

ITEM NO	: 4.1
SUBJECT	: 1A GALE STREET PLANNING PROPOSAL
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: IMPLEMENT RECOMMENDATIONS FROM THE LOCAL STRATEGIC PLANNING STATEMENT (LSPS)
REPORTING OFFICER	: KIERAN METCALFE

Ref:686422

PURPOSE

The purpose of this report is to facilitate Council's consideration of a Planning Proposal prepared in relation to a proposed amendment to Schedule 1 of the Hunters Hill Local Environmental Plan 2012 (LEP).

Specifically, the proposed amendment seeks to include a new clause applying to 1A Gale Street, Woolwich (Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.

RECOMMENDATION

1. That Council supports the recommendations set out below:
 - (A) Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* to amend Hunters Hill Local Environmental Plan 2012 by including a new clause applying to 1A Gale Street, Woolwich (Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.
 - (B) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).
 - (C) Note that following public exhibition, the Planning Proposal would be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - (1) To proceed as recommended in this report.
 - (2) To proceed with amended controls in the Planning Proposal to that exhibited.
 - (3) To not proceed with the Planning Proposal.
 - (D) Delegate authority to the General Manager to make amendments to the Planning Proposal that:
 - (1) Are minor and do not alter the intent; or
 - (2) Are required in order to comply with the Gateway Determination.

BACKGROUND

Council has received a Planning Proposal lodged by planning consultants 'SJB Planning (NSW) Pty Ltd' (SJB) on behalf of the owner of 1A Gale Street and 1 Gale Street Woolwich.

The land subject to the Planning Proposal (1A Gale Street) has been deemed to be surplus to the needs of the former owner, Ausgrid, and has been sold to the owner of 1 Gale Street. The Planning Proposal seeks to facilitate a development outcome which incorporates relocated electricity infrastructure at the front of the site and a part of a residential dwelling at the rear to be developed in conjunction with the residential dwelling at 1 Gale Street.

The site of the former Ausgrid land is currently zoned SP2 (Electricity Distribution). The proposal is being sought as residential uses are currently prohibited on land zoned SP2 (Electricity Distribution).

To achieve the above, the planning proposal seeks an amendment to Schedule 1 Additional permitted uses of the LEP. Specifically, this amendment seeks to include a new clause applying to the site at 1A Gale Street Woolwich (being Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.

Council is required to consider the Planning Proposal in accordance with the relevant provisions of Part 3 of the *Environmental Planning and Assessment Act 1979* as detailed within the former Department of Planning and Environment (DPE) Local Environmental Plan Making Guideline (August 2023).

This report recommends the Planning Proposal be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination and subsequent community and government agency consultation.

DISCUSSION

Site Description

The subject site incorporates 1A Gale Street Woolwich (Lot 1 DP 85924). The location of the site in the context of the site and Hunters Hill Local Government Area is shown in red in Figure 1.

The locality is characterised by one and two storey residential development to the north, west, and southwest and public open space to the south. Development to the north comprises single dwellings and pockets of medium density dwelling housing. Development to the south comprises the Clarke's Point Reserve and Woolwich Dock and Parklands, approximately 250m north of the site, which includes aligned boating employment land uses such as boat repair shops, event venues, and the Hunters Hill Sailing Club and the Clarke Road and Woolwich Marina. The site is opposite the Woolwich Pier Hotel.



Figure 1: Site context and location map (Source: SJB (Google Maps, NSW SEED))

The subject site is a rectangular shaped allotment with a single frontage and access to the site, from Gale Street to the west. The Planning Proposal applies to the land described as Lot 1 in DP 85924 shown at Figure 2 below.



Figure 2: Site context and location (Source: SJB (SIX Maps))

The site has an area of approximately 124m² and has a single frontage to Gale Street at its west. Adjoining the site to the north is 1 Gale Street, which is owned by the proponent. Adjoining the site to the southeast is the Goat Paddock Park owned by the Sydney Harbour Federation Trust.

The site contains an enclosed kiosk substation at the rear. The substation is to be decommissioned. A new, smaller replacement kiosk substation with like-for-like electrical capacity is proposed closer to Gale Street for ease of access and maintenance purposes as shown in Figure 3.

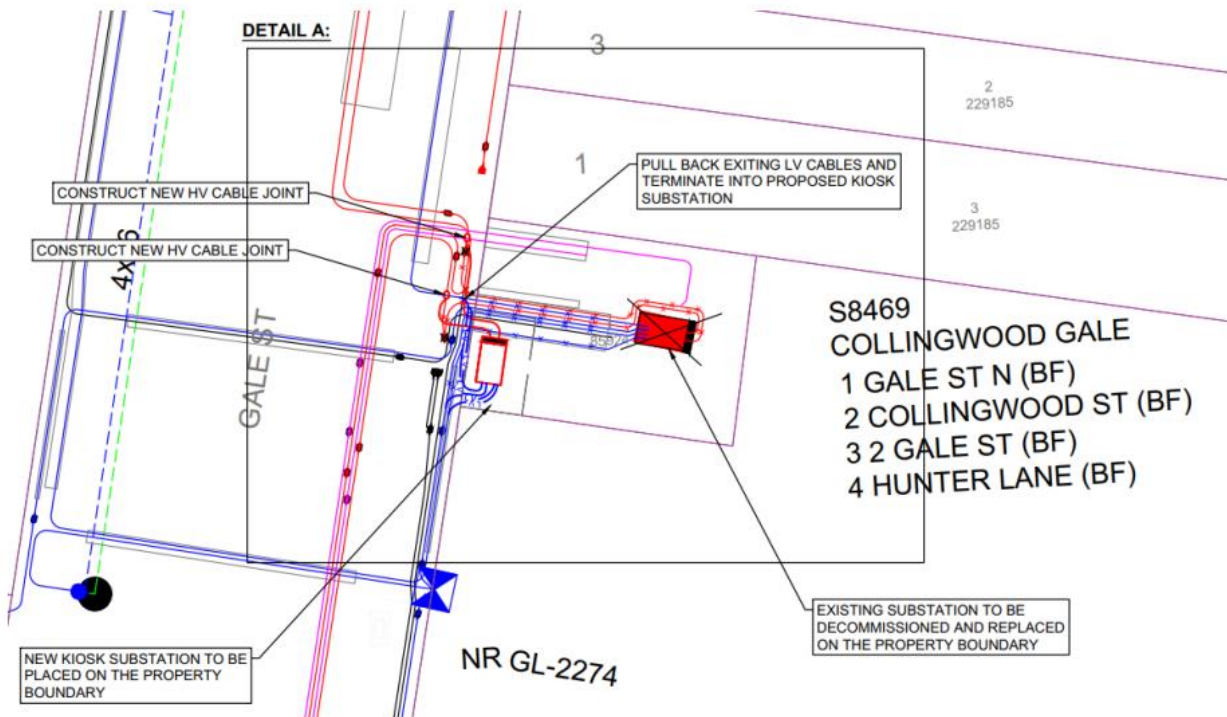


Figure 3: Extract of Proposed Works Plan (Source: SJB (AA Power Engineering))

Existing and Proposed Planning Controls

The site is zoned SP2 Infrastructure (Electricity Distribution) under the LEP (refer to Figure 4).

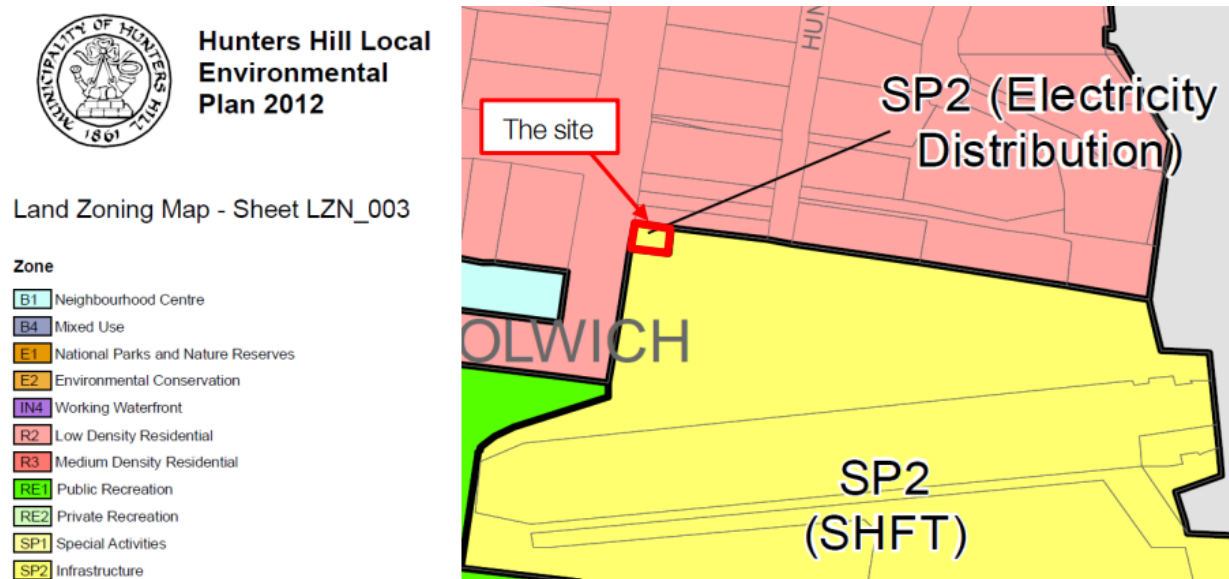


Figure 4: Extract from LEP Land Zoning Map (Source: SJB)

Roads are permitted without consent in this zone. The following are permitted with consent in this zone:

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Any development not specified as permitted with consent above is prohibited in this zone.

The site is not subject to any principal development standards (such as minimum subdivision lot size, height of buildings or floor space ratio) under Part 4 of the LEP.

The site is not a local heritage item. However, it is located adjacent to the following local heritage items:

- Item no. I151 – House at 1 Gale Street, Woolwich (Lot 3 DP 229185),
- Item no. I1418 – Site of precision woodware factory at Woolwich Road, opposite Pier Hotel (Lot 11, DP 1134544); and
- Item no. I287 – Stone walls.

The site is within a heritage conservation area, being Hunters Hill Conservation Area No 2 - The Peninsula (Conservation Area 2). Consideration of potential impact upon the heritage status of Conservation Area 2 and adjoining heritage items would be undertaken during any subsequent development assessment by Council, in response to the particulars of any associated development application lodged with Council.

As detailed previously within this report, the Planning Proposal seeks to amend 'Schedule 1 Additional permitted uses' of the LEP. This amendment seeks to include a new clause applying to the site at 1A Gale Street Woolwich to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.

Intended Outcome

The land subject to the Planning Proposal has been deemed to be surplus to the needs of Ausgrid and has been sold to the owner of 1 Gale Street. The Planning Proposal seeks to facilitate a development outcome which incorporates relocated electricity infrastructure at the front of the site and a part of a residential dwelling at the rear to be developed in conjunction with the residential dwelling at 1 Gale Street.

The site of the former Ausgrid land is currently zoned SP2 (Electricity Distribution). The proposal is being sought as residential uses are currently prohibited on land zoned SP2 (Electricity Distribution).

The subject new clause within Schedule 1 of the LEP would likely read as follows:

18 Use of certain land at 1A Gale Street, Woolwich

(1) This clause applies to land at 1A Gale Street, Woolwich, being Lot 1 in DP 85924.

(2) Development for the purposes of a dwelling in conjunction with 1 Gale Street is permitted with development consent.

Justification of strategic merit

The Planning Proposal is not supported by a strategic study. Rather, the Planning Proposal is a proponent-initiated response to the proposed decommissioning and relocation of an existing substation and the proponent and landholders desire to extend the existing neighbouring residential land use into the site.

The Planning Proposal is the most appropriate method of achieving the intended outcome given:

- Land uses under the site's current SP2 land zoning do not permit the intended outcomes with or without consent.
- Additional permitted uses are an existing mechanism which can be used to permit specific land uses under the LEP that may otherwise be prohibited.
- The Planning Proposal is intended to allow for a limited land use which is consistent with the existing adjoining residential land use to the north (1 Gale Street) and is in response to the decommissioning and relocation of an electrical substation.
- The intended outcomes cannot be achieved via a clause 4.6 variation request or amendment to the Hunters Hill Development Control Plan 2013.

The consistency of the proposal with relevant regional plans (including the Greater Sydney Region Plan and the North District Plan,) has been considered within Section 4.4.2 of the Planning Proposal Report, included as Attachment 1 to this report. The consistency of the proposal with relevant local strategic plans (including the Hunters Hill Local Strategic Planning Statement 2020 and Hunters Hill Local Housing Strategy) is also considered within Section 4.4.2 of Attachment 1 to this report. The attached Planning Proposal report has identified general alignment and consistency with applicable regional and local strategic plans and strategies.

The consistency of the proposal with relevant state environmental planning policies and Ministerial (section 9.1) Directions is also considered within Section 4.4.2 of Attachment 1 to this report. The attached Planning Proposal report has identified general alignment and consistency with applicable state environmental planning policies and Ministerial Directions.

Justification of site-specific merit

The site-specific merit of the proposal has also been considered within the Planning Proposal report included as Attachment 1 to this report. This consideration of site-specific merit has been informed through site survey and a preliminary site (contamination) investigation (PSI). In particular, the PSI has provided a number of recommendations including:

- The completion of a pre-demolition hazardous materials survey in accordance with AS2601-2001,
- The removal of hazardous materials if identified prior to the demolition of structures in accordance with the NSW WHS Act, Chapter 8 of the WHS Regulation and SafeWork NSW Codes of Practice and preparation of an Asbestos Management Plan; and

- Evacuated soil to be classified in accordance with the NSW EPA (2014) Waste Classification Guidelines.

The site has also been identified as containing mapped Class 5 Acid Sulfate Soils. However, the Planning Proposal report included within Attachment 1 to this report has considered the amendment is appropriate given:

- The proposal would not preclude the application of the provisions of Clause 6.1 of the LEP (relating to the management of acid sulphate soils) for a future development application on the site; and
- The intended outcomes would not trigger the “action criteria” for development consent as it is not located within 500 metres of any adjacent Class 1-4 land that is located below 5 metres AHD and would likely not require the disturbance of soil exceeding 1 tonne, nor lower the water table.

It can also be noted that the site is fully covered with hard surface and that the reuse or redevelopment of the land would be unlikely to have any impacts upon any threatened species, populations, or communities.

Public Consultation

As is normal practice, no formal public community consultation has been undertaken to date with regard to this Planning Proposal. The community would be consulted as part of the formal notification period following a Gateway Determination by the DPHI.

The public exhibition and consultation for the Planning Proposal would be in accordance with the requirements of:

- (a) The Gateway Determination issued by the DPHI under section 3.34 of the *Environmental Planning and Assessment Act 1979*,
- (b) The *Environmental Planning and Assessment Regulation 2021*; and
- (c) Hunters Hill Community Engagement Strategy 2022.

Government Agency Consultation

To date, the Planning Proposal has not been formally referred to any government agencies for review and comment. Formal referral to relevant government agencies would be undertaken in accordance with the Gateway Determination. This would likely include referral to the respective electrical infrastructure authority.

Referral to Local Planning Panel

Planning proposals are generally required to be referred to Council’s Local Planning Panel (LPP) for advice prior to consideration by Council. However, referral to the LPP is not required if the General Manager determines that the planning proposal relates to:

- a) the correction of an obvious error in a local environmental plan,
- b) matters that are of a consequential, transitional, machinery or other minor nature, or

c) matters that Council's Director, Town Planning considers will not have any significant adverse impact on the environment or adjoining land.

Council's Director, Town Planning has considered that this Planning Proposal is of a minor nature and will not have any significant adverse impact on the environment or adjoining land.

As such, the Director, Town Planning has determined that the Planning Proposal does not need to be referred to the LPP.

CONCLUSION

The subject Planning Proposal (detailed within Attachment 1 to this report) seeks to add an additional permitted use of a dwelling in conjunction with 1 Gale Street to Schedule 1 of the LEP as it applies to the site. The intended outcome of this amendment is to facilitate residential land use in conjunction with the residential dwelling at 1 Gale Street. This outcome has been sought in response to the decommissioning and relocation of a former electrical substation on the site.

The proposal exhibits site-specific merit and strategic merit as it consistent with the broad planning goals for the Municipality identified in Council's and the NSW Government's strategic planning framework.

The impacts of the use to be permitted by the amendment would have no adverse impacts or impacts to the amenity of the locality beyond what could be suitably managed through the standard development assessment processes under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is recommended that Council forward the attached Planning Proposal documentation to DPHI seeking a Gateway Determination under section 3.34 of the *Environmental Planning and Assessment Act 1979*. Should a Gateway Determination be received, following public exhibition and completion of all relevant requirements of the Gateway Determination, the Planning Proposal would be reported to Council for further consideration.

FINANCIAL IMPACT ASSESSMENT

Nil.

ATTACHMENTS

1. Planning Proposal Documentation
2. Letter from General Manager regarding LPP Referral