

Appendix 3 – Council Report



Item No: 0.0
Title: Request to prepare a planning proposal for 682a Coleridge Road Bateau Bay
Department: Environment and Planning

22 November 2022 Ordinary Council Meeting

Reference: RZ/4/2022 - D15317438
Author: Chelle Leith, Strategic Planner
Manager: Scott Duncan, Section Manager Local Planning and Policy
David Milliken, Unit Manager Strategic Planning
Executive: Alice Howe, Director Environment and Planning

Recommendation

That Council:

- 1 ***Prepare a Planning Proposal in relation to Lot 3 DP 716082, 682a Coleridge Road, Bateau Bay, to amend the Central Coast Local Environmental Plan (LEP) 2022 to:***
 - (a) ***rezone the site to R1 General Residential;***
 - (b) ***Apply a minimum lot size of 450m²;***
 - (c) ***Apply a floor space ratio of 0:6:1;***
 - (d) ***Apply a building height of 9.5m; and***
 - (e) ***Enable additional permitted use of 'transport depot'.***
- 2 ***Submit the Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.***
- 3 ***Request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 4 ***Prepare a site-specific Development Control Plan to support the Planning Proposal to ensure appropriate built form guidelines are applied in the development design for the site.***
- 5 ***Authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the re-development of the subject land (if required).***
- 6 ***Undertake community and public authority consultation in accordance with the Gateway Determination requirements.***

Report purpose

To consider a request to prepare a planning proposal to rezone Lot 3 DP716082, 682a Coleridge Rd, Bateau Bay from SP2 Infrastructure to R1 General Residential. It is also proposed to amend the Central Coast Local Environmental Plan (CCLEP) 2022 to apply a minimum lot size of 450m², Floor Space Ratio of 0:6:1, Building Height of 9.5m (two storey) and include an additional permitted use of 'transport depot'.

The amendments provide for the continued operation of the 'Red Bus Depot' on the site, whilst also enabling the future subdivision of the site for residential development.

Executive Summary

Red Bus Depot has been operating on the site since 1981. The Planning Proposal provides future residential development opportunities should the land no longer be required for a bus depot. The proposed rezoning will facilitate additional housing in a well serviced urban area in alignment with surrounding residential land uses.

The Planning Proposal is consistent with the *Central Coast Regional Plan (CCRP) 2041* providing additional housing in the regionally significant Karagi growth area, which has been identified for urban activation close to infrastructure and services. The Planning Proposal will be supported by a site-specific Development Control Plan (DCP) to ensure appropriate built form guidelines are applied in the future development design for the site.

The Planning Proposal was considered by the Local Planning Panel on 23 September 2022, where independent advice was received (Attachment 3).

Background

Lot 3 DP716082 682a Coleridge Rd, Bateau Bay has an area of 5.261 hectares, with vehicle access from Coleridge Road. The site is strategically located adjacent to Central Coast Highway (The Entrance Road), Bard Lane Neighbourhood Centre, and adjoins nearby green infrastructure within Wyrabalong National Park (refer to Figures 1 and 2).

The site operated as a Sandstone Quarry prior to its current use as the Red Bus Depot being established in 1981. The installation of a Hydrogen Refuelling Station ancillary to the bus depot was approved in March 2022.



Figure 1: Site Map

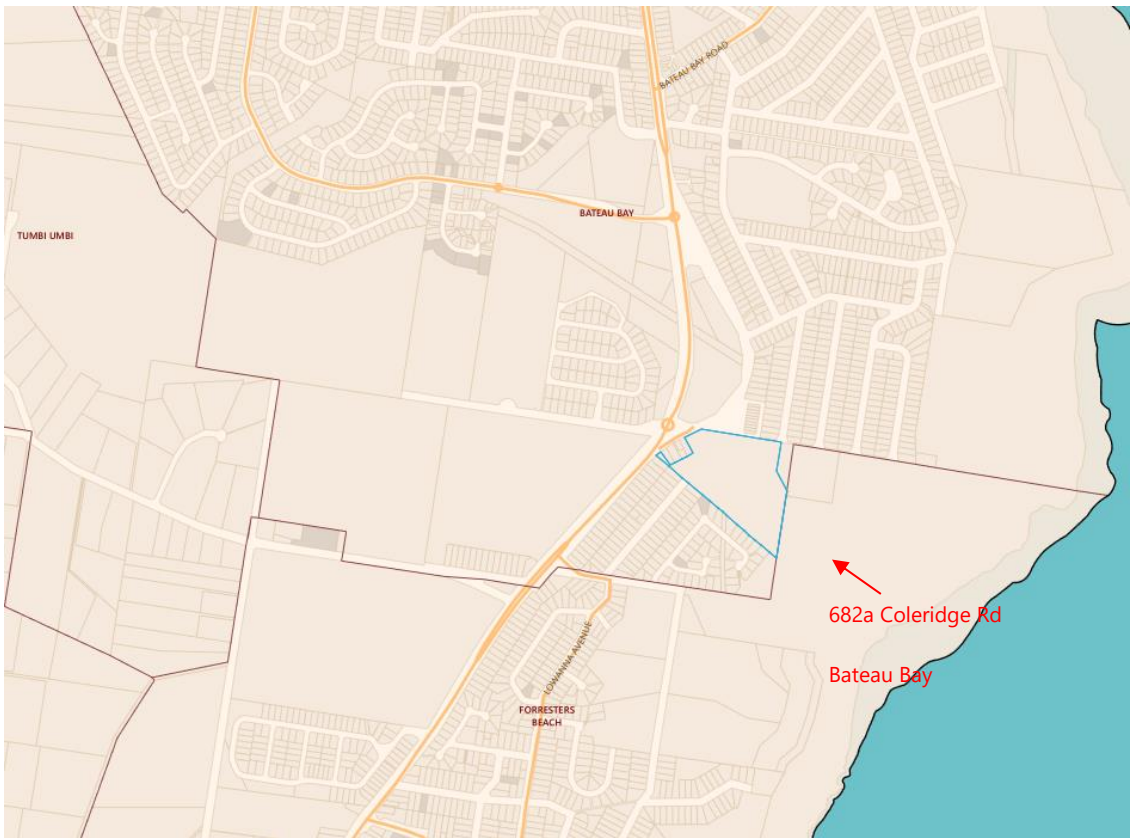


Figure 2: Location plan

Current Status

The proposal is currently at an early stage in the Local Environmental Plan amendment process (Figure 3).

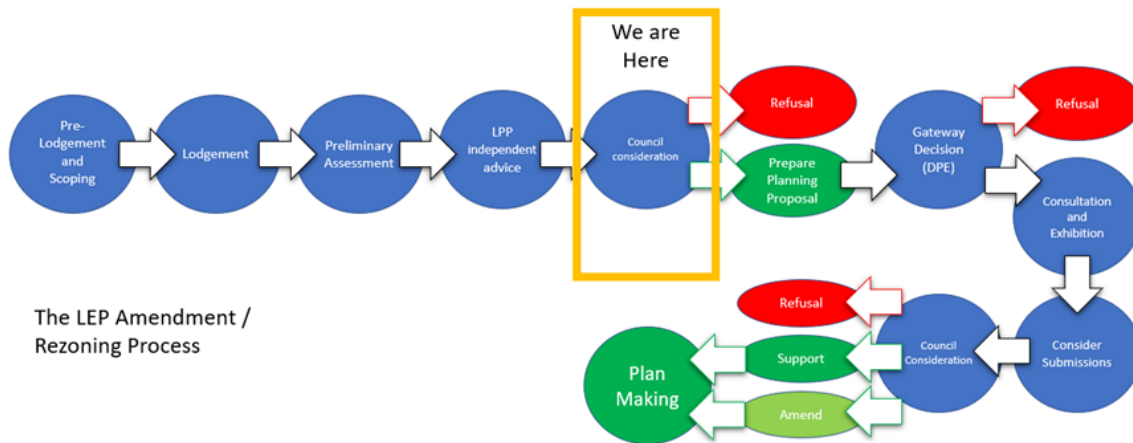


Figure 3: Local Environmental Plan Amendment Process

Proposal

The Planning Proposal will seek to amend the CCLEP 2022 as follows:

- 1 Rezone the site from SP2 Infrastructure to R1 General Residential;
- 2 Apply a Minimum Lot Size of 450m² to the entirety of the site;
- 3 Apply a Floor Space Ratio of 0:6:1 to the entirety of the site;
- 4 Apply a Building Height of 9.5m to the entirety of the site; and
- 5 Allow the Additional Permitted Use of 'transport depot'.

The Red Bus Company will continue to provide bus services to the local area; however, should their contract with Transport for NSW (TfNSW) not be renewed, the Planning Proposal will enable alternative development options for the site. Inclusion of an additional permitted use for 'transport depot' provides for the continued use of the site as a bus depot.

The proposal development aligns with R1 General Residential land located to the west of the site. It was initially proposed to rezone the site to R2 Low Density Residential consistent with existing R2 land to the north and south of the site. However, pre-gateway comments received from the Department of Planning and Environment (DPE) recommended a higher density residential zone to give effect to CCRP 2041 and recognise the site attributes that are conducive to medium density residential (i.e. the site's location within the Karagi regionally significant growth area, proximity to Bard Lane neighbourhood centre and access to green infrastructure within Wyrabalong National Park).

A concept plan for the proposal includes an indicative layout of residential housing across the site (Figure 4). With low density residential housing proposed to be concentrated to the south and

western portion of the site and the remainder proposed to be medium density housing. The applicant has advised that the proposal is likely to support 40-70 dwellings, depending on how the site is ultimately developed.

The public reserve/ easement access track marked as 'A' in Figure 4 is retained to provide access to Council's water reservoir located adjacent to the site along its eastern boundary. With the retention of this easement, Council's Water and Sewer Team concur with the servicing plan and advise that an assessment of any civil works around the access track and/or retaining structure on the bank of the Council reservoir site will be required at the Development Application stage.



Figure 4: Concept of the proposed subdivision

The Preliminary Site Investigation by WSP (2022) confirms the site can be made suitable for residential purposes provided a Detailed Contamination Assessment is undertaken and accompanied by a Remedial Action Plan at the Development Application stage. These recommendations are supported by Council's Environment and Public Health Section.

The applicant is in the process of preparing a revised Traffic Impact Assessment, as requested by TfNSW. The study will be finalised prior to Council requesting a Gateway Determination from DPE and will be reviewed by Council's Traffic Team. Council's Traffic Team has no objection to the current Planning Proposal, subject to traffic provisions being provided in the proposed site-specific Development Control Plan (DCP) (ie comply with relevant standards such as Austroads and Australian Standards) and the review of the updated Traffic Impact Assessment.

A small part of the site is impacted by the Probable Maximum Flooding (PMF) and is located within a Flood Planning Area. Council's Floodplain Management Team reviewed the Flood Impact

Assessment prepared by Stantec (2022) and support the planning proposal provided the following measures are incorporated into the future development design:

- 1 Reduction in flood levels along Coleridge Rd and Sanctuary Place;
- 2 Ground level for all residential lots to be level with the 1% Annual Exceedance Probability (AEP) flood level; and
- 3 Floor level of all residential buildings to be level with the flood planning level.

The above requirements can be addressed in the detailed cut and fill plan to be provided at the Development Application stage.

A Flora and Fauna Assessment by Fraser Ecological (2022) concludes the proposed works are unlikely to result in a significant impact upon species and/or populations on site. Council's Environment Officer provides the following recommendations:

- The mapped Swift Parrot Area should be avoided and protected through restriction to user (under an 88b instrument). Ongoing management shall be detailed under a vegetation management plan, with the land maintained as a buffer to the National Park to the east.
- The site contains approximately 0.28 ha of native vegetation and does not trigger the 0.5ha clearing threshold into the Biodiversity Offset Scheme.
- The dam and four hollow-bearing trees shall be retained on site.

This site is included in The Entrance District Contributions Plan, as confirmed by Council's Contributions Team. Council is satisfied that additional population impacts from this Planning Proposal can be adequately managed and any impacts will be considered in the next review of the plan. The site is within an existing established residential area and isn't generating a significant increase in dwellings. Further, it is recommended that the infrastructure requirements such as footpaths and cycleway connections be addressed in the site-specific DCP, so these works are delivered as the site is redeveloped.

A site-specific DCP will be prepared to support the Planning Proposal, with development controls applied to ensure the above staff recommendations are addressed in the development design for the site. Should a Gateway Determination be received, further comments will also be sought from the Biodiversity Conservation Division (BCD) of DPE to ensure compliance with *Ministerial Directions 3.1 Conservation Zones* and *4.1 Flooding*.

The proposal is considered to have strategic planning merit for the following reasons:

- The CCRP 2041 identifies the site as part of the Karagi regionally significant growth area. The CCRP 2041 direction for the Karagi growth area is for urban activation, future rapid transport bus routes, harnessing of green infrastructure for residential use, and the expansion of housing stock alongside neighbourhood centres. The proposal aligns with this direction.
- The proposal aligns with the Central Coast Regional Plan 2041 (CCRP) by facilitating compact infill '15-minute neighbourhood' settlement patterns in an established

neighbourhood, whilst protecting the environmental and coastal values of the site and providing attractive lifestyle opportunities in the Tuggerah District (aligning with Objective 3, 4, 5, 6 and 7 of the CCRP). There is the potential for a minor impact to existing employment from removal of the bus depot on the site, however, these jobs would transfer to the new depot location and additional employment opportunities would be generated to service future residents of the site.

- It provides for diverse housing within an established centre with quality lifestyle connections between the natural and built environment. This is consistent with Council's *Local Strategic Planning Statement (LSPS) 2020*.
- Supporting studies indicate that site constraints including traffic, land contamination, flooding and vegetation can be adequately managed within the development design for the site. A site-specific DCP will be prepared to ensure that specialist staff recommendations to address these site constraints are considered and applied to any future Development Application for residential subdivision or housing.

An assessment of the proposal has been undertaken to inform this recommendation, as detailed in Attachment 1. The proposal has also been assessed having regard to relevant State Environmental Planning Policies, Ministerial Directions and relevant guidelines of the CCRP 2041 as detailed in Attachment 2.

As the proposal is considered to have strategic merit, it is recommended that a Planning Proposal be prepared and provided to the Minister for Planning requesting a Gateway Determination.

Consultation

The proposal was referred to the Local Planning Panel for advice. The Panel recommended some amendments, which are provided in Attachment 3. This Report has been updated to reflect the Panel's advice.

A pre-gateway review of the proposal was undertaken by the Department of Planning & Environment (DPE) and Transport for NSW (TfNSW). The proposal has been amended to address comments provided by both state agencies.

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

- 1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

Adoption of the staff recommendation has no bottom-line budget implications for Council. The direct cost to Council is the preparation of the Planning Proposal, which will be charged as per Council's fees and charges on a cost recovery basis.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Theme 4: Responsible

Goal I: Balanced and sustainable development

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

R-I2: Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport.

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

Risk Management

There have been no material risks identified to the natural and built environment associated with the proposed amendment to the CCLEP 2022. A more detailed analysis will be undertaken at the Development Application stage, should the proposed amendments to CCLEP 2022 be made.

Preparation of Planning Proposals is part of the regular business of Council and does not introduce any new organisational risks.

Options

- 1 Support the recommendation as the proposal to amend CCLEP 2022 has strategic merit. The basis for this recommendation is:
 - The proposal seeks to rezone the land to an appropriate zone that is consistent with regional and local planning priorities.
 - The proposal will allow for the provision of additional housing to meet the growing housing demand, in close proximity to existing infrastructure and services.

- The proposal respects the scenic values and character of the site, ensuring the environmentally sensitive areas of the site will be retained and protected.

This is the recommended option.

- 2 Refuse to support the request for a Planning Proposal (not recommended).
Should the Planning Proposal not be supported, an opportunity will be missed to provide additional housing and to support growth and investment in the Karagi regionally significant growth area.

Critical Dates or Timeframes

DPE is requiring shorter timeframes for Planning Proposal exhibition and finalisation, which will be outlined in the Gateway Determination.

Attachments

1	Planning Proposal Summary - 682a Coleridge Road, Bateau Bay	Provided Under Separate Cover	D15293124
2	Planning Proposal Strategic Assessment - 682a Coleridge Road, Bateau Bay	Provided Under Separate Cover	D15293129

FOR ACTION

Council Meeting

22/11/2022

To: Director Environment and Planning (Howe, Alice)

Subject: Request to prepare a Planning Proposal for 682a Coleridge Road Bateau Bay
Author: <AUTHORNAME>
Target Date: 6/12/2022

204/22 Resolved

That Council:

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