



IRF25/475

## Gateway determination report – PP-2024-2558

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Reclassification of land and amendment of heritage map at 163 Albury Street and 17 Wallace Street, Holbrook

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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 – 163 Albury Street, Holbrook - PP-2024-2558
Attachment B - Gateway determination - PP-2024-2558
Attachment C - Letter to Council - PP-2024-2558
Attachment D - Subject area - PP-2024-2558

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Attachment E1 - Ordinary Council Meeting Minutes – 19 February 2025 - PP-2024-2558

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Attachment E2 - Ordinary Council Meeting Report – 19 February 2025 - PP-2024-2558

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Attachment F - Practice note PN 16-001

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Attachment G - NSW Title Search Lot 10 DP571557 - PP-2024-2558

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# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

<b>LGA</b>	<b>Greater Hume</b>
<b>PPA</b>	Greater Hume Council
<b>NAME</b>	Reclassification of land and amendment to heritage map at 163 Albury Street, to 17 Wallace Street, Holbrook
<b>NUMBER</b>	PP-2024-2558
<b>LEP TO BE AMENDED</b>	Greater Hume LEP 2012
<b>ADDRESS</b>	163 Albury Street, Holbrook, also known as Colonel Holbrook Memorial Park (subject land) and 17 Wallace Street (proposed site)
<b>DESCRIPTION</b>	Lot 10, DP571557 Lot 2, DP804402
<b>RECEIVED</b>	26/02/2025
<b>FILE NO.</b>	IRF25/475
<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 objectives of the planning proposal are to:

- Amend the Greater Hume LEP 2012 to reclassify Lot 10, DP571557 from Community to Operational pursuant to Part 2 of Chapter 6 of the *Local Government Act 1993*; and
- Amend Schedule 5, Part 1 of the Greater Hume LEP 2012 and associated Heritage Map by relocating the locally significant “Heritage Item No. I118 – Submarine, Scale Model” from the subject land to Lot 2, DP804402.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Greater Hume LEP 2012 per the changes below:

**Table 3 Current and proposed controls**

Site	Control	Current	Proposed
Lot 10, DP571557 (the site)  163 Albury Street, Holbrook	Reclassify land from	Community	Operational
	Heritage	Local Heritage item No. I118 – Submarine, Scale Model	No heritage listing
Lot 2, DP804402  17 Wallace Street Holbrook	Heritage	No heritage listing	Local heritage item No. I118 – Submarine, Scale Model

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved and that the public reserve status of the land at Commander Holbrook Memorial Park will be extinguished as part of this process.

Council intends to relocate the scale model submarine from 163 Albury Street, Holbrook to the north at 17 Wallace Street, Holbrook. The property is more commonly known as Submarine Park and is located on the opposite side of the road to the current location of the scale model submarine (Figure 1).

## 1.4 Site description and surrounding area

The site is located at 163 Albury Street and is legally described as Lot 10, DP571557, shown in Figure 1. It is an irregular shape and is approximately 1,363m<sup>2</sup> in area.

The site is owned by Council. It is occupied by the 'Commander Holbrook Memorial Park', including the heritage-listed scale model submarine, plaque and associated wrought iron memorial gates, rose garden and covered seating shelter. The site also contains some landscaped vegetation including rose beds and shading trees.

The site is within the Holbrook town centre, approximately 100m away from the Holbrook Information Centre and 500m away from the Holbrook Post Office.

To the north land across Wallace Street includes what the proposal refers to as Germanton Submarine Park, including the Holbrook visitor centre, HMAS Otway and the proposed relocation site for heritage item I118. To the south there is a retail complex, while Holbrook Hotel is located to the east. To the west is vacant land and residential dwellings.



Figure 1 Subject land and new proposed site (source: eplanning spatial viewer)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage map, which are suitable for community consultation.

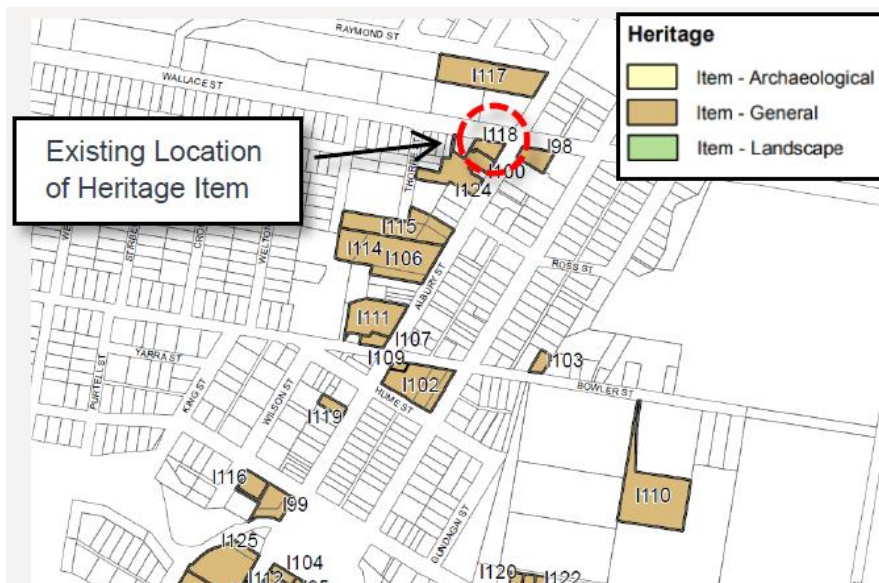


Figure 2 Current heritage map. Source: Planning Proposal







## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the *Riverina Murray Regional Plan 2041*.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Objective 9: Plan for resilient places that respect local character	<p>The proposal generally aligns with the Regional Plan. It seeks to conserve heritage by moving 'Heritage item No. I118 – Submarine, Scale Model' from the subject land to Lot 2, DP804402, also known as 17 Wallace Street, Holbrook. It states the heritage values will be retained due to the relocation of the item, and that the subject land has no historical association with Commander Holbrook or his submarine. Relocation will also provide a boost to tourism due to creating a more compact and centralised 'submarine precinct'.</p> <p>The proposal aligns with this objective to contribute to the development of Holbrook town centre, by increasing the goods and services available through the expansion of a hardware store and a new larger supermarket.</p> <p>The proposal will remove public space including trees from the public domain, which does not align with the 'Public Spaces' aim of this objective. However, the proposal states <i>"the subject site does not serve any formal public open space function and only provides opportunities for passive open space when compared to other larger open spaces elsewhere including Submarine Park to the north."</i> This justification is considered sufficient, as Submarine Park is directly adjacent and significantly larger than the subject land.</p> <p>Overall, it is considered that the proposal is generally consistent with this objective.</p>
Objective 15: Support the economic vitality of CBDs and main streets	<p>The proposal will support the redevelopment of the land for commercial places, increasing economic vitality and the range of commercial facilities available within the township, aligning with this objective.</p>
Objective 16: Support the visitor economy	<p>The proposal aims to facilitate a new medium sized supermarket and expanded hardware store, increasing products available within Holbrook. It will also result in a consolidated submarine precinct, affirming Holbrook's identity as the 'submarine town'. Both of these outcomes aim to boost visitor and local economy by bringing more visitors to Holbrook.</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 stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The proposal aligns with Planning Priority Two – Vibrant Places as it will provide opportunity to generate additional services and holdings through the reclassification of land as operational enabling expansion of the nearby IGA and hardware store. This ensures the proposal complements the Priority: <i>“New retail and services will be encouraged in the towns and villages to increase vitality, enhance the value of the public realm and attract complementary uses”</i>. The proposal will also attract and retain visitors to Holbrook commercial core, another aim of this priority, as it ensures the heritage items will remain in the core of the town.</p> <p>The proposal also detracts from the supply of community infrastructure within Holbrook by removing a public reserve, detracting from the Priority goal of <i>“provid[ing] accessible pedestrian areas in high use commercial areas in Holbrook”</i>. However, this is considered justified as there is significantly larger public open space directly to the north of the proposal, and therefore the proposal does not result in a major loss of ‘accessible pedestrian areas in high use commercial areas’.</p>
Greater Hume Development Control Plan	<p>Council’s Development Control Plan (DCP) includes a Structure Plan for Holbrook, which relates to the preferred use of land within the town boundary, to be used by Council to assist in assessment of development applications.</p> <p>As can be seen in Figure 5, the DCP shows the subject land as ‘Commercial’. It is noted Submarine Park to the north is identified as ‘Open Space’. The proposal therefore aligns with the Holbrook Structure Plan.</p> <div data-bbox="432 1104 1348 1756"> </div>

**Figure 5: Holbrook Structure Plan. Source: Greater Hume Development Control Plan**

### 3.3 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Generally consistent	As discussed in section 3.1, the proposal is generally consistent with the Riverina Murray Regional Plan 2041.
3.2 Heritage Conservation	Inconsistency of minor significance	<p>The subject land contains ‘Heritage Item No. I118 – Submarine, Scale Model’.</p> <p>The proposal intends to relocate this heritage item to Lot 2, DP804402, directly to the north. It is understood the subject land has no historical association to Commander Holbrook.</p> <p>The proposal is inconsistent with this direction as it seeks to remove the heritage listing covering the subject land. However, the heritage conservation will continue due to the relocation of the heritage item and all associated items. The inconsistency is therefore considered to be of minor significance.</p>
5.2 Reserving Land for Public Purposes	Inconsistency justified	<p>The proposal will directly reduce reservations of land for public purposes. The proposal provides justification as the land is identified as commercial on Holbrook Structure Plan within the Greater Hume DCP, and that the loss of public land (approximately 1,363m<sup>2</sup>) is minor as the area is already serviced by larger open spaces including Submarine Park immediately to the north.</p> <p>It is noted the proposal includes all community assets within the subject land, including memorial gates, will be relocated and preserved.</p> <p>It is considered this justification is sufficient.</p>

### 3.4 State environmental planning policies (SEPPs)

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

**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation	Consistent	<p>The PP does not impact on the operation of the SEPP as it does not propose removal of native vegetation.</p> <p>The proposal includes removal of non-native trees and tree removal will be further considered at the development application stage.</p>
Resilience and Hazards	Consistent	The PP does not impact on the operation of the SEPP.

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Housing	Consistent	The PP does not impact on the operation of the SEPP.

## 4 Site-specific assessment

### 4.1 Environmental

The proposal will see removal of several trees within the subject land and in the proposed location of the heritage item. The proposal notes these are planted vegetation and therefore do not need to be considered under the Biodiversity and Conservation SEPP.

In the attachment ‘*Proposed Relocation of B11 Submarine, Holbrook NSW*’, the provided map indicates the heritage items will be installed in a location currently occupied by vegetation (see figure 5).

No biodiversity assessment has been undertaken alongside this proposal and the biodiversity impact of the relocation of the heritage item is unknown, but likely minor. It is noted that removal of the trees in the subject area for the purposes of redeveloping the subject site into a carpark will be subject to a separate Development Application and is therefore outside the scope of this planning proposal assessment.

### 4.2 Social and economic

The proposal outlines that the relocation of the heritage item will have significant positive social and economic impacts. It will result in a concentrated ‘submarine precinct’ including the Holbrook Visitor Centre, HMAS Otway and Heritage Item I118 – Submarine, Scale Model, strengthening the identity of Holbrook as the ‘submarine town’ while ensuring the protection of heritage items. The proponent has undertaken consultation with interest groups relevant to the protection of the heritage item, including the Friends of Holbrook Submarine Museum, and Holbrook Lions Club community groups. The Friends of Holbrook Submarine Museum suggested relocation to Submarine Park over other locations in Holbrook.

The proposal also aims to enable more goods and services becoming available in Holbrook as a result of the expanded hardware store and supermarket proposed to be developed on the subject land, boosting the visitor economy and tourism, and the variety of goods available in Holbrook. Council’s report dated 19 February 2025 notes: “*the redevelopment of the site [will assist the expansion of] the much-needed large-scale supermarket within Holbrook*”.

However, the proposal may also have negative social impacts. It will result in the loss of approximately 1,363m<sup>2</sup> of public reserve along the main street of Holbrook. The NSW Office for Veterans Affairs (OVA) within the Department of Communities and Justice requested Council not proceed with the proposal as the replacement of a war memorial with a car park is contrary to the respect and recognition shown towards veterans by the community.

The OVA requested a meeting with Council to discuss these matters. Council have stated they will fulfill this requirement by undertaking consultation with OVA and holding a public hearing after obtaining a successful Gateway determination. The Department considers this to be appropriate.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard 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 the following agency be consulted on the planning proposal and given 30 working days to comment:

- Department of Communities and Justice - Office of Veterans Affairs

## 6 Timeframe

The proposal 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 22 January 2026 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.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the proposal involves Council owned land, and as the subject land was acquired and gazetted for the purposes of a public recreation reserve and is considered likely to require the Governor's approval for the extinguishment of the public reserve status, it is recommended that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions as it will facilitate local development associated with the expansion of a local supermarket and hardware store, while ensuring the continued protection of heritage items and local character.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.1 Implementation of Regional Plans, and 3.2 Heritage Conservation are minor and justified.
- In relation to Direction 5.2 Reserving Land for Public Purposes, agree to the reduction of land for public purposes on the basis that there is a significantly larger open space directly to the north of the site (Submarine Park), and all community assets within the subject land will be relocated and preserved.

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. Consultation is required with the following public authorities:
  - Department of Communities and Justice - Office of Veterans Affairs; and
2. The planning proposal should be made available for community consultation for a minimum of 20 working days and a copy of PN16-001 is to be included in the public exhibition materials.
3. Council must arrange a public hearing in respect of the planning proposal to reclassify community land as operational land in accordance with the requirements of the *Local Government Act 1993*.

Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 22 January 2026.



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4/4/25

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7/4/2025

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