

Clarence Valley LEP 2011 – Additional permitted uses at 6 McLachlan St Maclean.

Proposal Title : **Clarence Valley LEP 2011 – Additional permitted uses at 6 McLachlan St Maclean.**

Proposal Summary : **The planning proposal seeks to amend Clarence Valley LEP 2011 by adding provisions to Schedule 1 of the LEP to enable serviced apartments or a residential flat building to be permissible with consent on Lot 2 DP 719897, 6 McLachlan Street, Maclean, which is currently zoned R2 Low Density Residential.**

PP Number : **PP_2014_CLARE_008_00** Dop File No : **14/20803**

Proposal Details

Date Planning Proposal Received :	16-Dec-2014	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	6 McLachlan Street		
Suburb :	Maclean	City :	Postcode : 2463
Land Parcel :	Lot 2 DP 719897		

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The Statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to amend the Clarence Valley LEP 2011 to enable serviced apartments and/or a residential flat building to be permissible with consent on the subject land, which is currently zoned R2 Low Density Residential.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal seeks to amend the LEP by adding a provision to Schedule 1 of the LEP to permit additional uses on the land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.2 Coastal Protection**3.1 Residential Zones****3.4 Integrating Land Use and Transport****4.1 Acid Sulfate Soils****4.3 Flood Prone Land****5.1 Implementation of Regional Strategies****6.1 Approval and Referral Requirements****6.2 Reserving Land for Public Purposes****6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the assessment section of this report**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which adequately show the site. The proposal does not require amendments to any of the maps in the Clarence Valley LEP 2011.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal identifies the proposal as a low impact planning proposal and nominates a 14 day community consultation period. This is consistent with "A Guide to Preparing Local Environmental Plans", and is considered to be appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Time Line**
The planning proposal includes a project timeline which estimates the completion of the planning proposal in May 2015. To ensure the RPA has adequate time to complete exhibition, reporting, and legal drafting it is considered that a time frame of 9 months is appropriate.

Delegation.
The RPA has indicated it expects an Authorisation to exercise delegation for this proposal given its minor nature. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be consistent with the strategic planning framework, of a minor nature and of local planning significance. It is recommended that an Authorisation for the exercise of delegation be issued to the RPA.

Overall Adequacy
The planning proposal satisfies the adequacy criteria by;
1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Clarence Valley LEP 2011 commenced in December 2011. This planning proposal seeks an amendment to the Clarence Valley LEP 2011.

Assessment Criteria

Need for planning
proposal :

The proposal is not a result of a strategic study or report. The land contains a two-storey building which was constructed in the 1960's and contains 2 x 2 bedroom flats and 4 x 1 bedroom flats. The building has been recently upgraded and was being advertised for short term accommodation. Council advised the owner to cease using the building for this purpose as short term visitor accommodation is prohibited in the R2 Low Density Residential zone that applies to the land. It is possible the building may have had existing use rights, however the proponent has proposed an amendment to the LEP to regularise the use of the land for short term accommodation, being serviced apartments. The proposed amendment also seeks to retain the ability for the building to be returned to its use as a residential flat building in the future. Residential flat buildings are also prohibited in the R2 zone.

The proposal to include additional provisions in Schedule 1 of the LEP is the most appropriate means of achieving the intent of the planning proposal. Alternative amendments to the LEP could include;

- The inclusion of serviced apartments and residential flat buildings as permissible uses within the R2 Low Density Residential zone.
- The rezoning of the land from R2 Low Density Residential to R3 Medium Density Residential.

Amending the land use table to permit serviced apartments and residential flat buildings with consent in the R2 zone may result in instances where such land uses are permissible yet unsuitable on certain other sites in the LGA. The permissibility of such uses within the R2 zone throughout the LGA may result in an increase in the potential for land use conflict. The subject land already contains a residential flat building and the RPA is confident issues arising from its use as serviced apartments can be addressed because of the particular set of circumstances for the subject site.

An amendment which rezones the subject land to R3 Medium Density Residential would have the same effect as the proposed Schedule 1 amendment. However such an approach would also enable the site to be developed for other land uses such as other higher density residential developments which may be inappropriate. The proposed Schedule 1 amendment will limit the use of the existing building to either a residential flat building or serviced apartments. These are uses for which the building has previously been used and appear to be compatible with the established low density residential character of the area.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal is not inconsistent with the MNCRS. The subject land is within the agreed growth area boundary for Maclean and constitutes only a change in the type of residential development the site will be used for.

The site is suited for the proposed use as it contains an existing building in a location central to the Maclean central business district, hospital and open space facilities and is already serviced by necessary infrastructure.

Consistency with Council's Local Strategies.

The proposal is consistent with the RPA's local Strategy Valley Vision 2020. The use of the existing building for serviced apartments will provide additional economic benefits for Maclean as there is a lack of similar facilities in Maclean.

SEPPs

The proposal is not inconsistent with any State environmental planning policies (SEPPs). The proposal has indicated that SEPPs 32, 55, and 71 are applicable to the proposal however the proposal is not inconsistent with these SEPPs.

S117 Directions.

The following S117 directions are applicable to the proposal, 2.2 Coastal Protection, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Directions 4.1 and 4.3.

Direction 4.1 Acid Sulfate Soils is applicable to the proposal. The direction states that a planning proposal should not propose an intensification of land uses on land having a probability of containing acid sulfate soils unless a study of the appropriateness of the land has been undertaken.

The proposal seeks to amend Schedule 1 of the LEP to enable residential flat buildings and serviced apartments on the subject land which is classified as Class 2 acid sulfate soils. These land uses are currently prohibited in the R2 zone. While this would amount to an intensification of land uses, in this instance a building of 6 units already exists on the site and the LEP amendment will regularise the use of this building. Therefore the inconsistency of the proposal with the direction is considered to be of minor significance, and is justified in accordance with the terms of the direction.

Direction 4.3 Flood Prone Land is applicable to the proposal. The direction states that a planning proposal should not permit a significant increase in the development of land within the flood planning area.

The proposal seeks to amend Schedule 1 of the LEP to enable residential flat buildings and serviced apartments on the subject land which is flood liable. These land uses are currently prohibited in the R2 zone. While this would amount to an increase in development potential of the land, in this instance a two storey building of 6 units already exists on the site and the LEP amendment will regularise the use of this building. Therefore the inconsistency of the proposal with the direction is considered to be of minor significance, and is justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social economic impacts :

The subject land is urban zoned land which is already developed for residential purposes. There is no likelihood that the proposal will adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.

The minor changes to the land uses that are permitted on the site are not expected to

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result in other likely adverse environmental impacts. The LEP amendment will result only in a change of use of the existing building and is not expected to increase the flood liability or other environmental impacts to which the existing development is exposed.

The proposal is expected to contribute a positive economic impact for the Maclean area. There is a lack of serviced apartments in Maclean and the use of this building as such will help fill this demand. Similarly retaining the possibility of using the existing small units for long term residential accommodation will provide a low cost housing option in Maclean which again is in short supply.

The proposal is not likely to have negative social impacts as the existing building has been used for both proposed uses in the past. Council's support for regularising these uses indicates there has not appeared to have been any adverse social impacts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter - 6 McLachlan Street Planning Proposal.pdf	Proposal Covering Letter	Yes
PLanning Proposal - 6 McLachlan Street.pdf	Proposal	Yes
Minutes of Council meeting - 6 McLachlan Street Planning Proposal.pdf	Determination Document	Yes

Planning Team Recommendation

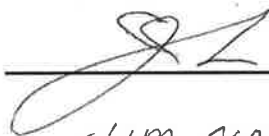
Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.2 Coastal Protection**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions

Additional Information : **It is recommended that;**
 1. The planning proposal should proceed as a 'routine' planning proposal.
 2. A community consultation period of 14 days is necessary.
 3. The planning proposal is to be completed within 9 months.
 4. A written authorisation to exercise delegation be issued to Clarence Valley Council.
 5. A delegate of the Secretary agree that the inconsistencies of the proposal with S117
 Directions 4.1, and 4.3 are justified in accordance with the terms of the directions.

Supporting Reasons : **The reasons for the recommendation are as follows;**
 1. The proposed LEP amendment will regularise the use of an existing residential flat
 building on the site and enable the potential expansion of affordable housing on the site.
 2. The proposal will enable the building to be used for short term accommodation which
 is a land use of which there is limited other alternatives in Maclean and which has been
 identified as a future housing need.
 3. The proposal is consistent with the Mid North Coast Regional Strategy and the RPAs
 Local Strategy and the inconsistency with S117 Directions is of minor significance.

Signature:



Printed Name:

JIM CLARK

Date:

18 December 2014