	5
	<hr/>	
	27,592	

The Mid North Coast Area Health Service (MNCAHS) hosted a Decay Crisis video-conference on Tuesday 20 April with a goal of placing the very real problem on the public agenda. The Councils that do not fluoridate their water supplies on the Mid North Coast (Coffs Harbour, Bellingen, Kempsey, Hastings) were invited to attend. The video-conference was attended by, the Mayor, General Manager and Coffs Harbour Water Operations Manager. The MNCAHS made it obvious that our community has a serious oral health crisis. Although several strategies were canvassed to help the situation the overwhelming benefits of fluoridated water supplies was stressed.

The Council was briefed by the MNCAHS on their desire that Coffs Harbour fluoridate its water supply, prior to the Council meeting on 20 May 2004. It was agreed that a report would be submitted to Council at the meeting scheduled for the 3 June 2004.

In its presentation to Council and related literature, the Mid North Coast Area Health Service promoted its "Teeth for Life" Program which involves initiatives to improve community awareness of:

- diet,
- teeth cleaning, and
- regular check-ups.

It is unlikely that entrenched behaviour will be reversed overnight.

There is another option available which is "*considered safe and effective by every major health body in the world - fluoridation. It has in fact been described as one of the top ten public health measures of the 20<sup>th</sup> Century (US Centres of Disease Control, 1999)*".

"The Australian Dental Association, to commemorate the 50<sup>th</sup> anniversary of the first community water fluoridation in Australia, reminds community members that water fluoridation is:

- **Safe** - to be used in the fight against dental infection (decay)
- **Effective** - in that it delivers proven decay reduction.
- **Efficient** - in that it reaches a high proportion of targets.
- **Cost Effective** - in that its benefits outweigh the cost.
- **Equitable** - in that it transcends socio-economic barriers that might prevent the use of other decay preventing, fluoride-containing products.

cont'd

## 10 Fluoridation Of Coffs Harbour Water Supply (cont'd)

Attached is a two page pamphlet on the Mid North Coast decay crisis which highlights:

- Why there is increasing dental decay problems
- The safest and surest solution is fluoridation
- How much it reduces health cost.
- Who benefits most from fluoridation
- Human rights issues.

MNCAHS has informed Council that the fluoridation of the water supply only applies to the main Coffs Harbour water supply and not Coramba and Nana Glen. The MNCAHS states that the cost effective threshold is around a population of 1,000 and these small villages have an approximate population of 350 each.

### **Sustainability Assessment:**

- **Environment**

Council should be aware when making the decision to fluoridate the water or not that:

1. There are three basic compounds used to fluoridate community drinking water supplies; sodium fluoride crystals, sodium silicofluoride powder or hydrofluorosilicic acid, all these forms of fluoride are poisons in large quantities.
2. Fluoride is classified as a dangerous good and requires special storage, transport and handling systems. Therefore any spillage could cause environmental damage.
3. The fluoride used in Australia is either imported from Belgium, China or Japan or is supplied from a Melbourne company where it is a by-product of producing fertiliser.

- **Social**

The MNCAHS says that fluoridation is considered a safe, effective, efficient, cost effective and equitable method of preventing tooth decay in children and adults. Council is not an expert in this field.

- **Economic**

#### **Broader Economic Implications**

The MNCAHS has agreed to fund the capital works (estimated by MNCAHS as \$579,226) required to implement fluoridation in the water supply. They have also suggested at the recent Council briefing that they would contribute \$20,000 per year for the next two years towards operation of the facility. The real cost of operation and maintenance of the facility is expected to be approximately \$100,000 per year. This would result in an approximate cost of \$2.00/person.

#### **Management Plan Implications**

There would be a financial implication on the operation and maintenance of the water supply generally in that costs would increase by approximately \$6.00/connection annually.

**cont'd**

## **10 Fluoridation Of Coffs Harbour Water Supply (cont'd)**

### **Consultation:**

Council staff have consulted with the MNCAHS and representatives of the Service have visited the water supply headworks at Karangi Dam. Council has also been in contact with representatives of the other three Councils involved in the initiative, being Hastings, Kempsey and Bellingen.

### **Related Policy and / or Precedents:**

As reported earlier, consumers voted against fluoridation in a referendum at the Council elections in July 1991.

### **Statutory Requirements:**

Fluoridation of the water supply is controlled under the Fluoridation of Public Water Supplies Act (NSW) 1957 and the Code of Practice for the Fluoridation of Water Supplies Act - August 1997. This is permissive or enabling legislation, which permits the NSW Department of Health to define the conditions when fluoride may be added to a water supply. Whilst there is no law that states that water authorities must fluoridate the water supply, the Code states that plants that currently fluoridate cannot discontinue fluoridation for extended periods without the approval of the NSW Department of Health. The Code also covers both the design and operation of fluoridation systems.

In summary, some of the provisions of the Act are:

1. Council must not increase or decrease capacity of a water supply or make substantial alterations to equipment and apparatus or parts of the works in close proximity to the dosing point without the written approval of the Secretary of the Department of Health.
2. Council must sample and analyse each system daily and report results to the Director-General monthly together with a water sample.
3. Only qualified operators to operate dosing plant and no unqualified person to enter the premises unless in the company or approved by a qualified operator.
4. Once approval to fluoridate is given the Water Authority cannot discontinue fluoridating without approval by the Secretary of the Department of Health.

Council will be required to seek approval for the works from the Minister of the Department of Energy, Utilities & Sustainability under Section 60 of the Local Government Act 1993.

### **Issues:**

The health impacts of fluoridation of water supplies is not an area of Council expertise and as such the information in this report has generally relied upon input from MNCAHS.

The following options are available to Council:

1. Council decides on a "do nothing" option.
2. Council requests the MNCAHS seek the views of the community through a properly informed community referendum.
3. Council decide to fluoridate, in which case Council makes an application for approval to the Director General under Section 6 of the Fluoridation of Public Water Supplies Act, 1957.

**cont'd**

## **10 Fluoridation Of Coffs Harbour Water Supply (cont'd)**

4. Council decides that it is a public health issue and refers the decision to the Director General for consideration and determination under Section 6A of the Fluoridation of Public Water Supplies Act, 1957, with reference to the Fluoridation of Public Water Supplies Advisory Committee.
5. Council decides that it is a public health issue and refers the decision to the Director General for consideration and determination under Section 6A of the Fluoridation of Public Water Supplies Act, 1957, with reference to the Fluoridation of Public Water Supplies Advisory Committee and with the proviso that extensive consultation is carried out with the community, the details of which would need to be reported back to Council.

### **Implementation Date / Priority:**

The MNCAHS require a decision as soon as possible, or by the latest at the end of June 2004, if it is decided to go ahead with fluoridating the water. It is proposed that the works be constructed in the 2004/05 financial year.

### **Recommendation:**

**That Council approach the NSW Government under the provisions of Section 6A of the Fluoridation of the Public Water Supplies Act 1957 to undertake the following:**

1. **Establish the Fluoridation of Public Water Supplies Advisory Committee to advise the relevant Minister and the Council on the question of whether there is a strong case to fluoridate the Coffs Harbour water supply to address serious public health issues.**
2. **Under the provisions of the Act, the Committee should consist of the following:**
  - **a representative from the Australian Medical Association**
  - **a representative from the Australian Dental Association**
  - **a representative from the Institute of Engineers**
  - **a representative from the Australian Local Government Association**
  - **two representatives appointed by the relevant Minister, preferably a member of the Mid North Coast Area Health Service and a resident of the Coffs Harbour City local government area.**
3. **That in the event the Committee finds that there is not a strong case for the fluoridation of the Coffs Harbour water supply, Council notify the NSW Government and the Mid-North Coast Area Health Service that it will not take up its offer to undertake the capital works required to implement fluoridation.**
4. **That in the event the Committee finds that a strong case can be demonstrated for the fluoridation of the Coffs Harbour water supply:**
  - (a) **Council notify the NSW Government and the Mid North Coast Area Health Service that it will accept a direction to fluoridate the water supply and take up its offer to undertake the fully funded capital works required to implement that direction.**
  - (b) **Council seek a 50% subsidy for the recurrent costs associated with fluoridation.**
  - (c) **Council consult with the NSW Government and the Mid North Coast Area Health Service on appropriate levels of fluoride to be added to the Coffs Harbour water supply to address the public health issues.**

## Attachments:



TEETH FOR LIFE

## The Mid North Coast decay crisis

### Preventing an epidemic NOW

#### Why is increasing dental decay a problem?

##### First increase in decades

For the first time in decades, dental decay is increasing in children<sup>1</sup>. It is the number one health problem in Australia<sup>2</sup>.

The NSW Mid North Coast has higher decay rates than the state average<sup>3</sup>.

The looming dental decay crisis is related to the obesity epidemic – being largely caused by poor diet.

The crucial point is, however, just like obesity and heart disease, it is **PREVENTABLE**.

The prevention steps are simple:

- a balanced nutritious diet,
- proper cleaning of teeth,
- regular dental check-ups
- and constant exposure to optimally fluoridated water.

If prevention is so simple, why is decay increasing?

Societal<sup>4</sup> and behavioural<sup>5</sup> determinants of health are causing the rise.

Also, only half the local government areas on the MNC have fluoridated water.

#### The safest and surest solution is fluoridation

The first thing to understand is dental decay is a **health issue** requiring appropriate responses from the Area Health Service.

The mix of health responses includes both prevention initiatives and treatment provision.

Treatment is costing more than it should because preventative

behaviour in the population is reducing.

Who is responsible for our health decisions?

Evidence suggests when asked who is responsible for implementing water fluoridation, communities believe it belongs to *health authorities*, **not** local government councils, nor citizens<sup>6</sup>.

Prevention is more desirable and cost-effective than treatment.

The most equitable, fastest, and cost-effective prevention action is fluoridation of public water supplies. It can reduce dental decay by around 50 per cent in a relatively short time. (see footnote 7)

Sixty-six per cent of Australians have access to fluoridated water (62 per cent of Americans) and about 90 per cent of the NSW population.

Australia has had optimally fluoridated water for 50 years.

***It must be emphasised fluoride occurs naturally in water.***

One water supply on the MNC has fluoride naturally at an optimum level: Seal Rocks.

Where fluoride is added to water artificially, decay levels are lower. Fluoridation, like compulsory seat belt wearing, has predictable benefit, culminating in about 18 – 53 per cent less decay in permanent teeth in a population *regardless of socio-economic status*.<sup>7</sup>

Who says Fluoridation is safe?

Every major health body in the world supports fluoridation.

The World Health Organisation calls it one of the most effective public health measures of the 20<sup>th</sup> Century. *“Community water fluoridation is safe and cost effective and should be introduced and maintained wherever socially acceptable and feasible.”*<sup>8</sup>

<sup>1</sup> Armfield JM, Roberts-Thomson KF & Spencer AJ 2003, The Child Dental Health Survey, Australia 1999, Trends across the 1990s. AIHW Cat. No. DEN 95 Adelaide: The University of Adelaide (AIHW Dental Statistics Research Series No.27)

<sup>2</sup> Australian Institute of Health and Welfare (AIHW) 2000, p.46). Australian Institute of Health and Welfare (AIHW) 2000, p.46.

<sup>3</sup> In 4-10 y.o children's deciduous teeth the MNC average rate is 1.10 (decayed, missing or filled teeth) whereas for NSW the average is 0.84

<sup>4</sup> Especially increase in low-income families

<sup>5</sup> Poor diet and poor oral hygiene. SOKS 1996-2000, NSW Health

<sup>6</sup> Young, N, Fluoridation Advocacy in the Auckland region, Proceedings of the National Water Forum on Water Fluoridation, NZ Ministry of Health, 2001

<sup>7</sup> NHMRC Review of Water Fluoridation and Fluoride Intake from Discretionary Fluoride Supplements, Melbourne, 1999

<sup>8</sup> Fluoride in Drinking Water WHO position paper 2000.

**By how much does it reduce health costs?**

It is estimated for every dollar spent on fluoridation about \$95<sup>9</sup> is saved in dental costs.

If this is extended to the reduction of "sickies" due to decay, then the cost to the economy is also reduced and productivity increased.

**Who benefits most from fluoridation?**

The whole community, but particularly those who for socio-economic reasons are usually least able to help themselves.

This 10-20 per cent of the community contributes to about 90-80 per cent of disease in the population and are therefore the greatest cost to the health system and the community alike.

*Without them doing any more than being connected to the fluoridated water supply, their risk of tooth decay is almost halved.*

**Why dose the water and not use supplements?**

Supplements have their place – for people not on town water – but evidence from the last half century has shown this to be an unreliable method.

**What about bottled water?**

Consumption of bottled water has increased.

Despite this, exposure to fluoridated town water still reduces the risk of dental decay.

Some spring water brands do have measurable levels of fluoride though at less than optimum levels.

**What about human rights?**

A 1994 Public Health Commission report<sup>10</sup> cites a 1980 New Zealand Human Rights Commission report which stated:

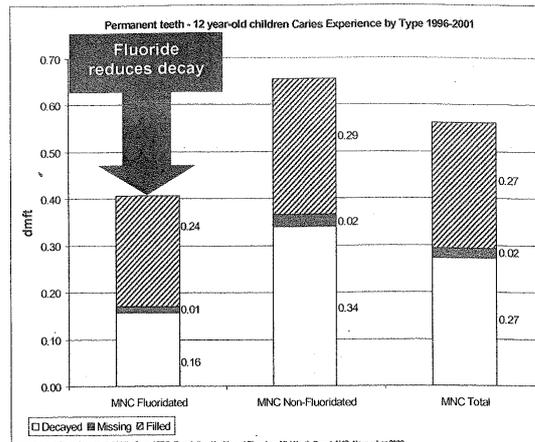
"...it is considered that the question of fluoridation of water supplies by public authorities does not constitute a denial of human rights."

In the past 12 months courts have upheld fluoridation decisions<sup>11</sup> and the British Parliament

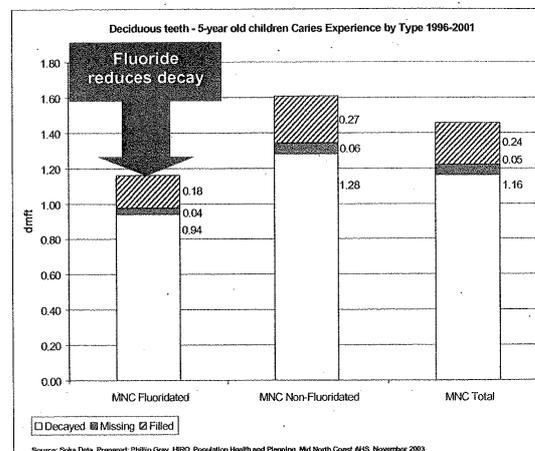
overwhelmingly passed new pro-fluoridation legislation with a vote of 2-1 in favour.<sup>12</sup>

The courts and legislatures also now recognise people have a fair choice, if they want to avoid treated reticulated water.

**Therefore the population benefits of safe and effective fluoridation are considered the best means of combating not only oral disease, but also general disease as well<sup>13</sup>.**



**Fluoride saves permanent teeth**



**Fluoride saves baby teeth**

**1. Low Income Households (<\$800 per week, gross)**

Local Government Area	Low Income	All	% Overall
Australia	3,040,126	6,744,796	45.07
NSW	960,282	2,232,831	43.01
MNC	62,176	98,871	62.89
Coffs Harbour City	13,325	22,257	59.87
Bellingen Shire	2,983	4,616	64.62
Nambucca Shire	4,729	6,785	69.70
Kempsey Shire	6,467	9,836	65.75
Hastings Council	15,157	24,754	61.23
Greater Taree City	10,256	16,281	62.99
Gloucester Shire	1,075	1,824	58.94
Great Lakes Council	8,184	12,518	65.38

The MNC has 20 per cent more low income households than NSW as a whole. This means more people are at risk of dental decay.

<sup>9</sup> Brown LJ, Beazoglou T, Heffley D. Estimated savings in U.S. dental expenditures, 1979-89. Public Health Rep 1994;109:195-203. (converted to 1988 AU\$).  
<sup>10</sup> New Zealand Public Health Commission 1994  
<sup>11</sup> Case reported in Baltimore Sun, USA, Originally published September 6, 2003

<sup>12</sup> House of Commons November 10, 2003  
<sup>13</sup> Poor oral health is related to cardiovascular disease, stroke, diabetes and other illnesses.

## CITY BUSINESS UNITS DEPARTMENT REPORTS

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### B19 DRAFT PLAN OF MANAGEMENT FOR WOOLGOOLGA BEACH RESERVE

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#### **Purpose:**

Submitting a Draft Plan of Management for the Reserve with the recommendation that the Draft Plan of Management be referred to the Department of Lands for approval to exhibit.

#### **Description of Item:**

The Woolgoolga Beach Reserve follows the beach from Woolgoolga Headland to Woolgoolga Lake (see attached plan). It also includes the Woolgoolga Beach and Lakeside Caravan Parks. The Reserve is Crown Land with Council being appointed Corporate Manager in July 2002 and since that time has consolidated business activities and commenced a strategic planning process.

Integrated Site Design, the consultants who guided the upgrading of both Park Beach Sawtell Parks, have prepared a Draft Plan of Management for the Reserve. Copies of the document are located in the Councillors room.

The previous Plan of Management was adopted after community consultation in 1992 with the main elements including

- A new caravan park including a primitive camping area in Lake Road
- A Backpackers and Beach Club in Lake Road
- Cabin complex of 26 cabins in Lake Road
- Removal of the Beach Caravan Park

For a variety of reasons there was only limited implementation of the plan resulting in the Department of Lands revoking the existing plan and directing that a new plan be prepared.

The new Plan while containing most of the major elements of the previous plan recognises a greater environmental awareness and suggests less intense development. A driver for the new plan has been the Vision document prepared as an outcome of the Woolgoolga Town Centre Study. This identified the need for increased public open space and vision corridors from the town centre to the beach. The Woolgoolga Surf Club had also lodged an application for major works to their current building. These cannot be undertaken due to land tenure and technical reasons necessitating the need to provide for a new facility.

The major 5 year outcomes of the new plan if adopted would be:

#### Woolgoolga Beach Caravan Park

A reduction in the area of the park by approx 40%. The existing manager's residence and amenities block will be demolished and a range of improved cabin accommodation installed. Existing long term residency in the park is retained but will be phased out through attrition/purchase of vans and there may be a need to relocate some residents within the park. Caravan and Camping in the park on completion of the program will be discontinued.

#### Village Green

The area freed up by the reduction in the caravan park will be developed as a Village Green with promenades linking the Town Centre and the Beach.

cont'd

## **B19 Draft Plan Of Management For Woolgoolga Beach Reserve (cont'd)**

### Provision of a site for a new Surf Club

The existing club building is in a state of disrepair and is within the coastal erosion zone. A site within close proximity to the existing building but beyond the zone has been identified for a new building.

### Lakeside Caravan Park

The park will be effectively rebuilt. Existing long term residency will be phased out through attrition/purchase with some residences to be relocated within the park.

### New Caravan Park in Lake Road

The necessary studies to obtain approval for the establishment of a new park are proposed. The new park will compensate in part for the loss of camping/ caravanning at the beach park.

### **Sustainability Assessment:**

- **Environment**

The redevelopment of the existing parks is designed to increase occupancy and therefore potentially generate more waste. It is proposed that energy saving devices and waste minimisation strategies will ameliorate the impact.

- **Social**

The loss of caravanning and camping at the Beach Park will have significant impact on those families that have been using the park over many years. The establishment of a new park in Lake Road, if found to be environmentally and economically sustainable, will provide some relief however the two events will not coincide. The establishment of a Village Green together with the allocation of a site for a new surf club will provide a social benefit that substantially offsets this.

- **Economic**

#### **Broader Economic Implications**

The consultants advise that the conversion of the Beach Park to a "Cabin Style" park, even with the reduction in size, will provide a similar annual income stream. It will however provide for a more even distribution throughout the year rather than the traditional Christmas peak. The refurbishment of the Lakeside Park and development of a new park if sustainable will provide a significant long term income stream to the local reserve system. All of the works are to be self funding with no impact on Council's general operations.

#### **Management Plan Implications**

There are no Management Plan implications. All works will be funded from caravan park operations and loans through Department of Lands programs.

### **Consultation:**

The Woolgoolga Chamber of Commerce, Surf Club, VRO and residents in both parks were consulted in the development of the plan. It is likely they will provide broad support for the plan. Caravanners and campers have not been consulted and it is anticipated that they will have a strong reaction to the plan.

**cont'd**

## **B19 Draft Plan Of Management For Woolgoolga Beach Reserve (cont'd)**

The plan has been guided by an internal team comprising representatives of the Parks, Planning, Commercial Services and Caravan Parks Branches.

### **Related Policy and / or Precedents:**

There is no policy or precedent in regard to this matter.

### **Statutory Requirements:**

Council is corporate manager of the Reserve under the Crown Lands Act.

### **Issues:**

#### Village Green

As the Woolgoolga community has grown as has the demand for public open space in such a prominent location. This was recognised in the 1992 Plan of Management and is strongly advocated by sections of the local community.

#### Long Term Residency

The Plan recognises the occupancy by residents and proposes that they be allowed to remain with a right of resale on the proviso that the park has first option of purchase. Major improvements or the introduction of new vans/homes or additional long term residents would not be permitted.

#### The loss of Caravanning/camping at the Beach Park

The existing caravanning /camping distribution compared to the estimated numbers is as follows:

	Powered/camp Sites	
	Existing	Proposed
Beach Park	70	Nil
Lakeside	51	54
New Park	Nil	18
Total	121	72

This situation is exacerbated by the fact that development of the new park cannot be assured until the necessary studies are complete and in the current circumstances development of the park cannot be justified economically. An additional impediment could be the acquisition of a land parcel in Lake Road required for the development of the new park. The land is zoned for acquisition but there may be some difficulties associated with this.

There will be a reaction from those who have regularly stayed in the park however the consultants advise that to achieve the creation of the village green while maintaining an income stream at a level that does not impact on local businesses the "cabin park" is the only option.

#### Surf Club

The Surf Club's need for a new site has been identified and provided for in the plan. Council will not be providing funds.

**cont'd**

**B19 Draft Plan Of Management For Woolgoolga Beach Reserve (cont'd)**

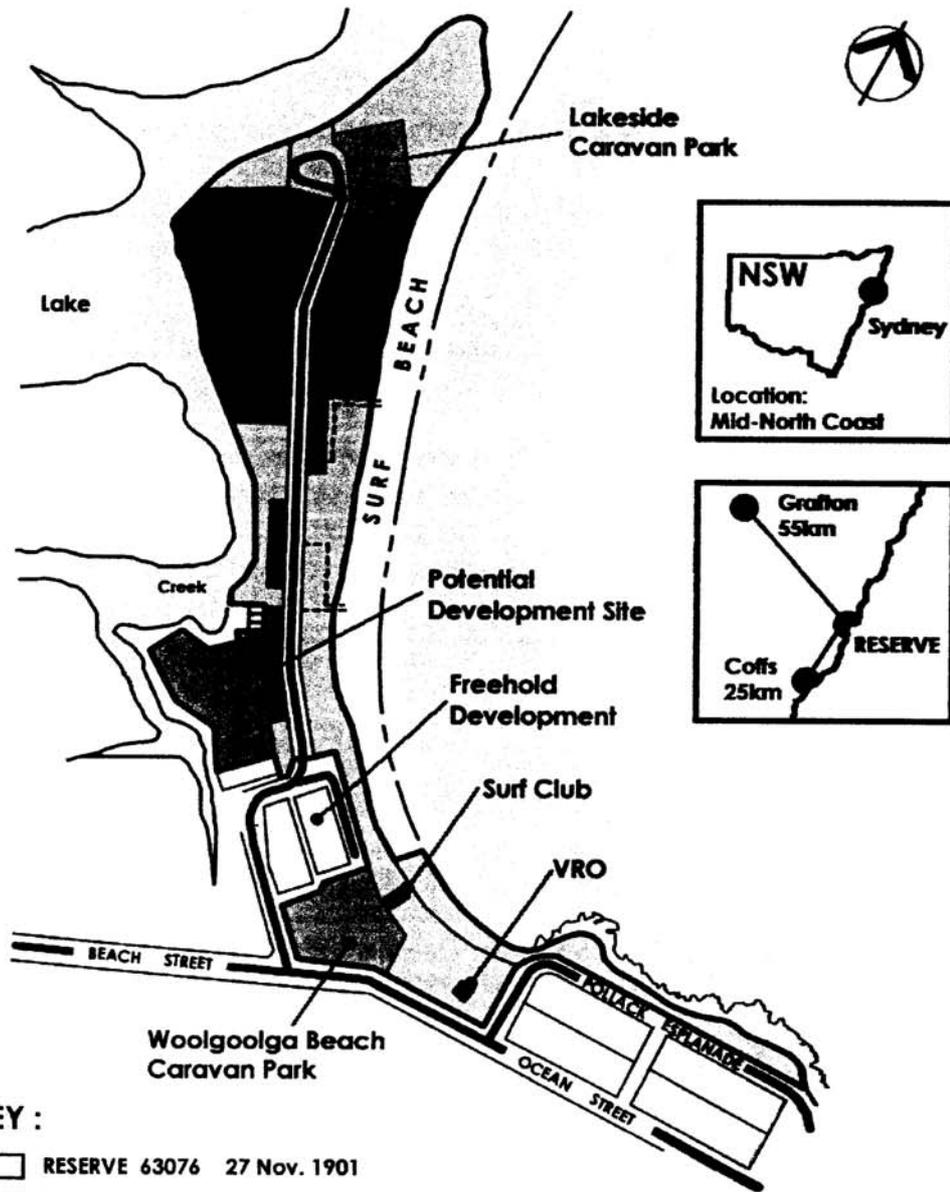
**Implementation Date / Priority:**

The plan is to be referred to Department of Lands for approval to undertake a public exhibition process following approval from Council. It is likely this together with the consultation process will take several months.

**Recommendation:**

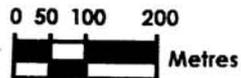
**That the draft Plan of Management for the Woolgoolga Beach Reserve be referred to the Department of Lands for approval to exhibit.**

Attachments:



KEY :

	RESERVE 63076	27 Nov. 1901
	RESERVE 72664	02 Apr. 1948
	RESERVE 69040	23 Feb. 1940
	RESERVE 83057	24 feb. 1961



**WOOLGOOLGA BEACH RESERVE**

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## **B20 EASTERN DORRIGO SHOWGROUND, ULONG - ADOPTION OF REVISION TO PLAN OF MANAGEMENT**

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### **Purpose:**

The purpose of this report is to seek Council adoption of the revised Sportsground Plan of Management, to enable primitive camping at the Eastern Dorrigo Showground, Ulong.

### **Description of Item:**

The Eastern Dorrigo Showground and Community Hall is managed by a Council committee. The land is a Crown Reserve and Council is the Trust Manager. The Committee has received numerous requests from the community regarding the availability of camping facilities at the Showground. Under the existing Sportsground Plan of Management, which covers this site, camping is a prohibited activity.

The committee has proposed short stay camping allied to community, cultural, sporting and recreation events carried out on the grounds plus some provision for tourists. The Committee hoped to provide basic camping facilities such as water, toilets, shower and garbage disposal in a nominated area of the site. Six camping sites are proposed, in line with primitive camping provisions of the Local Government Act.

The Committee previously approached Council (16 October 2003) regarding amending the Sportsground Plan of Management to permit the establishment of a Primitive Campground, in accordance with Section 65 of the Local Government Act. A report to this effect was prepared for the Council meeting of 16 October 2003. Council considered the request and passed a recommendation that the Sportsground Plan of Management be duly amended to accommodate primitive camping at the Eastern Dorrigo Showground, Ulong.

City Parks prepared the requested amendment to the Sportsground Plan of Management (see attachment 1) for Council's consideration and sought approval to advertise the proposed amendments. Council considered the request and passed a recommendation that the revisions be advertised (meeting of January 1, 2004).

City Parks duly exhibited the proposed amendments for the statutory six week period (a requirement of the Local Government Act), at the Coffs Harbour Council Administration Building, Ulong and Lowanna General Stores, Ulong RSL Club and in the Advocate newspaper. No objections or comments were received.

City Parks now request that Council adopt the Sportsground Plan of Management revisions.

### **Sustainability Assessment:**

- **Environment**

There will be no habitat disturbance at the site as the campsites will be located on a previously cleared area. Camping will be overseen by the existing management committee to ensure no encroachment outside of the designated area.

The campground will generate minimal additional waste and water usage. It is anticipated that existing waste disposal and water supplies will be adequate to service the campground.

**cont'd**

## **B20 Eastern Dorrigo Showground, Ulong - Adoption Of Revision To Plan Of Management (cont'd)**

- **Social**

Camping will enhance opportunities for participating in cultural, social and recreational events at the Eastern Dorrigo Showground and within the local Ulong community. Provision of camping will promote Ulong as a destination for tourists and visitors to the surrounding National Parks and State Forests. Enhancing tourism opportunities will create a flow on benefit to the local community, resident artists and businesses.

- **Economic**

### **Broader Economic Implications**

The provision of camping will allow increased income from, and usage of, the Showground and Community Hall. An additional economic benefit will be to local businesses and resident artists from increased visitation to the area.

### **Management Plan Implications**

The Committee has \$22 700 available for the provision of showers, amenities and barbeques. Council has already addressed upgrading access to the site and the provision of car parking. There should be no further Management Plan implications.

### **Consultation:**

All Council departments participated in the formulation of the report.

The land is Crown Reserve, managed as a reserve for public recreation. The Department of Infrastructure Planning and Natural Resources have been advised of the proposed amendment and concur with the intent of the amendment, advising on January 6, 2003 that they have no objections, and that they see the provision of the campground as a positive step for rural and isolated Recreation Reserves.

The revisions were publicly exhibited for the statutory six week period and no objections or comments were received.

### **Related Policy and / or Precedents:**

Councils' current policy in relation to Sportsground Use and Coordination states that camping is not a permitted activity. It is therefore proposed to also amend the Policy, to enable the establishment of primitive campgrounds as a permitted activity (see attached amendment) limited to specific reserves.

### **Issues:**

As outlined in previous Council reports on this matter, issues associated with the establishment of a primitive campground at the Eastern Dorrigo Showground may include excessive noise, disturbance to residents, damage to the grounds, security, lighting and lack of supervision. However, as the Committee has undertaken to address these issues should they arise, it is considered that the establishment of the campground will not be unduly onerous on Council and its resources, and that potential impacts are manageable.

**cont'd**

**B20 Eastern Dorrigo Showground, Ulong - Adoption Of Revision To Plan Of Management (cont'd)**

The campground will require a permit that will contain specific conditions in relation to the operation of the campground. It is anticipated that most issues will be able to be addressed through the permit system

The campground will require an annual renewal of the permit to continue operating. The proposed amendment encompasses regular reviews of the campground to assess its ongoing functioning, environmental and social impacts and patronage.

**Implementation Date / Priority:**

Adoption of the revisions to the Sportsground Plan of Management will take effect upon Councils resolution. The Eastern Dorrigo Showground Committee will then proceed with an application to council to develop shower and toilet facilities.

**Recommendation:**

**That Council adopt the amendments to the Sportsground Plan of Management, enabling establishment of a primitive campground at the Eastern Dorrigo Showground, Ulong.**

**Colin Spring  
Acting Director City Business Units**

## PLANNING ENVIRONMENT AND DEVELOPMENT DEPARTMENT REPORT

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### **PED18 ADDITIONAL INFORMATION ON DEVELOPMENT APPLICATION NO. 1406/04 - 29 PLACE CHILD CARE CENTRE - LOT 20, DP 1058434, 15 WILLIAM SHARP DRIVE, COFFS HARBOUR**

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#### **Purpose:**

The purpose of this report is to provide Council with additional information / clarification as requested at the Council meeting of 20 May 2004, regarding an application for a 29 place Child Care Centre at 15 William Sharp Drive within the Roselands Estate.

Council at its meeting of 20 May 2004 deferred the determination of the development application, seeking additional information on:

- pedestrian and traffic safety issues for residents in the vicinity of the proposed centre and for customers (parents, guardians, staff and children) of the proposed child care centre;
- public liability issues concerning the use of the right of carriageway that adjoins the site to the west, and that is to be utilised for access to four staff car parking spaces.

Additional information has also been provided in this report regarding:

- the advertising and notification process followed through the course of this development application assessment process;
- an initial separate development application lodged over the site in the Valley View Estate.

This report is to be read in conjunction with Report PED12 of 20 May 2004 (copy attached).

#### **Issues:**

- **Pedestrian & Traffic Safety**

Comments on pedestrian and traffic safety issues have been received from Council's City Services Department and are as follows:

In considering the location of a new child care centre Council needs to assess the proposal and make recommendations which ensure that a child care centre is located where it is safe for children and has a minimal impact on traffic and amenity of residents.

In terms of traffic impact, a heavily trafficked arterial road would not be acceptable unless access is available from a side street. A cul-de-sac would not be acceptable as there would not be sufficient traffic circulation in the street. Quiet residential streets would also be unsuitable as the centre would cause amenity problems.

Location of child care facilities on a collector road therefore provides the best chance for meeting the safety and amenity objectives.

William Sharp Drive forms part of the West Coffs DCP collector road system. As development in West Coffs progresses, it will form part of a ring road system servicing the area for buses, service vehicles and in the order of 3,000 vehicles per day. William Sharp Drive has been constructed in accordance with standards which ensure that the design speed and available sight distance is commensurate with the construction of driveway access and pedestrian access to the proposed child care centre.

**cont'd**

**Ped18 Additional Information On Development Application No. 1406/04 - 29 Place Child Care Centre - Lot 20, Dp 1058434, 15 William Sharp Drive, Coffs Harbour (cont'd)**

The right of carriageway provides access to four staff car parking spaces (i.e. eight vehicle movements per day). The right of carriageway is for the movement of vehicles only. It cannot lawfully be used for parking associated with the Child Care Centre.

A condition of consent (No 14) requires that parents/guardians of new enrolments be informed not to use the right of carriageway.

Access to the Child Care Centre building is via an air-lock door system that provides for child security when entering or exiting the building. Children attending the Centre will be accompanied by their parent/guardian.

- **Public Liability / Insurance Premiums with Respect To Right Of Carriageway**

An issue of public liability insurance has arisen during the application process. The right of carriageway adjoining the site to the west is located in a "community lot". The "community lot" serves as an access to a number of properties and requires insurance cover and maintenance.

The issue of insurance cover and maintenance is a private matter, for resolution between the relevant property owners. In accordance with S79C of the Environmental Planning and Assessment Act, the issue that one of the properties will be used as a child care centre and that this use may affect the level of insurance premium is not a relevant consideration in Council's determination. Other lots that are a party to the "community lot" may be used, over time, as home occupations (including child care operations with less than 6 children) or home industries without the need for development consent from Council. These uses may also impact on the insurance premium rate for the "community lot". This advice has been supported by Council's Corporate Services Department staff.

It is understood that the proposed operator of the child care centre is prepared to "pay the difference" in insurance premium, however this again is a private arrangement and not a Council consideration.

It is expected that the proposed operator will carry the necessary insurances for the operation of the child care centre.

- **Advertising / Notification of the Application**

The Development Application was advertised in "The Advocate" on the 20 March 2004.

Notification of the proposal was undertaken on the 18 March 2004. Properties that were deemed to be directly affected by the proposal were:

- 9 William Sharp Drive (located immediately to the west of the right of carriageway),
- 11 William Sharp Drive (at the time of notification, a single neighbouring property located immediately behind the proposed child care centre). It should be noted that this property has since been subdivided into four community title allotments (including the right of carriageway), as a subsequent stage of the development of this section of Roselands Estate. The Linen Plan formalising the creation of these new allotments was registered on the 4 May 2004,

cont'd

**Ped18 Additional Information On Development Application No. 1406/04 - 29 Place Child Care Centre - Lot 20, Dp 1058434, 15 William Sharp Drive, Coffs Harbour (cont'd)**

- 17 William Sharp Drive (neighbouring property located immediately to the east of the proposed child care centre).

According to Council's property database system at the time of notification, 9 & 11 William Sharp Drive were under the ownership of Hibbards Pty Ltd (the applicant), and hence no notification was provided to this property owner. The property owner at 17 William Sharp Drive was notified in writing of the proposal.

Council received 16 submissions (objections) to the development proposal.

Each person that made a submission was provided with an amended set of plans that corrected an error – a wrongly described elevation (the orientation of the elevations were incorrectly notated on the original proposal plan). This issue is further discussed in the original report on this application.

Council's Planning staff attended the site on Wednesday 28 April 2004 to discuss the application and the application process. Up to 30 persons from the immediate area attended the meeting. Council staff have also held numerous individual meetings with objectors to discuss various issues. Council has also received two separate submissions from local residents who are in favour of the proposal.

The application has been advertised and notified in accordance with the Notification DCP. There has also been a high degree of consultation with both the proposed operator of the facility and objectors during the application process.

- **Initial Application over site at Ceanothus Close**

The applicant originally lodged a Development Application for a 29 place child care centre at 4 Ceanothus Close, West Coffs Harbour (within the Valley View estate). The application was accompanied by an "approval in principle" from the Department of Community Services. Council staff assessed the site and were concerned with a number of factors relating to the proposal including:

- A drainage easement and sewer main ran down the northern side boundary of the property. Landform modifications including retaining walls were proposed to be located in the vicinity of easement and sewer main which were not desirable;
- The proposal as submitted did not adequately address the street frontage in a residential manner ie. Seven car parking spaces and the driveway dominated the street frontage;
- The position of the site was such that it potentially created traffic problems (local no-through road with no future through road system planned);
- The position and size of the property were considered to not offer the opportunity to adequately buffer surrounding residential properties (five neighbouring properties shared boundaries with the subject site);
- Side boundary setback requirements for fire separation purposes of a minimum of 3 metres were not able to be achieved;
- The position of the building and the lay of the land did not provide for specific disabled access to the facility.

**cont'd**

**Ped18 Additional Information On Development Application No. 1406/04 - 29 Place Child Care Centre - Lot 20, Dp 1058434, 15 William Sharp Drive, Coffs Harbour (cont'd)**

The applicant was sent written correspondence suggesting that due to these constraints, a different, more suitable site would be more likely to be supported by staff. The proposed operators of the child care facility were originally given verbal advice on Council's general preference for the location of potential child care centres.

**Summary:**

This report is to be read in conjunction with PED12 of 20 May 2004 (copy attached).

The site is considered appropriate for the use in terms of traffic and pedestrian safety. The issue of public liability insurance, as it applies to the right of carriageway that serves the four staff car parking spaces, remains a private arrangement between the relevant property owners, and is not an appropriate issue for Council to consider under S79C of the legislation.

The application was advertised and notified in accordance with the provisions of Council's notification DCP. The application process has involved substantial consultation with the operators and affected residents. The use is considered appropriate for the site in terms of scale, design, access, parking, landscaping, bulk and height.

The Coffs Harbour LEP 2000 allows for the development of child care centres in this low density residential zone, subject to obtaining development consent. No justifiable grounds are considered available to support refusal of the application. Conditional consent to the application is recommended.

**Recommendation:**

- 1. That Development Application No 1406/04 for a Child Care Centre on Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour be approved subject to standard and special conditions as appended to the report (Appendix B).**
- 2. That persons who have made submissions to the application be advised of Council's decision.**

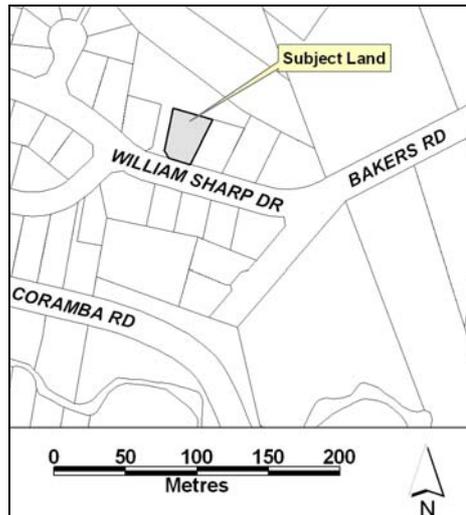
**Gina Vereker  
Director Planning Environment & Development**

**Attachments:**

**PED 12      CBU - Business Paper / Minutes**

**Purpose:**

The purpose of this report is to advise Council on an application for a 29 place Child Care Centre at 15 William Sharp Drive, being a low density residential property within the Roselands Estate. The report recommends conditional approval of the application.



**Description of Item:**

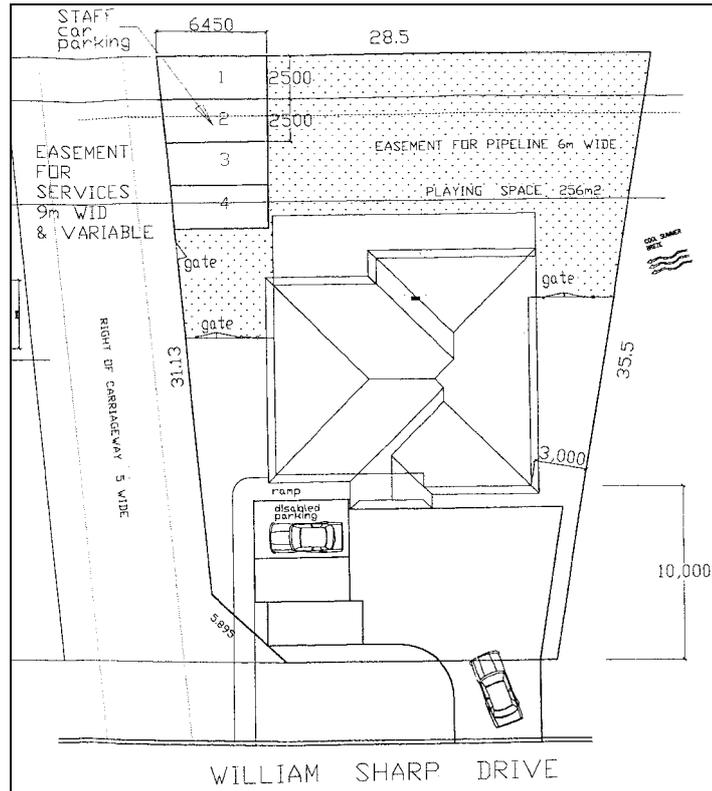
The development proposed is a child care centre potentially accommodating 29 children and four staff members. The site proposed to accommodate the facility is currently vacant, as are the properties immediately surrounding the site.

The proposed facility is designed such that externally it is visually comparable to that of a four bedroom residential dwelling. The internal areas of the building are laid out to accommodate typical child care facilities, as per Department of Community Services requirements, and outdoor play areas have been included in the back yard of the property.

Staff car parking comprising four spaces is located in the rear left hand corner of the site, and is accessed via an existing five metre wide concrete driveway already servicing two properties behind the subject site. A right of carriageway exists to enable the child care centre to access the four staff car parking spaces. A separate driveway is proposed on the right hand side of the frontage of the property that will access three car parking spaces acting as a “drop off / pick up” area for parents. Landscaping is proposed for the frontage of the site and will extend to approximately half way down both side boundaries.

General Information on the operation of the facility as provided by the applicant is as follows:

- Proposed to operate 5 days per week – Monday to Friday 8.00am – 5.30pm, 49 weeks per year (closed for a period after Christmas);
- Primary drop off time – 8.00am – 9.30am, primary pick up time – 3.30pm – 5.30pm;
- Maximum number of children – 4 children under 2 years of age, 25 children between 2 – 6 years of age;
- Assuming 100% occupancy, there would be 4 staff members.



South Elevation

**Sustainability Assessment:**

- **Environment**

The development will not have any significant adverse impacts upon the environment.

Noise produced by children and traffic generated by the facility may potentially have an impact on the immediate area, but is not expected to be so severe as to warrant refusal of the application. This issue will be discussed in further detail later in the report.

The floor level of the child care centre will need to meet Council's minimum floor level requirements in terms of flooding.

The proposed development does not include excavation within 40 metres of the banks of Coffs Creek, and no trees are proposed to be removed as the site is devoid of vegetation.

The development will not have an adverse impact upon native flora or fauna.

- **Social**

A number of submissions (16) from surrounding residents have stated their dissatisfaction with the development, however, the grounds for objection are not considered severe enough to warrant refusal of the application from a purely Town Planning perspective. The primary areas of concern relate to noise, loss of residential character and traffic generation.

A child care centre can also provide a positive contribution to the social network of a local residential neighbourhood by providing a child care option for local residents. It should be noted that a resident in the Roselands Estate has indicated that they are in favour of the establishment of the facility for this reason.

- **Economic**

The application involves no significant economic issues. The applicant states that they will be employing locally trained professional child care workers in the facility, as well as employing local tradespersons in the construction of the facility.

**Broader Economic Implications**

There are no broader economic implications associated with the development.

**Management Plan Implications**

There are no financial implications in relation to Council's Management Plan.

**Consultation:**

The application was notified and advertised in March 2004 with a total of 16 submissions received objecting to the development. The issues raised by those who lodged submissions will be discussed in detail later in this report.

In response to issues raised by objectors, Council staff held an on-site meeting with the objectors to further discuss the application.

Council staff have also facilitated a meeting between a representative of the local community and the owner/operator of the proposed facility.

Internal comments on the application have also been received from the following Council Departments:

- City Services,
- Building and Development Services,
- City Parks,
- Environmental Services,
- Strategic Planning, and
- Community Services.

## **Statutory Requirements:**

With regard to Coffs Harbour City Local Environmental Plan (LEP) 2000, the site is zoned Residential 2A Low Density and the proposed land use is defined as a "Child Care Centre". It is permissible in the zone, with Council consent.

Section 79C of the Environmental Planning and Assessment Act 1979 sets out the matters to be considered in the determination of a development application. The consideration of matters is limited in so far as they must be of relevance to the development being considered. A report setting out consideration of the development in terms of section 79C is appended to this report (Appendix A).

## **Issues:**

The application was advertised and notified, with 16 submissions (objections) being received. Council staff arranged an on-site meeting with the objectors on the 28 April 2004 to further discuss the application. The issues raised by the objectors, and further discussed at the on site meeting include the following:

- **Noise**

Concerns were raised regarding the potential for the child care centre to produce noise over and above that usually experienced in a residential area. This included submissions from shift workers and retired couples.

Noise from the child care centre is expected to be such that it will be confined to daytime hours of operation, Monday to Friday, and will generally be as a result of children playing in the rear yard of the facility, as well as traffic movement to and from the centre. The applicant has stated that the children will engage in daily programs that will include supervised indoor and outdoor activities. Weather permitting the outdoor activities will be restricted to 1.5 hours in the morning, and 1.5 hours in the afternoon. The applicant also states that not all 29 children will be allowed outside at the same time.

It is therefore considered appropriate to require a 1.8 metre timber close-jointed fence, sealed at ground level, around the side and rear perimeter of the property to reduce the spread of noise produced from outdoor play activities.

While a child care centre may pose a potential noise source during its hours of operation, the site will not be used after business hours and therefore will not contribute to any undue effects on the amenity of the area in terms of noise or traffic movements after hours.

Council's Environmental Services Branch has indicated that whilst such facilities are often located within residential areas, only one formal noise complaint about the operation of a child care centre has been received.

- **Loss of Neighbourhood Character**

A number of objectors are concerned that the proposal will have a detrimental effect on the neighbourhood character of the Roselands Estate. It is not disputed that such a facility will have an impact on the character of the immediate surroundings of the subject site. The proposal is for a non-residential use. However, the proposed building is of a form and scale that is consistent with other residential buildings in the neighbourhood.

- **Traffic Generation and Safety for Pedestrians and Children**

Concern has been expressed that traffic generated by the development will reduce pedestrian safety within the neighbourhood, particularly for local children. William Sharp Drive is considered to have sufficient width being a collector road, as well as adequate sight lines such that the impact of additional traffic from the Child Care Centre will have a negligible impact in terms of safety within the neighborhood.

Concern has also been raised that traffic generation will be exacerbated by the fact that the Roselands estate is currently a “no through” road. Although William Sharp Drive does not extend from Roselands Estate through to William Sharp Drive off Shephards Lane, the two sections of road will eventually be linked. The exact timeframe for this is unknown and is dependent on the resolution of various issues relative to the West Coffs Development Control Plan (DCP) area and market forces.

The existing road system is considered acceptable in terms of traffic generation and pedestrian safety.

- **Inadequate Parking and Drop Off Areas**

In terms of parking, the facility has separated staff car parking from parent/visitor parking. Staff members are proposed to utilise four spaces accessed from an existing concrete sealed five metre wide driveway located immediately to the left of the proposed facility. It is proposed that parents/visitors will use a separate driveway located on the right side of the property frontage in a drop-off and pick-up fashion. This area is of a sufficient size such that three cars may be accommodated at any one time.

The total number of car spaces, as well as the design of the car parking on the site complies with Council requirements.

- **Conflict with West Coffs Information Sheet Master Plan**

Some objectors have suggested that the Child Care Centre should be located within the multi-purpose facility proposed on the land allocated for community purposes as shown on the West Coffs Information Sheet.

The West Coffs Information Sheet includes the following objective for Community Facilities and Recreation:

*“To provide for changing community needs and the equitable access to community and recreational facilities.”*

The strategy associated with this objective states that *residential development in the West Coffs area will generate a demand for a multi-purpose building accommodating child care facilities, outreach facilities, information centre, playgrounds, community meetings and outdoor/indoor recreation, ....*

The West Coffs Information Sheet is a document that was adopted in 2000. The proposed West Coffs DCP is currently reviewing the contents of the information sheet, including the above strategy. Council has recently moved away from specifically providing child care facilities within community facilities, and this responsibility has shifted to the private sector, largely due to market forces.

The West Coffs area is a growing area, and Council’s Community Services Branch confirms that a demand exists within the West Coffs area for child care facilities. Council’s LEP allows for child care centres within residential zones with consent. Child care centres are seen as

providing a necessary service within residential neighbourhoods, and market demands have resulted in privately owned and operated child care facilities being located in residential areas, in many cases close to, but not necessarily within other community facilities.

Examples of other child care centres located within residential areas of Coffs Harbour include Coriedale Drive, Gardiner Avenue, Gundagai Street, Bailey Avenue, Perry Drive, Brodie Drive, Lamberts Road and Linden Avenue, many of which are larger centres than that proposed through this application. Council's Environmental Services Department state that they have only received one formal noise complaint about the operation of a child care centre in a residential area.

- **Loss in Property Value**

A number of submissions expressed concern that property values in the neighbourhood will fall if the child care centre is established. There is no evidence to support this assertion.

- **More Staff will be required than the Number Stated on the Application**

The application nominated four staff members associated with the child care centre, which is compatible with Department of Community Services requirements for staff/child ratios. The operator of the proposed facility has indicated that duties such as re-heating of pre-prepared food, cleaning and general maintenance of the property will be undertaken by the existing staff of the facility.

- **Incorrect Orientation of Elevations shown on Proposal Plans**

One of the objectors attending the on-site meeting expressed concern that the proposed plans submitted with the application contained elevations of the proposed building that were not correctly referenced with regard to orientation ie: the elevation noted on the original plans as being a "west elevation" should have been correctly identified as a "south elevation", and the "east elevation" should have been "north elevation", while the "north elevation" should have been "west elevation", and the "south elevation" should have been referenced as the "east elevation".

Council staff proceeded to obtain correctly referenced elevations and forwarded copies of these to all those who had lodged submissions. It was not considered that this typographical error warranted the re-advertising of the application.

### **Summary:**

The proposed Child Care Centre is supported, despite the concerns raised by residents of the neighbourhood. The site is positioned on a collector road, it is a flat block and directly adjoins only two residential lots. The development is of a scale and design that is compatible with the residential locality. The proposal satisfies Council's requirements in respect of setbacks, parking, access, landscaping and design. The Centre is considered an appropriate use in the residential area. Special conditions concerning fencing and pick up/setdown arrangements have been applied to the consent.

### **Recommendation:**

**That Development Application No 1406/04 for a Child Care Centre on Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour be approved subject to standard and special conditions as appended to the report (Appendix B).**

**That persons who have made submissions to the application be advised of Council's decision.**

## Section 79C Evaluation

Development Application No. 1406/04

(a) the provisions of:

(i) any environmental planning instrument, and

▪ **Environmental Planning and Assessment Act**

The development is proposed within an established residential subdivision on vacant land. No trees are proposed for removal, and it is considered that the child care centre will not have a significant effect on any threatened species, populations or ecological communities, or their habitats, in terms of section 5 of the Act.

▪ **North Coast Regional Environmental Plan 1988**

This Plan does not have any clauses of relevance to the development.

▪ **Coffs Harbour City Local Environmental Plan (LEP) 2000**

The site is included in the Residential 2A Low Density Zone under LEP 2000. The proposed use is defined as a 'Child Care Centre' and is permissible with consent.

The development complies with the requirements of all relevant clauses of the LEP.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

No draft EPI's apply to the development site.

(iii) any development control plan, and

▪ **Off-Street Car Parking Development Control Plan (DCP)**

In terms of parking, the facility has separated staff car parking from parent/visitor parking. Staff members are proposed to utilise 4 spaces accessed from an existing concrete sealed 5 metre wide driveway located immediately to the left of the proposed facility. It is proposed that parents/visitors will use three spaces accessed via a separate driveway located on the right side of the property frontage in a drop-off and pick-up fashion. This area is of a sufficient size such that three cars may be accommodated at any one time.

The car parking proposed for the site complies with Council requirements.

▪ **Notification DCP**

The application was advertised and notified for a two-week period in March 2004. Sixteen (16) submissions were received either raising concerns or objecting to the development.

**(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

Clause 92 of the Environmental Planning and Assessment Regulation 2000 provides that the document titled "NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast" is to be considered in the determination of a development application. The policy does not apply to this area.

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

The development may have an impact on the local built environment, including additional traffic generation and potential noise during business hours. None of these impacts is considered so significant that the application should be refused. As well, the cumulative effect of these impacts is not such that refusal is warranted. These issues have been discussed previously in this report.

**(c) the suitability of the site for the development,**

Council's Community Services Department advise through documentation that child care centres are better located:

- on land which is flood free,
- in a commercial, industrial or residential zone,
- away from main or very busy roads, large intersections or cul-de-sacs,
- away from hazardous developments such as service stations, industrial depots etc.,
- so that they are accessible by clients,
- preferably where there is demonstrated demand,
- so that the effect on neighbouring residents (if in a residential area) is minimised.

With regard to the above criteria, the site is affected by a 1 in 100 year flood event, however the building can be appropriately positioned so as to comply with Council requirements in this regard.

Potential effects on neighbouring residents can be minimised as described previously in this report.

The site is therefore considered suitable for the proposed development.

**(d) any submissions made in accordance with this Act or the regulations,**

The issues from submissions raising concern or objecting to the development have been discussed previously in this report.

**(e) the public interest**

The development is not considered contrary to the public interest.

**Development Application No. 1406/04  
Schedule of Conditions**

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**Additional Details / Applications:**

1. Access and facilities for disabled persons being provided in accordance with the Building Code of Australia provisions. Details are to be submitted **prior to issue of the Construction Certificate**. The developer's attention is drawn to the provisions of the Disability Discrimination Act 1992.
2. A separate application is to be made to Council by the licensed plumber and drainer **prior to the commencement of any sanitary plumbing and drainage work on site**.
3. Seven (7) car parking spaces (sealed and linemarked) being provided on the development site. All car parking and vehicular manoeuvring areas being constructed in accordance with Council's Off-Street Carparking Development Control Plan. Carparking areas are to be maintained in a serviceable condition at all times. Details of car park paving and layout being submitted **prior to issue of the Construction Certificate**.
4. A 1.8 metre high timber close-jointed fence, sealed at ground level, is to be erected on the side and rear boundaries of the site as notated on the approved plan. Details are to be submitted **prior to issue of the Construction Certificate**. This fence is to be erected at the cost of the developer.

**Construction Certificate**

5. No building or engineering work is to occur unless a **Construction Certificate** has been issued.

**Compliance with Building Code of Australia**

6. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

**Occupation Certificate**

7. The building is not to be occupied or used unless a relevant **Occupation Certificate** has been issued.

**Construction and Delivery Hours – Noise:**

8. Construction works and materials delivery are to be limited to the following hours:

Monday to Friday	7:00am to 6:00 pm
Saturday	7:00am to 1:00 pm (if audible from adjoining residential properties - 8:00 am to 1:00 pm).

**No construction work or deliveries are to take place on Sundays or Public Holidays.**

**Development Application No. 1406/04  
Schedule of Conditions**

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**Minimum Floor Level:**

- 9. The finished level of the floor of the building is to be a minimum of 16.5 metres Australian Height Datum and a registered surveyor’s certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level. **Note: Steel inspections and floor timber inspections will not be passed without submission of this required certificate.**

**Setout**

- 10. No part of the structure, including roof eaves and guttering, is to encroach upon the easement.

**Sediment and Erosion Control**

- 11. Where excavation works is to take place on the site, control measures in accordance with Council’s Erosion and Sediment Control Policy and Practice for Building and Development Sites to prevent the erosion of soil are to be undertaken at each appropriate construction stage.

**Landscaping**

- 12. Landscaping being provided in accordance with the approved landscaping plan and maintained in accordance with that plan at all times.

These works are to be completed prior to occupation of the development unless other arrangements satisfactory to Council for their completion at some other time are made.

- 13. The **Construction Certificate not being released** until a Certificate of Compliance pursuant to Section 27 of the Water Supply Authorities Act 1987 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

**Pick-up/Set-down Area:**

- 14. An information sheet is to be provided to parents/guardians of new enrolments advising of the requirement to use the dedicated pick-up/set-down area (three spaces) at the centre, and in the event that all spaces are occupied that parents/guardians park on the northern side of William Sharp Drive. Under no circumstances is the adjoining right-of-carriageway to be used for this purpose.

**Hours of Operation:**

- 15. The Child Care Centre is only to operate between the hours of 8.00am-5.30pm Monday to Friday. The facility is not to operate on weekends or public holidays.

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## CITY SERVICES DEPARTMENT REPORT

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### S35 MACCUES ROAD, MOONEE BEACH.

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#### **Purpose:**

To advise Council of a request by the Bucca Palm Neighbourhood Association in Mardells Road for access to MacCues Road, through the locked gate the boundary with State Forest land, and recommending implementation of a trial period for controlled access.

#### **Description of Item:**

Council received a letter in August 2003 from the Bucca Palm Neighbourhood Association, asking Council to review its decision to stop public vehicular access from the western end of MacCues Road to the State Forests land. Following further discussions with a representative of the Association, it was agreed to report to Council on the issue and recommend the reinstatement of a trial period for controlled access by residents of the Bucca Palm Neighbourhood.

This report also reviews the history of the closure at the western end of the road and various Council resolutions with respect to this matter.

#### **Management Plan Implications**

There are no implications for the Management Plan if Council adopts the recommendation.

#### **Consultation:**

The history of consultation on this subject is provided in the main body of the report.

#### **Statutory Requirements:**

The Roads Act 1993 gives Council, as the road authority, the power to regulate traffic on public roads where safety of road users or damage to the road is concerned.

#### **Issues:**

MacCues Road is accessed from the Pacific Highway, just south of the Moonee Beach Road intersection, and heads west for approximately 1.5km to the State Forest property. The public road reserve ends at the eastern State Forest boundary, but historically there has been a formed forestry track from the end of MacCues Road into the forestry compartment and joining Settles Road, another forestry road running north-south from Gaudrons Road to Bucca Road. Residents of the Bucca Palm Neighbourhood have, also historically, gained access to Settles Road from the western side of the forestry compartment and thence to MacCues Road, and the highway. Whilst their formal public road access is via Mardells Road, the ability to access MacCues Road by way of the forestry area provides a much shorter route to the highway.

MacCues Road was a Crown road prior to August 2002, and the legal responsibility for the road was the Department of Land and Water Conservation (DLWC). For unknown reasons, however, Council had historically maintained approximately 800m of the road from the highway, half of which was unsealed and subsequently dust-sealed in 1997. The remainder of the road has been sealed and maintained by private property-owners at the western end of the road, in order to provide all-weather access to their properties.

cont'd

### **S35 Maccues Road, Moonee Beach. (cont'd)**

This was done after previous attempts to have Council improve and maintain this section of road were unsuccessful. The alignment and width of this section is not a suitable standard for significant two-way traffic volumes.

In July 2001, State Forests re-graded and cleaned up the track between MacCues Road and Settles Road in preparation for logging in the compartment. This led to further complaints from residents at the western end of MacCues Road about increased traffic, inappropriate vehicle speeds and damage to the road formation that they maintained. Council wrote to State Forests requesting that they organise their operations to limit casual vehicular access to MacCues Road. Subsequently, an agreement was reached with the Regional Manager of State Forests to erect a gate across the track at the boundary of the State Forests land, and Council installed this gate as part of the arrangement. This arrangement was also supported by the Local Member, Andrew Fraser, MP, at the time, following representations from a resident in MacCues Road.

In March 2002, concerns were raised that State Forests was under pressure to re-open the track to MacCues Road. Based on these concerns at its meeting on 14 March 2002, under matters of an urgent nature, Council resolved:-

*"that Council seek the services of the State Local Member to ensure that State Forests does not re-open the forestry road to access MacCues Road."*

At its meeting on 11 April 2002, Council considered a report outlining the issues associated with the erection of the gate at the end of the road, and further resolved that:-

- "1. Council note the status report on issues associated with the physical closure of MacCues Road at the State Forest boundary.*
- 2. Council confirm the decision to prevent the use of MacCues Road by through traffic."*

On 9 May 2002, the Local Member wrote to Council inviting the Mayor to attend a meeting with residents, State Forests and council to resolve the differing demands for access arrangements at the western end of MacCues Road. The meeting was held on 23 May 2002 at the Council Chambers and was chaired by Mr Fraser. The outcome from the meeting was that a six months trial period would be implemented for controlled access through the gate by residents of the Bucca Palm Neighbourhood.

At the Council meeting on the same day, under general business, Council resolved:

*That the Traffic Committee be requested to urgently consider and report back to Council;*

- 1. On the assessment of speed limits up to 40kph on MacCues Road and the placing of 'no through road' signs at either end of MacCues Road.*
- 2. A trial period of six months be held with two keys for the gate lock being issued to each of the five families using the road."*

At its meeting on 4 June 2002, Council's Traffic Committee considered the issue of speed limits and signs in MacCues Road, and its recommendation was adopted by Council at the meeting on 13 June 2002, as follows:-

*"That 35kph speed advisory signs be installed on MacCues Road, Moonee, with "No Through Road" signs at the Pacific Highway."*

**cont'd**

### **S35 Maccues Road, Moonee Beach. (cont'd)**

Each of the property owners in the Bucca Palm Neighbourhood were issued with two keys to the padlock on the gate and a letter setting out the conditions that had been agreed to at the meeting. In particular, there was a condition that the gate must be kept locked at all times except when vehicles were physically gaining access through the gate, with Council reserving the right to deny future access if the gate was not locked after use.

During July and early August 2002 tensions between some MacCues Road residents and some Bucca Palm residents increased, resulting in the Police being called on at least one occasion to incidents associated with use of the gate. At the same time, Council's legal authority to control access between a Crown road and State Forests was questioned. On 9 August 2002 a resident at the end of MacCues Road found the gate unlocked, put his own padlock on the gate and returned the original padlock to the Council Depot at Marcia Street. Following this incident, notice of a rescission motion was lodged with the General Manager on 19 August 2002, which was intended to rescind Council's previous resolution regarding the trial period.

The rescission motion was considered at the Council meeting on 22 August 2002, and council resolved as follows:

*"RESOLVED that Resolution No. 67 of the Finance and Administration Committee meeting of 23 May 2002, and reading as follows be rescinded:*

*"That the Traffic Committee be requested to urgently consider and report back to Council:*

- 1. On the assessment of speed limits up to 40kph on MacCues Road and the placing of 'no through road' signs at either end of MacCues Road.*
- 2. A trial period of six months be held with two keys for the gate lock being issued to each of the five families using the road."*

*RESOLVED that the confirmation of the decision to prevent the use of MacCues Road by through traffic would implement that decision.*

The General Manager's report on the rescission motion also advised Council that the road had been transferred to Council's ownership on 16 August 2002. This ensured Council's ability to control traffic on the road and legal authority to undertake and control works in the road reserve.

Following the adoption of the rescission motion, the Bucca Palm residents were notified of the Council's decision and requested to return the keys for the original padlock on the gate. Council also sought legal advice on its authority to control traffic on MacCues Road and it was confirmed that council, as the road authority under the Roads Act 1993, does have the necessary authority.

Following meetings in January and March 2003 with Councillors, staff and residents from the western end of MacCues Road, an agreement was reached to allow controlled access through the gate for a farm tractor used by a local resident on properties located on both sides of the forestry land. This agreement was negotiated by Council because of a commercial need for use of the tractor on both properties and the relatively insignificant impact on road safety or damage to the western end of MacCues Road. This arrangement was confirmed on 11 March 2003 and appears to have worked satisfactorily, judging by the lack of complaint from any of the parties to the agreement.

**cont'd**

### **S35 Maccues Road, Moonee Beach. (cont'd)**

From the date that Council rescinded the controlled access arrangements for the Bucca Palm residents, there have been additional requests from those residents for a resumption of access to MacCues Road from the State Forests land. Council has also answered requests for information from the Ombudsman about the issue, but has had no formal approach or response from that office. These requests culminated in another formal request from the Bucca Palm residents on 11 August 2003, in which they ask for a review of the situation.

Following discussions with the Director of City Services, it was agreed in March 2004 that a report would be presented to Council after the local government elections, with a view to reinstating the controlled access trial that was previously abandoned.

Bucca Palms residents have also recently approached Council for access to allow roadworks on the private road joining Mardells Road. Implementation of the six month trial would also answer this request.

It is considered that a further trial of controlled access for Bucca Palm residents should be based on the same conditions as those stipulated previously, which were:

- "1. The keys are not to be provided to any other users except the immediate family members of the person signing for the keys.
2. Two keys will be issued to each family and additional keys will not be issued.
3. If a key is lost the cost of replacing the gate padlock and recutting all keys for the padlock must be met by the person losing the key.
4. Where a family decides it no longer wishes to use the gate, the keys must be returned to Council who will issue a receipt for the keys.
5. The gate must be locked at all times except when vehicles are physically gaining access through the gate. Where the gate is not locked after use by any of the key holders, Council reserves the right to prevent future access through the gate.
6. At the date of review of the trial period, all keys must be returned to Council if the decision is made not to continue with restricted access through the gate.
7. Key holders are to observe all speed limit and speed advisory signs in MacCues Road."

#### **Implementation Date / Priority:**

If Council determines to proceed with the recommendation, the trial period could start in July 2004, once the security padlock and keys are distributed.

#### **Recommendation:**

##### **That Council:**

- 1. Implement a six months trial of controlled access to the locked gate at the western end of MacCues Road for the residents of the Bucca Palm Neighbourhood.**
- 2. Advise residents in MacCues Road of the trial and the conditions imposed by Council on access through the gate.**
- 3. Apply conditions under which the Bucca Palm residents gain access to the gate as set out in the report.**

**Stephen Sawtell  
Director City Services**