

MAYORAL MINUTE - PLANNING PROPOSAL - CENTREBASED CHILD CARE FACILITY

1.

REPORT AUTHOR: MAYOR

2. PURPOSE:

To progress the necessary steps required for a Centre Based Child Care Facility at Tumberumba.

3. MAYORAL RECOMMENDATION:

1. Support the Planning Proposal to enable an additional permitted use for a 'Centre Based Child Care Facility' under Schedule 1 of the Tumberumba Local Environment Plan at Lot 17 and Lot 18 Section 9 Deposited Plan 759003;
2. The Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination under s.3.34 of the Environmental Planning & Assessment Act 1979.

4. REPORT:

Background

Council has identified a site owned by Council at 97 King Street Tumberumba which is currently underutilised. The land was identified as a result of its location to the town centre and its proximity to other services. The land is currently surplus vacant land and has a zoning of RE1 Public Recreation. There is no current improvements on the land. The site occupies an area of approximately 4029 square metres and has two land titles being Lot 17 in Section 9 Deposited Plan 759003 and Lot 18 in Section 9 Deposited Plan 759003. A development application was received in 2023 seeking consent for the establishment of a child care centre utilising the definition of a 'community facility' which is permitted with development consent of Council in the RE1 zoning under the Tumberumba Local Environment Plan (LEP) 2010. Council staff have considered the development and identified that the proposal should be characterised as a 'centre based childcare facility' which is prohibited in the zone. The applicant was requested to withdraw the application and the application has now been formally withdrawn.

The project has been awarded a capital grant from the Federal Government and the funding agreement contains certain milestones which must be met in order to comply with the deed. Accordingly, the matter has now become time critical. Council staff have reviewed the proposal and have advised that given that the site is within Council ownership, the most appropriate way to consider an approval pathway for the development as outlined would be to prepare a planning proposal to amend the LEP to enable an additional permitted use under schedule 1 as a *Centre Based Childcare Facility* on both Lot 17 and Lot 18. The adjoining zones are zoned residential which permit centre based childcare with the consent of Council. Increasing the availability of important childcare facilities in the Local Government Area is a priority for the Council.

Current Situation

A Planning Proposal has been prepared in support of the LEP amendment from an independent consultancy firm employed by the Council. Council staff are currently preparing a business paper report to present to the elected Council to adopt the draft planning proposal for gateway determination by the Department. This mayoral minute provides consideration of the time criticality of the process and seeks to provide staff with the necessary support to have the application referred to the Department for the issue of a Gateway Determination.

There is a current adopted plan of management over the site which *inter alia* permits 'educational activities'. If Council was to enter into a lease for a period greater than 5 years then it would need to consider the provisions of section 46 of the *Local Government Act 1993* as the land is identified as 'community land'. Alternatively, it could reclassify the land to operational and follow the relevant process under the *Local Government Act 1993* to enable the reclassification. The proposal is not seeking to utilise all of the land, only a portion of the site.

Council staff have made enquiries with the Department of the in-principle support for the amendment however to date have not had a response on timing of the information being provided.

Strategy Moving Forward

Council staff are preparing a business paper report to be presented to the September 2023 ordinary meeting of the Council to consider the schedule 1 additional permitted use on the subject site to permit Centre Based Child Care Facilities. As to the time criticality of the project and the elected Council being eager to have the process commenced due to funding constraints and limitations of the grant, this Mayoral Minute is seeking to provide the necessary resolution and support to have the planning proposal forwarded to the Department for issue of a gateway determination on the LEP amendment.

5. ATTACHMENTS

1. Planning Proposal - Centre Based Childcare Centre - Tumbarumba
2. Tumbarumba Community Land Management Plan