

CHAPTER 6.26 TOUKLEY – RUSTRUM KEY SITE

1.0 INTRODUCTION

1.1 Citation

This Development Control Plan is “Development Control Plan Chapter 6.26 – “Toukley - Rustrum Key Site”.

1.2 Application of this Plan

This Plan is prepared and approved pursuant to s.74C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. This Development Control Plan (DCP) Chapter applies to land identified by Clause 7.11 & Map KYS-019 of Wyong Local Environmental Plan (WLEP) 2013 (see **Figure 1**).

1.3 Purpose of this Plan

The purpose of this Plan is to provide guidance for the iconic development of this Key Site.

1.4 Aims and Objectives

- To ensure the objectives and requirements of Clause 7.11 of the WLEP 2013 are met by development on the site.
- To ensure the development accommodates a mix of residential, commercial, and retail use.
- To ensure that the development shall have an appropriate scale, texture and materiality that is sympathetic to the character of Toukley
- To ensure the iconic development of the site improves the public domain function and local amenity and connectivity.
- To ensure that the development provide a strong entry /arrival node for the Toukley Town Centre.
- To ensure that the development exhibits design excellence, including a high standard of architectural design, materials, façade treatments, interior design and landscape treatments.

1.5 Relationship to other Plans

Wyong Local Environmental Plan (WLEP) 2013 applies to the site. Section 74C of the Environmental Planning and Assessment Act 1979 and Regulations require this development control plan chapter to be consistent with that Plan.

In the event of an inconsistency between this development control plan chapter and the provisions of the WLEP 2013, the latter shall apply.

This development control plan chapter should be read in conjunction with other chapters of Development Control Plan 2013 – Development Controls for Wyong Shire and policies (including relevant Section 94 and 94A plans) which may apply to the site, in particular:

- Chapter 2.4 – Multiple Dwelling Residential Development
- Chapter 2.6 – Signage.
- Chapter 2.11 – Parking and Access.
- Chapter 2.15 – Public Art.
- Chapter 3.1 – Site Waste Management.
- Chapter 3.6 – Tree and Vegetation Management.
- Chapter 5.1 – Retail Centres.
- Chapter 5.4 – Greater Toukley
- Chapter 6.1 – Key Sites
- Wyong Civil Works Design Guidelines and Construction Specification.

The provisions of this development control plan chapter shall prevail where there is any inconsistency between this development control plan chapter and other development control plan chapters.

1.6 How to use this Plan

Section 1 – Introduction: Use this part to identify the nature and extent of this development control plan chapter.

Section 2 –Iconic Development of the ‘Key’ Site: Use this part to identify the site specific issues to be addressed as they pertain to the Site.

1.7 Variations to this Plan

If, in the opinion of Council, the proposed development satisfactorily complies with the aims and objectives of this Plan, variations to the requirements may be considered.

Where variations are proposed, the development application (DA) shall indicate:

- a The requirement and extent of the variation proposed; and
- b Benefits resulting from the proposed variations which could not be otherwise achieved through compliance with the requirement.

2.0 ICONIC DEVELOPMENT OF THE “RUSTRUM KEY SITE”.

OBJECTIVES

- To encourage site consolidation and redevelopment of the land.
- To allow for higher density development in a manner which minimises impacts on the locality
- To provide a high quality lakeside development that improves the streetscape and respects the sensitive lakeside location.
- To ensure that the DCP and the resulting development are consistent with the Key Site planning process, in particular the matters identified within Clause 7.11 of the WLEP 2013.

GENERAL REQUIREMENTS

- a The development is to demonstrate achievement of the objectives and requirements detailed by matters listed within Clause 7.11 of the WLEP 2013.
- b The building design is to exemplify design excellence, incorporating a high standard of architectural design, materials, façade treatments, green building solutions and landscaping that recognises the site’s prominent location, in particular streetscape presentation to Main Road, Toukley Gardens and the foreshore to Budgewoi Lake.
- c Development of the site is to minimise impacts upon the nearby residential properties and Toukley Gardens with regard to bulk, scale and overshadowing, overlooking and design.
- d A tree assessment report addressing significant trees to be retained on the site is to be prepared. This is to accompany a landscape plan to be developed with any DA for the development of the site.
- e The development is to provide for an appropriate response to the environmental constraints of the site, including addressing the potential for disturbance and remediation of acid sulfate soils, and/or any identified site contamination.
- f The Traffic Impact Study (TIS) is to address the matters identified in Appendix A of Chapter 2.11 - Parking and Access, including traffic, parking demand, operation and impacts, including access from Main Road.
- g The Development Application should address land swap opportunities with Council to enable reconfiguration of the park to overlook the foreshore and to connect the park with Rowland Terrace. (A subdivision facilitating the land swap was approved by Council on 23 January 2014, under DA/829/2013) The DA should include provision for a shared pathway linking Main Road and Rowland Terrace.

- h A Social Impact Assessment (SIA) of the proposal is to be provided with the DA, addressing potential social impacts of the proposal in respect of future residents on the site and existing residents of surrounding properties. Consideration of matters such as noise and potential anti-social behaviour from nearby premises and impacts of potential connection through to Rowland Terrace shall be outlined and addressed.
- i The development shall improve the park outlook over Budgewoi Lake and the connection to the Budgewoi Lake foreshore via Rowland Terrace.
- j The proposed development shall address flooding constraints consistent with Council's Tuggerah Lakes Floodplain Risk Management Study and Plan.
- k In addition to the elements listed in Clause 7.11 of the WLEP 2013, the development shall also meet or surpass the quality standards identified within the requirements of the relevant State Environmental Planning Policies (SEPP's), including:
- *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*;
 - *SEPP (BASIX) 2004*; and
 - *SEPP 71 – Coastal Protection*.
- l The design is to clearly demonstrate architectural merit and iconic status. The Statement of Environmental Effects (SEE) is to clearly demonstrate how public benefit is delivered through the development.
- m Development is to be located and designed with appropriate mitigating and adaptive measures against the anticipated impacts of climate change. Such measures are to be consistent with Federal, State and Local Government Policies on climate change and sea level rise. Specifically:
- NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010) by Department of Planning and Infrastructure (DoPI); and
 - Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments (August 2010) by Department of Environment, Climate Change and Water (DECCW).
- n All new development shall include an appropriate sea level rise allowance in the Flood Planning Level.
- o The design of the development is to incorporate Crime Prevention through Environmental Design (CPTED) principles, including measures to address the surrounding public open space areas.
- p The development shall enhance the entry-arrival node identified by Council (the adjoining Toukley Gardens) in the Toukley Town Centre Public Domain Masterplan.

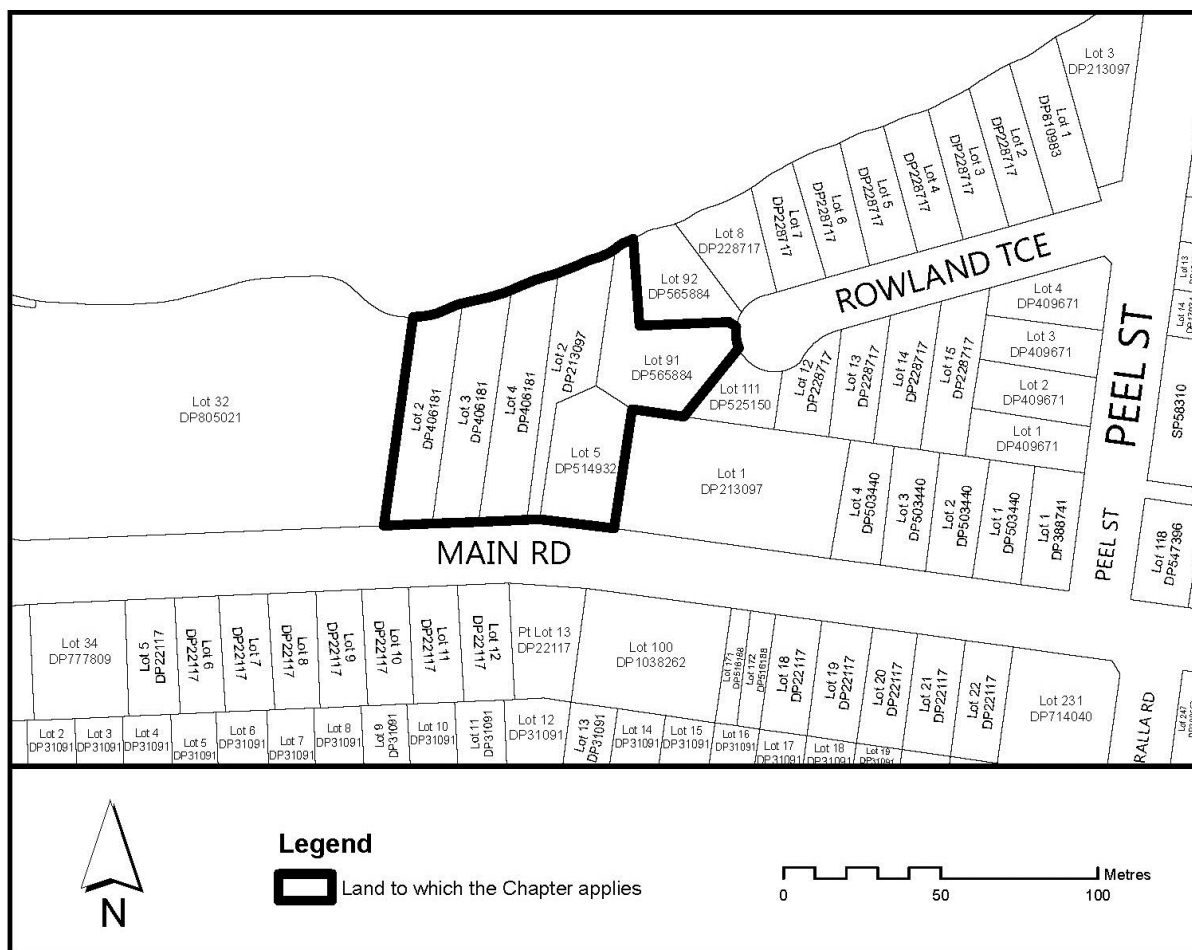


Figure 1: The Rustrum Key Site

2.1 Building Form

OBJECTIVES

- To provide for a building of high architectural quality, displaying design excellence and innovative green building solutions in an iconic form.
- To provide lake views from Main Road and the adjoining park.
- To provide building form and landscape design that will allow the objectives and requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide* and the iconic design requirements of clause 7.11 WLEP 2013 to be met or surpassed.
- To provide for a building form within a landscaped setting that has adequate setbacks from the lakefront, the street and adequate separation from existing and future buildings.
- To ensure that the existing development potential of lands on the southern side of Main Road are not unreasonably compromised through overshadowing or overlooking.

REQUIREMENTS

- a In accordance with Clause 7.11 and Map KYS_019 of the WLEP 2013, the maximum building height for this consolidated Key Site is 36 metres, subject to achieving the objectives and requirements of this chapter.
- b Clause 4.4 and Map FSR 019 of the WLEP 2013, permit a building on this site with a maximum floor space ratio (FSR) of 1.7:1. In addition, Clause 4.4 (2B) provides the potential for increased FSR, based on the area of the consolidated site, and subject to achieving the objectives and requirements of this chapter.
- c The building) is to have adequate separation to existing and future buildings and the street, and will ensure that an appropriate degree of solar access is retained for surrounding development, in accordance with the requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and section 3F of the related *Apartment Design Guide*.
- d In addition to building separations and setbacks in accordance with the Apartment Design Guide, specific matters to be addressed are:
 - i. Southern Façade Setback to Main Road – minimum of 7.5m to the predominant wall of the building but an average of 10.0m, to allow expression of iconic form.
 - ii. Eastern Façade Setback to Toukley Gardens - The objective is to integrate ground floor uses with the adjoining park, Toukley Gardens, and reduce the bulk of the development as viewed from the park. It is anticipated that the development will propose an articulated façade along the eastern boundary. Lightweight structures such as awnings, pergolas and landscape elements and the underground carpark/basement may have a zero setback to the park frontage. The predominant building wall must achieve a minimum average boundary setback of 4.5m, with a minimum setback of 2.5m applying to any portion of the building.
 - iii. Northern Residential Façade Setback to Northern Site Boundary – 25m minimum to provide a view corridor from Toukley Gardens and Main Road to the lake.
 - iv. Northern Non-residential Façade Setback to Northern Site boundary – 15m average to maintain consistency of setback with adjoining sites. The northern Non-residential Façade is to visually integrate with the foreshore by way of landscaping and architectural variation, and other than minor and ancillary structures is limited in height to generally no more than 6m above natural ground level.
 - v. Minor and single storey ancillary structures may be considered between the Northern Non-residential Façade and the northern site boundary.
- e The building form will maintain an appropriate relationship with the public domain and streetscape. Street front elements are to respond to the character of existing main street development, with ground level shopfronts protected by awnings and accessible from the adjoining park and Main Road frontage, and with commercial and residential uses above.

- f The building is to achieve a high standard of design excellence as required by clause 7.11 of WLEP 2013 in addition to meeting the objectives and requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*.

2.2 Building Materials and Finishes

OBJECTIVES

- To ensure that the development on the site has high quality appearance.
- To ensure that the materials and finishes have regard to the existing coastal context and reflect the desire to create an identifiable 'coastal' character

REQUIREMENTS

- a The building design is to exemplify design excellence, incorporating a high standard of architectural design, appropriate and durable materials, detailed façade treatments, green building solutions and landscaping that recognises the site's prominent coastal location and climate, in particular streetscape presentation to Main Road, Toukley Gardens and the foreshore to Budgewoi Lake (see example at Figures 2, 3 and 4).
- b Building and landscape materials are to be fit for purpose and reflect the desired high quality urban character of the area, be appropriate for climatic conditions and the marine environment and be of high specification to ensure long term quality and sustainability of the development;
- c Materials to be used may include:
 - i. Heavy materials for the base structure: concrete, masonry, render.
 - ii. Lightweight materials for the top of the building to allow flexibility in roof form: steel, aluminium and other metallic materials.
 - iii. Lightweight screening elements to provide enhanced privacy to the occupants of the development as well as to adjoining residential properties.
 - iv. Materials that minimise reflective glare and provide a modern appearance.

2.3 Design of Building Elements

OBJECTIVES

- To ensure that the elevations and roof treatment of the building(s) have a high quality and iconic appearance and have regard to the character of the surrounding area.
- To ensure a positive relationship to the landscaped park setting, foreshore and Main Road.

REQUIREMENTS

- a Development is to be designed having regard to the urban coastal context and the desired future character of the area.

- b Development of the site is to minimise impacts upon the nearby residential properties and Toukley Gardens with regard to bulk, scale and overshadowing, amenity, overlooking and design elements.
- c Building and landscape elements, including balconies, entries, rooflines and screening are to contribute to the character of the streetscape through distinctive and attractive façade treatments and detailing.
- d The development shall enhance opportunities for passive visual surveillance of the public domain, enhance residential amenity and make a positive contribution to place identity.



Figure 2: Indicative Use of Materials and Design to produce an iconic development of urban coastal character



Figure 3: Indicative Use of Materials and Design to produce an iconic development of urban coastal character



Figure 4: Indicative Use of Materials and Design to produce an iconic development of urban coastal character

2.4 Public Domain

OBJECTIVES

- To ensure that the public domain components of the development contribute to an activated, human scale environment and are clearly expressed as public spaces.
- To ensure that the access, streetscape elements and landscaping support the pedestrian, cyclist and vehicular movement system in and adjacent to the development.
- To promote views from Main Road through the site and through Toukley Gardens to Budgewoi Lake and the foreshore area.
- To recognise the prominence of the development when viewed from the lake and foreshore area and ensure that the development steps toward the foreshore to reflect the natural terrain.
- To integrate with Council's public domain improvements within Toukley Town Centre, Toukley Gardens and Osborne Park.
- To ensure that uses and frontages of buildings adjacent to the park contribute to the activation of the public domain, to serve the local community and tourists alike.
- To ensure that design of apartments and balconies maximise passive surveillance of the public domain and reinforces the activation of the street environment.
- To ensure that façade articulation and elements within the building setback areas facilitate an active street environment and modern attractive and interesting building design.

REQUIREMENTS

- a The ground floor to Main Road and Toukley Gardens is to accommodate active uses including shops, cafes and restaurants, with appropriately defined access to commercial and residential uses above.

- b Outdoor eating areas associated with restaurants may be provided within the public domain subject to Council's requirements.
- c The development shall use landscaping that will assist in the integration of buildings and related structures into the streetscape at street level, including the park to the east and the foreshore to the north.
- d The building form will step down the site to decrease the bulk and scale toward the Budgewoi Lake foreshore to reflect the natural contours of the locality, returning to single storey toward the Foreshore.
- e Restoration of the foreshore ecology, through the maintenance of the natural foreshore and the retention and supplementing of natural foreshore vegetation is to be demonstrated as part of any development of the site.
- f Sightlines shall be maintained through the site and through Toukley Gardens toward Budgewoi Lake and the foreshore area.
- g The design of apartments and balconies shall maximise passive surveillance of the public domain and reinforce the activation of the street environment.

2.5 Landscape

OBJECTIVES

- To provide for softening of development and enhancement of the urban environment.
- To provide for landscaped areas on the site that will enhance communal open space on the site.
- To embellish the public domain adjacent to the site that is of high quality and will contribute to the overall objective of providing focal points of activity at a designated arrival node for Toukley Town Centre.
- To embellish the public domain of Toukley Gardens to a high quality so that it will provide a focal point for public activity and contribute toward creating a positive arrival node for Toukley Town Centre.
- To promote ecologically sound management of the Budgewoi Lake foreshore.

REQUIREMENTS

- a A suitably qualified landscape design consultant is to undertake the design and construction of landscaping for the development, details to be lodged as part of any Development Application for the site.
- b The landscape design for the development should:
 - i. Provide appropriate shade to promote use of passive space using trees or structures;
 - ii. Provide accessible routes within the site and between buildings, and links to the public domain;
 - iii. Contribute to streetscape character and the amenity of the locality by using planting, fencing, lighting and other landscape elements appropriate to the scale of the development;

- iv. Visually soften the bulk of the development for the person on the street, within Toukley Gardens and within the foreshore area;
 - v. Visually soften hardstand areas associated with carparking, through provision of quality advanced shade tree planting and other landscaping;
 - vi. At least 20% of the communal recreation area on the site shall be 'soft' landscaping, including a mixture of trees, shrubs and ground covers appropriate to the intended use of the area; and
 - vii. At least 30% of soft landscaping areas shall be deep soil planting.
- c A landscape design plan is also required for Toukley Gardens and for Osborne Park. The Osborne Park works would be based upon the *Osborne Reserve, Toukley – Park Upgrade Concept Masterplan, WSC, 2009*, and as detailed within the Voluntary Planning Agreement.
- d Landscaping of the Budgewoi Lake foreshore is to be in accordance with the principles and requirements of the Tuggerah Lakes Estuary Management Plan.

2.6 Amenity

OBJECTIVES

- To ensure a level of design excellence in creating amenity for the residents and other users of the site and surrounding areas.
- To ensure that the use of the property and all associated ancillary activities does not adversely impact on the amenity of the surrounding area in relation to traffic generation, off-site parking, excessive noise, odour or light spill, visual impacts and disturbance from servicing requirements and staff and visitor movements.

REQUIREMENTS

- a In addition to the provisions of Clause 7.11 of the WLEP 2013, the development shall provide a level of design excellence which meets or surpasses the residential amenity requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*.
- b The development shall provide non-residential uses, particularly uses such as cafes, restaurants and retail development, that can add to the vitality of the area both day and night.
- c Non-residential spaces should also be designed to take advantage of the foreshore location and where possible, provide for views to the water.
- d Any tourist accommodation and non-residential uses should have separate pedestrian entries to the residential component and be designed to ensure that an appropriate level of safety and amenity (particularly acoustic amenity) is provided to residents.
- e The development shall provide for appropriate acoustic separation of uses and a high level of acoustic amenity for residents.

2.7 Access and Parking

OBJECTIVES

- To ensure that pedestrian and vehicular access and egress points comply with the relevant standards and are located to reduce potential for conflict, particularly in the areas where active non-residential frontages are proposed.
- To ensure that non-residential areas have adequate loading/unloading facilities.
- To ensure that after taking into account traffic generated by the development, the level of service on the surrounding road network remains at an acceptable level.
- To minimise traffic impacts whilst ensuring that there is adequate parking on site to meet the needs of the proposal, particularly resident parking.
- To ensure that residential and non-residential parking and access is appropriately delineated and managed to minimise conflict.
- To ensure that adequate drop off and pick up areas are available to all users.
- To reduce private vehicle usage and encourage the use of active transport (such as walking and cycling) and public transport.

REQUIREMENTS

- a A Traffic Impact Study (TIS) is to be submitted with the Development Application and is to address the matters identified in Appendix A of DCP 2013: Chapter 2.11 - Parking and Access, including traffic, parking demand, operation and impacts, as well as access requirements from Main Road.
- b The preferred location for passenger vehicle and service vehicle access is close to the western boundary of the site off Main Road.
 - i. The TIS shall identify:
 - ii. How the use of public transport will be encouraged.
 - iii. What facilities will be required to safely control the movement of pedestrians, motorised scooters, and cyclists in and around the site. A shared pathway plan shall demonstrate the linkages.
 - iv. How cycling will be encouraged, including bicycle parking and storage facilities.
- c The development will require the design and construction of a suitably screened bin storage area that integrates with the overall development and landscape plan. The provision of a waste collection room and /or space within the site, having adequate space to accommodate a collection vehicle will require turning circles which comply with the turning circle for garbage trucks in Wyong Shire. Turning circle templates are to be provided to demonstrate compliance.
- d Waste management systems for residential development are to be provided consistent with Council's Waste Control Guidelines, 2009. Details of waste recycling arrangements must also be included in the Waste Management Plan submitted with the Development Application.

2.8 Sustainability and Green Building Solutions

OBJECTIVES

- To achieve green building solutions which provide for the principles of ecologically sustainable development on the site.
- To incorporate green building solutions that adopt design, construction and operational practices that minimise use of natural resources, incorporate measures for waste minimisation and recycling, and significantly mitigate the unreasonable adverse impacts of the development on the environment and its occupants.

REQUIREMENTS

- a In accordance with the provisions of Clause 7.11 of the WLEP 2013, the development shall meet or surpass the standards identified within the requirements of *SEPP 65 – Design Quality of Residential Apartment Development* and the related *Apartment Design Guide*;
- b The development shall meet or surpass the requirements of Section J1 and J2 of the BCA.
- c The development shall meet or surpass the performance requirements of SEPP BASIX, 2004.
- d The development shall provide for passive solar management.
- e The development shall provide through design, construction and operational solutions, elements that significantly reduce or eliminate the negative impacts on the environment and shall include strategies for addressing the following matters:
 - i. energy efficiency,
 - ii. greenhouse gas emission abatement,
 - iii. water conservation,
 - iv. waste avoidance, separation, reuse and recycling,
 - v. pollution prevention,
 - vi. enhanced biodiversity,
 - vii. reduced natural resource consumption,
 - viii. productive and healthier environments, and
 - ix. flexible and adaptable spaces.