



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

11 October 2005

**DSDS2 YOUTH INFORMATION AND REFERRAL CENTRE AND YOUTH LEARNING CENTRE
FILE: T6-05-96 GGL**

SUMMARY:

Reporting on an application to establish a Youth Information and Referral Centre and Youth Learning Centre (The Bunker) in the Chappel Park Youth Precinct for which objections have been received.

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Applicant: Kempsey Shire Council
Subject Property: Part 8 and Part 10
Zone: 6 (a) Open Space "A" Zone

Background

Council adopted a report on 12th February 2004 to move youth services to the proposed youth precinct area of Chappel Park, due to an identified need in Council's Social Plan to provide mentoring and counselling for young people.

The application was lodged on 3rd March 2005 to use the former Baby Health Clinic building on Memorial Avenue, as a Youth Information and Referral Centre, and to use "The Bunker" under the swimming pool grandstand for passive youth programs such as numeracy, literacy, computer skills, living skills etc.

Council at its meeting of 8th March 2005, resolved that the Director of Shire Services find a more appropriate location. Notice was given of a

Rescission Motion at Council's meeting of 12 April 2005 when it was resolved "That the matter of the Youth Information and Referral Service together with the activities proposed for the area below the Pool Grandstand be dealt with through the Development Application process".

At its meeting of 9th August 2005 Council resolved that this matter be listed for a Works Inspection. The Works Inspection was held on 26th September 2005 however the Works Inspection Committee did not have a quorum. This matter is now referred to Council for determination.

Description of Proposal

The proposal consists of using the former Mid North Coast Area Health Service (Baby Health Clinic) building for the Youth Information and Referral Centre and the area at the rear of the grandstand at Council's Memorial Swimming Pool known as "The Bunker" for youth education activities.

The Youth Information and Referral Centre is intended to provide family counselling and mediation onsite and referral for drug, alcohol and sexual health counselling, mental health services to established professionals who are not onsite. It will provide offices for a:

- Youth Support Worker for youth aged 12 to 17,
- REFS Reconnect Worker for 12-18 year olds,
- JPET Worker for 15 to 21 year olds
- Consulting room for visiting services eg. Centalink, Area Health.

The Centre will have an enquiry counter, however, there is no service provided on a "drop-in" basis.

The Bunker is intended to provide youth education programs such as numeracy and literacy, computer and living skills for youths.

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal

Kempsey Local Environment Plan 1987 (KLEP 1987)

The proposal is permissible with the consent of Council under the Kempsey Local Environment Plan 1987.

The objectives of the 6 (a) (OPEN SPACE "A" ZONE) of the Kempsey Local Environment Plan are:

- (a) to identify publicly owned land that is used or is capable of being used for the purpose of active or passive recreation; and
- (b) to conserve and protect the visual and environmental qualities of foreshore reserves and encourage development compatible with the natural environment and landscape;
- (c) to encourage the development of public recreation in a manner which maximises the satisfaction of the community's diverse recreational needs; and
- (d) to enable development associated with, ancillary to, or supportive of uses compatible with those uses.

Clause 9 provides that the proposed development is prohibited unless Council is satisfied that the proposal is consistent with the objectives of the Zone. The proposal is considered to be compatible with and supportive of youth recreational activities in the area, thereby being consistent with objective (d).

Clause 18A provides that Council may consent to development of land within Zone 6(a) for community purposes if use of the land for that purpose is, in the opinion of Council, occasional, infrequent or subordinate to, but compatible with, the primary use of the land. The proposal is considered to be subordinate to, and compatible with, the primary use of the land being recreation and is for a community purpose and is therefore considered to be permissible with consent.

Car Parking

Youth Information and Referral Centre

The Centre will contain 3 offices, each with 1 service provider plus a consulting room available for a range of service providers but only 1 at a time. This could generate a demand for up to 4 off-street car parking spaces. Clients will be aged between 12-21, with most anticipated to be under 17. It is estimated this may still generate likely potential of a further 3 cars at any one time, giving a potential peak demand of 7 parking spaces.

The previous use of this building as the Baby Health Clinic is estimated to have generated a demand for 3 parking spaces, giving net increase demand of 4 spaces.

Youth Learning Centre

This will provide for classes of up to 10 youths, plus an instructor. These courses are for 16-24 year olds who are unemployed. Car ownership is likely to be low, however, a peak parking demand for this activity may be 6 spaces.

This gives a total increased demand of both facilities of 10 spaces.

Parking Availability

Parking is available at kerbside in Memorial Avenue and Forth Street adjoining the park. This could reasonably be utilised for the 4 additional spaces estimated to be required for the Youth Information and Referral Centre. However, during summer months, this may cause conflict with parking demand for the pool. Council has no parking surveys of peak demand in this area to determine the availability of kerbside parking. The applicant states that on street parking does not extend past the Youth Information and Referral Centre Building even during peak usage of the pool, however, this cannot be substantiated.

In relation to the Youth Learning Centre, it may be feasible to formalise use of the hard standing area to the east of the skate park for the provision of parking. This area is about 85 metres from "The Bunker" and with line marking, edge treatment and footpath construction, could easily accommodate 6 spaces estimated to be required, if necessary.

The application indicates that the target groups that will attend both centres have very low car ownership rates, and that parking demand is not likely to be as high as estimated.

Whilst the pattern of car usage by attendees is uncertain, the maximum number generated by the development could result in traffic conflict if realised.

It is proposed to require the provision of 10 off-street parking spaces as a condition of consent, however, that this provision should be deferred for 6 months to allow the applicant to undertake parking surveys during operation of the centres over the peak parking demand period. Following this, and depending on the outcome of the surveys, the applicant may either submit details on the means of

providing parking or justify that the use does not generate this level of demand.

Given the intended user group it is considered reasonable to require provision of a bicycle parking facility.

Flood Risk Management Policy

The subject premises are located in the Kempsey Local Floodway No.1 under clause 6.2.1 of Council's Flood Risk Management Policy.

Clause 6.2.1 (b) of the Flood Risk Management Policy states that extensions will be permitted where they do not increase the floor area more than 10% of the existing floor area as at 25 February 1980. Open verandahs, patios and the like, will not be included in the 10% calculation.

The proposed Youth Referral Centre building additions include a deck, a disabled access ramp and partial internal modifications. The proposed works are not included in the 10% calculations and as such no increase in floor space will result from the modifications. The proposed use of The Bunker requires no additional external building works, no additional floor space or basic alterations to the structure that would obstruct to the flow of floodwater.

Building Code of Australia

The application has been assessed in accordance with the requirements of the Building Code of Australia and conditions 17 to 20 have been included in the recommendation.

A wall will need to be constructed within "The Bunker" to separate the area of the floor which is less than 2.4 metres in height, together with alterations to the doors. Fire safety measures will need to be installed in the building (portable fire extinguishers).

Cumulative Impact on Amenity

The potential increase in traffic and noise may lead to some loss of amenity, 'peace and quiet' and be of inconvenience for some residents in the area. By only allowing the proposal to operate during business hours and by imposing conditions of consent specifically relating to the management of the centres, the enjoyment and lifestyle of surrounding residents should not be detrimentally affected by the proposed development.

Applicant Submission

The applicant states that the area in central Kempsey lends itself to the placement of a Youth Information Referral Centre with the facilities that are currently available in the Chappel Park precinct. According to the applicant, since 1998 the area has been recognised as a youth precinct with facilities such as the swimming pool and skate park.

Planning Comment

Council has been developing a Social Plan over a period of years to address identified key issues for community well being. The needs of youth, particularly the provision of mentoring and counselling, has been identified as a key action. The establishment of a youth centre to improve co-ordination of services for young people is considered a desirable community service. Location of such a facility is a critical factor. Chappel Park provides a central location which already provides for other youth activities, including the skate park, swimming pool, venue for Youth Week and Battle of the Bands etc.

While there are many perceived impacts to neighbours, provided the facility is well managed and operates within reasonable hours, it is considered impacts can be minimised and there be no significant affect on the amenity of the neighbourhood.

The Information and Referral Centre is to be required to be attended primarily by pre-arrangement and appointment only and is to be conditioned accordingly. While occasional attendance without appointment may occur, the nature of the centre will not generate many such visits. The Youth Activity Centre is to be attended only by youths who are enrolled in a training course, with a maximum class size of 10 to be held at one time.

Parking demand for the use during peak periods may cause impacts. The applicant will either need to provide off-street parking, or demonstrate that demand can be catered for during peak periods at kerbside.

Public Exhibition

Adjoining property owners were notified of the proposal in accordance with Council's Advertising Policy. Council received seven (7) objections including a signed petition with two hundred fifty eight

(258) signatures objecting to the proposal. One (1) submission supporting the proposal was received that included ten (10) letters in support of the proposed development. A copy of each submission is attached [\(Appendix B\) Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7, Part 8, Part 9, Part 10, Part 11, Part 12, Part 13, Part 14,](#) and can be summarised as follows:

Objection	Planning Comment
1 Memorial Avenue is very congested. Parking is an issue when the swimming pool is open and especially when swimming carnivals are on.	1 See "Carparking".
2 What are the hours of operation of the Youth Referral Centre?	2 No operation hours have been indicated by the applicant, however a condition of consent is proposed to restrict operation hours between 9-5 Monday to Friday. This has been discussed with Council's Community Services Section who are agreeable to such a condition.
3 Can the residents be assured that it will not increase crime in the area as was the case at Gloucester where the centre has been closed down because of problems in the neighbourhood.	3 There is no evidence to suggest that crime will be associated by the proposed development. As the land is owned by Council, if crime became a significant issue, then Council, as landlord, could ensure the use ceased.
4 The skatepark has created problems for residents eg. needles, antisocial behaviour, noise and kids being bashed.	4 Whilst such activities are likely to be more prevalent at night, during daytime hours when the centres are permitted to operate, greater supervision would reduce potential anti-social activities.
5 What effects will the proposal have on the	5 No significant effects are anticipated. Access to the

swimming pool?	bunker is external to the swimming pool complex.
6 The Development Application is contrary to Council's Flood Policy.	6 The proposal complies with Council's Flood Risk Management Policy. (See "Flood Risk Management Policy")
7 The Development Application should go to the Heritage Consultant for his opinion as a change of use.	7 The existing building is not listed as a heritage building under KLEP 1987.
8 The proposal is not consistent with the 6(a) zoning objectives in the LEP which prohibits the proposal.	8 The proposal is considered to be permissible under Clause 18A of Kempsey Local Environmental Plan 1987 (See KLEP 1987).
9 Why wasn't their community consultation that the baby centre lease was to be terminated?	9 Council has no policy requiring consultation in respect to leasing matters which are an administrative function.
10 All residents of Memorial Avenue and surrounding streets will face constant harassment as a result of the proposed development.	10 The purpose of the Youth Centre is to encourage youth to be responsible and receive mentoring and counselling. Consequently it is expected that the proposal will not result in impacts to residents.
11 The proper place for any public service centre catering for counselling for drugs, alcohol, mental health, sexual health etc is not in a residential but clinical environment such as hospital, doctors surgery or business allocated areas.	11 The site has been chosen as a result of extensive consultation with the providers of community services, all of which support the proposed location.
12 There has been problems with similar centres in	12 See above comment

Kempsey.

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| <p>13 Does the Centre operate after hours during the week and on weekends?</p> | <p>13 It is proposed to limit hours of operation 9am to 5pm weekdays.</p> |
| <p>14 The proposal will attract additional litter in the park which is already neglected.</p> | <p>14 This is a matter for management and maintenance of the Park.</p> |
| <p>15 Petition – The Baby Health Clinic has been used for the past 50 years and was built for that purpose for the community and the community were not consulted about the change of use.</p> | <p>15 The proposal has been advertised in accordance with Council’s Notification Policy. It is for Council to determine whether the proposed use is appropriate.</p> |
| <p>16 The residents feel the counselling of youth with mental health, drug and alcohol abuse and sexual problems should not be in the vicinity of so many small children using the swimming pool complex.</p> | <p>16 The proposed development is supported by a range of community service providers. The uses are considered to be adequately separated.</p> |

Support

- 1 The submission includes letters from youth agencies which support the proposed development as it will provide a centrally located, accessible, youth friendly point of entry to welfare services for young people and their families.

Planning Comment

- 1 Noted.

REPORT IMPLICATIONS:

- **Environmental**

There are no significant environmental impacts from the proposed development.

- **Social**

The Youth Referral and Information Centre and The Bunker will provide a social benefit to youth in the Shire as well as forming partnerships with neighbouring Shires. The proposal has the potential to educate youths on issues such as health, education as well as providing counselling.

- **Economic (Financial)**

The Youth Referral and Information Centre and The Bunker has received \$70,000 funding from the Premiers Department and a further \$41,000 from other State Government sources.

- **Policy or Statutory**

The application as submitted has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

A That the Youth Information and Referral Centre and Youth Learning Centre be approved subject to the following conditions:-

- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans and detailed submission accompanying the application, as modified by any conditions of this consent.
- 2** This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3** This consent does not permit commencement of any works. Works are not to commence until such

time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.

- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.
- 6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 7 Access to the site for deliveries is to be confined to between 7.00 am and 5.00 pm Monday to Friday. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 8 The hours of construction works are to be confined to 7.00 a.m. to 5.00 p.m., Monday to Friday.
- 9 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
- 10 The applicant to provide off-street parking for 10 spaces that includes one (1) disabled car park.

Compliance with condition 10 shall be deferred for 6 months from the date of consent, after which the applicant is to submit details of how off-street parking is to be provided, for approval. If required, the parking area is to be constructed and operational within 2 months of notice being given.

- 11 The hours of operation of the Youth Information and Referral Centre and Youth Learning Centre are to be restricted between 9.00am and 5.00pm Monday to Friday.

- 12 Attendance at the Youth Information and Referral Centre is to be primarily by appointment only and this is to be clearly signposted at the entry door to the building.
- 13 All attendance at the Youth Learning Centre (The Bunker) is to be pre-arranged enrolment in an approved course, with a maximum class size of 10 persons, and only one class is to operate at any one time.
- 14 The Centre is not to be used for dispensing of any drugs.
- 15 Provision of a bike rack adjacent to the Youth Learning Centre prior to commencement of the use.
- 16 Compliance with the Building Code of Australia.

All building work must be carried out in accordance with the requirements of the (BCA). A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

- 17 Submit plans and specifications of the "bunker" building with the Construction Certificate.
- 18 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

19 The construction of exits must comply with Section D Clause D2.19, D2.20 and D2.21 of the Building Code of Australia.

B That the applicant be advised that Council may reconsider the need for off-street parking if it can be demonstrated that the use does not create the level of demand estimated and that there is adequate kerbside parking available for the use, during peak parking demand periods associated with the public swimming pool.

C That all persons making individual submissions be notified of Council's decision.

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**R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**