

Rustrum Site

Main Road, Toukley

Contents

Part 1	Objectives or Intended Outcomes	2
Part 2	Explanation of Provisions	7
Part 3	Justification	7
	<i>Section A – Need for the Planning Proposal</i>	<i>7</i>
	<i>Section B – Relationship to strategic planning framework</i>	<i>8</i>
	<i>Section C – Environmental, Social and Economic Impact</i>	<i>12</i>
	<i>Section D – State and Commonwealth Interests</i>	<i>13</i>
Part 4	Community Consultation	14
	Attachments and Supporting Documentation	15



Part 1 Objectives or Intended Outcomes

The Objective of this Planning Proposal is to facilitate the concept "Iconic Development" of an identified Key Site adjacent to the Toukley Town Centre and having frontages to Main Road and Budgewoi Lake. The Planning Proposal is to adjust the development controls within the Wyong Local Environmental Plan, 2013 (WLEP 2013), to address the correct (modified) land parcels and the increased development potential sought.

The objectives of the Key Sites provisions (Clause 7.11) are:

- (a) to deliver a high standard of design excellence for certain key sites in Wyong,
- (b) to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,
- (c) to provide a catalyst for the social and economic development of centres within Wyong, and
- (d) to deliver significant public benefit to the community.

Current Zoning: SP3 – Tourist and RE1 – Public Recreation, WLEP, 2013.

Proposed Zoning: B4 – Mixed Use and RE1 – Public Recreation

Existing Uses: Vacant Land, and Public Park.

The location of the Rustrum site is shown in Figure 1 below.



Figure 1: Site Location

Land Description:

The land the subject of this Planning Proposal is currently described as Lots 2, 3, & 4, DP 406181, Lot 2, DP 213097, Lot 5, DP 514932, Lot 1, DP 213097 and Lot 91, DP 565884, Nos. 216 – 224 Main Road and No. 21 Rowland Terrace, Toukley.

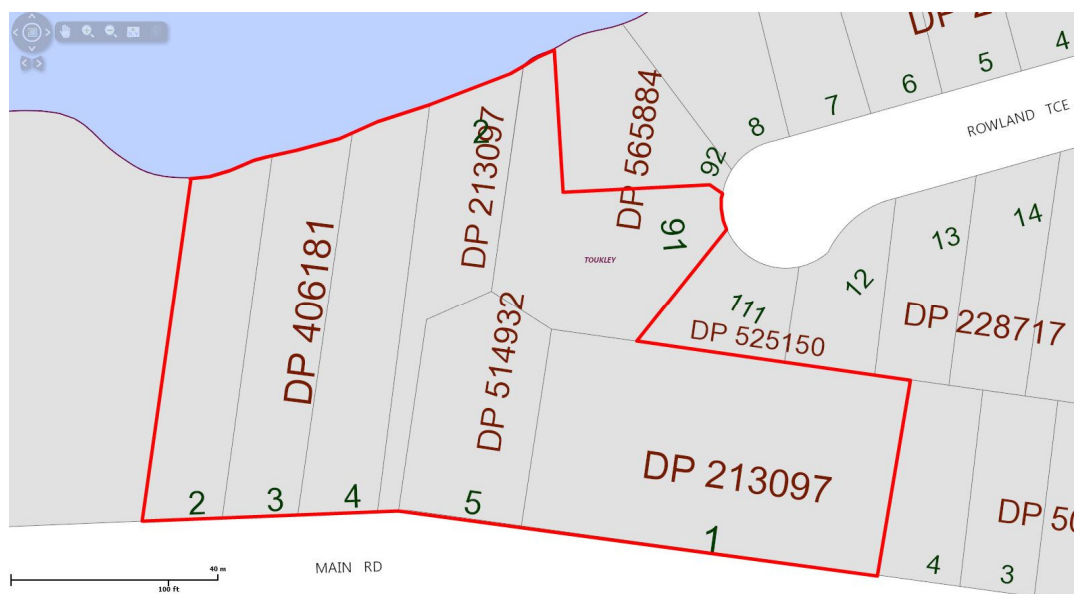


Figure 2: Existing Cadastre

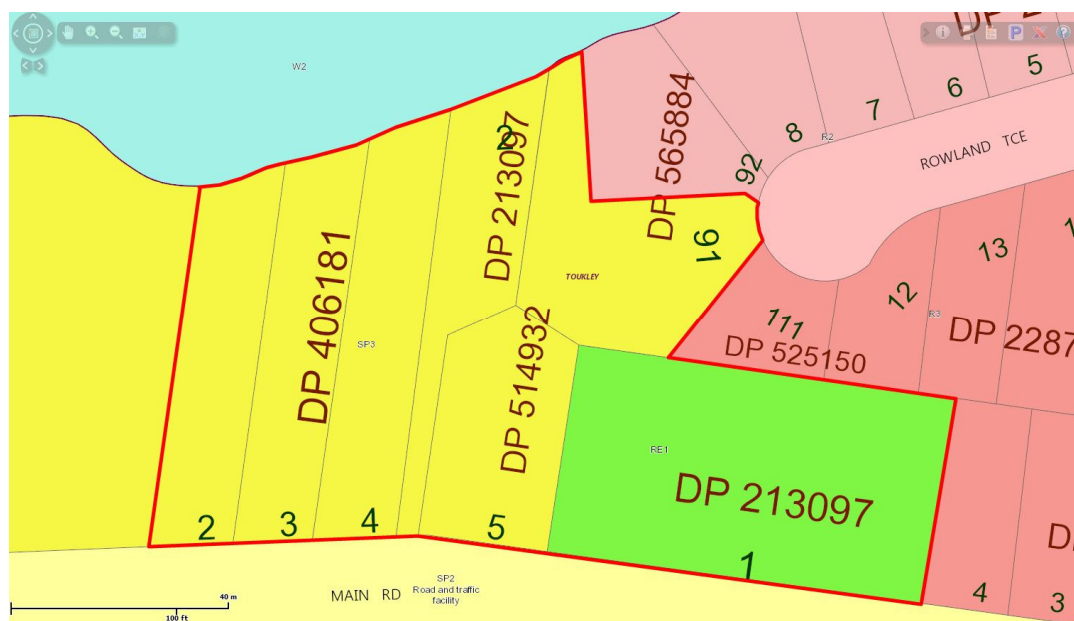


Figure 3: Current Zoning: SP3 – Tourist and RE1 – Public Recreation, WLEP, 2013.

Land Swap

Council has initiated a land swap with Rustrum Pty Ltd., which involves an equal swap of 855.2 m² of Council land for 855.2 m² of land owned by the applicant to create proposed Lot 911 (to be owned by Council) and proposed Lot 912 (to be owned by the applicant). Development Consent for the subdivision has been issued by Council and registration of the lots is anticipated in late 2014. The land swap was identified by Council as the preferred option for achieving an improved pedestrian and cycle network for greater Toukley. The benefit of the land swap for Rustrum is a more regularly shaped development site, which enables a more legible design for the site.

Council's parkland will have the same land area as existing, and will then comprise:

- Lot 1, DP 213097 (zoned RE1 Public Recreation) and Proposed Lot 911 (part of Lot 5, DP 514932 and part of Lot 91, DP 565884), to be zoned RE1 Public Recreation.

The new development site will have an area of 5,278m², and will then comprise:

- Proposed Lot 912 (part of Lot 5, DP 514932 and part of Lot 91, DP 565884), Lot 2, DP 213097, and Lots 2, 3 & 4, DP 406181, to be zoned B4 Mixed Use.

The boundaries of the existing, and the adjusted, development site are shown in Figures 4 and 5 below.



Figure 4: Existing Ownership Pattern



Figure 5: Post Subdivision Land Swap

The Proposal

The proposal is to develop a mixed use residential flat building and tourist apartment complex of approximately 124 units on the land. A variety of configurations is possible, however, nominally 48 units would be for tourist accommodation and located adjacent to the adjoining Beachcomber Hotel site, while 76 apartments would be for permanent accommodation. The building would include ground floor commercial floorspace adjoining Toukley Gardens Park (to the East), and below ground carparking and service areas.

The building would have an elevation of nine (9) storeys when viewed from the Main Road frontage, with architectural articulation and plant above. The maximum height proposed is 36 metres above existing ground level at a point on the north-west corner of the building. A row of two (2) storey apartments will be located under the landscaped podium and facing the lake foreshore area, consistent with the topography of the site. Foreshore improvements may include the restoration of a sandy beach and foreshore vegetation, a swimming pool and jetty. Concept sketches are shown in Figures 6 and 7 below.

The WLEP 2013 and Wyong Development Control Plan 2013 (WDCP 2013) currently provide for a significant development on the amalgamated site (approximately 96 units), subject to the delivery of a “green building” design displaying design excellence, respecting environmental constraints and the amenity of adjoining lands, as well as delivering significant public benefits to the community. However, the refined concept now proposed by Rustrum exceeds the current Key Site controls, and also seeks the additional use “residential flat building”, which is not permissible within the current SP3 Tourist zone. It is therefore proposed to alter the zone on the development site to B4 – Mixed Use, increase the Key Site maximum building height from 25 metres to 36 metres, and increase the allowable Floor Space Ratio from 1.5:1 to 2.0:1, to enable the concept proposed. This will be achieved by raising the FSR category to 1.7:1 (recognising that a bonus of 20% is available for the large amalgamated site), therefore permitting a development site FSR of 2.0:1.



Figure 6: View from Main Road, looking East



Figure 7: View from Budgewoi Lake foreshore, looking South-East

Voluntary Planning Agreement and Foreshore Access

Following the Councillor Briefing on 9 April 2014 at which the Iconic Concept proposal was presented, Council considered a report on 25 June, 2014, outlining the “significant public benefit” offer that the owner (Rustrum) has proposed, and will confirm via a Voluntary Planning Agreement. The offer includes contributions (1.5 x applicable Section 94 Contributions) toward premium upgrade improvements to Toukley Gardens Park (adjoining), together with an on-road and off-road shared pathway connection extending from Toukley Gardens, along Rowland Terrace and Peel Street to Osborne Park on the Lake foreshore. Facilities at Osborne Park will be enhanced in accordance with the Concept Masterplan prepared in 2009.

This will enable Council to implement strategic improvements identified under the Toukley Planning Strategy and the Toukley Town Centre Public Domain Masterplan. These include establishing the Toukley Gardens park as an ‘entry arrival node’ to the town centre and utilising the opportunity to improve the park outlook, connections to the foreshore and northern residential areas, and appropriate public art.

The applicant has requested the WLEP 2013 Foreshore Building Line Map (FBL_019) be amended to remove the Foreshore Building Line and defined “Foreshore Area” which applies to the site. It is noted that whilst most privately owned land directly adjacent to the ocean or lake foreshores is subject to a Foreshore Building Line and defined Foreshore Area, the adjoining hotel and tourist facility (the Beachcomber Hotel) has no such affectation, therefore removal of this provision is consistent.

The applicant also requested that Council delete the Development Control Plan (DCP 2013) requirement for provision of public access along the foreshore of the site, having regard to the topography and difficulty in providing public foreshore access. Council resolved that the Wyong DCP 2013 requirement (Chapter 6.1 Section 3.16(m)) for public foreshore access on the Rustrum Site be deleted, subject to the formalisation of the significant public benefit offer via the Voluntary Planning Agreement.

The applicant will need to address Clause 7.6 of Wyong LEP 2013 - "Development on the foreshore must ensure public access", in any development proposal on this site at the development application stage. Council will seek to protect the environmental significance and amenity of the foreshore area by maintaining the protections and environmental considerations under this Clause.

Part 2 Explanation of Provisions

Amendment of Wyong LEP 2013

- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Land Zoning Map (Sheet LZN_019) in accordance with the proposed zoning map shown at Attachment 1. The change in zoning affects land currently zoned SP3 - Tourist Zone, to be zoned RE1 – Public Recreation Zone, as well as other land currently zoned SP3 – Tourist zone, which is to be rezoned B4 – Mixed Use zone.
- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Height of Buildings Map (HOB_019) to cover the new development site to be zoned B4.
- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Key Site Map (KYS_019) to exclude proposed Lot 911 and include the land comprising proposed Lot 912, and to alter the figure "25" to read "36".
- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Floor Space Ratio Map (FSR_019) so that Area 2 extends to cover the new development site, and increase allowable FSR from 1.5:1 to 1.7:1 (recognising that a 20% floorspace bonus is already available to the site under Clause 4.4(2B), permitting the 2.0:1 FSR which is sought for the proposed "Iconic Development" of the site).
- Amendment of the Wyong Local Environmental Plan, 2013 (WLEP 2013) Foreshore Building Line Map (FBL_019) to remove the development site from the Foreshore Building Line Map and defined 'Foreshore Area'.

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The Planning Proposal results from the Toukley Planning Strategy and Masterplan, which identified the land as a "Key Site". The Wyong Local Environmental Plan 2013 and Wyong Development Control Plan 2013 currently provide for a significant development on the site, however, the refined concept now proposed exceeds the current Key Site controls, and also involves the additional use "residential flat building", which is not permissible within the SP3

Tourist zone. Therefore, the controls (zoning, building height and Floor Space Ratio) are to be adjusted to address the correct parcels of land and amended to facilitate the new design.

The land swap in conjunction with the planning proposal was also identified through the Toukley Strategy as an opportunity for the provision of better pedestrian and cycle access from the town centre area to the public reserves on the Budgewoi Lake foreshore as well as to the residential areas adjacent. These parklands and facilities will be embellished as part of the public benefit works generated by iconic development of the Key Site, and provided for within the applicant's Voluntary Planning Agreement.

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

The planning proposal is necessary to alter the relevant zoning and development controls within the Wyong Local Environmental Plan 2013, to address the correct land parcels and to increase the permissible Height and Floor Space Ratio on the land to facilitate the "Iconic Development" proposed.

Section B – Relationship to strategic planning framework

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

The Central Coast Regional Strategy provides under the key economic opportunities for the region, that 'the regions tourism advantages are also likely to increase' and identifies the conservation of environmental assets and landscape values as a key employment and recreation opportunity. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable actions for the Wyong local government area.

The proposal addresses the following Actions identified within the Strategy:

Action 4.2 and 4.4: the proposal will assist in providing for a mix of housing types, adjacent to centres;

Action 4.22: the proposal will assist in addressing State Plan priority E5 'jobs closer to home';

Action 5.1: the proposal will contribute to economic and employment growth and the principle of 'self-containment' on the Central Coast;

Action 6.18: the proposal will improve the provision of local open space;

Action 6.21: the proposal will enable tourism facilities to be appropriately managed to minimise impacts on natural resources and the natural environment.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The Community Strategic Plan identifies eight (8) priority objectives, each supported by a range of actions. The Planning Proposal is assessed as follows.

1. Communities will be vibrant, caring and connected.

The Planning Proposal will provide an opportunity for the provision of better pedestrian and cycle access from the town centre area to the public reserves on the Budgewoi Lake foreshore as well as to the residential areas adjacent. These parklands

and facilities will be embellished to provide better amenity and recreational opportunities for the community.

2. There will be ease of travel.

Being on Main Road, the site is currently well serviced by a privately run Bus company. Better pedestrian and cycle access will be facilitated by the Proposal.

3. Communities will have a range of facilities and services.

The Planning Proposal will enable the redevelopment of active and passive open spaces to provide better access, public art and improved facilities. It will also result in fuller utilisation of existing facilities, one of Council's goals.

4. Areas of natural value will be enhanced and maintained.

Restoration and management of the foreshore area will be achieved.

5. There will be a sense of community ownership of the natural environment.

The proposal will preserve views of Budgewoi Lake from Main Road and the Toukley Gardens Park. The improvements to Osborne Park will enable greater use and enjoyment of this adjacent foreshore area.

6. There will be a strong sustainable business sector.

The Proposal will assist in job creation opportunities during construction and subsequent operation, particularly within the service sector.

7. Information and communication technology will be world's best.

Not currently relevant to this Proposal.

8. The community will be educated, innovative and creative.

Not relevant to this Proposal.

5. *Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?*

The Planning Proposal has been assessed against the aims of all applicable State Environmental Planning Policies and is considered generally consistent. The following comments are of note:

SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)

This SEPP aims to promote the orderly and economic use of land through urban consolidation and the promotion of the development of land suitable for multi-unit housing and related development. The Proposal will enable increased density, supply and diversity in potential housing forms for the land, subject to merit assessment via the Development Application process. The Proposal is consistent with the aims of the Policy.

SEPP 55 – Remediation of Land

This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. An Initial Contamination Assessment has been conducted (refer Attachment 6 to the ADWJohnson Planning Proposal Report) and has found no evidence of fill or any site history consistent with potential contamination.

SEPP 65 – Design Quality of Residential Flat Development

This SEPP aims to improve the design quality of residential flat development to achieve better built form and aesthetics of buildings and the streetscapes and public spaces they define. It strives to improve safety, amenity and security while minimising the consumption of energy from non-renewable resources.

The Concept Proposal includes tourist apartments as well as a Residential Flat Building (as defined by the SEPP), which means that the Proposal would be subject to the design quality provisions of the SEPP, and merit assessment via the Development Application process. The building concept is for a 36 metre high, nine (9) storey building (when viewed from Main Road), which includes a central open portal connecting the street to the waterfront and separating the commercial floorspace and entries to the tourist and permanent apartments at street level. A further two (2) levels of units will front the basement parking levels, presenting to the Lake foreshore. The podium roof to these units will generally equate to the existing Main Road ground level, retaining lake views and providing a landscaped recreation space.

Generally, allowable building heights in the locality are low scale (9.5m – 16m), with other adjacent Key Sites permitting developments of up to 30 metres. The façade treatments will be crucial to presentation of the building, which currently appears very solid due to the emphasis on horizontal elements in the elevations. Issues for detailed consideration will include the mass, volume, scale and visual amenity of the building, the proposed FSR, height, and likely overshadowing of adjacent public spaces as well as properties on the southern side of Main Road.

Also to be considered are design issues relating to privacy, natural lighting and ventilation, access for the various users, traffic and parking generation and provision, waste minimisation and collection, integration with the adjoining public open spaces and the foreshore treatment/amenity arising from the development. The proposal will also be subject to the design excellence provisions of the WLEP, 2013, together with requirements to be identified by a site specific Development Control Plan.

The Proposal will enable increased density, supply and diversity in tourist accommodation and permanent housing forms for the land and for the Toukley Town Centre. The final Development Proposal will need to be consistent with the aims and requirements of SEPP 65 – Design Quality of Residential Flat Development.

SEPP 71 – Coastal Protection

This SEPP aims to implement the principles within the NSW Coastal Policy, including the protection and management of the natural, cultural, recreational and economic attributes of the Coast, the protection of visual amenity, and the improvement of public access to foreshores where this is compatible with the topography. It also aims to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

The Proposal is located on land within the Coastal Zone, and is land which is identified as a “sensitive coastal location” under SEPP 71 – Coastal Protection, situated on the Budgewoi Lake foreshore. The land currently has an SP3 Tourist zoning and it is proposed to

implement a B4 Mixed Use zoning. This will have no material impact on the issues for consideration relevant to the Coastal Protection Act, 1979, or SEPP 71.

It is proposed to remove the currently existing Foreshore Building Line and Foreshore Area notation on the WLEP 2013 Map. However, sufficient controls relating to development on land near the lake foreshore are retained within the WLEP, 2013 (Clauses 5.5, 5.7, 7.1, 7.2, & 7.11), to ensure that appropriate environmental assessment will be undertaken prior to the issue of any consent for development on the land.

Further, any proposals for development or modification of the foreshore land will be assessed on merit, having regard to the provisions of the SEPP.

The Proposal is considered not inconsistent with the aims of the Policy.

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

A detailed review of the Ministerial Section 117 Directions is included as Attachment 1. A summary of the consideration against the relevant Directions is provided below:

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Y	Y
1.2	Rural Zones	N	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N	N/A
1.4	Oyster Aquaculture	N	N/A
1.5	Rural Lands	N	N/A
Environment & Heritage			
2.1	Environmental Protection Zones	Y	Y
2.2	Coastal Protection	Y	Y
2.3	Heritage Conservation	Y	Y
2.4	Recreation Vehicle Areas	Y	Y
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Y	Y
3.2	Caravan Parks and Manufactured Home Estates	Y	Y
3.3	Home Occupations	Y	Y
3.4	Integrating Land Use & Transport	Y	Y
3.5	Development Near Licensed Aerodromes	N	N/A
3.6	Shooting Ranges	N	N/A

Number	Direction	Applicable	Consistent
Hazard & Risk			
4.1	Acid Sulfate Soils	Y	Y
4.2	Mine Subsidence and Unstable Land	Y	Y
4.3	Flood Prone Land	Y	Y
4.4	Planning for Bushfire Protection	N	N/A
Regional Planning			
5.1	Implementation of Regional Strategies	Y	Y
5.2	Sydney Drinking Water Catchments	N	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N	N/A
5.5, 5.6 & 5.7	REVOKED		
5.8	Second Sydney Airport: Badgerys Creek	N	N/A
Local Plan Making			
6.1	Approval and Referral Requirements	Y	Y
6.2	Reserving Land for Public Purposes	Y	Y
6.3	Site Specific Provisions	N	N/A
Metropolitan Planning			
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N	N/A

Figure 8: Section 117 Ministerial Directions Assessment Summary.

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.

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

The land contains soils identified as Class 5 on the Acid Sulfate Soils Map, and being adjacent to Budgewoi Lake is also adjacent to soils identified as Class 1 (WLEP, 2013). Future development of the land will require detailed assessment of the soil conditions via the Development Application process, particularly for excavation of the basement levels and footings required, as the excavations are likely to impact groundwaters, and mitigation

measures may be required. In this regard, an Acid Sulphate Soils Management Plan has been prepared by Network Geotechnics Pty. Ltd (refer Attachment 5 to the ADWJohnson Planning Proposal Report).

There will be no additional environmental impacts directly created through this amendment. The land use compatibility or potential for environmental effects would be matters for consideration for any Development Application for a building on the site.

9. *How has the planning proposal adequately addressed any social and economic effects?*

Economic

The purpose of the Key Sites program is to stimulate economic development by providing a catalyst for further development. The effects of the new residential development will be to create additional demand for services and jobs and the economic multiplier effects of additional population.

Social

A further social consideration is to provide public domain improvements to both complement the development and provide quality public spaces. The potential for any increase in anti-social behaviour by patrons of the Beachcomber Hotel within the park or Rowland Terrace would be required to be mitigated by the operator of those premises and the NSW Police Service. A well designed, well lit, safe and active public domain will positively contribute to the health, safety and well-being of the Toukley community.

Section D – State and Commonwealth Interests

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

The site is located on Main Road, and is well serviced by a privately operated bus service and footpath connection to the Toukley Town Centre.

The proposal is to make provision for the future development of approximately 124 residential units. Based on information contained in the rezoning request, future development would generate a loading of approximately 100 ETs (Equivalent Tenements) on water supply and sewerage systems, and water and sewer contributions would apply.

A hydraulic consultant may identify the need for onsite water storage and/or booster pumps to meet fire protection requirements in the upper levels of the building. Council would assess the capacity of the existing sewer main and detail any upgrade requirements once the final loading is determined during the development application phase.

Council's recent shire wide sewer servicing strategy (2013) identified the need to upgrade the nearby pumping station and rising main in 2022 to service forecasted growth in the Toukley catchment. This upgrade may need to be brought forward to service the development.

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

[To be completed following the receipt of the Gateway Determination.]

It is anticipated that at a minimum the following NSW Public Authorities will be consulted:

- Mine Subsidence Board;
- NSW Trade and Investment - Minerals and Petroleum;
- NSW Office of Environment & Heritage;
- NSW Roads and Maritime Services; and
- NSW Planning and Environment.

Part 4 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 28 days.

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site.

The Planning Proposal and supporting studies, Gateway Determination, Voluntary Planning Agreement, and draft site specific Development Control Plan Chapter, will be made available on Council's website, and will be available for inspection at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

Attachments and Supporting Documentation

Document	Attached
1. Section 117 Ministerial Directions Assessment	Yes
2. Wyong Local Environmental Plan, 2013, Land Zoning Map (LZN_007B)	Yes
3. Wyong Local Environmental Plan, 2013, Height of Buildings Map (HOB_019)	Yes
4. Wyong Local Environmental Plan, 2013, Key Site Map (KYS_019)	Yes
5. Wyong Local Environmental Plan, 2013, Floor Space Ratio Map (FSR_019)	Yes
6. Wyong Local Environmental Plan, 2013, Foreshore Building Line Map (FBL_019)	Yes
7. Council Report and Minutes	Yes