



IRF24/972

## Gateway determination report – PP-2023-2009

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1A Gale Street, Woolwich

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A – Planning Proposal 1A Gale Street, Woolwich – Version 1 – September 2023
Attachment B – Council Report and Meeting Minutes – 26 February 2024
Attachment C – Kiosk Layout and Dimensions
Attachment D – Indicative Development Outcome
Attachment F – Proposed Works Plan
Attachment F – Contamination Report – July 2023

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details Hunters Hill Local Environmental Plan 2012**

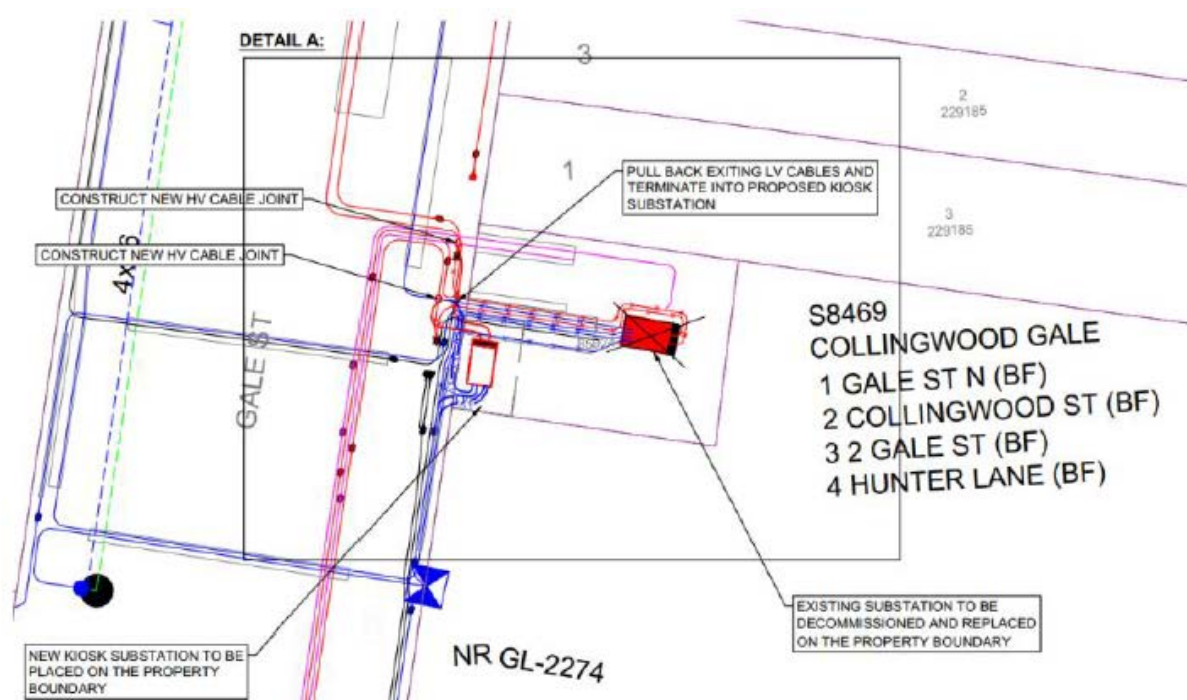
<b>LGA</b>	Hunters Hill
<b>PPA</b>	Hunters Hill Council
<b>NAME</b>	1A Gale Street, Woolwich
<b>NUMBER</b>	PP-2023-2009
<b>LEP TO BE AMENDED</b>	Hunters Hill Local Environmental Plan 2012 (LEP)
<b>ADDRESS</b>	1A Gale Street, Woolwich
<b>DESCRIPTION</b>	Lot 1 DP 85924
<b>RECEIVED</b>	18/03/2024
<b>FILE NO.</b>	EF24/6401
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the Proposal.

The planning proposal (**Attachment A**) seeks to add an additional permitted use of a “dwelling house” to 1A Gale Street, Woolwich (Lot 1 DP 85924) (the subject site) through an amendment to Schedule 1 of the *Hunters Hill Local Environmental Plan 2012* (HHLEP).

The intended outcome of this planning proposal is to facilitate an extension of the existing dwelling house on the adjacent lot, 1 Gale Street, onto the proposed site. The planning proposal notes that the site (formerly owned by Ausgrid) has been sold. The redevelopment of the site also involves the decommissioning of the existing electricity substation and a new substation kiosk located at the front of the site as illustrated in **Figure 1**.



**Figure 1: Proposed works plan (Source: Planning Proposal prepared by SJB Planning)**

## 1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 1 Additional Permitted Uses of HHLEP to allow the use of the land for a dwelling house with development consent.

The subject site was previously owned by Ausgrid and is zoned SP2 (Electricity Infrastructure). 'Dwelling house' is prohibited in the current SP2 zoning.

The current and proposed controls are set out in Table 3 below. The Department notes that neither the planning proposal or Council report identifies what development controls would apply to the subject site.

The Department recommends the planning proposal is amended prior to exhibition to rezone the site part R2 Low Density Residential part SP2 (Electricity Infrastructure). This will allow greater flexibility in the type of development permissible with consent on the site and provide appropriate zone objectives relative to the intended outcome. Development controls for maximum height of buildings, floor space ratio (FSR) and minimum lot size reflecting the planning controls of the adjoining site 1 Gale Street are also recommended to apply to the subject site as set out below. This will ensure an appropriate development outcome within its context including the character and amenity of the area.

**Table 3 Current, proposed and recommended controls**

Control	Current	Proposed	Department Recommendation
Zone	SP2 (Electricity Infrastructure)	SP2 (Electricity Infrastructure)	Part SP2 (Electricity Infrastructure)/Part R2 (Low Density Residential)
Maximum height of building	N/A	N/A	8.5m

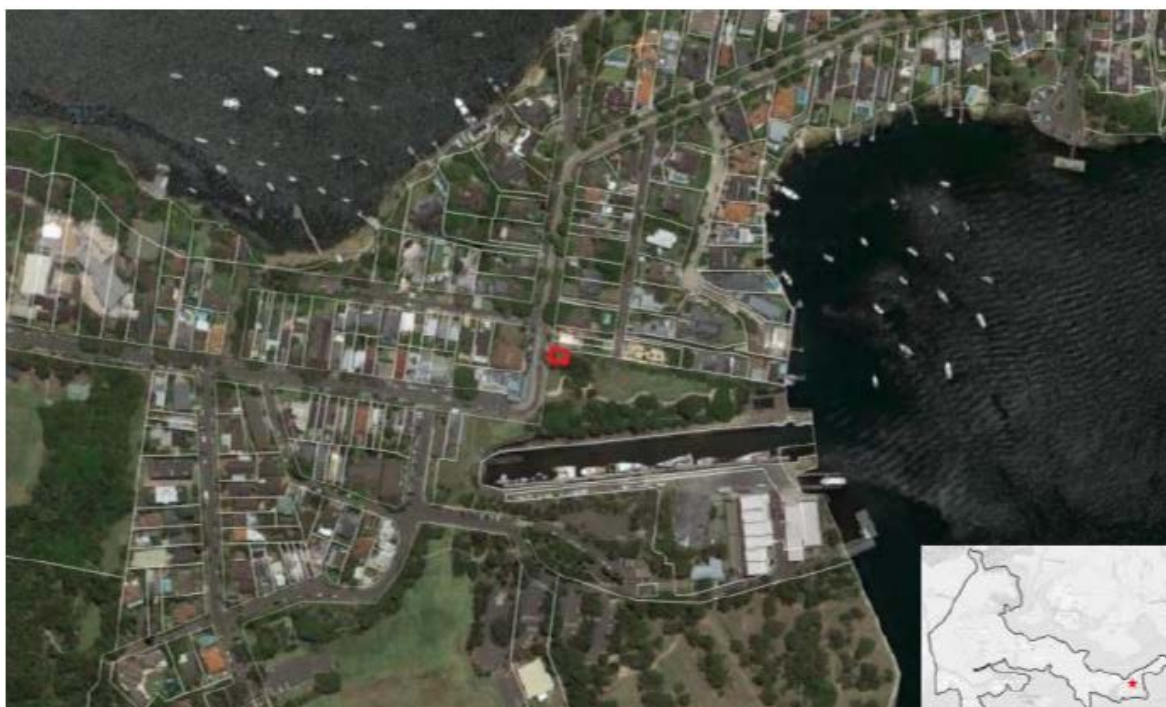
Control	Current	Proposed	Department Recommendation
Floor space ratio	N/A	N/A	0.5:1
Minimum lot size	N/A	N/A	1000m <sup>2</sup>
Additional permitted use	N/A	Dwelling house	N/A
Number of dwellings	0	Extension of existing, adjacent dwelling	1, likely be an extension of existing, adjacent dwelling
Number of jobs	N/A	N/A	N/A

## 1.4 Site description and surrounding area

The subject site is 1A Gale Street, Woolwich (Lot 1 DP 85924). The subject site has an approximate area of 124m<sup>2</sup> with a single frontage and access from Gale Street and adjoins a two storey semi-detached dwelling at 1 Gale Street to its north (**Figure 2**). The site contains existing electricity infrastructure (**Figure 3**).

One and two storey residential development is located to the north and west of the site. The Goat Paddock Reserve, managed by the Sydney Harbour Federation Trust, adjoins the site to the south.

The subject site is in the Hunters Hill Conservation Area No.2 – The Peninsula (Conservation Area 2). It is not a local heritage item but is in proximity to several heritage items including the row of dwellings adjoining the site to the north, the site of precision woodware factory and Mort's Dry Dock.



**Figure 2: Proposed site. Site outlined in red. Source: SJB (Google Maps, NSW SEED).**



**Figure 3: a) Site context (Site outlined in red.) and b) site frontage. Source: SJB (Six Maps).**

## 1.5 Mapping

The planning proposal does not include changes to the land use zone or planning controls. As outlined above, this report recommends the site be rezoned and relevant development controls for building height, FSR and minimum lot size applied. A gateway condition is recommended for the planning proposal to be updated prior to exhibition to include current and proposed maps for land zoning, height of buildings, floor space ratio and lot size map.

## 1.6 Background

Council endorsed progressing the planning proposal to the Department for Gateway Determination at its meeting on 26 February 2024.

In March 2024, the planning proposal was submitted to the Department for Gateway Determination.

## 2 Need for the planning proposal

The planning proposal is not the result of a strategic plan, study or report. It is a proponent-initiated proposal.

There is no other planning mechanism to facilitate the redevelopment of the site for residential purposes noting the current zoning does not permit a “dwelling house” on the land.

## 3 Strategic assessment

### 3.1 District Plan

The site is within the North District. The former Greater Sydney Commission released the *North District Plan* on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant key directions and actions.

**Table 5 District Plan assessments**

North District Plan Priorities	Justification
N1 Planning for a city supported by infrastructure	The proposal supports the continuation of the use of part of the site for electricity infrastructure while allowing the surplus area to be repurposed for residential uses. The redevelopment of the site is adequately supported by infrastructure including public transport and significant public open space.
N5 Providing housing supply, choice, and affordability with access to jobs, services and public transport	The proposal enables the use of the site for residential development. The planning proposal notes its purpose is to facilitate the extension of the extension dwelling at 1A Gale Street. However, the Department's recommendation to rezone part of the site to R2 Low Density Residential will allow for other residential uses such as secondary dwellings to be permissible with consent supporting other housing choices and supply. The subject site is in a location with access to jobs, services and public transport.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Department considers that the proposal would likely facilitate an improvement in the interface between adjacent public open space and private residential property.</p> <p>Beyond improving this interface, the proposal would contribute to the maintenance and improvement of a fine grain urban form in the locality through increasing the diversity of residential options in area. The heritage significance of the adjoining lands and the conservation area is noted and will be considered during the development assessment process.</p> <p>It is recommended that the planning proposal is updated prior to exhibition to address this planning priority.</p>

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as set out in Table 6.

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Hunter's Hill Local Strategic Planning Statement 2020 (LSPS)	<p>The Hunters Hill LSPS is a 20 year plan to manage land use growth and change and infrastructure delivery. The proposal as recommended to be amended is consistent with the LSPS including the following priorities:</p> <ul style="list-style-type: none"> <li>• Provide services and facilities within Hunters Hill to meet community needs and aspirations now and into the future by 2040;</li> <li>• Provide infrastructure to support community needs and aspirations;</li> <li>• Undertake a Housing Strategy to anticipate and provide for the residential growth of Hunters Hill by 2040; and</li> <li>• Provide land use planning framework to support community needs and aspirations.</li> </ul>
Hunter's Hill Local Housing Strategy (LHS)	<p>The planning proposal is consistent with the LHS. Critically, the proposal supports the LHS Priority 2- Hunter's Hill will continue to support the delivery of housing diversity and housing affordability.</p> <p>The proposal as amended will facilitate the extension of an existing dwelling, increasing the housing diversity in the locality by utilising surplus land in an in-fill location.</p>

### 3.3 Local planning panel (LPP) recommendation

The Department notes that the Hunter's Hill Local Planning Panel (LPP) has not been consulted by Council. Council's Planning Director determined that referral was unnecessary as the planning proposal is considered to be of minor nature with no expected adverse impacts on the environment or adjoining land.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency and inconsistencies with relevant section 9.1 Directions is assessed in Table 7.

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Yes, subject to amendment	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The proposed additional permitted use is not consistent with this direction. As discussed earlier in this report, a condition is recommended requiring the planning proposal to rezone part of the subject site as R2 Low Density Residential, which will enable the proposed residential development and be consistent with the predominant residential zoning in the area.</p> <p>With applying the adjacent R2 zone, it is appropriate to apply the floor space ratio (FSR), height of buildings and lot size development standards</p>

		<p>consistent with the controls for the adjacent no. 1 Gale St, and the surrounding predominant controls for residential development.</p>
3.2 Heritage Conservation	Yes	<p>The proposed site is not classified as a local heritage item however, the proposed site is adjacent to 3 locally significant heritage items:</p> <ul style="list-style-type: none"> <li>Item no. I151 – House at 1 Gale Street, Woolwich, being Lot 3 DP 229185; (House adjoining proposal site to the north for the proposed extension)</li> <li>Item no. I418 – Site of precision woodware factory at Woolwich Road, opposite Pier Hotel, being Part of Lot 11, DP 1134544</li> <li>Item no. I287 – Stone walls.</li> </ul> <p>The site falls within the Hunter's Hill Conservation Area No.2 – The Peninsula Heritage Conservation Area.</p> <p>The Department also notes that the nearby Woolwich Dock and Parklands Precinct is a Sydney Harbour Federation Trust site.</p> <div data-bbox="563 828 1442 1249" data-label="Image"> </div> <p><b>Figure 4: HHLEP 2012 Heritage Map Sheet 003C. Site outlined in blue.</b></p> <p>The Department notes the existing heritage provisions with the HHLEP. A future redevelopment of the site would require consideration of these provisions as part of the detailed development assessment stage.</p>
4.4 Remediation of Contaminated Land	Yes	<p>The planning proposal is accompanied by a Preliminary Site Investigation (PSI) dated 24 July 2023 (<b>Attachment F</b>).</p> <p>The PSI has identified uncontrolled fill and the electricity substation as potential sources of contamination. The PSI considered that the relatively small scale of the substation indicates that any contamination would be restricted to shallow soils immediately beneath the concrete hardstand.</p> <p>Noting the conclusion and recommended actions of the PSI, the Department is satisfied that the land can be made suitable for residential uses. The Department also notes the remediation requirements of Chapter 4 of the SEPP (Resilience and Hazards) 2021 as discussed in section 3.5 of this report which will need to be considered during the development assessment stage.</p>

4.5 Acid Sulfate Soils	Inconsistent, but of minor significance	<p>The subject site is nominated as Class 5 on the HHLEP Acid Sulfate soils map. The PSI (<b>Attachment F</b>) concludes that:</p> <p><i>“Acid sulfate soils are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land.</i></p> <p><i>The proposed land use will not require lowering of the water table that would affect the nearest Class 2 acid sulfate soil area located 250 m south of site.”</i></p> <p>The HHLEP (cl 6.1) sets out that development consent will be required for “works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.”</p> <p>The Department notes the existing provisions in HHLEP relating to acid sulfate soils that are required to be considered during the development assessment stage.</p> <p>The Department considers that given the nature of the proposed changes to the HHLEP and the subject site being located on a Class 5 site the planning proposal’s inconsistency with this direction is of minor significance.</p>
6.1 Residential Zones	Yes	<p>The objective of this direction is to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands.</p> <p>The planning proposal is consistent with this direction. The proposal as recommended for amendment facilitates the opportunity to provide housing choice to cater for the needs of the community. The subject site will benefit from access to existing infrastructure and services in an established urban area.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Resilience and Hazards (2021)	The object of Chapter 4 (Remediation of Land) is to provide for a statewide planning approach to the remediation of contaminated land.	Yes	Future development of the site may be required to consider the relevant provisions of this SEPP in relation to remediation of contaminated land during the development assessment stage.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Transport and Infrastructure (2021)	The object of Chapter 2 (Infrastructure) is to facilitate the effective delivery of infrastructure across the state	Yes	Future development of the site may be required to consider the relevant provisions of this SEPP in relation to works adjacent to electricity substation during the development assessment stage.

## 4 Site-specific assessment

### 4.1 Environmental, social and economic

The following table provides an assessment of the potential environmental, social and economic impacts associated with the proposal.

**Table 9 Impact assessment**

Environmental Impact	Assessment
Natural environment.	The site is occupied by an existing electricity substation. The site does not contain any known critical habitat or threatened species, populations or ecological communities or habitats.
Height and built form	As discussed earlier in this report, the Department recommends development standards for height of building, FSR and lot size apply to the future R2 zoned portion of the site that reflect the development standards of the surrounding residential locality. This will ensure that the size and scale of a future redevelopment of the site is in keeping with the character and amenity of the area and does not result in unreasonable visual impacts.
Social	The planning proposal facilitates additional housing opportunities including housing choice in an established residential area close to amenity and services.
Economic	The planning proposal facilitates the redevelopment of surplus land. The proposal may generate additional jobs during its construction phase.

### 4.2 Infrastructure

The Department considers there is adequate infrastructure to service the site and the development resulting from the planning proposal.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard LEP under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

It is recommended that Ausgrid be consulted on the planning proposal and given 30 working days to comment given the proposal to relocate electricity infrastructure on the site.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of **18 February 2025** to ensure that it is completed in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority, however no reason has been provided. However, given the local nature of the proposal, the Department recommends that Council be authorised to be the local plan-making authority.

## 8 Assessment summary

An amended planning proposal is supported to proceed with conditions for the following reasons:

- Applying the R2 Low Density Residential zone to part of the site instead of an additional permitted use will ensure future development aligns with the objectives of the zone and will allow for greater flexibility in the uses permitted with consent on the land.
- Requiring the application of height of building, floor space ratio and lot size development standards will ensure future development is in keeping with the character and amenity of the area.
- The proposal is consistent with the North District Plan, the Hunter's Hill Local Strategic Planning Statement and Local Housing Strategy, the relevant SEPPs.
- The proposal is consistent with the s9.1 directions except for direction 4.5 Acid sulfate soils. The proposal's inconsistency with this direction is of minor significance.
- The proposal will not result in any adverse environmental, social or economic outcomes for the community.

The proposal is recommended to be updated prior to exhibition to:

- Remove the additional permitted use and propose to rezone the land to part R2 Low Density Residential, part SP2 (Electricity Infrastructure).
- Propose to apply the following development standards to the R2 portion of the site:
  - Maximum height of building: 8.5 metres
  - Maximum floor space ratio: 0.5:1
  - Minimum lot size: 1000sqm
- Include current and proposed maps for land use zone, height of building, floor space ratio and lot size.
- Provide detail on consistency with the North District Plan – Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage.
- Update the assessment to reflect the amended proposal.
- Update the Project Timeline.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated prior to community consultation to:
  - (a) Remove the additional permitted use and propose to rezone the land to part R2 Low Density Residential, part SP2 (Electricity Infrastructure).
  - (b) Propose to apply the following development standards to the R2 portion of the site:
    - Maximum height of building: 8.5 metres
    - Maximum floor space ratio: 0.5:1
    - Minimum lot size: 1000sqm
  - (c) Include current and proposed maps for land use zone, height of building, floor space ratio and lot size.
  - (d) Provide detail on consistency with the North District Plan – Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage.
  - (e) Update the assessment to reflect the amended proposal.
  - (f) Update the Project Timeline.
2. Prior to community consultation, the amended planning proposal is to be forwarded to the Department for review and approval.
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Consultation is required with the following public authorities:
  - (a) Utility providers such as Ausgrid.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

Given the nature of the planning proposal, it is recommended that Council is authorised to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 18 February 2025.



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4 July 2024

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8 July 2024

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