

# CHAPTER 6.27: TOUKLEY – BEACHCOMBER KEY SITE

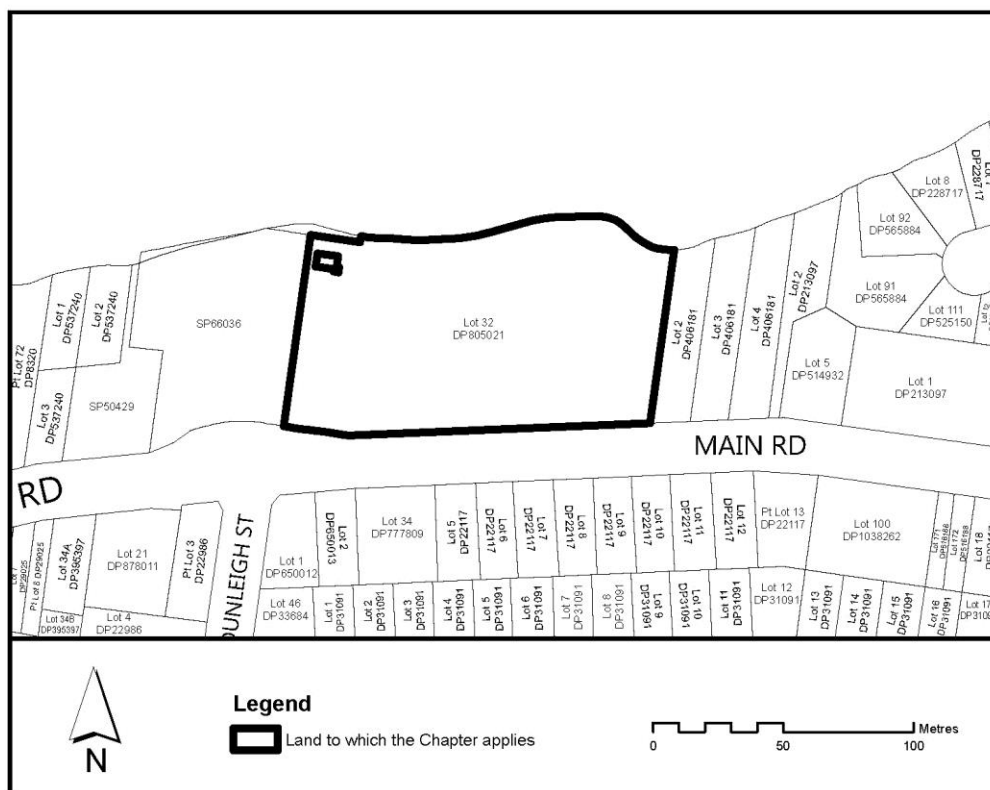
## 1.0 INTRODUCTION

### 1.1 Citation

This Development Control Plan is “Development Control Plan Chapter 6.27 – “Toukley – Beachcomber 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).



**Figure 1:** The Beachcomber Key Site – Lot 32, DP 805021, Main Road Toukley.

### **1.3 Purpose of this Plan**

The purpose of this Plan is to provide guidance for the development of this 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 any retail and/or commercial development supports the function and viability of the Toukley town centre.
- To ensure the development has an appropriate scale and is sympathetic to the existing and emerging character of Toukley.
- To ensure the development of the site improves the public domain function and local amenity.
- To ensure that the development provides 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 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 – 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 “BEACHCOMBER KEY SITE”

### OBJECTIVES

- To allow for higher density development in a manner which minimises impacts on the locality
- To provide a mix of residential, commercial and retail uses to support the function and viability of the Toukley town centre
- 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 that the objectives and requirements listed in Clause 7.11 of the WLEP 2013 are achieved.

- b The building design is to demonstrate design excellence, incorporating a high standard of architectural design, materials, façade treatment, green building solutions and landscaping that recognises the site's prominent location, in particular streetscape presentation to Main Road and the foreshore to Budgewoi Lake.
- c Development of the site is to minimise impacts upon the nearby residential properties with regard to bulk and scale and is to minimise the extent of overlooking and overshadowing.
- d A tree assessment report addressing significant trees to be removed on the site is submitted together with a landscape plan with any DA for the redevelopment 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 A Traffic Impact Study (TIS) will be required to be submitted with any DA for the redevelopment of the site. The 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 A Social Impact Assessment (SIA) is to be provided with any DA for the redevelopment of the site. The SIA will need to consider potential social impacts of the proposal in respect of future residents on the site and existing residents of surrounding properties.
- h The proposed development shall address flooding constraints consistent with Council's Tuggerah Lakes Floodplain Risk Management Study and Plan.
- i 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 Environment 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*.
- j The design is to clearly demonstrate architectural merit.
- k The Statement of Environmental Effects (SEE) is to clearly demonstrate how public benefit can be delivered through the development.
- l Development is to incorporate 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).

- m All new development shall include an appropriate sea level rise allowance in the Flood Planning Level.
- n The design of the development is to incorporate Crime Prevention through Environmental Design (CPTED) principles, including measures to address the surrounding public domain.

## 2.1 Building Form

### OBJECTIVES

- To provide for a development of high architectural quality, which displays design excellence and incorporates innovative green building solutions.
- To provide lake views from Main Road and the public domain.
- 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 of the WLEP 2013 to be satisfied.
- 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 surrounding residential development and development on the southern side of Main Road are not unreasonably compromised through overshadowing or overlooking or view loss.
- To provide for a transition in height across the site from west to east.

### REQUIREMENTS

- a In accordance with Clause 7.11 and Map KYS\_019 of the WLEP 2013, the maximum building height for this Key Site is 26 metres for the western half and 36 metres for the eastern half, 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(s) 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 site, and subject to achieving the objectives and requirements of this chapter.
- c The building form and design is to incorporate a high standard of architectural design that recognises the site's prominent coastal location and makes a positive contribution to Main Road and the foreshore to Budgewoi Lake (see example at Figures 2 and 3).
- d The building heights of the development provide for the transition down from east to west, to respond to the heights of existing and proposed adjoining development.
- e The building is to have adequate separation to existing and future buildings and the street, and 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*.

- f In addition to building separations and setbacks in accordance with the *Apartment Design Guide*, specific matters to be addressed are:
- i. Southern Façade setbacks to Main Road – minimum of 7.5m to the predominant wall of the building with an overall average of 10.0m.
  - ii. Northern Façade Setback to Northern Site Boundary – a 20.0m Foreshore Building Line applies from the High Water Mark. The northern façade is to visually integrate with the foreshore area by way of landscaping and architectural variation, and the podium level of the Northern façade is limited in height to generally no more than 6m above natural ground level.
  - iii. Minor and single storey ancillary structures may be considered within the Foreshore Area (northern site boundary setback) in accordance with Clause 7.5 of the WLEP 2013.
- g 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*.
- h The buildings and structures on the site are to be designed to maximise solar access to apartments and the views of the foreshore area and Budgewoi Lake from future development on site and from adjoining properties and residences.



**Figure 2:** Artists Impression – from Lake Budgewoi



**Figure 3:** Artists Impression – from Main Road

## 2.2 Building Materials and Finishes

### OBJECTIVES

- To ensure that the development on the site has high quality appearance.
- To ensure that materials used are low maintenance and suitable for a coastal location.
- 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.
- b Particular regard shall be had to the street presentation to Main Road and the foreshore to Budgewoi Lake.
- c Building and landscape materials are to be fit for purpose and reflect the desired high quality 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. Details of the durability of materials will be required to be submitted with the DA.
- d 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 for future occupants of the development as well as 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 iconic appearance and have regard to the existing and emerging character of the surrounding area.
- To ensure a positive relationship to Main Road, foreshore and surrounding developments.

### 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 with regard to bulk, scale and amenity and incorporate design elements that minimise overlooking or overshadowing to these properties.
- c Development of the site shall not impact on views currently available from adjoining residences and buildings and nearby properties.
- d 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.
- e The development shall enhance opportunities for passive visual surveillance of the public domain.
- f The development shall enhance residential amenity and make a positive contribution to the Toukley community.

## 2.4 Public Domain

### OBJECTIVES

- To ensure that the development makes a positive contribution to the public domain along Main Road.



- To ensure that the access, streetscape elements and landscaping support the pedestrian, cyclist and vehicular movement system adjacent to the development.
- To promote views from Main Road through the site to Budgewoi Lake and the foreshore area.
- To recognise the prominence of the development when viewed from the lake and foreshore and ensure that the development respects the natural terrain on the site and its surrounds.
- 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 environment and modern, attractive and interesting building design.

## REQUIREMENTS

- a The ground floor to Main Road is to accommodate active uses including small scale shops, cafes and restaurants and community uses associated with the permanent resident population of the site with appropriately defined and separate accesses to commercial uses and the residential uses above.
- b The development shall use landscaping that will assist in the integrating of future buildings and related structures into the streetscape at street level including the foreshore to the north.
- c 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.
- d Sightlines shall be maintained through the site from the public domain along Main Road toward Budgewoi Lake and the foreshore area.
- e The design of apartments and balconies shall maximise passive surveillance of the public domain.

## 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 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 and/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 when viewed from the street and from the Lake and foreshore area;
  - v. Visually soften hardstand areas associated with carparking, through provision of quality advanced shade tree planting and other landscaping;
  - vi. A minimum of 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 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 maximise amenity for the residents and other users of the site and surrounding areas.
- To ensure that the use of the property and associated ancillary activities do not adversely impact on the amenity of the surrounding area in relation to traffic generation, parking, noise, odour, light spill or visual impacts.

### 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 make provision for non-residential uses, particularly uses such as cafes, restaurants or small scale 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 of the water.
- d Residential entries shall be separated from entries for non-residential uses. Non-residential uses shall be designed to ensure that an appropriate level of safety and amenity (particularly acoustic amenity) is provided to residents both on site and on adjoining properties.
- 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 be located to reduce potential for conflict with other users.
- To ensure that non-residential uses have adequate loading/ unloading facilities.
- To ensure that traffic generated by the development does not have an unacceptable impact on the level of service of the surrounding road network.
- To minimise traffic impacts whilst ensuring there is adequate parking on site to meet the needs of the development, particularly residential 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.
- To ensure appropriate provision for waste management and waste collection are made.

### 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 service vehicle access off Main Road to the Wyong Water Pump Station on Lot 31, DP805021, adjacent to the western boundary of the site is to be maintained clear and available. This access is served via Right of Carriageway and Easement for Sewer Pipeline and Services 3.6m wide and variable width over Lot 32, DP 805021.
- c A preferred consolidated location for passenger vehicle and service vehicle access and egress to the development from Main Road is to be determined in consultation with Transport for NSW – Roads and Maritime Services.
- d The TIS shall identify:
  - i. How the use of public transport will be encouraged.
  - ii. How cycling will be encouraged, including bicycle parking and storage facilities.
  - iii. The facilities required to safely control the movement of pedestrians, motorised scooters, and cyclists in and around the site. A pathway plan which demonstrates appropriate linkages will be required to be provided with the Development Application.
- e 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 the currently contracted garbage trucks. Turning circle templates are to be provided to demonstrate compliance.

- f Waste management systems for residential development are to be provided consistent with Council's Waste Control Guidelines, 2016. 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 any 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 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.