

Planning Services

Gateway Determination Report

LGA	Coffs Harbour
PPA	Coffs Harbour City Council
NAME	Reclassification of Lot 2 DP 579023, 50 Minorie Drive, Toormina
NUMBER	PP_2018_COFFS_002_00
LEP TO BE AMENDED	Coffs Harbour LEP 2013
ADDRESS	Coffs Harbour LGA
DESCRIPTION	Reclassification of Lot 2 DP 579023, 50 Minorie Drive, Toormina from Community to Operational land (interests changing).
RECEIVED	16/07/2018
FILE NO.	IRF18/4036
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required or a political donation disclosure statement has been provided
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal OR include details of meetings or communications with registered lobbyists.

INTRODUCTION

Description of planning proposal

The planning proposal aims to reclassify Lot 2 DP 579023, 50 Minorie Drive, Toormina (Figure 1) from Community to Operational land (interests changing).

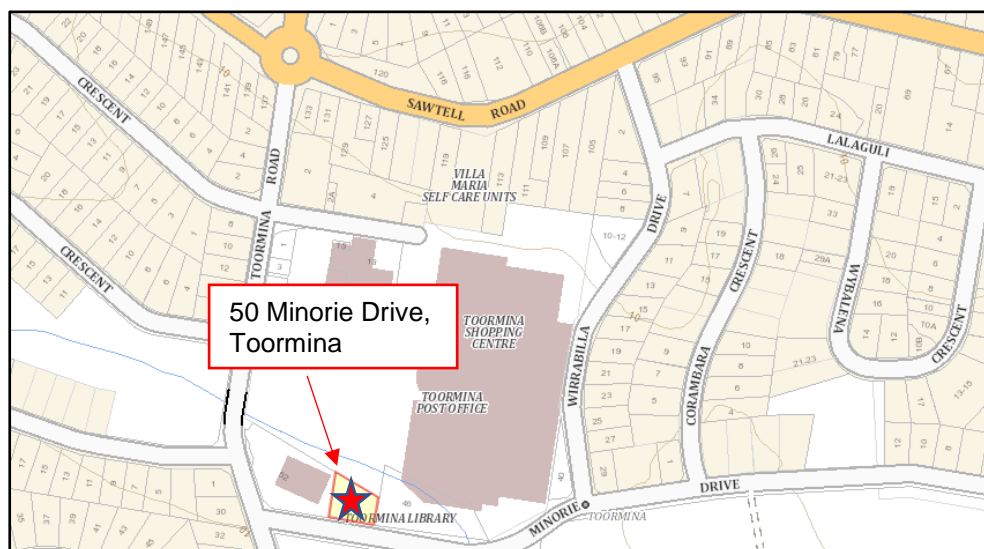


Figure 1 - Subject Land

Site description

The land has been occupied by Toormina Community Preschool since 1975.

Existing Planning Controls and Surrounding Area

The subject land has an area of 1,343m² and is zoned B2 Local Centre under Coffs Harbour LEP 2013. Land surrounding the site is characterised by both community and retail uses with an ALDI Supermarket adjoining to the west and the Toormina Library adjoining to the East. Toormina Gardens Shopping Centre is situated directly north of the site. The B2 Local Centre is surrounded by land developed for residential and recreational purposes (Figure 2).

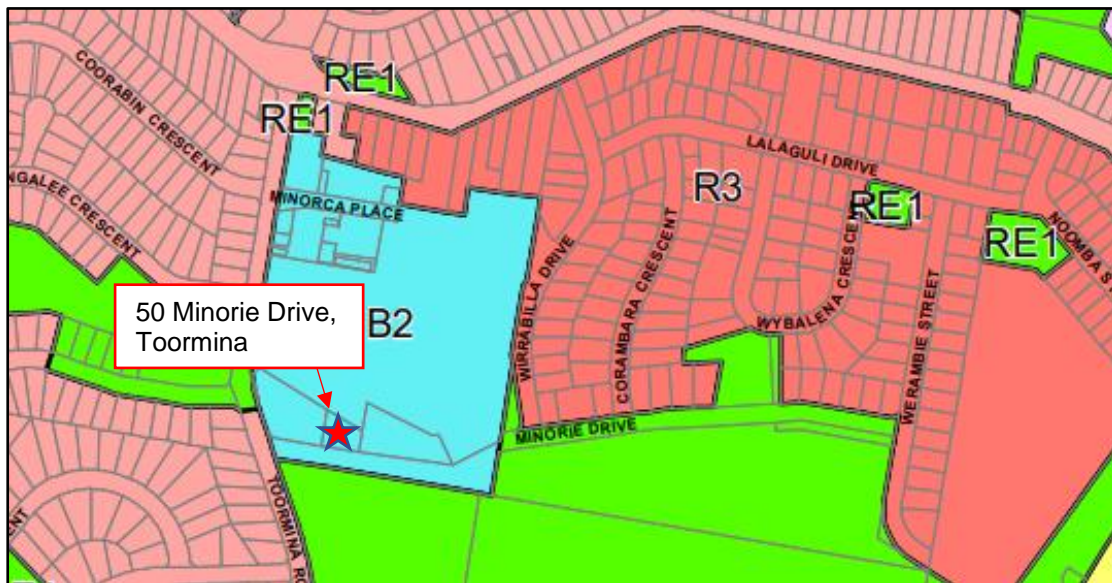


Figure 2 - Zoning and Surrounding Area

Summary of recommendation

It is recommended that the planning proposal be approved subject to conditions to rectify an existing classification error affecting the land and allow it to be transferred to the ownership of the Toormina Community Preschool Incorporated.

PROPOSAL

Objectives or intended outcomes

The planning proposal has adequately outlined the objectives and intended outcomes that relate to the reclassification of the subject lot from Community to Operational land and to extinguish all interests that currently apply to the land. The intent of this reclassification is to better reflect the current use of the land and to carry out a long-standing intention of Council to transfer ownership of the site to Toormina Community Preschool Incorporated. The proposal does not however provide a clear list of which interests are to be extinguished as part of this process. The planning proposal should be updated prior to public exhibition to include a list of all the proposed interests to be extinguished.

Explanation of provisions

The planning proposal adequately outlines the LEP changes that will be required to undertake the reclassification. The proposal seeks to insert the subject land description into Schedule 4, Part 2 - Land Classified, or reclassified, as operational land – interests changed of Coffs Harbour LEP 2013.

Mapping

As the planning proposal only relates to changes to the written document, no LEP mapping is required. Site identification maps are included in the proposal and are considered appropriate for community consultation purposes.

NEED FOR THE PLANNING PROPOSAL

The planning proposal has not resulted from any strategic study or specific report.

On 21 July 1975, Council resolved to accept transfer of the subject lot from Toormina Holdings Pty Ltd, so that Council could act as trustee for the Toormina Preschool Association. On 20 October 1975, Council resolved that a declaration of trust stating that the preschool was a company was to be completed. This would enable transfer of the land from Council to Toormina Community Preschool Incorporated. This declaration of trust was however never completed as the preschool didn't formally become a company until 9 December 1975. The result being that the land was retained by Council and inadvertently classified as Community land in 1993 due to changes associated with the Local Government Act 1993. For the preschool to secure bank loans and to make management actions autonomously from Council, reclassification and transfer of the land is now required.

STRATEGIC ASSESSMENT

State

The planning proposal does not contain any matters of state or regional significance.

Regional / District

North Coast Regional Plan (NCRP) 2036

The planning proposal is considered to be consistent with the Regional Plan

Local

The planning proposal has not resulted from any local strategic study or specific report but rather a need to reclassify the subject lot so that its operational status more accurately aligns with its current and future use.

Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all applicable section 9.1 Directions except as discussed below.

Direction 6.2 Reserving Land for Public Purposes.

The planning proposal is inconsistent with this direction as it seeks to remove interests applying to the use of the land and thereby reduces an existing reservation of land for public purposes without the approval of the Secretary. The inconsistency is considered to be of minor significance as the reclassification and extinguishment of interests is only being undertaken to facilitate the sale of the land to the Toormina Community Preschool Inc to enable them to properly manage the existing facility that occupies the site autonomously from Council. The land does not, and will not in the future, serve any public open space purpose for the local community.

State environmental planning policies

The planning proposal is considered to be consistent with all relevant SEPP's.

SITE-SPECIFIC ASSESSMENT

Social/Economic

The planning proposal is unlikely to result in any detrimental socio-economic impacts within the LGA and will assist in enabling Council to transfer ownership of the land to the Toormina Community Preschool Incorporated. This will enable the preschool to independently secure loans and to make management actions autonomously from Council.

Environmental

It is not anticipated that the change in status of the land from Community to Operational will have any detrimental environmental impact on the subject lot.

Infrastructure

The provision and funding of State infrastructure is not necessary for this proposal.

Regarding local infrastructure, it is not expected that the planning proposal will create any increase in demand for additional infrastructure as the preschool has been in existence since 1975.

Heritage

No items of heritage significance have been identified as being potentially impacted by the planning proposal.

CONSULTATION

Community

Council has indicated a 28 day public exhibition/community consultation period as required in DP&E Practice Note PN 16-001.

A public hearing is also required in accordance with the Section 29 of the Local Government Act, 1993. Council have confirmed their intent to conduct a public hearing.

The proposed consultation is considered appropriate.

Agencies

Council have not specifically identified any government agency for consultation. Given the nature of the planning proposal, it is not considered that consultation with any specific agencies is required.

TIME FRAME

The planning proposal has included a six (6) month timeline that indicates completion in November 2018. To ensure an adequate time to complete the proposal and obtain the Governor's approval for the extinguishment of interests, a 9 month timeframe is recommended.

LOCAL PLAN-MAKING AUTHORITY

Council has requested an authorisation to exercise delegation for this proposal. An authorisation cannot be issued in this instance as the proposal will require the Governor's approval for the extinguishment of interests.

CONCLUSION

The planning proposal is supported to proceed subject to conditions. Support for the planning proposal is based on the following:

- it meets the adequacy criteria by providing appropriate objectives and intended outcomes, justification for the proposal, outlines appropriate community consultation and provides a practical project timeline;
- it is generally consistent with all relevant Sections 9.1 Directions and SEPPs;
- it is not inconsistent with the North Coast Regional Plan 2036;
- it is unlikely to have any detrimental impact on the environment or the socio-economic welfare of the Local Government Area; and
- it will enable Council to manage the land appropriately in accordance with its current and likely future use and no loss of land used for public open space will result from the proposal.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is minor.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. the planning proposal should be made available for public exhibition for a minimum of 28 days.
2. the time frame for completing the LEP is to be nine (9) months from the date of the Gateway determination.
3. given the nature of the planning proposal, Council should not be the local plan-making authority.
4. prior to public exhibition, the planning proposal is to be amended to include details of all interests that are to be extinguished associated with the reclassification.



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