
ITEM	13.027/15	AMENDMENT NO. 16 TO CVLEP - PLANNING PROPOSAL TO ENABLE SERVICED APARTMENTS OR A RESIDENTIAL FLAT BUILDING AT 6 MCLACHLAN ST, MACLEAN; LOT 2 DP719897
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Meeting	Environment, Planning & Community	10 March 2015
Directorate	Environment, Planning & Community	
Submitted by	Director - Environment, Planning & Community (Des Schroder)	

SUMMARY

A Planning Proposal to allow a scheduled use for 6 McLachlan Street, Maclean as serviced apartments or a residential flat building is now presented to Council for final adoption. It has been placed on public exhibition in accordance with the Gateway Determination. No submissions were received and Council can now proceed to make the Amendment No. 16 to Clarence Valley LEP 2011 under delegated authority.

OFFICER RECOMMENDATION

That Council:

1. Adopts Planning Proposal Amendment No. 16 to Clarence Valley Local Environmental Plan 2011 to allow Serviced Apartments and a Residential Flat Building at 6 McLachlan Street, Maclean, Lot 2 DP719897 by addition to Schedule 1 of the CVLEP, and
2. Exercises its delegation from the Minister for Planning to finalise the amendment to CVLEP.

COMMITTEE RECOMMENDATION

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Howe, Hughes, Williamson

Against: Nil

COUNCIL RESOLUTION - 13.027/15

(Crs Hughes/Howe)

That Council:

1. Adopts Planning Proposal Amendment No. 16 to Clarence Valley Local Environmental Plan 2011 to allow Serviced Apartments and a Residential Flat Building at 6 McLachlan Street, Maclean, Lot 2 DP719897 by addition to Schedule 1 of the CVLEP, and
2. Exercises its delegation from the Minister for Planning to finalise the amendment to CVLEP.

Voting recorded as follows

For: Councillors Williamson, Baker, Howe, Hughes, Kingsley, Lysaught, Simmons and Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

Council on 9 December 2014 adopted a draft Planning Proposal (Planning Proposal Report by CivilTech Reference 13129 was attached to the Council Report on 9 December 2014 Attachment 13.241/14) to allow a scheduled use for this property to be used as serviced apartments or a residential flat building. The subject property comprises a 1960s building containing 2 x 2 bed flats and 4 x 1 bed flats. The building was believed to have been constructed to accommodate student nurses or staff working at the hospital. The owner purchased the building as a residential flat building in a dilapidated state and has upgraded the accommodation. The accommodation was being advertised for short term/overnight stays in December 2013 and was required to cease being used in this manner, as short term visitor accommodation is prohibited in the current zone. The owners submitted a Planning Proposal for Council's consideration to schedule the use as an additional use in the LEP.

KEY ISSUES**Residential Uses**

Under the CVLEP 2011, the use of the premises for short term accommodation is defined as 'tourist and visitor accommodation', which means:

a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments,*

but does not include:

- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities.*

All forms of tourist and visitor accommodation uses are prohibited on land zoned R2.

The building was originally built as residential accommodation most likely in association with hospital workers. A change to overnight or short term accommodation may raise issues relating to the character of the neighbourhood, however, there could arguably be no change to amenity, whether it is used for short or long term residential use.

A Gateway Determination was given on 18 December 2014 and a 14 day public exhibition period was required. The proposal was advertised from 14 January to 2 February 2015. No submissions resulted from exhibition of the proposal. If Council adopts the scheduled use in the LEP as a result of this Planning Proposal, a subsequent development application would be required and if approved, appropriate conditions can be imposed to ensure that amenity of the neighbourhood is protected.

In summary, the existing building may currently be used for long term residential flats as it has an existing use right. The proposed schedule is a way of enabling an additional use without changing the zoning. The reason that the residential flat use is also proposed in the Planning Proposal is to cover a possible reversion

from short term to long term residential use of the apartments, as this would then be prohibited in the current zoning.

COUNCIL IMPLICATIONS

Budget/Financial

The applicant has paid the prescribed fee for the assessment and handling of this Planning Proposal.

Asset Management

N/A

Policy or Regulation

The Planning Proposal has been assessed and processed with full compliance to the EPA Act 1979 and EPA Regulation 2000.

Consultation

The Planning Proposal was placed on public exhibition for 14 days from 14 January to 2 February 2015 in accordance with the Gateway Determination. No submissions were received.

Legal and Risk Management

The Planning Proposal has been prepared and exhibited in accordance with the EPA Act 1979 and Regulation 2000.

Prepared by staff member:	Deborah Wray
Approved/Reviewed by Manager:	David Morrison
Section:	Strategic & Economic Planning
Attachment:	N/A