
ITEM 13.241/14 PLANNING PROPOSAL TO ENABLE SERVICED APARTMENTS OR RESIDENTIAL FLAT BUILDING AT 6 MCLACHLAN STREET, MACLEAN, LOT 2 DP719897

Meeting	Environment, Planning & Community	9 December 2014
Directorate	Environment, Planning & Community	
Submitted by	Director - Environment, Planning & Community (Des Schroder)	

SUMMARY

A draft Planning Proposal has been prepared which proposes to schedule the use of 6 McLachlan Street, Maclean for Serviced Apartments and a Residential Flat building in relation to an existing 1960s building containing 6 units. This form of accommodation is prohibited by the current zoning. Council is requested to support the draft Proposal for public exhibition purposes due to the unique circumstances of the case and request a Gateway Determination.

OFFICER RECOMMENDATION

That Council:

1. Adopt the draft Planning Proposal prepared by CivilTech Consulting Engineers Ref 14129, for a Schedule Amendment 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, (Attachment 1) and
2. Forward it to the Department of Planning with a request for a Gateway Determination and proceed to public exhibition subject to the advice received.

COUNCIL RESOLUTION - 13.241/14

(Crs Hughes/Kingsley)

That Council:

1. Adopt the draft Planning Proposal prepared by CivilTech Consulting Engineers Ref 14129, for a Schedule Amendment 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, (Attachment 1) and
2. Forward it to the Department of Planning with a request for a Gateway Determination and proceed to public exhibition subject to the advice received.

Voting recorded as follows

For: Councillors Williamson, Baker, Howe, Hughes, Kingsley, McKenna, 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

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 have submitted this application for Council's consideration to schedule the use as an additional use in the LEP.

KEY ISSUES

Site and Setting

The subject property comprises a fibro 1960s elevated building, containing 6 units, with parking under each unit on a site of 1380m², close to the hospital and town centre. The site is located near the corner of McLachlan Street and Union Street, it is flanked by single dwellings and bounded at the rear by vacant land currently used as park land owned by the Northern NSW Local Health District. It is not listed as a heritage item or within the heritage conservation area. The land is subject to flooding.

The general character of the surroundings comprises low density housing within close proximity to the hospital, the town centre and tennis courts on the opposite side of Union Street.



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.

Potential Impacts of Proposed Short Term Use

It is acknowledged that the building was built originally as residential accommodation most likely in association with hospital workers and is likely to be able to demonstrate existing use rights as residential flats. A change to overnight or short term accommodation may raise the following potential issues which would need to be addressed;

- Possible change to the character of the neighbourhood related to transient/changing residents who are not part of the permanent neighbourhood. This may not however raise any concerns among surrounding residents and there may be no change to amenity whether it is used for short or long term residential use.
- Possible noise/parties from overnight tourist use, although this can equally occur in a permanent residential accommodation.
- Potential economic competition with established motels, which are located within business zones or have existing use rights.
- Potential loss of a source of affordable long term housing.

If a Gateway Determination is given, a 14 day public exhibition period would be required in order for the local community to voice any issues. If the scheduled use was approved in the LEP as a result of this Planning Proposal, a subsequent development application would be required and if approved, appropriate conditions could be imposed to protect the amenity of the neighbourhood.

In summary, the existing building, may be used for long term residential flat 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. Full details of the proposal are set out in the accompanying Planning Proposal at **Attachment 1**.

At a broad scale, the existing R2 zone in Maclean is quite restrictive in terms of the variety of housing types that are permitted, in contrast to the more flexible R1 zone that applies to Grafton. It reflects historical planning approaches in the respective areas. In particular, it is quite restrictive in providing opportunities for itinerant workers and the like, which has been identified as an issue requiring some strategic assessment in relation to the Pacific Highway and other infrastructure upgrade projects currently underway. Planning to address ways to manage the likely increased housing demand initiated by these projects is underway, but in the meantime, this proposal has strategic merit in that context.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Policy or Regulation

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

Consultation

If a Gateway Determination is given, the Planning Proposal will be placed on public exhibition for 14 or 28 days to allow for public comment.

Legal and Risk Management

There are no rights of appeal against a rezoning decision; however an applicant may request a review of a Gateway Determination by the State Government.

Prepared by staff member:	Deborah Wray
Approved/Reviewed by Manager:	David Morrison
Section:	Strategic & Economic Planning
Attachment:	Planning Proposal Report by CivilTech Reference 13129