

8.5 Hollylea Road Planning Proposal - Amendment to Floor Space Ratio - Draft Development Control Plan

Reporting Officer

Executive Manager Urban Centres
City Planning and Environment

Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.2 Provide public places and facilities that encourage leisure, recreation, and physical activity 2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

Delivery Program

Principal Activity
PA Building Development and Controls

Officer's Recommendation

1. That Council endorse the amendment to the Hollylea Road Planning Proposal and forward the amended proposal to the Department of Planning, Housing and Infrastructure seeking an amended Gateway determination.
2. That Council endorse for public exhibition the draft site-specific Development Control Plan 2A-14 Hollylea Road and 5-7 Plough Inn Road, Leumeah.
3. That subject to the receipt of an amended Gateway determination, the Planning Proposal and draft Development Control Plan be placed on public exhibition concurrently.

Executive Summary

- The Hollylea Road Planning Proposal (the Proposal) seeks to amend the planning rules for 2A-14 Hollylea Road and 5-7 Plough Inn Road, Leumeah. The Proposal was supported by Council at its meeting on 13 February 2024, where it was resolved to seek a Gateway Determination and request the applicant prepare a draft site-specific development control plan (draft DCP).

- In response to Council's resolution, a draft DCP has been prepared. Council's Design Excellence Panel have provided advice on the draft DCP which has been incorporated into the draft version located at attachment 6.
- Following preparation of the draft DCP and further assessment of the Proposal, it is proposed to amend the proposal to:
 1. Increase the floor space ratio from 2.7:1 to 3.1:1 to align it with the building height to enable the development of the site to its' full potential; and
 2. Provide flexibility to allow for development to exceed the proposed maximum building heights to accommodate roof infrastructure such as elevator shafts, open space and shade structures.
- Should the Council adopt the proposed changes to the Proposal, an amended Gateway determination is required prior to public exhibition.
- This report recommends that Council adopts the proposed amendments to the Proposal and endorse the draft site-specific Development Control Plan for the purposes of public exhibition.

Purpose

The purpose of this report is to:

- Seek Council's endorsement for an amendment to the Hollylea Road Planning Proposal to:
 - Increase the floor space ratio from 2.7:1 to 3.1:1 to align it with the maximum building heights proposed.
 - Provide flexibility to allow for minor increased building heights to accommodate roof structures such as elevator shafts, open space and shade structures.
- Seek Council's endorsement to place the amended Planning Proposal and draft site-specific Development Control Plan for 2A-14 Hollylea Road and 5-7 Plough Inn Road, Leumeah on public exhibition.

Property Description

2A-14 Hollylea Road and 5-7 Plough Inn Road, Leumeah

Lots 3 and 4 DP 258315, Lot 12 DP 845149, Lot 16 DP 623923, Lots 1, 2, 3 and 4 SP 70043, Lot 27 DP 611186, Lot 127 DP 575482, Lot 125 DP 575481, Lot 301 DP 621274, Lot 9 DP 234601, Lots 1, 2, 3, 4 and 5 SP 52179, Lot 1 DP 565611

Application No

545/2019/E-PP

Applicant

Michael Brown Planning Strategies

Owners

Banrun Pty Ltd
Synelg Custodian Pty Ltd

Proprietors of SP 70043
Mr Ronald Mazuran and Ms Christine Mazuran
Hollylea Nominees Pty Limited
Nujubi Pty Ltd
Proprietors of SP 52179
Mr David Victor Andrews

Date Received

Original - 20 February 2019

Amended - 6 March 2024

History

Council previously considered the Proposal at its meeting of 13 February 2024. The Proposal considered sought maximum building heights of 22 m, 38.5 m and 43 m and a maximum floor space ratio (FSR) of 2.7:1. A copy of this report is at attachment 2. At this meeting Council resolved the following:

1. That Council endorse the Planning Proposal at attachment 1 to this report, and the Planning Proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. That subject to the receipt of a Gateway Approval, Council proceeds to publicly exhibit the Planning Proposal.
3. That the applicant be requested to address any outstanding matters including the preparation of a draft site-specific Development Control Plan.
4. That Council request the Minister delegate the authority for the making/finalising of the Planning Proposal to the General Manager.
5. That following the completion of public exhibition either:
 - a. where submissions are received by Council in response to public exhibition, a submissions report be presented to Council, or
 - b. where no submissions are received by Council in response to public exhibition, the Planning Proposal be finalised.

At the time that Council considered the report on the Proposal, the applicant made a late request that Council adopt the Proposal with an amended maximum FSR and an additional height clause. Council did not adopt the amendments proposed, with Councillors stating at the meeting that Council staff should consider them first.

On 15 April 2024, a Gateway determination was issued by the Department of Planning, Housing and Infrastructure (DPHI). A review of the Gateway conditions found that some of the conditions were onerous resulting in a request to DPHI seeking the removal of a number of Gateway conditions. Amended Gateway determination were issued on 12 June 2024 and 4 September 2024.

The draft DCP was considered by the Campbelltown Design Excellence Panel (DEP) at its' meeting on 29 August 2024. The feedback from the DEP is discussed later in this report.

Report

1. Site Description

The site is known as 2A-14 Hollylea Road and 5-7 Plough Inn Road, Leumeah and is located on the south-eastern side of Hollylea Road. The site is on the western side of the railway line and Leumeah Railway Station and part of a broader neighbourhood that is zoned E3 Productivity Support and contains a variety of industrial and commercial land uses.

The site has an area of 3.8 ha and has frontages to Hollylea Road of approximately 360 m, to Plough Inn Road of approximately 120 m and to Bow Bowing Creek of approximately 450 m.

The site consists of 12 separate allotments, 2 of which have been strata subdivided. The lots contain commercial and industrial buildings of varying styles and ages as well as hardstand areas and minimal vegetation.

The site is adjoined to the east and rear by the Bow Bowing Creek, which is itself adjoined to its east by the Main Southern Railway Line and commuter carpark.

To the north and west of the site across Plough Inn Road and Hollylea Road respectively is land zoned E3 Productivity Support that contains a variety of commercial and industrial buildings and land uses. The site is shown in Figure 1 below. The site is shown in Figure 1 below.



Figure 1: Hollylea Road Planning Proposal Site

2. Proposed amendments to the Planning Proposal

The 2 proposed amendments to the Proposal are:

1. Increase the floor space ratio from 2.7:1 to 3.1:1 to align it with the maximum building heights to enable the development of the site to its full potential; and
2. Provide flexibility to allow for development to exceed the proposed maximum building heights to accommodate roof infrastructure such as elevator shafts, open space and shade structures.

2.1 Justification for amended Planning Proposal

When Council considered the Proposal at the 13 February 2024 meeting, the applicant's architect made representation to Council, seeking additional FSR for the site as they believed it did not align with the proposed building heights and future development could not be developed to its' full potential.

Also at this time, the applicant reiterated their desire to incorporate rooftop gardens and open space into the final design. There was also concern that providing elevator access, storage and required plant equipment on the rooftop would effectively eliminate one storey of development, as these structures would need to remain within the total maximum building height.

At the meeting Councillors expressed that it was not appropriate to adopt the amendments proposed without Council staff first reviewing them. Council staff at the time agreed to re-examine these matters at a later stage, should supporting evidence be provided to justify the applicant's request for the increase in the FSR.

A design analysis report was subsequently prepared and lodged by the applicant, demonstrating that up to 2-3 storeys may not be delivered as maximum FSR would be achieved at heights significantly lower than the proposed maximum heights of 22 m, 38.5 m and 43 m. A copy of the design analysis report is attachment 3 of this report. Having reviewed this analysis, it is agreed that a revised FSR figure of 3.1:1 is more appropriate and would facilitate the intended vision for the site.

It is also agreed that the provision of accessible rooftop gardens and open spaces is a desirable outcome that should be encouraged without limiting the development potential of the site. To achieve this, a specific clause in the Campbelltown Local Environmental Plan 2015 (CLEP 2015) is proposed to enable the maximum height to be exceeded for these uses. A similar clause (Cl 7.26) exists in the CLEP 2015 for 22, 24, and 32 Queen Street, Campbelltown.

2.2 Gateway Alteration Request

A request is required to be made to DPHI to issue a revised Gateway determination in relation to the amended planning proposal. This will allow the planning proposal to be publicly exhibited featuring the amended FSR and the additional building height clause.

2.3 Community Consultation and Public Exhibition

The public exhibition of the Proposal and draft DCP would be undertaken together and in accordance with Council's Community Participation Plan and the Gateway determination requirements. The Gateway determination requires an exhibition period of 30 working days.

3. Draft Development Control Plan

The Draft DCP (attachment 6) has been prepared to facilitate the future development of the desired masterplan and vision for the site.

The vision in the draft DCP includes the provision of a walkable, safe and vibrant sense of place along Bow Bowing Creek. This will be achieved through:

- Creating a safe and accessible public promenade along the creek corridor with opportunities for recreation, leisure activities, fitness and social interaction
- Merging the public promenade with the creek corridor to celebrate and strengthen the natural asset
- Contribute to Leumeah's transformational role as an exemplar sports and entertainment hub with a mixed-use urban village by creating a gateway transit-oriented development
- Creating a physical environment which encourages a vibrant local community with a distinctive and memorable creek frontage character
- Developing built forms that respond to the public promenade and enhance the physical and visual environment
- Assist in strengthening the sense of place and integration into surrounding natural environment
- Providing a sensitive and respectful transition to the existing employment areas along Hollylea Road
- Retention and enhancement of employment demand including retail, commercial and industrial uses
- Filling a critical gap in residential housing as well as local provision of seniors living/ aged care as part of an integrated precinct development

The Draft DCP has been considered by the DEP and their suggested amendments incorporated into the document.

3.1 Draft Development Control Plan Structure

The draft DCP has been structured with the following 3 sections:

- Application
 - Information on how and where the plan applies.

- Vision
 - Information on Council's vision for the precinct.
- Development Principles and Controls
 - Objectives and controls relating to the form and function of built elements and public spaces.

3.2 Consistency with Planning Proposal

The controls of this draft DCP have been prepared to align with the amended Proposal for the site. This has been done to ensure that the future built form is aligned with the Proposal's vision for the site.

3.3 Relationship with Campbelltown Sustainable City Development Control Plan 2015

The Sustainable City Development Control Plan 2015 is comprised of 2 parts with Volume 1 containing the general controls and associated requirements for different types of land uses, while Volume 2 provides the site-specific development controls for several precincts in the Campbelltown LGA. The draft DCP for Hollylea Road is a site specific DCP which will be adopted into Volume 2 as "Part X – Hollylea Road Precinct" (Part X will be replaced with the Part number at the time of adoption).

The draft DCP controls will only apply to proposed development within the subject site. Where controls have not been specified within this draft DCP, any future development proposed within the Hollylea Road precinct will be required to also demonstrate consistency with the existing provisions outlined in Volume 1, listed in the following Parts: -

- Part 2: Requirements Applying to All Types of Development
- Part 5: Residential Flat Buildings and Mixed-use Development
- Part 6: Commercial Development

3.4 Design Excellence Panel

In accordance with Clause 15 of Environmental Planning and Assessment Regulation 2021, Council must not approve a Development Control Plan containing provisions which apply to residential apartment development unless it has taken into consideration any comments made by the DEP, concerning those provisions.

The draft DCP has been considered by the DEP at the 29 August 2024 meeting and the comments received resulted in amendments being made. The panel was supportive of the draft DCP, subject to the consideration of some amendments. These amendments included:

- Text changes to improve readability of the document.
- Clarification on linear green spaces being shared zones.
- Improved design outcomes to promote large canopy tree cover.
- Image updates to better relate to the demand and activation levels of Hollylea Road.

A summary of the panels comments and how they have been responded to, has been included as attachment 7.

Conclusion

The proposed amendments to the Planning Proposal and the draft Development Control Plan have been considered and it is recommended that Council endorse them for the purposes of seeking an amended Gateway determination and for public exhibition.

The draft Development Control Plan will provide site specific development controls that will guide future development within the Hollylea Road Precinct.

A further report detailing the outcome of the public consultation will be prepared for the consideration of Council.

Attachments

- 8.5.1 Planning Proposal (contained within this report) [↓](#)
- 8.5.2 Previous Council Report (contained within this report) [↓](#)
- 8.5.3 Revised Design Package (contained within this report) [↓](#)
- 8.5.4 Existing Proposed Floor Space Ratio (contained within this report) [↓](#)
- 8.5.5 Amended Proposed Floor Space Ratio (contained within this report) [↓](#)
- 8.5.6 Draft Hollylea Road Site Specific DCP (contained within this report) [↓](#)
- 8.5.7 Responses to Design Excellence Panel Comments (contained within this report) [↓](#)

8.5 Hollylea Road Planning Proposal - Amendment to Floor Space Ratio - Draft Development Control Plan

It was **Moved** Councillor Oates, **Seconded** Councillor Khalil:

1. That Council endorse the amendment to the Hollylea Road Planning Proposal and forward the amended proposal to the Department of Planning, Housing and Infrastructure seeking an amended Gateway determination.
2. That Council endorse for public exhibition the draft site-specific Development Control Plan 2A-14 Hollylea Road and 5-7 Plough Inn Road, Leumeah.
3. That subject to the receipt of an amended Gateway determination, the Planning Proposal and draft Development Control Plan be placed on public exhibition concurrently.

A Division was recorded in regard to the Resolution for Item 8.5 with those voting for the Motion being Councillors K Hunt, M Chowdhury, M Oates, A Rahman, J Rivera, T Triebels, C McEwan, K Halabi, M Khalil and S Berbari.

Voting against the Resolution were Nil.

335/2024 The Motion on being Put was **CARRIED**.

Meeting Note: The Mayor, Councillor Lound returned to the Chamber at 7:50pm and resumed the chair.

Meeting Note: Councillor Zahra, Councillor Wisniewska and Councillor Cotter returned to the Chamber at 7:50 pm.

8.6 Significant Development Applications

It was **Moved** Councillor Khalil, **Seconded** Councillor Oates:

That the information be noted.

336/2024 The Motion on being Put was **CARRIED**.
