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Planning Proposal

Schedule Amendment to allow Serviced Apartments or
Residential Flat Building

Lot 2 DP719897

6 McLachlan Street, Maclean
on behalf of S & C Parker

15 October 2014

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Ref No 14129



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Preliminary

Context

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's *"A guide to preparing planning proposals"* (DoPI, 2012). A gateway determination under Section 56 of the Act is requested.

Subject Land

This Planning Proposal applies to land located at 6 McLachlan Street, Maclean described as Lot 2 in DP719897 identified in Figure 1.

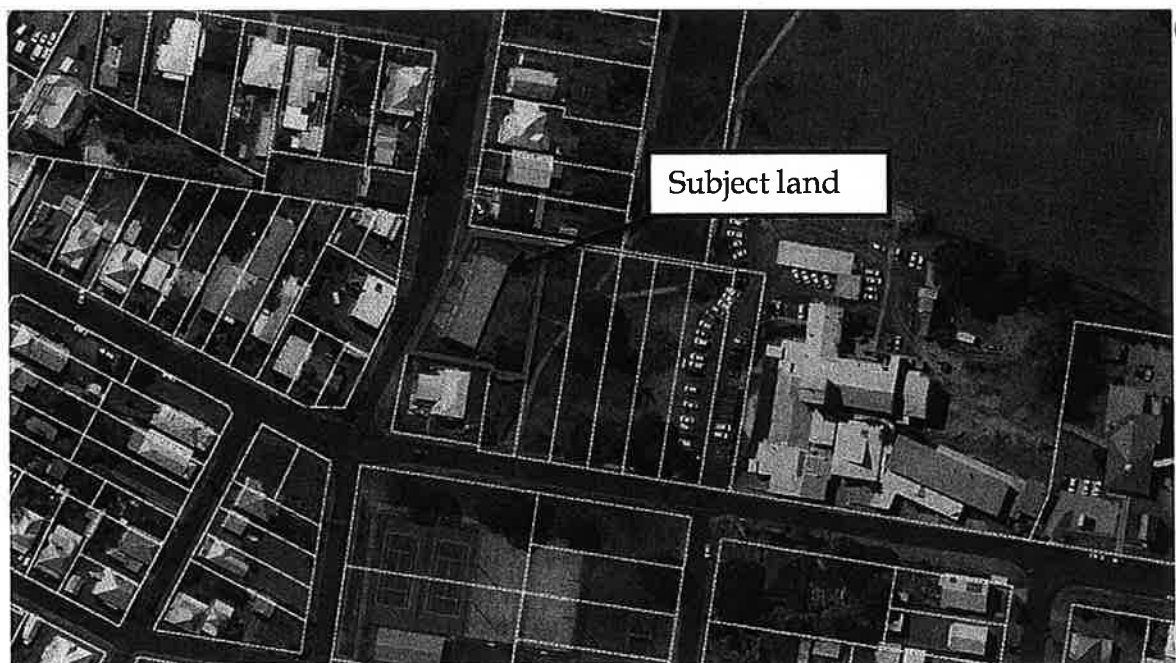


Figure 1: Aerial Photograph of the subject land. Note: boundaries are approximate (source: www.maps.six.nsw.gov.au)

Current Zoning and Use

The land is presently zoned R2 Low Density Residential under the provisions of the Clarence Valley Local Environmental Plan (CVLEP) 2011.

The site has a two (2) storey residential flat building erected upon it which is believed to have been built in the 1960's. The building contains four (4) x one bedroom apartments and two (2) x two bedroom apartments. Each apartment

contains a bathroom and kitchen/living/dining area. Car parks and laundries are located on the ground floor.

Background

The existing building was constructed circa 1960's and given the small size of each of the 6 units, it is thought that the building was constructed to accommodate student nurses and the like working at the hospital. In recent times, prior to the current owners, the building has been utilised as a residential flat building and was in a dilapidated state.

Prior to the purchase of the property by the current owners, extensive consultation was undertaken with various Council officers in relation to the use of the building for Serviced Apartments. This consultation was undertaken when the now repealed Maclean Local Environmental Plan 2001 was in force.

It was advised by Council officers that the proposed use of the existing Residential Flat Building for serviced apartments was "materially the same use" and therefore the building could be used for serviced apartments. Given this advice, the current owners purchased the property and spent a considerable amount of money refurbishing the property. The current owners purchased the building specifically for serviced apartments as there is a lack of this type of service in Maclean and the building is in close proximity to the hospital, nursing homes and the Maclean CBD.

The building comprises of 4 x 1 bedroom and 2 x 2 bedroom fully self-contained apartments and is only available for a minimum of two night stays.



Part 1 Objectives or Intended Outcomes

The primary objective of this LEP Amendment is to insert a clause into Schedule 1 of the CVLEP 2011 to:

1. Enable the use of the site for serviced apartments; and
2. Enable the use of the site for a residential flat building.

It is envisaged that the site will be either utilised for one purpose only i.e. either for serviced apartments or as a residential flat building. The appropriate Development Application will be submitted to reflect the desired use.

Part 2 Explanation of Provisions

The objectives of the proposal will be achieved by:

- a) Inserting a clause into Schedule 1 of the CVLEP 2011 to allow the site to be utilised for Serviced Apartments or as a residential flat building.

Once a schedule amendment has taken place, a Development Application will be lodged with Clarence Valley Council to utilise the site for either serviced apartments or a residential flat building in accordance with applicable legislation and planning controls.



Part 3 Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No, the proposal does not form part (nor is one warranted) of any strategic study or report. The proposal is only minor and seeks to reflect existing land uses of the site.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A schedule amendment to allow the continued use of the site for serviced apartments or as a residential flat building will still maintain the zone objectives. The alternative to a schedule amendment would be a rezoning to an appropriate zone.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Mid North Coast Regional Strategy 2006-2031 (MNCRS) is the relevant regional strategy encompassing the Clarence Valley Local Government Area.

The Planning Proposal is not inconsistent with this strategy as the proposal simply seeks to use the site for additional purposes which are or have been in existence for a long period of time.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Valley Vision 2020 is the CVC adopted corporate strategic plan. The proposal will contribute to the key goals of Valley Vision 2020 of providing healthy economic activity and meaningful work and employment. The use of the existing building for serviced apartments provides a service within Maclean that will create economic benefits without impacting upon the residential nature of the locality. It is worth noting that there is not another facility within Maclean that provides for serviced apartments.



5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. See Appendix 1.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. See Appendix 2.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposal relates to existing residential zoned land within the township of Maclean.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The proposal seeks to maintain the existing land uses within an existing building. Should development applications be received over the land in the future, appropriate consideration to environmental impacts will form part of the assessment process.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal will allow flexibility in the use of the existing building and provides a service that is lacking within the Maclean township. The use of the existing building for serviced apartments will encourage tourism which will have economic benefits for Maclean.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The subject site is located within walking distance of the Maclean Central Business District. The site is connected to all utility services including reticulated electricity, telephone, water and sewerage. Public transport is readily available in the area.



11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

As no gateway determination has been made in respect to this planning proposal at this stage, the views of State and Commonwealth public authorities is unknown.

Part 4 Mapping

The planning proposal does not require the amendment of any maps associated with CVLEP 2011.

Part 5 Community Consultation

Having regard to the scale, nature and issues relating to the Planning Proposal, it is considered that the Planning Proposal is a "low impact proposal" under section 5.5.2 of *"a guide to preparing local environmental plans"*. A 14 day exhibition period will be undertaken in accordance with normal practices.

Part 6 Project Timeline

Plan Making Step	Estimated Completion (Before)
Gateway determination (Anticipated)	November 2014
Completion of Technical Assessment	February 2015
Government Agency Consultation	February 2015
Public Exhibition Period	February 2015
Public Hearing (if required)	Not Required
Submissions Assessment	March 2015
RPA Assessment of Planning Proposal and Exhibition Outcomes	March 2015
Submission of Endorsed LEP to DP&I for Finalisation	April 2015
RPA Decision to Make the LEP Amendment (if delegated)	April 2015
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	May 2015



Conclusion and Recommendations

The Planning Proposal is minor in nature as it seeks to allow additional existing uses to be located on the site within an existing building. The proposed uses are consistent with the traditional uses of the building and provide a service that is not currently offered in Maclean.

On this basis it is recommended Clarence Valley Council and the Department of Planning amend Schedule 1 of the Clarence Valley Local Environmental Plan 2011 to allow the use of Lot 2 DP719897 for either serviced apartments or as a residential flat building.



Appendix 1 – State Environmental Planning Policies

State Environmental Planning Policy	Comments
SEPP 1 – Development Standards	Not Applicable
SEPP 14 – Coastal Wetlands	Not Applicable
SEPP 15 – Rural Landsharing Communities	Not Applicable
SEPP 19 – Bushland in Urban Areas	Not Applicable
SEPP 21 – Caravan Parks	Not Applicable
SEPP 26 – Littoral Rainforests	Not Applicable
SEPP 29 – Western Sydney Recreation Area	Not Applicable
SEPP 30 – Intensive Agriculture	Not Applicable
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	The Planning Proposal seeks to allow additional residential development.
SEPP 33 – Hazardous and Offensive Development	Not Applicable
SEPP 36 – Manufactured Home Estates	Not Applicable
SEPP 39 – Spit Island Bird Habitat	Not Applicable
SEPP 44 – Koala Habitat Protection	Not Applicable
SEPP 47 – Moore Park Showground	Not Applicable
SEPP 50 – Canal Estate Development	Not Applicable
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP 55 – Remediation of Land	The planning proposal seeks to allow the use of the site for a additional residential uses. Any future development application should consider the relevant provisions of SEPP 55.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable
SEPP 62 – Sustainable Aquaculture	Not Applicable
SEPP 64 – Advertising and Signage	Not Applicable
SEPP 65 – Design Quality of Residential Flat Development	Not Applicable
SEPP 70 – Affordable Housing (Revised Scheme)	Not Applicable
SEPP 71 – Coastal Protection	The Planning Proposal is not inconsistent with the objectives of the SEPP nor will it be inconsistent with the matters for consideration under Clause 8 of the SEPP.



	The proposal is also consistent with Part 4 of the SEPP pertaining to public access, effluent disposal and stormwater. Any future development application will need to consider the provisions of SEPP 71.
SEPP (Affordable Rental Housing) 2009	Not Applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable
SEPP (Infrastructure) 2007	Not Applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP (Major Development) 2005	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Port Botany and Port Kembla) 2013	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable
SEPP (Sydney Region Growth Centres) 2006	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable



Appendix 2 – Section 117 Directions

Section 117 Direction	Compliance	Comments
1. Employment and Resources		
1.1 Business and Industrial Zones	Not applicable.	
1.2 Rural Zones	Not applicable.	
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.	
1.4 Oyster Aquaculture	Not applicable.	
1.5 Rural Lands	Not applicable.	
2. Environment and Heritage		
2.1 Environmental Protection Zones	Not applicable.	
2.2 Coastal Protection	Complies.	Given the minor nature of the planning proposal, it is not inconsistent with the applicable provisions of this direction (see also SEPP 71 discussion).
2.3 Heritage Conservation	Not applicable.	
2.4 Recreation Vehicle Areas	Not applicable.	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Complies.	The Planning Proposal does not limit the use of the land for residential purposes and therefore the proposal is consistent with this direction. The planning proposal will broaden the choice of housing types within the area.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrating Land Use and Transport	Complies.	The proposal will not impact upon transport as it simply seeks to reflect the existing land uses of the land.
3.5 Development Near Licensed Aerodromes	Not applicable.	
3.6 Shooting Ranges	Not applicable.	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Complies.	The land is mapped as having the potential for Class 2 Acid Sulfate



		Soils. Any future development consent will require appropriate consideration of Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	Not applicable.	
4.3 Flood Prone Land	Complies.	The proposal will not impact upon flooding characteristics in the area as the proposal only seeks to allow additional uses of an existing building.
4.4 Planning for Bushfire Protection	Not applicable.	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Complies.	The proposal is not inconsistent with the objectives of the Mid North Coast Regional Strategy with no specific provisions of this strategy required to be implemented as part of this Planning Proposal.
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)(Revoked 18 June 2010)	Not applicable.	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Not applicable.	
5.7 Central Coast (Revoked 10 July 2008)	Not applicable.	
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	
5.9 North West Rail Link Corridor Strategy	Not applicable.	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Complies.	The planning proposal does not create the need to obtain the concurrence, consultation or



		referral of a Minister or public authority in future development applications.
6.2 Reserving Land for Public Purposes	Complies.	The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Complies.	The future use of the site for serviced apartments will be subject to a Development Application and be required to be in accordance with the current planning legislation.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable.	



